

**Annexure F**

**Staged Development Consent, Entry Road Consent and Golf Course  
Consent**

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Our Reference: ID993-05 DS:CMG

Delfin Lend Lease Ltd  
Level 5  
30 The Bond  
30 Hickson Road  
Millers Point NSW 2000

18 May 2006

Dear Sir/Madam,

**WOLLONDILLY COUNCIL - NEW SOUTH WALES ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) - NOTICE OF DETERMINATION - DEVELOPMENT APPLICATION NO. ID993-05**

Applicant: Delfin Lend Lease Ltd  
Date of Application: 8 November 2005

Pursuant to Section 81 of the Environmental Planning & Assessment Act, 1979 (As Amended), Notice is hereby given of the determination of Development Application No. ID993-05 relating to the land and proposed development described as follows:

Land: Lot 6 DP 836296 and Lot 101 DP 1045369  
Location: 15-45 Hornby Street & 80 Condell Park Road, Wilton 2571  
Zone: Rural 1(a1) & Rural 1(a2) - Wollondilly Local Environmental Plan 1991  
Proposed Development: Staged Development  
Date of Determination: 15 May 2006

In pursuance of its power under the abovementioned plan, the Council, as the responsible Authority, resolved at it's meeting held on 15 May 2006 to grant approval of the abovementioned application subject to the following conditions which are hereby imposed to protect the amenity of the neighbourhood, viz:

## 1. COMPLIANCE

To ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

1.1 Development Consent is granted for the following on Lot 101 DP 1045369 and Lot 6 DP 836296, Condell Park Road, Wilton:

A. Staged Development being the overall development of the site which includes:

- The use of the land for the purposes (and generally in the areas) shown on the Concept Plan for the site:
  - Housing;
  - Open space;
  - A mixed use village centre, incorporating, but not limited to, commercial and retail uses;
  - Community facilities;
  - Recreational facilities (such as the golf course);
  - Landscaped streets and access paths;
  - A sewage treatment plant and treated waste water reuse scheme;
  - Utility services.
  
- 1,165 residential lots with the minimum lot sizes as shown on the Concept Plan.

Subject to a further development application being submitted for any works not identified as being part of Stage 1.

B. Stage 1 Development which is:

1. the subdivision of land including:
  - a Torrens title subdivision to create:
    - (a) four lots comprising the community land to be dedicated for environmental protection and community recreation under the care and management of the Environmental Trust as identified in Annexure C to the State Development Agreement;
    - (b) A separate lot containing the golf course to enable this element of the development to be separately owned and managed within the overall governance framework;
    - (c) Two lots to be subject of further subdivision as a community scheme under the Community Land Development Act 1989 and the Community Land Management Act 1989; and
    - (d) A residual lot.
  
2. the construction and operation of a sewage treatment plant and treated effluent reuse irrigation scheme to serve the development as shown on the Concept Plan and the Stage 1 development.

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3. the construction of the golf driving range and the final 8 holes of the golf course, the first 10 holes of which was approved under the consent to DA1558-04.
4. 215 residential lots.
5. infrastructure, access, earthworks, landscaping and other works associated with the above.

1.2 Development shall take place generally in accordance with the information and plans submitted with Development Application No. ID993-05 including amendments submitted in response to information requests and in particular in accordance with the following documents and plans except where otherwise directed by the conditions of this consent:

- Statement of Environmental Effects prepared by BBC Consulting Planners & CH2MHill dated November, 2005
- Stormwater Management Strategy prepared by J Wyndham Prince Pty Ltd dated 7 November, 2005
- Indigenous Heritage Conservation Management Plan prepared by Kayandel Archaeological Services dated November, 2005
- Noise Impact Statement for the proposed sewage treatment plant prepared by Bridges Acoustics dated 30 June, 2005
- Odour Assessment by CH2MHill dated November, 2004
- Road work drainage and earth work plans prepared by VKL Consulting Pty Ltd drawings numbered 5502-05-34 to 5502-05-33 dated November, 2005
- Engineering Report for the Sewage Treatment Plant and Part Golf Course prepared by VKL Consulting Pty Ltd dated November, 2005 and attached drawings numbered 5502-05-04 to 5502-05-49 inclusive
- Report on the disposal of treated effluent from the Wilton Parklands Residential Development prepared by VKL Consulting Pty Ltd dated November, 2005 version 2
- Waste Management Plan prepared by Delfin Lend Lease Ltd dated 8 November, 2005
- Drawings No. PML7697a – L000 Issue B, L001 Issue A, L002 Issue C, L003 Issue C, L004-L0017 inclusive Issue A, L018 Issue E, L022 Issue B, prepared by Hassall Pty Ltd
- Drawings No. 23310P12C, 23310P13B and 23310P14C prepared by Wallis and Moore Pty Ltd dated November, 2005 being the community plan of subdivision and plan of subdivision of community association scheme Numbers 1 and 2 (Note this consent does not grant consent to Stage 2 of community Scheme 1 identified on Drawing No. 23310P13B or Stages 2 or 3 of Community Scheme 2 identified on Drawing No. 23310P14C)
- The response to request for additional information prepared by Delfin Lend Lease dated 23 January, 2006 including Appendices A to R inclusive with the exception of Appendix F
- The response to request for additional information prepared by Delfin Lend Lease dated 10 March, 2006
- Delfin Development-Gas Pipeline Risk Assessment to DR 04561: AS2885.1 – “2004 Draft” prepared by URS dated 10 February, 2006
- Report on Phase 1 Salinity Assessment prepared by Douglas Partners dated 25 January, 2006

Where there is an inconsistency between two documents listed above the information provided in the more recent document shall prevail.

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1.3 This consent does permit separate subdivision certificates to be released for the residential lots approved by this consent in stages provided that all conditions of consent relevant to each stage have been completed to the satisfaction of Council prior to the release of the subdivision certificate for that stage.

1.4 No work shall commence within 40 metres of any water course until a permit under Part 3A of the Rivers and Foreshores Improvement Act has been obtained if required and a copy provided to Council. Should a Part 3A permit not be required, a letter confirming such shall be obtained from the Department of Natural Resources and a copy of this letter submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

1.5 Water Storage on the land shall not exceed the maximum harvestable right dam capacity of the land under the Farm Dams Policy without the approval of the Department of Natural Resources (DNR). Note: DNR have advised Council that this is 38.25 megalitres.

## 2. INTEGRATED DEVELOPMENT CONDITIONS

To ensure that the development is consistent with the requirements of the Rural Fire Service, Mine Subsidence Board and the Department of Environment and Conservation.

2.1 The General Terms of Approval of the Department of Environment and Conservation attached to this consent shall form part of the conditions of consent to this application.

2.2 The proposed roads shall comply with Section 4.3.1 of Planning for Bushfire Protection 2001.

2.3 The location of fire hydrants shall comply with the distances detailed in Section 6.4.3 of Planning for Bushfire Protection 2001. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

2.4 A Bush Fire Management Plan is to be prepared for Residue Lot 208 with an emphasis on the areas that adjoin residential land that addresses the following requirements:

- Contact person / department and details
- Schedule & description of works for the construction of any proposed Asset Protection Zones and their continued maintenance
- Management strategies, proposed schedule and description of works for any remnant bushland within the property boundary
- Details of access through any gate / fire trail system for remnant bushland areas

2.5 A Bush Fire Management Plan is to be prepared for the Community Land (Lot 1) as shown on the Community Plan of Subdivision (Drawing No 23310 P12 Date: Nov 2005) that ensures vegetation is not allowed to generate into a bushfire hazard (i.e. managed to Inner Protection Area standards as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001).

2.6 Asset Protection Zones shall be provided at all stages of development and are to be determined in accordance with Table A2.2 of Planning for Bushfire Protection 201 and Annexure 4: Results – APZ Determination of the Bushfire Threat Assessment prepared by Wallis & Moore (dated June 2002).  
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2.7 The final drawings for all works associated with this development are to be submitted to the Mine Subsidence Board prior to the commencement of construction. These drawings shall contain a certification by a qualified structural engineer to the effect that any improvement constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:

- (a) Maximum vertical subsidence of 950mm
- (b) Maximum grounds strains of  $\pm 2.5\text{mm/m}$
- (c) Maximum tilt of 6mm/m
- (d) Maximum radius of curvature of 10,000 metres

### 3. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:

3.1 All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design Code and Construction Specification except where varied by Development Control Plan No. 56 Wilton Park.

3.2 Engineering design plans and stormwater drainage calculations, for all road and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Code D.C.P.

3.3 A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Principal Certifying Authority with the engineering plans.

3.4 A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before issue of Construction Certificate for the development.

3.5 Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

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3.6 A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

3.7 All works shall be consistent with the document "Delfin Development Gas Pipeline Risk Assessment to DR 04561: AS2885.1 – 2004 Draft" prepared by URS dated 15 March, 2006. Prior to the release of the Construction Certificate, evidence of compliance with this requirement shall be submitted to the Principal Certifying Authority from an appropriately qualified person.

#### 4. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

4.1 Provision of kerb and gutter and sealed road shoulder from the edge of the existing bitumen to the lip of the gutter shall be constructed along the existing Hornby Street frontage immediately adjoining the proposed development including associated drainage works and cul-de-sac at proposed Lot 24 in Community Association Scheme No. 1.

4.2 The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design Code DCP and Development Control Plan No. 56 Wilton Park.

4.3 Prior to the release of the Linen Plan, a proposed list of street names is to be furnished to Council for endorsement.

4.4 In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Works Division a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

4.5 The junction of Picton Road and the site access road (currently the Hornby Street West and Condell Park Road junction) shall be upgraded to a full "seagull" in accordance with the *RTA Road Design Guide*.

4.6 Two eastbound lanes shall be provided on Picton Road from the Hume Highway interchange to the site access road in accordance with the *RTA Road Design Guide*.

4.7 Two westbound lanes shall be provided on Picton Road from the Hume Highway interchange to the site access road in accordance with the *RTA Road Design Guide*.

4.8 The Condell Park Road and Entry Road intersection shall be restricted to left in and left out only with the applicant to demonstrate that turning movements can be achieved in accordance with AUSTROADS turning templates for B-Double trucks both at this intersection and at the roundabout closest to Picton Road.

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- 4.9 The applicant shall provide suitable direction signage to provide for the changed traffic conditions. The applicant shall submit a signs and marking plan to the RTA for approval.
- 4.10 Safe Intersection Sight Distance to the RTA's standards shall be available for all movements to and from Picton Road.
- 4.11 Landscaping and fencing should not restrict vehicular sight lines on Picton Road.
- 4.12 Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*. All design shall be for the existing 100 kph speed zone.
- 4.13 All roadworks associated with this development will be at no cost to the RTA.
- 4.14 No advertising signs or structures are permitted within Picton Road road reserve. The erection of advertising structures shall be in accordance with SEPP64.
- 4.15 Prior to construction work commencing, a joint inspection with the contractor, applicant and Council of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by construction traffic.
- 4.16 A bond shall be provided to Council, prior to the issue of a Construction Certificate, to cover the cost of repairs to affected roads should this work not be carried out by the contractor.
- 4.17 A network of shared pathways and pedestrian pathways located on the road verge (off carriageway) shall be provided in accordance with the plan adopted as part of DCP 56 Wilton Park except that all shall be 2.0 metres wide.
- 4.18 A 2.0 metre wide concrete shareway located on the road verge (off carriageway) shall be constructed in Hornby Street west from the Entry Road to Broughton Street prior to the release of the linen plan for the 200<sup>th</sup> lot. This 2.0 metre wide shareway shall be extended from Broughton Street to the existing shops at the intersection of Argyle Street and Camden Street to the release of the subdivision Certificate for the 200<sup>th</sup> residential lot.
- 4.19 For Roads 9,10,11,12,13,24,25,28 and 29 the verge on the shareway side shall be widened to 4.5 metres and narrowed to 3.5 metres on the opposite side to provide adequate space for the 2.0 metres wide pathway, utility services and street tree planting.
- The acceptance of this carriageway width is subject to confirmation of compliance with the maximum daily vehicle flow as shown in "Characteristic of Roads in Wilton Parklands" table in DCP 56 Wilton Park.
- 4.20 All services including water mains and treated effluent mains wherever practical shall not be located beneath the shareways.
- 4.21 Temporary turning heads shall be provided at the end of Roads 9,10,12,13,14,25 and 26. All turning heads shall be sealed to a standard approved by Council. The applicant shall provide Council with plans indicating the type and level of seal prior to construction work commencing.

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4.22 Typical cross sections shown on VKL Consulting drawing no 5502-05-03A for roads 1,2,6 and 7 shall be amended to delete the concrete dish crossing/drain, this will remove the interface between road pavements and the concrete drain. The standard 3.0% cross fall shall extend to the outside of the parking lane where kerb and gutter shall be constructed.

Council will consider the implementation of the typical cross section on drawing 5502-05-03A for roads 1, 2, 6 and 7 if alternative materials specification and design such as concrete are used for the parking lanes.

4.23 Roads 14 and 25 shall have a minimum reserve width of 11.5 metres to conform with "Characteristics of Roads in Wilton Parklands" table in Development Control Plan No. 56 Wilton Park.

4.24 The asphaltic concrete depth for A1 and A2 roads shall be a minimum 50 mm and the remainder of roads shall be a minimum 40 mm.

4.25 The applicant shall provide test report(s) on asphaltic concrete works in public road(s) including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and RTA specifications.

4.26 Street Lighting shall be provided within the subdivision to comply with the current Australian Standard and shall be certified by an Integral Energy approved design consultant. The street lighting shall be installed for energy efficient design and operation.

4.27 Transport, access and movement are to be provided in accordance with Section 6.11 of DCP 56 Wilton Park. Details for which are to be submitted to Council for approval prior to the issue of a Construction Certificate.

4.28 The applicant shall, at no cost to Council, dedicate 4m x 4m splay corner at the road junctions to maintain sight lines.

4.29 All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.

4.30 Acoustic noise barriers must be constructed in accordance with the requirements of the consent to Development Application ID1556-04 for the Entry Road prior to the release of any subdivision certificates for lots that will be used for residential development.

4.31 A shared pathway 2 metres wide including safe crossing points for crossing roads shall be provided connecting all parklands to the shared pathway network. Details of this are to be provided on the Engineering Plans.

4.32 There shall be no advertising signs that are visible from the Hume Highway. There shall be no advertising signs other than one real estate sign (subject to separate approval) visible from Picton Road.

4.33 For all shareways the surface finish and grades shall comply with AS1428-1-2001 for accessibility. Rest areas (paved laybys) with seating and shade shall be constructed at regular intervals and at convenient locations – such as parkland areas.

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4.34 Design and construction of shareways shall be generally consistent with Austroads Guide to Traffic and Engineering Practice.

4.35 Shareways are to be provided with shade trees compatible with the spatial restrictions of the footpath reserve and pavement type with a canopy structure that does not obscure the line of sight for pedestrians, cyclists and motorists.

4.36 Bus stops, including the pavement surrounding the bus stop and the pathway between the bus stop and the road edge shall be designed to be fully accessible. Bus stops shall be provided with seating, shelter, lighting and public transport information. Safe crossing points shall be provided in the vicinity of all bus stops.

4.37 The works for the entry road approved under Development Application ID1556-04 shall be completed prior to the release of the subdivision Certificate for any lots to be used for residential development.

4.38 All road works along Picton Road shall have regard to the need for equitable distribution of runoff to existing farm dams. Details shall be provided on the Engineering Plans demonstrating compliance with this requirement.

## 5. STREET TREES

These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.

5.1 Alternative types of tree protection to those proposed must be approved by Council prior to the commencement of works and shall only be approved where Council believes the change to be beneficial.

5.2 Plans shall be provided that details the location of all utility services, shareways and street trees all on the one plan.

5.3 The following street trees species shown on Delfin Lend Lease Landscape Concept Design plan drawing no LO12-B are unacceptable as street trees and are not permitted:

- *Angophra costata*
- *Plantus x acerifolia* 'Columbia'
- *Allocasuarina littoralis*
- *Eucalyptus heamastoma*
- *Gleditsia triacanthos*
- *Populus nigra*
- *Liquidamber styraciflua*

Except that *Plantus x acerifolia* 'columbia', *Populus nigra* and *Liquidamber styraciflua* will be considered in limited locations where it can be demonstrated that the issues relating to ongoing maintenance and impact on infrastructure can be resolved.

5.4 All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 12 months defects liability period from the date of the release of each subdivision certificate for a subdivision creating residential lots. A bond shall be paid, with the amount determined at the time, to Council for a period of 3 years thereafter to cover the cost of replacing trees or landscaping that dies or is damaged irrevocably.

## 6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

6.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

6.2 A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

6.3 An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system.

6.4 Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.

6.5 Drainage is to be carried out in accordance with Council's adopted Stormwater Management Strategy by J Wyndham Prince & Associates.

6.6 A 'base case' of the pre-development conditions of the Stage 1 site is to be established and provided to Council prior to the commencement of stage 1 works within 250m of Stringy Bark Creek. The 'base case' is to include information on the Stringy Bark Creek watercourse recorded at 5 locations as defined in Condition 6.13, that include an assessment of the water course within a 10m x 10m quadrant in terms of vegetation (including aquatic vegetation), aquatic vertebrates and invertebrates, BOD, turbidity and other suspended and dissolved particulates.

6.7 A watercourse monitoring plan demonstrating how the existing environment detailed in the information provided for condition 6.6 will be monitored shall be submitted to Council for approval prior to the release of the Construction Certificate. The watercourse monitoring plan shall be included in the water quality monitoring regime required under condition 6.13.

6.8 Stormwater treatment for each Stage of the development is to be independent of consequent stages so if no further stages were to be constructed then the stormwater treatment system would treat water to the appropriate levels.

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6.9 Stormwater runoff from the site for storm events up to the 1 year ARI are to be treated to the *Healthy Rivers Commission 1998* water quality standards for Urban areas – Main Stream in the Hawkesbury Nepean River. Litter and sediment pollution is to be treated to *Upper Nepean River Catchment Management Plan 1999* standards. Evidence that the proposed stormwater treatment system is achieving these guidelines is to be included in the water quality monitoring regime under condition 6.14.

6.10 The golf course is to remain a 'closed loop' in relation to water runoff for all storm events up to and including the 1 year ARI.

6.11 An Operation and Maintenance Plan for the management of the constructed and natural water bodies associated with this development is to be approved prior to the issue of the Construction Certificate.

6.12 A soil moisture monitoring regime for the Stage 1 site is to be implemented within the development site that will prevent over-watering of the site. Monitoring of the soil characteristics should also be undertaken bi-annually at each of the water logging monitoring points for the build up of nutrients and toxicants within the soil. Monitoring shall commence at the establishment phase of vegetation for the golf course. This testing is to be undertaken by a suitably qualified person and analysed at a NATA accredited laboratory. The results of this testing are to be forwarded to Council within seven (7) days of receiving the results.

6.13 A water quality monitoring regime is to be implemented for the site and undertaken for 5 years after the subcatchment is fully developed. This will include data logger monitoring with Stringy Bark Creek at the following locations:

- Along the two southern branches of the creek
- At the confluence of the two southern branches
- At the confluence of the western branch of the creek
- Immediately prior to the confluence of the Stringy Bark Creek and Allens Creek

This monitoring shall evaluate those features detailed in condition 6.6 and shall test BOD, total nitrogen, total phosphorous, nitrite, nitrate, oil and grease, total suspended solids and surfactants. Monitoring shall commence prior to the commencement of Construction and sampling shall be undertaken every three months from the date of the first data obtained. This testing is to be undertaken by a suitably qualified person. The results of this testing are to be forwarded to Council within seven (7) days of receiving the results.

Should the results of the monitoring indicate over a sustained period of time that the treatment system is not performing to the standard required then measures shall be put in place to ensure treatment meets the required water quality objectives.

6.14 Only water is to be stored in the underground storage tanks that are constructed in the Environment Protection Zone. The tanks should avoid vegetated areas where possible. Filling should be minimal and the area should be rehabilitated with suitable species. Detailed plans are to be provided with the Engineering Plans, approved by the Principal Certifying Authority and approved prior to the issue of the Construction Certificate.

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## 7. EARTH FILL

To ensure the safe disposal of fill the following conditions are imposed:

7.1 All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

7.2 There being no loss of support of the drainage easement as a result of excavation or filling within the site.

7.3 There being no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.

7.4 Only clean fill is to be used in regard to this development. In this regard, clean fill includes natural materials such as earth, rock and stone. Under no circumstances is any other material to be used. In this regard, no building, demolition or putrescible wastes are to be utilised. The applicant is advised that concrete and other materials sourced from the removal of infrastructure, such as roads, is not considered to be clean fill in relation to this condition.

7.5 The applicant is to provide Council with an Audit Report of the fill to be used in carrying out this Development Application, prior to commencing works and a final statement at the practical completion of works. The Audit Report is to be carried out by a suitably qualified and practising professional.

7.6 Filling in the Environmentally Significant Area shall be limited to those areas marked as red on the Wallis & Moore Pty Ltd Drawing No. 23310 P23 Issue 00 dated 9/3/06.

## 8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

8.1 Attention is drawn to the requirement for inspections and approval by Principal Certifying Authority, at the follow stages of the development:

- Prior to commencement of any construction work in the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- Prior to pouring of the drainage pits, when the formwork and steel is in place
- Prior to pouring of the road drainage culverts, when the formwork and steel is in place
- When roadworks have been excavated to subgrade, prior to placing of pavement
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
- When part of the pavement depth (as indicated by Council) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent

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- At completion of pavement shaping, prior to priming
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate)

Note: it is the responsibility of the applicant or contractor to notify Council when inspections are required. Failure to notify Council may lead to additional work being required prior to issue of inspection certificates. A minimum of 48 hours notice is required for inspections. Bookings can be made by phoning Council of (02) 4677 1132 during office hours.

## 9. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.

9.1 Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.

9.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

9.3 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

9.4 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.

## 10. LANDSCAPING

To reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

10.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:

- (a) Is greater than 3m in height;
- (b) Has a girth greater than 45cm at a height of 1m from the ground;
- (c) Has a branch spread greater than 3m.

10.2 Detailed landscaping plans for all works associated with Stage 1 of this consent complying with the requirements of the various related conditions of this consent shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

10.3 Landscaping is to be installed in accordance with the approved Landscaping Plans prior to the release of the linen plan to the extent that they relate to the linen plan being released.

10.4 All new landscaping except grasses shall include a selection of locally indigenous species. At least 50% of plants used in all landscaping works shall be locally indigenous species. In the case of road reserves a minimum of 20% of plantings shall be locally indigenous species. All public open space areas shall comprise 100% locally indigenous species. A plan detailing the numbers to be planted of each species is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. All plantings in the environmentally significant land shall be locally indigenous species.

10.5 All landscaping works outside the golf course shall be designed to be low maintenance and provide a safe environment.

10.6 Any trees planted in the parkland adjoining lots 36 and 37 in community scheme 2 shall be at least 5 metres from the boundary of these lots and shall not include any trees which would overhang this 5 metre setback to ensure adequate space is available in this location for access by a fire fighting vehicle should the need ever arise.

10.7 The two windrows running north-south along the eastern spur of the site shall be retained.

10.8 Where facilities such as playground equipment, barbeques, picnic facilities, shelters, seating and the like are provided within the public open space these facilities shall be accessible by a pathway that complies with the requirements of Australian Standard AS1428-1 (2001) and designed for universal use and shall be connected to the shared pathway network throughout the development.

10.9 All artificial watering of landscaping must use water drawn exclusively from the re-use water to be provided from the dual reticulation system once this system has been established. If this water from time to time becomes unavailable then the use of alternate sources maybe considered subject to approval from Council and any other relevant authority dependant on the source.

## 11. ENVIRONMENTAL MANAGEMENT

These conditions have been imposed to minimise the impact of development on the natural environment.

11.1 A Weed and Pest Eradication and Management Plan for the Stage 1 works and the environmentally significant land is to be prepared by a suitably qualified and experienced person(s) prior to the release of the Construction Certificate and shall include:

- a. An inventory of all Noxious and Environmental Weeds on the development site and a site plan indicating weed infestations with referenced to the species and degree of infestation (ie. Low, Medium or High);
- b. A Treatment Schedule in tabulated form, specifying for each species:
  - the method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);

- the rates of application methods of all herbicide treatments;
  - the primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
  - the timing of all treatments.
- c. An annual weed maintenance programme indicating the methods to be implemented to maintain a weed-free site.
- d. Details of any methods of disposal of weed material.
- e. An inventory of all activities of pests identified on the site and proposed measures to eliminate the pests and prevent the recurrence of pest animals within the site.

Council may require a bond or bank guarantee to be held over the duration of the works for the control of weeds and pests in accordance with an approved Weed and Pest Eradication and Management Plan. Failure to control weeds in the manner specified may result in the forfeiting of all or part of the bond or bank guarantee for use by Council in environmental improvement works.

11.2 All primary treatment measures identified for the development in the Weed and Pest Eradication and Management Plan referred to in condition 11.1 shall be carried out prior to the release of any Subdivision Certificate for any lots to be used for residential development under this consent.

11.3 A certificate from a suitably qualified person that the initial treatment measures identified in the Weed and Pest Eradication and Management Plan is to be submitted to Council prior to the release of the Linen Plan of Subdivision. A certificate from a suitably qualified person that the follow up treatments identified in the Weed and Pest Eradication and Management Plan shall be provided to the Principal Certifying Authority (3) months after the release of the linen plan.

11.4 Submission to Council for approval of a bushland management plan that contains all of the information specified in section 6.4.2 of Council's Development Control Plan No. 56 – Wilton Park prior to the release of the construction certificate.

11.5 A management plan for koalas and koala habitat prepared by a suitably qualified and experienced ecologist shall be submitted to Council for approval prior to the release of the Construction Certificate.

11.6 Domestic pets shall have reasonable access under controlled conditions to nominated shared pathways, public roads, nominated areas of parklands and publicly accessible areas within Precincts 8 and 9.

11.7 Domestic pet shall not have access to environmentally significant land. This requirement shall be incorporated into the Neighbourhood Management Statements and shall be communicated to the residents/public through signage and education. A plan showing the wording and location of this signage shall be submitted with the Engineering Plans for approval of the Principal Certifying Authority with the Construction Certificate. The signage shall be installed prior to the release of any Subdivision Certificates under this consent.

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11.8 A salinity assessment is to be carried out for the site of the 8 holes of the golf course to which this consent refers prior to the issue of the Construction Certificate. The assessment shall be completed in accordance with "Site Investigations for Urban Salinity" published by the Department of Land and Water Conservation 2002. Electrical Conductivity levels of the soil are to be calculated using the EC (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the Engineering Plans or Environmental Management Plan as appropriate.

11.9 Further Salinity investigations are to be undertaken in accordance with the recommendation outlined in the *Phase 1 Salinity Assessment Community Association Schemes Nos 1 and 2 Wilton Parklands*. The results of Phase 2 Salinity assessment are to be provided to Council prior to the issue of the Construction Certificate.

11.10 All construction measures recommended in either the Phase 1 Salinity Assessment or the Phase 2 Salinity Assessment shall be incorporated into Construction Activities for the development.

11.11 Sample site S3 identified in the Phase 1 Salinity Assessment requires ongoing monitoring. A monitoring program shall be submitted to the Principal Certifying Authority with the Engineering Plans.

11.12 Soil disturbance at a depth of 0.75 metres or greater should be minimised to reduce the potential for aluminium and magnesium to be transported to the surface.

11.13 A targeted survey of trees in the vicinity of works adjacent to environmentally significant land shall be undertaken prior to any construction works in that area to determine if Aboriginal scar trees are present. The survey shall be undertaken by an appropriately qualified person and the results provided to the Principal Certifying Authority prior to the commencement of works.

11.14 A targeted survey for *Grevillia Parviflora* shall be undertaken prior to the commencement of works within 200 metres of the environmentally significant land by an appropriately qualified person of the area of works. The results of the survey shall be provided to Council within 7 days of the survey. Should *Grevillea Parviflora* be found a Management Plan shall be prepared prior to the commencement of works in its vicinity.

11.15 A Waste Management Plan for Construction stage of the development shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

11.16 A targeted study is to be undertaken in the vicinity of Stringy Bark Creek near the southern boundary of the site for the Red Crowned Toadlet prior to the commencement of works within 200 metres of the study site. The results of this study are to be provided to Council within seven working days of receipt by the applicant and prior to the commencement of works within 200 metres of the study site. Should the Toadlet be identified, a Management Plan shall be prepared.

11.17 The development shall be completed and all works carried out in accordance with the approved Weed and Pest Eradication and Management Plan, Bushland Management Plan, Koala and Koala Habitat Management Plan and Bushfire Management Plan at all times.

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## 12. ABORIGINAL SITES

These conditions have been imposed to ensure that Aboriginal Sites are looked after in accordance with the requirements of the National Parks and Wildlife Act, and the Indigenous Heritage Conservation Management Plan prepared by Kayandel Archaeological Services.

12.1 The destruction, removal or relocation of an item or place of Aboriginal significance is only permitted with the approval of the National Parks and Wildlife Service under Section 90 to the National Parks and Wildlife Act, 1974. Should any items or places of Aboriginal significance not previously discovered be identified or uncovered during construction then all works in its vicinity are to cease immediately and the Director-General of the National Parks and Wildlife Service and the Local Aboriginal Land Council shall be notified immediately.

12.2 The locations of rock shelter sites, in particular those containing artwork and motifs shall not be publicised.

12.3 Selected plantings are required to be undertaken to deter casual visitation to the general vicinity of rock shelters and also to prevent easy identification of shelters sites, in particular from any elevated crossing to Stringy Bark Creek. Prior to the release of any subdivision certificate associated with this consent certification shall be provided from a person with appropriate qualifications in Aboriginal Heritage that such plantings have been installed where necessary. All plantings shall be of local indigenous species and should not be sited within the immediate confines of each shelter or its associated PAD.

12.4 A monitoring program for the Aboriginal sites shall be developed by an appropriately qualified person in consultation with local Aboriginal Community Representatives and submitted to Council for approval prior to the issue of the Construction Certificate. The program must identify the presence, nature and degree of deterioration of the Aboriginal sites over time. This program must be commenced by the developer prior to the release of any construction certificates under this consent. Prior to the release of the Subdivision Certificate for any lots to be used for residential development evidence must be provided that the future program will be co-ordinated and funded by the Wilton Parklands Environmental Trust.

12.5 At all time all contractors and other visitors onto the Wilton Parklands development area, during the preliminary phases of development, shall be made aware of the general locations of the Aboriginal sites in conjunction with the legislative protection afforded to these sites.

## 13. COMMUNITY SERVICES

These conditions are imposed to mitigate the potential social impacts from the development.

13.1 A Community Liaison Officer shall be engaged to provide assistance to potential new residents for at least 2 days per week prior to the release of the Occupation Certificate for any dwellings. The position shall be appointed by the Developer for a minimum of 3 years.

This officer shall consult with relevant government and non-government agencies in identifying areas for the provision of quality social infrastructure, through community development, cultural, social, educational and youth activity programs, particularly in relation to the provision of appropriate and accessible human and community services.

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The position shall also encourage the development of specific bodies and programmes to facilitate the integration of the incoming population within the existing community of Wilton. This position shall be accountable to the Developer and shall be generally consistent with the objectives and outcomes of the Wollondilly Shire Council's Community Social Plan.

The applicant may seek to satisfy the requirements of this condition by entering into a planning agreement in accordance with the Act on terms and conditions which are acceptable to Council, but there is no obligation to do so.

13.2 The Accessible Community Bus must provide links with all community services.

#### 14. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

14.1 Electricity supply is to be made available to all proposed lots in accordance with the requirements of Integral Energy. The service to all residential lots shall be underground. In this regard, written confirmation from Integral Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Linen Plan for the Subdivision Certificate.

14.2 Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. The service to all residential lots shall be underground. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Linen Plan for the Subdivision Certificate.

14.3 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Linen Plan.

14.4 Every residential allotment approved in this consent must be serviced by the proposed reticulated sewerage system prior to the release of the Subdivision Certificate for that lot.

14.5 An approval to operate the sewage treatment plant under section 68 of the local Government Act shall be obtained from Council prior to the release of the Occupation Certificate for any dwellings or any other buildings to be serviced by this system and prior to the commissioning of the sewage treatment plant.

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14.6 Infrastructure, including sewerage, shall wherever possible be located outside the environmentally significant land and riparian areas.

## 15. SECTION 94 CONTRIBUTIONS

To ensure the adequate provision of public facilities required as a result of the development the following conditions apply:

15.1 Payment of a contribution for 215 additional lot in accordance with the Wollondilly Section 94 Contribution Plan 2000 the cost of which will be determined and payable at the time of the release of the Subdivision Certificate. These figures are reviewed quarterly.

The current amount payable is:

(i)	Community Facilities	\$ 198,230
(ii)	Library Facilities	\$ 65,145
(iii)	Recreation Facilities	\$ 415,810
(iv)	Bushfire Facilities	\$ 34,400
(v)	Tree planting	\$ 16,985
(vi)	Animal management	\$ 16,985
(vii)	Roads and Traffic	\$1,472,105
(viii)	S.94 Management	\$ 110,940

TOTAL		\$2,330,600
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A partial payment proportional to the number of lots in each linen plan will be accepted at the time of release of the subdivision certificate.

The applicant may seek to satisfy the requirements of this condition by entering into a planning agreement in accordance with the Act on terms and conditions which are acceptable to Council, but there is no obligation to do so.

## 16. SUBDIVISION PLANS

(a) To outline the minimum development standards and provide design guidelines for the subdivision of the land in the Shire.

(b) To outline Council's requirements on work standards for the construction of land subdivision.

16.1 Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Land Titles Office. A fee for the release of the Subdivision Certificate applies.

16.2 Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.

16.3 The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Linen Plan.

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16.4 An 88B instrument shall accompany the linen plan of subdivision that relates to proposed lots 60, 61 and 62 that adjoin the environmentally significant land to require that dwellings must have living areas and private open space oriented towards the environmentally significant land unless this issue has been adequately addressed in the Neighbourhood Management Statement.

16.5 Subdivision to effect individual title to each allotment in the Community Title Scheme shall be undertaken in accordance with the Community Land Development Act, 1989 and Community Land Management Act, 1989.

16.6 Submission to Council of an approved Development Contract, Management Statement and associated documentation under the Community Land Development Act, 1989, and Community Land Management Act, 1989, for lodgement at the Land Titles Office.

16.7 Maintenance of the acoustic walls and associated landscaping constructed under Development Consent No. ID1556-04 shall be the responsibility of the Community Association for Wilton Parklands and is to be detailed in the Community Management Statement required to be submitted in accordance with condition 16.6.

16.8 The neighbourhood management statement must require that all dwellings must have access to the use of recycled water for toilet flushing.

16.9 The Community Association(s) created by the subdivision of the land the subject of this consent must:

- (a) become and remain a member of the umbrella organisation that governs landowning and non-landowning members of the greater Wilton Parklands community, on and from the date the umbrella organisation is formed; and
- (b) comply with the constitution of the umbrella organisation including the funding of the activities of the umbrella organisation.

16.10 The Applicant must, at the time of registration of the Community Plan(s) which subdivides the land the subject of this consent, create a positive covenant(s) under s88B of the Conveyancing Act 1919 on the title(s) for the community property of the Community Association(s) benefiting the Department of Planning and Wollondilly Shire Council which require continuing compliance by the Community Association(s) with the terms of this consent and in particular the terms of condition 16.9.

16.11 Asset protection zones are to be indicated in a Linen Plan of Subdivision and included in the Section 88B Instrument to be registered with affected lots. The NSW Rural Fire Service is to be noted as an interested party to the Section 88B instrument.

16.12 All gas extraction wells must be contained within allotments for parkland, the golf course or environmentally significant land.

16.13 All infrastructure (pipelines) connecting gas extraction wells shall be located within public road reserves and other publicly accessible land wherever practical.

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16.14 All purchasers shall be appropriately advised of the possible future implications for property ownership and use in proximity to mining infrastructure. *This shall be done through the creation of an instrument under section 88 of the Conveyancing Act.*

16.15 All intending purchasers shall be clearly advised in sales contracts and through the neighbourhood management statement that it is a requirement of Wollondilly Local Environmental Plan, 1991 that prior to Council approving any residential development on the land, Council must be provided with a report prepared by a suitably qualified and experienced coal geologist that examines the risk relating to geological anomaly within the coal resource under the land the subject of the proposed development.

16.16 All intending purchasers shall be clearly advised in sales contracts and through the neighbourhood management statement that it is a requirement of Wollondilly Local Environmental Plan, 1991 that all dwellings must be located at least 20 m from proposed drainage wells as set out in the Gas Post-drainage Layout Plan, Wilton Parklands November 2005. A copy of the Gas Post-drainage Layout Plan, Wilton Parklands November 2005 must be attached to every contract of sale.

16.17 The Neighbourhood Management Statement shall include words that encourage equitable representation on any Committees under the scheme including representation by the eight target groups in Wollondilly Council's Community Social Plan.

16.18 The Neighbourhood Management Statement must contain public by-laws in the interests of Wollondilly Council that enables public access (i.e. non-residents) to:

- shared pathways not on public roads
- parklands
- fire trails in environmentally significant land

## 17. GOLF COURSE

These conditions are imposed to ensure the golf course is safe and commenced within a timeframe acceptable to Council.

17.1 The golf course shall only be used for private recreation by the owners of the land until such time as a sealed access and car park, pro-shop and toilets have been approved and constructed for use by golfers.

17.2 Water quality in the on site water bodies shall be suitable for primary contact under National Health and Medical Research Council Guidelines.

17.3 An Operation and Maintenance Plan for the management of the constructed and natural water bodies associated with this development is to be approved prior to the use of the golf course.

17.4 All aspects of the golf course construction and operation shall comply with the requirements of the document *The Environmental Strategy for Australian Golf Course* (1998) and the document *Improving the Environmental Management of New South Wales Golf Courses* (2003) published by the Australian Golf Course Superintendents Association and the NSW EPA.

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17.5 The preparation and implementation of an Environmental Management Plan for the proposed golf course outlining what measures will be taken to ensure that the golf course will be managed to current best environmental practice. This plan shall cover the issues raised in "Improving the Environmental Management of New South Wales Golf Course" published by the Australian Golf Course Superintendents Association, 2003 and shall include ongoing weed management. This Plan is to be completed prior to the release of the Construction Certificate for works relating to the golf course.

17.6 Details are to be provided with the Construction Certificate of alternative water supply sources for the construction phase and on going operation of the golf course if water usage for the site exceeds the volume of water captured and stored on the site.

17.7 Works are to progress on the golf course at the same time as works for the subdivision of the land. In this regard prior to the release of the subdivision certificate for more than 200 residential lots at least 9 holes of the golf course shall be constructed (but not necessarily suitable for public use).

17.8 If any external lighting is to be erected on the golf course and golf driving range it is to be subject to a separate application to Council.

17.9 Irrigation of treated effluent shall be undertaken with regard to the *Environmental Guidelines: Use of Effluent by Irrigation* (DEC, 2004), and the *NSW Guidelines for Urban and Residential Use of Reclaimed Water*. Spray from effluent application should not drift beyond the boundary of the effluent utilisation area to which it is applied. Effluent utilisation areas should effectively utilise the effluent applied to those areas. This includes the use of pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Storage dams should be managed such that they will not overtop during periods of wet weather.

## 18. OCCUPATION AND USE

These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties and to ensure that the development is consistent with relevant legislation.

18.1 The golf course shall only be used during daylight hours unless otherwise approved by Council.

18.2 Construction works are only permitted between 7.00am to 6.00pm weekdays and between 8.00am and 1.00pm Saturdays. No works are permitted on Sundays and Public Holidays.

18.3 Prior to the issue of a Construction Certificate a Plan of Public Safety shall be prepared for the golf course, driving range and parklands and submitted to Council for approval.

18.4 Except for during construction works, whilst ever the golf course is only suitable for private use under condition 17.1, the site of the golf course shall continue to be used for grazing in conjunction with the remainder of the property.

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## 19. EARTH DAMS AND WATER FEATURES

These conditions are imposed to ensure dams are constructed to an acceptable standard.

19.1 All water bodies shall be designed and constructed to conform to DCP 21 "Earth Dams", Council's Design Code DCP & Construction Specification.

19.2 Engineering plans of the dams and water features shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

19.3 All construction work shall be certified by a Geotechnical Engineer. This Certification shall be provided to the Principal Certifying Authority within 28 days of the completion of each water body.

## 20. FUTURE SITE DEVELOPMENT

These conditions are imposed to ensure that further and future development of the site will satisfy the requirements of Wollondilly Local Environmental Plan, 1991 and Development Control Plan No. 56 – Wilton Park.

20.1 Unless otherwise required by the Department of Education and Training the school site shall:

- be serviced by all available utilities
- have at least one frontage to a public road which is within the nominated public transport route
- have a shared pathway along at least one boundary which has a continuous link to the shared pathways in Section 6.11.3 of this DCP
- If located within the investigation area for the gas pipeline easement must be accompanied by a risk assessment
- have provision for an off carriageway bus bay and a separate off carriageway pick up / drop off area for cars

Note: Consideration should be given to the establishment of a secondary education facility on the school site.

20.2 The site for an electricity substation shall:

- be adequate to accommodate landscaping screening suitable to obscure the substation from view from the Hume Highway and nearby residential and rural residential allotments
- have a frontage to a public road constructed at least to the minimum standards of Council's Design Code Development Control Plan to cater for the typical vehicles required to access the site

20.3 Where infrastructure (being pipes, conduits, cables and other linear features) is required to cross environmentally significant land and riparian areas it is to be incorporated in a road or shared pathway structure where practicable. The road/pathway structure shall be designed in accordance with "Why do fish need to cross the road? Fish Passage Requirements for Waterway Crossings" (NSW Fisheries 2003). The removal of snags (rocks, branches etc.) from watercourses is a Key Threatening Process and requires the prior notification of NSW Fisheries. .../24



20.4 Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, clubhouse and amenities for staff and visitors.

20.5 All future dwellings must be located at least 20 metres from any proposed or existing drainage wells as set out in the Gas Post-drainage Layout Plan, Wilton Parklands November 2005.

20.6 All required noise barriers in the vicinity of the Hume Highway shall be designed in accordance with the requirements of section 6.9.3 of Development Control Plan No. 56 – Wilton Parklands. Plans detailing compliance with this requirement must be submitted with any application for subdivision to create lots for residential dwellings within the vicinity of the Hume Highway. All acoustic barriers must be located on privately owned land.

20.7 All parkland within Precinct 9 as identified in the concept plan for Development Control Plan No. 56 shall be suitable for uses typically associated with a village centre and shall include seating areas with suitable shade and shelter, civic space for functions and bicycle parking facilities.

20.8 All non-residential development shall comply with the controls listed in section 8.1.2 of Development Control Plan No. 56 – Wilton Parklands.

20.9 With each development application for future stages of the development, whether or not it includes residential development, shared pathways shall be provided off carriageway in accordance with the plan that indicates the proposed shareway network adopted as part of Development Control Plan No.56 – Wilton Park. A plan showing the location of these shared pathways shall be submitted with each development application and shall show each shareway and pedestrian pathway as 2.0 metres wide.

20.10 A risk assessment that examines the risk associated with unexploded ordinance shall be prepared by a suitably qualified person and submitted with any application for subdivision in the area identified by the Department of Defence (being generally in the vicinity of the Hume Highway) as being an area where unexploded ordinance could be present. This risk assessment shall also detail any required measures to be incorporated into construction activities for subdivision and for any dwelling to be erected on the lots created.

20.11 With the development application for Stage 2 a plan detailing the required break up of community floor space for the development having regard to any needs analysis adopted or placed on public exhibition by Council shall be submitted to Council and shall detail the appropriate time frame for floor space provision and type of floor space required.

20.12 The developer shall actively pursue potential providers of a childcare facility which shall be in close proximity of the commercial village centre and on a site convenient to public transport and pedestrian access and promote this potential business opportunity.

Ideally the childcare centre shall include before and after school care services.

20.13 All non-residential lots shall be within 50 metres of a shareway except in extenuating circumstances where compliance with this standard would be unreasonable.

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20.14 No lots to be used for residential development shall include land within the environmentally significant area.

20.15 Prior to the development application for the subdivision creating the 700<sup>th</sup> residential lot studies shall be undertaken to determine the level of upgrading required (if any) for Hornby Street West from the development site and Almond Street to Picton Road. The standard of any required upgrading shall be determined in conjunction with the development application for the 700<sup>th</sup> lot, in accordance with Council's Design Code and AUSTRROADS standards. This may include pavement strengthening and widening and intersection improvements.

20.16 Any community floor space provided in the proposed Golf clubhouse shall be accessible on an affordable and reasonable basis for all residents and local people of Wilton.

20.17 Prior to the construction of the 700<sup>th</sup> residential Lot, a full seagull treatment at the junction of Picton Road and Almond Street shall be constructed to RTA standards and shall be operational.

## 21. ERECTION OF SIGNS

To satisfy Section 80A (11) of the Environmental Planning & Assessment Act, the following conditions are imposed:

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

- (a) showing the name, address and telephone number of the Principal 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 unauthorized entry to the work site is prohibited.

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

## 22.0 RECLAIMED WATER QUALITY

To ensure that reclaimed water is of acceptable quality for toilet flushing, garden irrigation and car washing.

22.1 The sewage management system shall be designed, installed and operated in accordance with the National Water Quality Management Strategy for Sewerage System – Use of Reclaimed Water, NSW Guidelines for Urban and Residential Use of Reclaimed Water and the most recent edition of the NSW Code of Practice: Plumbing & Drainage published by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

22.2 Treated effluent shall only be reclaimed for toilet flushing and garden irrigation where the following testing criteria, monitoring requirements and water quality levels have been met.

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## Final Water Quality Criteria

Parameter	Compliance Value	Sampling Frequency	
		Validation Process	Ongoing
<i>E. coli</i> or Thermotolerant coliforms	<1/100 mL	Bi-weekly	Monthly
Total Coliform	<10/100 mL	Bi-weekly	Not required
Virus <sup>1</sup>	<2/50 L	Monthly	Not required
<i>Cryptosporidium</i>	<1/50 L	Weekly	Not required
<i>Giardia</i>	<1/50 L	Weekly	Not required
Turbidity	<2 NTU	Continuous on-line	Continuous on-line
Disinfection effectiveness	<sup>2</sup> 0.5 mg/L free chlorine	Continuous on-line	Continuous on-line
pH	6.5-8.0	Continuous on-line	Continuous on-line
Biochemical Oxygen Demand (BOD <sub>5</sub> )	<10mg/L	Weekly	Not required
Suspended Solids	<10mg/L	Weekly	Not required

<sup>1</sup>Testing should include Enterovirus, Adenovirus, Reovirus, Hepatitis A, Norovirus and Rotavirus

<sup>2</sup>Sufficient to maintain a chlorine residual of 0.5 mg/L throughout the system

Monitoring of other parameters including those listed in Table 3-3 of the Statement of Environmental Effects dated November 2005 are to be addressed in the Environmental Management Plan required by condition 23.1.

22.3 The treatment process must be validated for a minimum of three (3) months before supply to the dwellings or garden irrigation is to commence. During the validation period, the treated wastewater is not to be used for toilet flushing, garden irrigation or car washing.

## 23. EFFLUENT DISPOSAL

To ensure effluent disposal occurs in an environmentally acceptable manner.

23.1 An Environmental Management Plan shall be submitted to Council after the issue of a Construction Certificate detailing, but not limited to, the following:

- The treatment process;
- Screenings/grit removal;
- Biosolids removal;
- Routine sampling program;
- Maintenance;
- Emergency contact details;
- System failure procedures;

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- Auditing procedures to detect cross-connections; and
- Contingency plans for the management of sewage and water requirements in the event of system failure.

23.2 Appropriate signage is to be erected on all tap outlets supplying reclaimed water.

23.3 All residents and visitors are to be made aware of the use of reclaimed water for the flushing of toilets, the irrigation of private and public land, or car washing.

#### **24. ADVICE**

24.1 At all times work is being undertaken with the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

24.2 During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

24.3 A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.

24.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work
- Workers Compensation Insurance
- Ten Million Dollar Public Liability Insurance

NOTE: This consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development & Environment Division.

Therefore, should you wish to proceed on this basis, you are required to submit a Surveyor's Linen Plan and nine (9) helio copies thereof together with a Subdivider/Developer Certificate from Sydney Water.

Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Development & Environment Division.

Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, in accordance with Section 97(1) of the Act you are entitled to lodge an appeal with the Land and Environment Court of New South Wales within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request. .../28

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

You are further advised that this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.

Yours faithfully



David Smith  
**Manager Development**  
**LAND USE PLANNING & ENVIRONMENT**

Encl.

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*Should you require further information regarding the above matter, please contact David Smith on phone (02) 4677 1138 or Fax (02) 4677 1831 in Council's Development & Environment Division Monday to Friday between the hours 8.00am - 4.30pm. Please quote File No. ID993-05P6.*



## ATTACHMENT A

# GENERAL TERMS OF APPROVAL

## INTRODUCTION

These General Terms of Approval are specific to that part of the proposed development that relates to the construction and operation of the sewage treatment system (STS). These General Terms of Approval reflect the conditions that will be included in the environment protection licence for the STS. The proponent will need to make a separate application to the Department of Environment and Conservation (DEC) for the licence. Such application should be submitted to the DEC at least eight weeks prior to the commencement of construction activities. The licence will be issued in the name of the Environment Protection Authority (EPA). Construction activities for the STS must not commence until the licence has been issued.

The parts of the proposal related to the subdivision of land and the construction of the golf course, including the infrastructure, access, earthworks, landscaping and other works associated with these activities, and the storage and distribution of treated effluent beyond the boundary of the sewage treatment plant, for reuse in the golf course irrigation system and for domestic uses are not scheduled activities and accordingly are not subject to General Terms of Approval. However, construction works for, and operation of, those activities must be carried out in accordance with the provisions of the *Protection of the Environment Operations Act 1997*.

## ADMINISTRATIVE CONDITIONS

### A1 Information supplied to the DEC

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application, DA N<sup>o</sup> ID993-05, submitted to Wollondilly Shire Council on 8 November 2005;
- any environmental impact assessment relating to the development, including the document titled *Statement of Environmental Effects to Accompany A Staged Development Application for the Wilton Parklands Residential Community Concept plan and Stage 1 Works* (BBC Consulting and CH2MHill, November 2005); and
- all additional documents supplied to the DEC in relation to the development, including, but not limited to:
  - *Wilton Parklands Development Applications Report on the Disposal of Treated Effluent from the Wilton Parklands Residential Development* (VKL Consulting Pty Ltd, November 2005, Version 2);
  - *Wilton Parklands Development Application for First 215 Residential Lots, STP & Part Golf Course Engineering Report* (VKL Consulting Pty Ltd, November 2005); and
  - *Wilton Parklands Community Plan of Subdivision Drawings*, numbered 23310 P12, 23310 P13 and 23310 P14 (Wallis & Moore Pty Ltd, November 2005).



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### A2 Scheduled Activity

A2.1 The proposed development involves the following activity scheduled under the Protection of the Environment Operations Act 1997:

Scheduled Activity
Sewage Treatment System

Fee Based Activity	Scale
Sewage treatment - processing by small plants (<10 000 ML per year) (71[a])	>219 - 1000 ML discharged

A2.2 The conditions apply to the following premises:

Wilton Parklands Sewage Treatment System  
Wilton

The premises also includes the reticulation system owned and operated by the licensee that is associated with the sewage treatment plant identified above.

### A3. Fit and Proper Person

A3.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

### P1 Location of monitoring/discharge points and areas

P1.3 The following utilisation areas referred to in the table below are identified for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

Point Identification Number	Type of monitoring point	Type of discharge point	Description of location
X	Effluent quality, volume	Discharge to utilisation area	Discharge point at off take to golf course for land application, located as shown on the system map

## LIMIT CONDITIONS

### L1 Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L2. Load limits

L2.1 The applicant will be required to pay load based licensing fees once a licence under the Protection of the Environment Operations Act 1997 has been issued. The licence will identify the assessable pollutants for each fee-based activity classification. These assessable pollutants will be required to be monitored and pollutant loads calculated in accordance with the EPA's Load Calculation Protocol.



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After the first year of monitoring, load limits will be determined for each assessable pollutant and will be included as a condition on the licence. The assessable pollutants applicable to this activity are given in the table below:-

Assessable Pollutant
BOD
Oil and grease
Total nitrogen
Total phosphorous
Total suspended solids

Note: An assessable pollutant is a pollutant that affects the licence fee payable for the licence.

### L3 Concentration Limits

L3.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L3.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L3.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Point No X Water and Land

Pollutant	Units of measure	50% concentration limit	90% concentration limit	100% concentration limit
Ammonia	mg/L	0.5	1	
BOD	mg/L	7	10	
Oil and grease	mg/L	-	5	
Total nitrogen	mg/L	7	10	
Total phosphorous	mg/L	0.2	0.3	
Total suspended solids	mg/L	7	10	
pH	pH	-	-	6.5-8.5
Faecal coliforms	cfu/100mL	-	1	-

### L4 Volume and mass limits

L4.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

- o liquids discharged to water; or
- o solids or liquids applied to the area, must not exceed the volume/mass limit specified for that discharge point or area.

Point Number	Units of measure	Volume/Mass limit
X	kL/day	7,000

### L5 Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste





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generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

### L6 Noise Limits

#### Hours of operation

- L6.4 All construction work at the premises must only be conducted between:
- 7:00 am to 6:00 pm Monday to Friday;
  - 8:00 am to 1:00 pm Saturday; and
  - at no time on Sunday or Public Holidays
- L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L6.7 The hours of operation specified in conditions L6.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## OPERATING CONDITIONS

### O1 Dust

- O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### O2 Stormwater/sediment control - Construction Phase

- O2.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### O3 Appropriate treatment processes

- O3.1 Sewage or effluent must not be discharged from Point X unless it has been treated in accordance with the requirements of the table below:

Required Treatment Process	Flow Range
Screening, degritting, activated sludge treatment, membrane filtration, disinfection.	All flows



## General Terms of Approval

### **O4 Prohibition on acceptance of pesticides**

- O4.1 The licensee must not consent to any discharge of organophosphate pesticides (including chlorpyrifos, diazinon, malathion) or organochlorine pesticides (including dieldrin, heptachlor and chlordane) into the sewage treatment system.

### **O5 Biosolids Management**

- O5.1 Biosolids at the premises must be stored, treated, processed, classified, transported and disposed of in accordance with the Biosolids Guidelines or as otherwise approved in writing by the EPA.

Note: this condition does not apply to the reuse or disposal of biosolids by the licensee at locations other than the premises.

### **O7 Sewage Pumping Stations**

- O7.1 Dry weather overflows resulting in pollution of waters from any sewage pumping station(s) installed within the sewage treatment system are not permitted.

## **MONITORING AND RECORDING CONDITIONS**

### **M1 Monitoring records**

- M1.1 The results of any monitoring required to be conducted by the DEC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

- M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

- M1.3 The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

### **M2 Requirement to monitor concentration of pollutants discharged**

- M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Point Number X

Water and Land



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Pollutant	Units of measure	Frequency	Sampling Method
Ammonia	mg/L	Special Frequency 1	Representative sample
BOD	mg/L	Special Frequency 1	Representative sample
Oil and grease	mg/L	Special Frequency 1	Representative sample
Total nitrogen	mg/L	Special Frequency 1	Representative sample
Total phosphorous	mg/L	Special Frequency 1	Representative sample
Total suspended solids	mg/L	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	Representative sample
Faecal coliforms	cfu/100mL	Special Frequency 1	Representative sample

Special Frequency 1 is defined as not less than 26 times per year and not less than 12-day intervals.

### M3 Requirement to monitor volume or mass

M3.1 For each discharge point or utilisation area specified below, the applicant must monitor:

- the volume of liquids discharged to water or applied to the area;
  - the mass of solids applied to the area;
  - the mass of pollutants emitted to the air,
- over the interval, at the frequency and using the method and units of measure, specified below.

Point Number	Frequency	Units of Measure	Sampling Method
X	Continuous	kL/day	Flow meter

### M4 Testing methods - concentration limits

M4.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 must be done in accordance with:

- the Approved Methods Publication; or
  - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

Note: Testing methods - load limit

Clause 17(1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee-based activity classification.

## REPORTING CONDITIONS

### R1 Annual Return

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.



## General Terms of Approval

### R4 Notification of bypass or overflow incidents

R4.1 Where either:

- (a) sewage or partially treated sewage is discharged from the premises as a result of a bypass of the sewage treatment plant, or
- (b) an observed or reported overflow has occurred from the reticulation system, and the overflow or bypass may pose a risk to public health, the applicant is to promptly give appropriate notification to any parties that are likely to be affected, including:
  - (i) the potentially affected community; and
  - (ii) the Department of Health.

Note 1: The applicant will be required to develop an incident notification protocol with particular emphasis on the NSW Department of Health, Wollondilly Council and the Department of Environment and Conservation. This condition will be replaced with a requirement that the applicant follow the Incident Notification Protocol when the protocol has been completed.

Note 2: These reporting requirements are in addition to the licensee's general obligation to report incidents, which cause or threaten material harm to the environment.

### R5 Annual System Performance Report

R5.1 The applicant must supply to the EPA an Annual System Performance Report after the end of each reporting period.

R5.2 The Report is to supplement the Annual Return and must include but need not be limited to:

- (a) the 50 percentile, 90 percentile and 100 percentile values calculated from the monitoring data required by the licence for the reporting period for each pollutant which has corresponding concentration limits specified in this licence;
- (b) the total amounts of biosolids, as classified in the Biosolids Guideline, disposed of on-site, off-site and to landfill during the reporting period;
- (c) a diagram showing the major process elements, discharge points and monitoring points at the premises' sewage treatment plant(s), where there has been any significant change since the previous reporting period or this information has not been provided previously to the EPA;
- (d) the number of dry and wet weather bypasses recorded over the reporting period (recorded in accordance with licence requirements);
- (e) a breakdown of the total number of complaints received by the licensee during the reporting period in relation to the premises into categories of "odours – sewage treatment plant", "odours – reticulation system", "water pollution – sewage treatment plant", "water pollution – reticulation system" and any other category indicated by the complaints;
- (f) a summary of observed, reported or recorded wet weather overflows and observed, reported or recorded dry weather overflows and sewage treatment plant bypasses. These data are to be for the current reporting period and for the four previous twelve-month periods, for which data has been collected. Any significant actions taken to address bypasses or overflows are to be noted; and
- (g) the amount of rainfall measured at a rain gauge at the STP, or at the rain gauge closest to the centre of the catchment of the sewage treatment system, for each month of the reporting period.

R5.3 The Annual System Performance Report must be presented in a format approved in writing by the EPA.



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### MANDATORY CONDITIONS FOR ALL EPA LICENCES

#### ADMINISTRATIVE CONDITIONS

This licence applies to all other activities carried on at the premises, including:

- Chemical Storage Facilities
- Waste Facilities - waste storage, transfer, separating or processing

#### OPERATING CONDITIONS

##### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

#### MONITORING AND RECORDING CONDITIONS

##### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

##### Telephone complaints line



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The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

### REPORTING CONDITIONS

#### Annual Return documents

##### What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

##### Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- in relation to the revocation of the licence - the date from which notice revoking the licence operates.

##### Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

##### Notification where actual load can not be calculated



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Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- the assessable pollutants for which the actual load could not be calculated; and
- the relevant circumstances that were beyond the control of the licensee.

### Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- the licence holder; or
- by a person approved in writing by the EPA to sign on behalf of the licence holder.

### Notification of environmental harm

The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the DEC's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- where this licence applies to premises, an event has occurred at the premises; or
- where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report that includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;



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- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### GENERAL CONDITIONS

#### Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.





## ATTACHMENT B

### GENERAL MATTERS FOR CONSIDERATION

These general matters for consideration are applicable to the parts of the proposal related to the subdivision of land and the construction of the golf course, including the infrastructure, access, earthworks, landscaping and other works associated with these activities, and the storage and distribution of treated effluent beyond the boundary of the sewage treatment plant, for reuse in the golf course irrigation system and for domestic uses that are not scheduled activities and accordingly are not subject to General Terms of Approval. Although not subject to the licensing provisions of the *Protection of the Environment Operations Act 1997*, the construction works for, and the operation of, those activities must be carried out in accordance with the Act.

Council may wish to consider these general matters in determining the development application and in setting conditions of approval for the proposal.

#### **Stormwater Management**

A Stormwater Management Scheme should be prepared and implemented for the development. Implementation of the Scheme should mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the DEC). Information relating to structural and non-structural options for managing site stormwater is provided in the "Managing Urban Stormwater: Source Control" and "Managing Urban Stormwater: Treatment Techniques" documents respectively.

#### **Environmental Management**

An Environmental Management Plan should be prepared and implemented for the development. The Plan should include appropriate environment protection measures to be undertaken during any construction and installation activities on the golf course, and include erosion and sedimentation controls and incident management procedures.

#### **Irrigation of Treated Effluent**

Irrigation of treated effluent should be undertaken with regard to the *Environmental Guidelines: Use of Effluent by Irrigation* (DEC, 2004), and the *NSW Guidelines for Urban and Residential Use of Reclaimed Water*. Spray from effluent application should not drift beyond the boundary of the effluent utilisation area to which it is applied. Effluent utilisation areas should effectively utilise the effluent applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Storage dams should be managed such that they will not overtop during periods of wet weather.

#### **Monitoring of Irrigation Area and Environs**

Regular monitoring of soils, groundwater and surface waters should be undertaken to determine the impact of effluent application. The application of effluent to the utilization area should not adversely affect the receiving environment.

**Annexure G**

**Licence Agreement**

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**LICENCE DEED**  
**BINGARA GORGE PLANNING AGREEMENT**

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**MARSDENS LAW GROUP**  
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49 Dumaresq Street  
CAMPBELLTOWN NSW 2560  
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## LICENCE DEED

### PARTIES

**THE OWNER & THE LICENSEE** as set out in **Schedule 2**.

### BACKGROUND

- A** The Owner is either the registered proprietor of, or is entitled to exclusive occupation of, the Land.
- B** The Licensee has requested that the Owner grant it a licence to conduct the Works on the Land.
- C** The Owner has agreed to grant the Licence to the Licensee on the terms set out in this Deed.

### OPERATIVE PROVISIONS

#### 1 DEFINITIONS

Unless the context otherwise requires the definitions and interpretational rules contained in **Schedule 1** apply in the interpretation of terms used in this Deed.

#### 2 LICENCE

##### 2.1 Grant of the Licence

The Owner grants the Licence to the Licensee.

##### 2.2 Term

Unless terminated earlier the Licence is to continue until the earlier of:

- (1) the Works being completed; and
- (2) this Deed being terminated.

##### 2.3 Relationship between the parties

- (1) The relationship between the Owner and Licensee constituted by this Deed is licensor-licensee only.
- (2) No term of this Contract is to be construed so as to give rise to any of the following relationships:
  - (a) principal and independent contractor; or
  - (b) joint venturers; or
  - (c) partners; or
  - (d) trustee and beneficiary; or
  - (e) employer and employee.
- (3) Each party must ensure that they do not conduct themselves so as to hold out, or otherwise represent, that a relationship set out in the preceding paragraph exists between them.

##### 2.4 Personal rights

- (1) The Licence is personal to the Licensee.

- (2) Subject to paragraph (4), the Licensee may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of the Owner.
- (3) The Owner may refuse the granting of consent under paragraph (2) without reason and at its absolute discretion.
- (4) The Licensee may encumber, assign or transfer the Licence to an approved encumbrancee, assignee or transferee of the Planning Agreement.

**2.5 Leasehold interest**

- (1) This Deed does not grant to the Licensee a leasehold interest in the Land. The parties agree that:
  - (a) subject to any contrary terms of this Deed, the Licence does not confer exclusive possession of the Land on the Licensee; and
  - (b) the Licensee may not exclude the Owner, its officers, employees and invitees from:
    - (i) entry onto the Land; and/or
    - (ii) the performance of any works on the Land;
 provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the conduct of the Works by the Licensee; and
- (2) the Licensee does not have any right to quiet enjoyment of the Land; and
- (3) the Licensee will not at any time seek to enforce an interest in the Land in competition with the interest held by the Owner.

**2.6 Secure Site**

Nothing in this Deed prohibits the Licensee from securing that part of the Land on which the Works are being carried out to ensure that the site complies with the safety requirements of any Authority.

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**3 WORKS**

- (1) The Licence is granted for the sole purpose of allowing the Licensee to carry out the Works on the Land.
- (2) The Licensee may not carry out any other activities on the Land without the express written consent of the Owner (which must not be unreasonably withheld or delayed).
- (3) In carrying out the Works the Licensee must comply with the requirements of any relevant Authority.
- (4) The Works may only be carried out at the Agreed Times.

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**4 RESTORATION OBLIGATIONS**

**4.1 Restoration Works**

Upon completion of the Works the Licensee must carry out any work necessary to restore the Land as nearly as practicable to its condition at the date of this Deed other than those required on account of an act undertaken by the Owner (**Restoration Works**).

#### 4.2 Standard of the Restoration Works

- (1) The Licensee must complete the Restoration Works:
  - (a) in a proper and workmanlike manner; and
  - (b) within a reasonable time of the completion of the Works.
- (2) If the Licensee fails to comply with paragraph (1) the Owner may carry out, or repair any defective, Restoration Works in which case the cost of those works is a liquidated debt due and payable to the Owner by the Licensee.

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### 5 LIMITATION OF THE OWNER'S LIABILITY

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#### 5.1 Insurances

- (1) The Licensee must effect and maintain the following policies of insurance during the term of the Licence:
  - (a) a Broadform Public Liability Insurance policy with a reputable insurance company in an amount of twenty million dollars (\$20,000,000) for any one occurrence in respect of any liability for:
    - (i) personal injury or death of any person; and
    - (ii) loss of or damage to property; and
  - (b) workers compensation insurance under the *Workers Compensation Act 1987 (NSW)* covering all persons employed or deemed to be employed by the Licensee in connection with the performance of the Works; and
  - (c) a comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the performance of the Works; and
  - (d) a contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the performance of the Works.
- (2) The policies referred to in paragraphs (1), (1)(c) and (1)(d) must note the interest of the Owner as principal and include a cross liability clause.

#### 5.2 Occupational Health & Safety

When carrying out the Works the Licensee must comply with all applicable requirements under the *Occupational, Health & Safety Act 2000 (NSW)* as well as any regulations in force under that Act.

#### 5.3 Risk

The Licensee uses and occupies the Land at its own risk.

#### 5.4 Indemnity

The Licensee indemnifies the Owner against any Claim (of whatever nature) made in respect of the Licensee's use and occupation of the Land except to the extent caused or contributed to by the act, negligence or default of the Owner.

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### 6 TERMINATION

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The Owner may terminate this Deed if:

- (1) the Licensee is in breach of a material term of this Deed; and

- (2) the Owner serves a notice on the Licensee requiring that breach to be rectified within a reasonable time (which cannot be less than fourteen (14) days); and
- (3) the Licensee fails to comply with that notice.

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## **7 ADMINISTRATIVE PROVISIONS**

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### **7.1 Waiver**

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

### **7.2 Cooperation**

Each party must sign, execute and deliver all deeds, documents, instruments and act reasonably and effectively to carry out and give full effect to this Deed and the rights and obligations of the parties under it.

### **7.3 Counterparts**

This Deed may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

### **7.4 Amendment**

This Deed may only be amended or supplemented in writing signed by the parties.

### **7.5 Unenforceability**

Any provision of this Deed which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this Deed or affecting the validity or enforceability of that provision in any other jurisdiction.

### **7.6 Power of Attorney**

Each attorney who executes this Deed on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

### **7.7 Governing law**

The law in force in the State of New South Wales governs this Deed. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this Deed; and
- (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.

## **EXECUTION**

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### **EXECUTED AS A DEED.**

Dated:



Signed, Sealed and Delivered by **DLL Wilton Pty Limited** by its attorney  
to Power of Attorney registered under Book No and dated

pursuant

\_\_\_\_\_  
Witness (Signature)

\_\_\_\_\_  
Attorney (Signature)

\_\_\_\_\_  
Name of Witness (Print Name)

\_\_\_\_\_  
Name of Attorney (Print Name)

**Signed, Sealed and Delivered** by **Wollondilly Shire Council** by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated

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General Manager (Signature)

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Mayor (Signature)

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Name of General Manager (Print Name)

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Name of Mayor (Print Name)

**SCHEDULE 1:  
DEFINED TERMS AND INTERPRETATION**

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**Definitions**

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<b>Agreed Times</b>	means the "Agreed Times" set out in <b>Schedule 2</b> .
<b>Authorities or Authority</b>	means (as appropriate) any: (1) federal, state or local government; or (2) department of any federal, state or local government; or (3) any court or administrative tribunal; or (4) statutory corporation or regulatory body.
<b>Claim</b>	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
<b>Deed</b>	means this deed.
<b>Land</b>	means the "Land" as set out in <b>Schedule 2</b> .
<b>Licence</b>	means the licence to conduct the Works granted in clause 2.
<b>Licensee</b>	means the "Licensee" as set out in <b>Schedule 2</b> .
<b>Owner</b>	means the "Owner" as set out in <b>Schedule 2</b> .
<b>Planning Agreement</b>	means the deed entitled "Bingara Gorge Planning Agreement" entered between Wollondilly Shire Council, DLL Wilton Pty Limited (ABN 31 110 022 976) and Lend Lease Corporation Limited (ABN 32 000 226 228).
<b>Works</b>	means the "Works" as set out in <b>Schedule 2</b> .

**Interpretational Rules**

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<b>clauses, annexures and schedules</b>		a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Deed.
<b>variations</b>	<b>or</b>	a document (including this Deed) includes any variation or replacement of it.
<b>replacements</b>		

<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this Deed to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this Deed.

**agreement**

a reference to any agreement, deed or instrument includes the same as varied, supplemented, novated or replaced from time to time.

**gender**

a reference to one gender extends and applies to the other and neuter gender.

**SCHEDULE 2:  
DETAILS**

<b>Licensee</b>	<b>Name</b>	
	<b>Address</b>	
	<b>ABN</b>	
<b>Owner</b>	<b>Name</b>	
	<b>Address</b>	
	<b>ABN</b>	
<b>Land</b>		
<b>Works</b>		
<b>Agreed Times</b>		

**Annexure H**

**Open Space, Sporting and Recreation Contributions**

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Key Plan:

Issue	Date	Amendment
A	02-07-07	Issue to Council

NOTES:

This plan indicates the notional location of roads and open space to be provided within the Bingara Gorge development.

The internal road layout and open space boundaries shown are indicative and are subject to developed design and Council Development Application approval at the subdivision stage.

Development Team:



Project:

### Bingara Gorge

Drawing Title:

### Voluntary Planning Agreement Annexure B Part 2 Open Space, Sporting & Recreational Works by Developer

Scale: 1:1,000 @ A3

Drawn: TM

Checked: RB

Job No: P1

Drawing No: O-UD-VPA-03

Issue: A



LEGEND

- 1 Wilton Recreation Reserve
- 2 Western North Park
- 3 Homestead Park
- 4 Eastern North Park
- 5 Eastern East Park
- 6 Eastern South Park
- 7 Western Golf Park
- 8 South West Park
- 9 Sales & Information Centre Park





**Annexure I**

**Wilton Village**

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Key Plan:

Issue	Date	Amendment
A	02-07-07	Issue to Council

Notes:

This plan indicates the notional location of roads and open space to be provided within the Bingara Gorge development.

The internal road layout and open space boundaries shown are indicative and are subject to developed design and Council Development Application approval at the subdivision stage.

Development Team:



Project:

Bingara Gorge

Drawing Title:

Voluntary Planning Agreement  
Wilton Village &  
Recreation Reserve

Scale:	1:8,000 @ A3
Drawn:	TM
Checked:	RB
Job No:	P1
Drawing No:	O-UD-VPA-02

Issue: A



LEGEND

- Wilton Village including
- Wilton Recreation Reserve

**Annexure J**

**Library, Information and Community Contributions**

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Key Plan:



**LEGEND**

-  Community Function & Meeting Space
-  Sales & Information Centre (Temporary Community Space)

Issue	Date	Amendment
A	02-07-07	Issue to Council

**Notes:**  
 This plan indicates the notional location of Community Floor space, roads and open space within the Bingara Gorge development.  
 The extent of the area shown for Community Floor Space, internal road layout and open space boundaries are indicative and are subject to developed design and Council Development Application approval at the subdivision stage.

**Development Team:**

**Bingara GORGE**  
SECTION

**Delphin**  
LANDSCAPE

**Project:**  
**Bingara Gorge**

**Drawing Title:**  
**Voluntary Planning Agreement  
 Annexure C Part 2  
 Library, Information and Community  
 Works by Developer**

**Scale:** 1:11,000 @ A3

**Drawn:** TM

**Checked:** RB

**Job No:** P1

**Drawing No:** O-JD-VPA05

**Issue:** A



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**Annexure K**

**Transport and Traffic Management Contributions**

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Key Plan:

Issue	Date	Amendment
A	02-07-07	Issue to Council

NOTES:

This plan indicates the notional location of roads and open space to be provided within the Bingara Gorge development.

The internal road layout and open space boundaries shown are indicative and are subject to developed design and Council Development Application approval at the subdivision stage.

Development Team:



Project:

### Bingara Gorge

Drawing Title:

**Voluntary Planning Agreement  
- Annexure D Part 2  
Transport & Traffic Management  
Works by Developer  
Plan 1 of 2**

Scale:	1:8,000 @ A3
Drawn:	TM
Checked:	RB
Job No:	P1
Drawing No:	O-UD-VPA-06



Issue: A



**LEGEND:**

- Hornby Street
- New Oval Road (Wollodilly Street)
- Almond Street and Picton Road junction

Key Plan:

Issue	Date	Amendment
A	02-08-07	Issue to Council

Notes:  
 \*This plan indicates the notional location of roads and open space to be provided within the Bingara Gorge development.  
 The internal road layout and open space boundaries shown are indicative and are subject to developed design and Council Development Application approval at the subdivision stage\*.

Development Team:



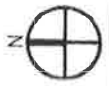
Project:

Bingara Gorge

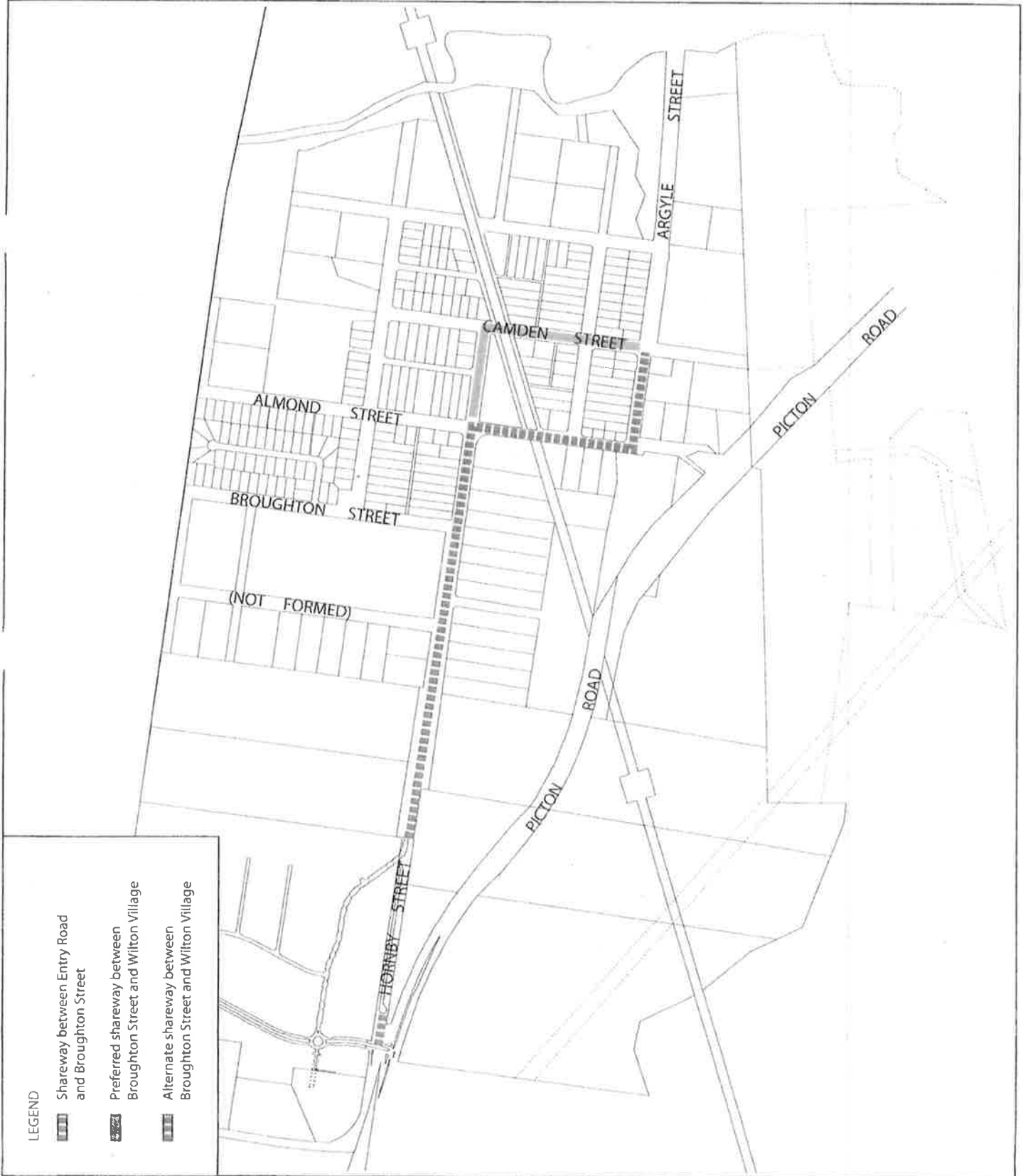
Drawing Title:

Voluntary Planning Agreement  
 - Annexure D Part 2  
 Transport & Traffic Management  
 Works by Developer  
 Plan 2 of 2

Scale:	1:8,000 @ A3
Drawn:	TM
Checked:	RB
Job No:	PT
Drawing No:	O-UD-VPA-07



Issue: A



**THIS POWER OF ATTORNEY** is made on 14 September 2007 by **LEND LEASE CORPORATION LIMITED** (ABN 32 000 226 228) of Level 4, 30 The Bond, 30 Hickson Road, Millers Point NSW 2000 Australia (the "Principal").

**1. Appointment**

The Principal appoints each of the persons named in schedule 1 (each an "Attorney") as the attorney of the Principal. This power of attorney expires on 31 December 2007.

**2. Powers**

Each Attorney is empowered to do the following:

- (a) execute under hand or under seal and deliver either conditionally or unconditionally each document described in schedule 2 (each an "Approved Document") in a form and substance as the Attorney thinks fit;
- (b) complete any blanks in an Approved Document;
- (c) amend an Approved Document as the Attorney thinks fit (including, but not limited to, amending the parties), and execute and deliver as in clause 2(a) any document which effects or evidences the amendment;
- (d) do anything which in the opinion of the Attorney is necessary or incidental to :
  - (1) any document referred to in clauses 2(a) and 2(c); or
  - (2) any transaction contemplated by any document referred to in clauses 2(a) and 2(c);
- (e) to do any other thing (whether or not of the same kind as the above) which in the opinion of the Attorney is necessary, expedient or desirable for giving effect to the provisions of this deed poll.

**3. Use of Name**

Each Attorney may exercise its powers under this deed poll in the name of the Principal or in the name of the Attorney and as the act of the Principal.

**4. Benefit to Attorney**

Each Attorney may exercise its powers under this deed poll even if the Attorney benefits from the exercise of that power.

**5. Ratification**

The Principal undertakes to ratify and confirm any act of each Attorney in exercise of its powers under this deed poll.



**6. No warranty**

The exercise by any Attorney of any power under this deed poll does not connote:

- (a) a warranty, express or implied, on the part of the Attorney as to :
  - (1) the Attorney's authority to exercise the power; or
  - (2) the validity of this deed poll; or
- (b) an assumption of personal liability by the Attorney in exercising the power.

**7. Indemnity**

The Principal indemnifies each Attorney against all claims, demands, losses, damages, costs and expenses however suffered or incurred by the Attorney in respect of the exercise of any of its powers under this deed poll.

**8. Registration and Stamping**

The Principal must do all things necessary to ensure the registration and stamping of this deed poll in all jurisdictions in which it must be registered and stamped to ensure its enforceability and validity for the purposes of this deed poll.

**Schedule 1 – Attorneys**

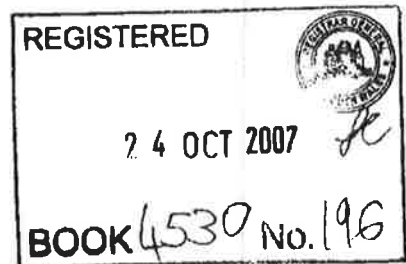
- 1. Any Director or Secretary of Lend Lease Corporation Limited
- 2. K L James
- 3. L Blundell.

**Schedule 2 - Approved Documents**

Document	Parties
Bingara Gorge (Wilton Parklands) Development Planning Agreement	Wollondilly Shire Council DLL Wilton Pty Limited Lend Lease Corporation Limited
Any document, whether or not of the same kind as that listed above, which in the opinion of an Attorney is necessary or expedient for giving effect to the provisions of the above documents.	
Any other document which is incidental to, related to, ancillary or supplemental to, or necessary or desirable to be entered into in connection with, the above documents.	

**EXECUTED** by the Principal as a deed poll:

Signed sealed and delivered by  
**LEND LEASE CORPORATION LIMITED** by:



*S. Sharpe*  
\_\_\_\_\_  
Secretary  
**Susan June Sharpe**  
\_\_\_\_\_  
Name

*Ross Harold Taylor*  
\_\_\_\_\_  
Director  
**Ross Harold Taylor**  
\_\_\_\_\_  
Name