

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes 20 April 2015

The meeting commenced at 6.32pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

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RECORDING OF MEETINGS

The Mayor stated that in accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

PRESENT

Councillors: Mitchell (Mayor), B Banasik, Terry, Amato, M Banasik, Hannan, Gibbs and Landow.

ALSO PRESENT WERE

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Governance, and one Administration Officer.

NATIONAL ANTHEM

The Mayor requested that everyone stand for the Australian National Anthem.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

TRIM 88-10

51/2015 **Resolved on the Motion of Crs M Banasik and B Banasik:**

That an apology be accepted for Cr Law for this meeting.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

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DECLARATION OF INTEREST

TRIM 528-6

Cr Hannan declared a Non-Pecuniary (less than significant) Conflict of Interest in respect to Item IN1 as she carries out work for the Optometrist just outside the area of the pedestrian crossing. Cr Hannan advised that she intended to remain in the meeting and vote on the matter.

Cr Hannan also declared a Non-Pecuniary (less than significant) Conflict of Interest in respect to Item IN1 due to her husband working at the University of Sydney Farms. Cr Hannan advised that she intended to remain in the meeting and vote on the matter.

CONFIRMATION OF MINUTES

TRIM 88-10

52/2015 Resolved on the Motion of Crs B Banasik and Gibbs:

That the Minutes of the Ordinary meeting held on Monday 16 March 2015, as circulated, be adopted as true and correct.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan
 and Landow

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MAYORAL MINUTE

TRIM 531

Firstly, tonight I would like to welcome Jai Rowell, Member for Wollondilly and congratulate him on his re- election as Member for Wollondilly. I would also like to congratulate Cr Lou Amato on becoming a member of the NSW Legislative Council following the 2015 State Elections.

I would also like to welcome Ashleigh Tullis who is the new Journalist covering Wollondilly for the Advertiser.

I attended an official opening of the lights at Warragamba Sportsground held on Wednesday 18 March 2015.



WOLLONDILLY SHIRE COUNCIL

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Also on Wednesday 18 March 2015 the Police Officer of The Year Awards was held at Wests Leagues Club, Leumeah. I would like to thank Cr Michael Banasik who attended this event on my behalf and also Ally Dench, Executive Director Community Services & Corporate Support who was also able to attend.

I would like to table a Silver Sponsor Award which was presented to Council on the night.



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On Friday 20 March 2015 I attended Bargo Community Centre for the Bargo Seniors Battle. Jai Rowell, Member for Wollondilly also attended this event.



WOLLONDILLY SHIRE COUNCIL

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On Wednesday 25 March 2015 I officiated at a private citizenship ceremony for (2) two Wollondilly residents who originated from the United Kingdom.



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On Thursday 26 March 2015 Council held a Civic Reception for South West Sydney Academy of Sport athletes. It was a great night to recognise the achievements of these young sportspeople.



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On Thursday 9 April 2015 a public Citizenship Ceremony was held welcoming eight (8) new Australian Citizens who originated from Zimbabwe, United Kingdom, South Africa and New Zealand.

Unfortunately I was unable to officiate at this ceremony and I would like to thank Deputy Mayor, Cr Simon Landow for attending on my behalf as well as General Manager, Luke Johnson.



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On Saturday 11 April, Council in conjunction with a number of partners hosted the first IlluminARTE Festival. The Festival was a great success with over 15,000 people attending throughout the day and night. The building illuminations were spectacular and showcased many of the historical buildings in Menangle Street. The Picton Harvest Music Festival, Market Stalls, Art Exhibition, and Lantern Parade were all part of the activities that attracted residents and tourists alike to Picton. The feedback and press coverage about the success of the event has been overwhelming and so I'm pleased to announce that Council is considering this becoming an annual event.

Many were involved in bringing IlluminARTE to reality but tonight I'd particularly like to recognise and thank 5 key people by presenting them with certificates of appreciation. They worked tirelessly to hold this event and I'd like to congratulate them on their hard work and dedication.

I would like to call up the following to come forward for a certificate presentation:

- Rob Moran, Council's Community Events and Projects Team Leader
- Kym Buck, Council's Events Officer
- Aaron Greffenius, President of the Picton Chamber of Commerce and Industry
- Susan Conroy, Executive Officer, Southern Tablelands Arts
- Giselle Newbury, Communications Coordinator, Southern Tablelands Arts

As part of the IlluminARTE event, retailers and businesses across Picton were encouraged to create bright and decorative window displays. There were 15 shops and Valerie Gordon from ARTS NSW assisted Susan Conroy from Southern Tablelands Arts to judge the windows. I would like to thank all the businesses that got involved in the spirit of this great event.

Tonight I'd like to present awards for the best of these displays. Judging criteria covered all aspects of light and sound, including overall visual impact, creativity and innovation.

- The award for Best Window Display goes to That Office Place - Ms Simone Moolhuyzen
- And the runner up Highly Commended award goes to Hippy Luxe – Ms Kim Roulston

WOLLONDILLY SHIRE COUNCIL

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The official opening of the Warragamba ANZAC Commemorative Wall was held on Wednesday 15 April 2015. I would like to thank Cr Hilton Gibbs and Luke Johnson, General Manager for attending this event on my behalf. Jai Rowell Member for Wollondilly was also in attendance.



I would like to thank Cr Simon Landow for officiating on my behalf at a private Citizenship Ceremony which was held on Wednesday 15 April 2015. General Manager, Luke Johnson also attended this private ceremony welcoming a new resident who originated from New Zealand. Coincidentally this new Australian Citizen celebrated her Birthday on the same day as her Citizenship Ceremony.

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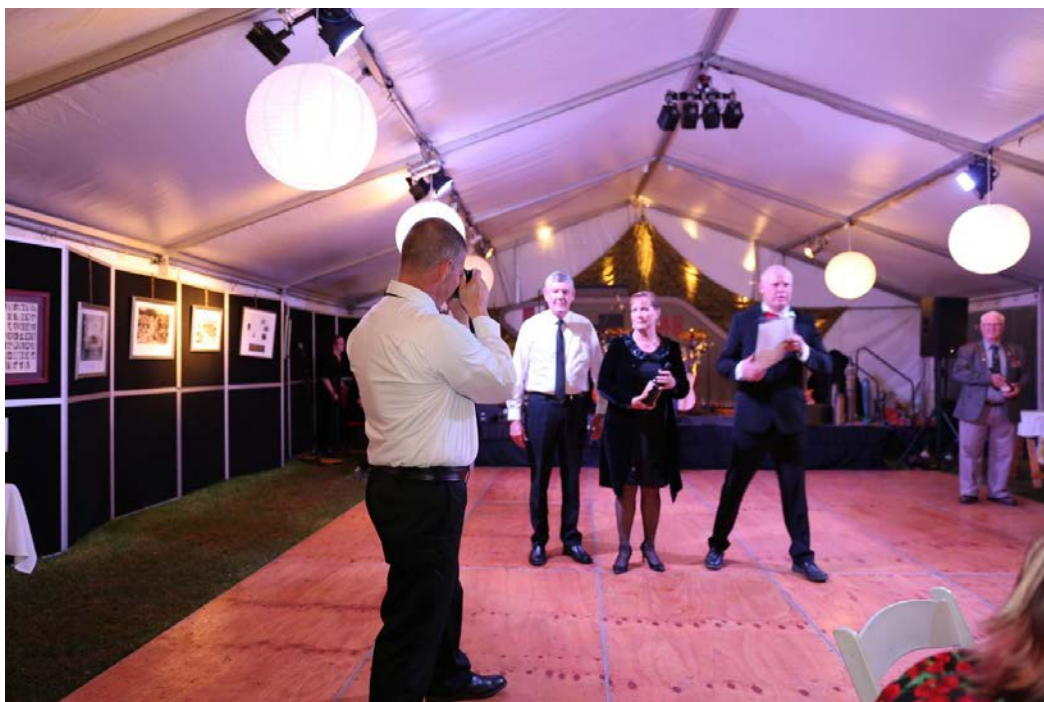
I attended a community day in Thirlmere on Saturday 18 April 2015 to mark the Centenary of ANZAC Commemoration 'Wollondilly Remembers'. This event was organised by Picton-Thirlmere-Bargo RSL with a March and Service.

Pictured below: Jai Rowell, Member for Wollondilly; Cr Lou Amato; myself; Cr Michael Banasik; Tim Bennett-Smith, President, Picton-Thirlmere-Bargo RSL Sub Branch; Luke Johnson, General Manager; Cr Hilton Gibbs and Angus Taylor, Member for Hume.



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On the evening of Saturday 18 April 2015 the Diggers Ball was held and attended by Cr Judith Hannan, Cr Hilton Gibbs and Executive Director Community Services and Corporate Support, Ally Dench.



The Mayor and Cr Gibbs both highly commended the Picton-Thirlmere-Bargo RSL on hosting a great day. Cr Gibbs also praised the hard work of Tim Bennett-Smith and the Committee of the Picton-Thirlmere-Bargo RSL.

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On Sunday 19 April 2015 the Appin Massacre Memorial Service was held at Cataract Dam and attended by Executive Director, Ally Dench.



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An ANZAC Service was held at Taara Gardens earlier today, I would like to thank General Manager Luke Johnson for attending this service on my behalf.



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Council received two (2) applications for donations in April 2015.

Macarthur Joint Agency Foster Care Working Group – Application for \$500 to hold a Foster Care Information Workshop to be held on 29 April 2015.

Cameron Scott – Application for \$250 to assist with costs of representing Australia / Wollondilly at the Junior U19 Track Cycling World Championships in Kazakhstan.

Council will also provide a donation of \$500 to the Lakesland Rural Fire Brigade and \$1,500 sponsorship to Picton Rotary Polio Plus.

These applications, donation and sponsorship have been assessed against the criteria and have been recommended for approval. I propose that Council support the applications and approve the requested financial support.

The Mayor advised that Council had some late business of an urgent nature to be dealt with as part of the Mayoral Minute.

That the Mayor and General Manager seek an urgent meeting with the NSW Environment Protection Authority (EPA) regarding the illegal dumping which has occurred on Bobs Range Rd, Orangeville.

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Anzac Day ceremonies are scheduled throughout the Shire in the coming week. I would like to thank in advance my fellow Councillors who are representing Council at these ceremonies.

I would also like to thank General Manager, Luke Johnson and Executive Director, Ally Dench for also attending ceremonies.

On ANZAC Day we pay tribute to all current and former members of the Australian Defence Force, those lost in training, on operations, the wounded, injured and ill.

We stand together each ANZAC Day to pay homage to our veterans and those who gave their lives, we honour great men and women and a great tradition. We gather, as we shall always gather to remind ourselves that we value who we are and the freedoms we possess as a proud nation and for those who continue to serve.

On this the 100 year Centenary of ANZAC Day I would like to ask everyone to stand and observe a minute's silence.

Col Mitchell
MAYOR
20 April 2015

53/2015 Resolved on the Motion of Crs Gibbs and Landow:

That the Mayoral Minute be accepted.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan
 and Landow

Planning and Economy

PLANNING AND ECONOMY

PE1	<u>Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of Two Dual Occupancies (three new dwellings)</u>	
	265155	010.2014.00000502.001

Moved on the motion of Crs Mitchell and Landow:

- a) *That Council undertake a review of the appropriate application of Clause 4.1A of Wollondilly Local Environmental Plan 2011. The review will include a Councillor Workshop and further report to a future Ordinary Meeting.*
- b) That Development Application 010.2014.00000502.001 for a three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) dwellings each on a separate allotment (four (4) lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP 759094, at 2 Wonson Street, Wilton be approved subject to the following conditions:

1. COMPLIANCE

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

All Stages

- (1) Development Consent is granted for development being undertaken in three (3) stages, being: demolition of outbuildings, construction of two (2) dual occupancies, four (4) lot Torrens title subdivision of and associated works and landscaping at Lot: 15 Sec: 4 DP: 759094, No. 2 Wonson Street WILTON.
- (2) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the endorsed plans prepared by Urban Simplicity, Job No. 14-070, dated 22 January 2015, Sheets 1-23, Issue B, lodged as part of Development Application No. 010.2014.00000502.001 received on 20/08/2014 except where varied by the following conditions of consent.

Planning and Economy

- (3) The development shall be undertaken in the following stages:

Stage 1:

Two (2) lot Torres title subdivision of Lot 15 in DP 759094 in accordance with the Stage 1 Subdivision Plan, prepared by Urban Simplicity, Job No. 14-070, Sheet 03-23, Issue B, dated 22/01/2015.

Associated works, including: kerb, gutter and driveway construction and demolition of existing slab of outbuilding.

Stage 2

Construct dual occupancy on Lot 151.

Two (2) lot Torrens title subdivision of Lot 151 in accordance with the Stage 2 Subdivision Plan (Subdivision of Lot 151 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 04-23, Issue B, dated 22/01/2015.

Associated works, including: tree removal, landscaping, and driveway construction to new dwelling constructed as part of Stage 2.

Stage 3

Construct dual occupancy on Lot 152.

Two (2) lot Torrens title subdivision of Lot 152, in accordance with the Stage 3 Subdivision Plan (Subdivision of Lot 152 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 05-23, Issue B, dated 22/01/2015.

Associated works, including: demolition of existing slab of outbuilding, tree removal, landscaping and construction of driveways to dwellings proposed in Stage 3.

- (4) Stage 1 shall be completed and the subdivision registered prior to the release of any construction certificate for Stage 2.
- (5) The construction of the dwelling in Stage 2 must be completed and Occupation Certificates issued for the dwelling prior to the release of any Subdivision Certificate for the corresponding sub stage of Stage 3.
- (6) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

Planning and Economy

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All Stages

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or a nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA, Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (3) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

Planning and Economy

- (a) Must be a standard flushing toilet; and
- (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) There shall be no burning of builders rubble, felled trees or other material on site.
- (8) All excavation and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

3. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

Planning and Economy

All Stages

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to Council or a nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), WorkCover Authority of NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply

Planning and Economy

- The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier within fourteen (14) days of the completion of demolition.

4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

All Stages

- (1) All materials and colours to be used in the external construction of the proposed dwellings shall be consistent throughout the total development and/or match those of the existing development.
- (2) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork and finishes shall only be used on sills, window heads, string courses etc.

Planning and Economy

- (4) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

5. 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:

All Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering Design Plans for the kerb and gutter, road shoulder, drainage and vehicle footway crossing are to be submitted to and approved by Council or the nominated Accredited Certifier. 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.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or a nominated Accredited Certifier for the development.
- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority 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.

- (5) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. 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 work that is to become the property of Council.

Planning and Economy

- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Principal Certifying Authority 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.
- (7) 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 or a nominated Accredited Certifier. 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 Council or a nominated Accredited Certifier with the Engineering Plans.
- (8) 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 or a nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RMS's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Council or a nominated Accredited Certifier before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RMS requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RMS.
- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

6. DRAINAGE/STORMWATER

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

Planning and Economy

All Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of Construction Certificate.
- (3) Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.

Stage 1

- (4) The applicant shall design and construct street drainage as generally shown in the concept plans by Rein Warry and Co. File No 7234, Edition A dated 14/08/14 prior to the release of any subdivision certificates for Stage 1. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited prior to the issue of Construction Certificate.
- (5) The applicant shall ensure that all existing adjacent drainage structures such as table drains and pipe culvert crossings discharge into the new piped drainage system. Adjustments to the structures shall be undertaken by the applicant at no cost to Council.

7. PUBLIC ROADS

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

All Stages

- (1) Provision of Vehicular Access to the site through the construction of 3.0m wide concrete vehicle footpath crossing at all locations where vehicles cross the footway. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited prior to the issue of Construction Certificate.

Planning and Economy

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) In accordance with Section 138 of the Roads Act 1993 a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

Stage 1

- (3) The applicant shall provide 150mm barrier profile kerb and gutter and sealed road from the edge of existing bitumen to the lip of the gutter along the full frontage of the proposed development in Wonson Street and Peel Street, including associated drainage works prior to the release of the subdivision certificate for Stage 1.
- (4) The Kerb and Gutter alignment in Wonson Street shall provide for a 6.0 metre verge with a minimum 6.5 metre carriageway. Peel Street alignment shall provide for an 8.8 metre verge with a minimum 6.5 metre half road width prior to the release of the subdivision certificate for Stage 1.
- (5) Provision of vehicular access to the site through the construction of vehicular crossings within the new kerb and gutter at all locations adjacent to proposed concrete footpath crossings. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to the issue of the Construction Certificate.
- (6) A street light shall be placed on the existing power pole at the intersection of Peel Street and Wonson Street adjacent to the proposed development prior to the release of the subdivision certificate for Stage 1.
- (7) The street lighting identified in Condition 8(6) above shall be provided using LED LIGHTING to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.

Planning and Economy

8. EROSION AND SEDIMENT CONTROL

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

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (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.
- (3) 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.
- (4) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.
- (6) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 6(7) shall be completed prior to any construction taking place on the site.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan shall be completed prior to any construction taking place on the site.

These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

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

9. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

All Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.

Planning and Economy

- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on 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
 - After shaping and prior to topsoil/turf placement of overland flow paths
 - During the roller test, which is to be carried out using a three point roller or approved equivalent
 - At sealing
 - 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 concrete to driveway/car park slabs, when formwork and steel is in place

Planning and Economy

- 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 the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the Principal Certifying Authority.

Stage 2 and 3

- (3) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Stormwater drainage before backfilling
- Bearers and joist inspection before flooring is fixed
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

- (4) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000).
- (ii) Payment of a Road Opening Fee.

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

11. SERVICES

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

Planning and Economy

All Stages

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. 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 Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (4) All power and services within the site shall be underground.
- (5) Every dwelling (existing and new) approved in this consent must be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.
- (6) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post prior to the release of any Occupation Certificate.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place. The clothes line shall be installed prior to the release of any Occupation Certificate.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

Planning and Economy

All Stages

- (1) Disposal of demolition, construction and building waste material shall be undertaken in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by the Principal Certifying Authority in response to a condition of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

14. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

All Stages

- (1) Any vegetation to be felled as part of this consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.

Planning and Economy

15. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

Stage 2

- (1) Fencing is to be installed to the boundary of proposed Lot 153 and to the full length of the northern side boundary of proposed Lot 154. The proposed fencing is to be lapped and capped 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 153 and Lot 154.

Stage 3

- (2) Fencing is to be installed to the full length of the eastern side boundary of proposed Lot 155 and to the full length of the eastern side boundary of proposed Lot 156. The proposed fencing is to be lapped and capped, 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 155 and Lot 156.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

Stage 2

- (1) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 2), prepared by Urban Simplicity, Job No. 14-070, Sheet 19-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling proposed in Stage 2. The landscaping must be maintained in accordance with the details provided on the Landscape Plan at all times.

Stage 3

- (2) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 3), prepared by Urban Simplicity, Job No. 14-070, Sheet 20-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling in Stage 3. The landscaping must be maintained in accordance with the details provided on that Landscape Plan at all times.

Planning and Economy

17. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

Stage 2 and 3

- (1) The concrete slab for each new dwelling proposed shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5. Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

18. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

All Stages

- (1) The proposed new dwellings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

Planning and Economy

19. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

Stage 1

- (1) Payment of a Contribution for one (1) additional lot in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 275
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 6,534
(iii)	Library & Community Facilities (Shire)	\$ 1,301
(iv)	Library & Community Facilities (Precinct)	\$ 1,716
(v)	Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi)	Transport & Traffic (Cycleways)	\$ 365
(vii)	Bushfire Protection	\$ 33
(x)	Plan Administration	\$ 745
	TOTAL	\$14,892

Planning and Economy

Stage 2

- (2) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

Stage 3

- (3) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

Planning and Economy

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

20. SUBDIVISION PLANS

These conditions have been imposed to ensure to outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

All Stages

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) 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 Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

Stage 2

- (4) The subdivision certificate for Stage 2 shall not be released until after the Occupation Certificate has been issued for the new dwelling.

Stage 3

- (5) The subdivision certificate for Stage 3 shall not be released until after the occupation certificate has been issued for both new dwellings.

21. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

Planning and Economy

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
- (a) For the purposes of section 80A(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (b) For the purposes of section 80A(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (c) This clause does not apply:
- (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (1)(b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

Planning and Economy

(2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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:
- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) 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
 - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIRMENTS

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.

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- (ii) in the case of work to be done by an owner-builder:
- (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (4) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 609842S_02, 609875S_02 and 6098757S_02 are fulfilled. If a replacement BASIX Certificate accompanies any subsequent application for a Construction or Occupation Certificate, the replacement BASIX Certificate shall apply.
22. ADVICES
- (1) 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 alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Telstra (telephone) 1 800 768 396
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within 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.

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- (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 registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.
- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.
- (6) 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 Services Section.
- (7) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.
- (8) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

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- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (9) At all times work is being undertaken within 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.
- (10) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

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 Services Section.

Cr B Banasik foreshadowed a motion that:

1. *That Council undertake a review of the appropriate application of Clause 4.1A of Wollondilly Local Environmental Plan 2011. The review will include a Councillor Workshop and further report to a future Ordinary Meeting.*
2. *That Development Application 010.2014.00000502.001 for a three stage residential subdivision and dual occupancy development, creating an additional three dwellings each on a separate allotment (four lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP759094, 2 Wonson Street, Wilton be refused for the following reasons:*
 - a) *The Wollondilly Local Environmental Plan 2011 contains a zone objective for the R2 Low Density Residential zone which seeks to "provide for the housing needs of the community within a low density residential environment". The need for small lot residential development has been catered for at the nearby Bingara Gorge development.*
 - b) *The development would be contrary to clause 4.1A of Wollondilly Local Environmental Plan 2011 as the development would result in the proposed dual occupancy (detached) development in Stage 3 being located on a lot (Lot 152) with an area less than 975m².*

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- c) *The development is contrary to the existing density and subdivision pattern in this part of Wilton. The development, if approved, would create an undesirable precedent and will detract from the quality and amenity of the public domain in this locality.*
- d) *The form and external appearance of the proposed development does not present an appropriate scale. In particular, the side boundary setback to Peel Street and lot widths fronting Wonson Street are not consistent with the existing streetscape character in this locality.*
- e) *The site is not suitable for the residential density proposed by this development, given the functional nature of the reticulated sewer system in Wilton.*
- f) *The development would be contrary to the public interest and taking into consideration the submissions made in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.*

54/2015 Resolved on the Motion of Crs Mitchell and Landow:

- a) ***That Council undertake a review of the appropriate application of Clause 4.1A of Wollondilly Local Environmental Plan 2011. The review will include a Councillor Workshop and further report to a future Ordinary Meeting.***
- b) **That Development Application 010.2014.00000502.001 for a three (3) stage residential subdivision and dual occupancy development, creating an additional *three* (3) dwellings each on a separate allotment (four (4) lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP 759094, at 2 Wonson Street, Wilton be approved subject to the following conditions:**

1. COMPLIANCE

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

Planning and Economy

All Stages

- (1) Development Consent is granted for development being undertaken in three (3) stages, being: demolition of outbuildings, construction of two (2) dual occupancies, four (4) lot Torrens title subdivision and associated works and landscaping at Lot: 15 Sec: 4 DP: 759094, No. 2 Wonson Street WILTON.
- (2) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the endorsed plans prepared by Urban Simplicity, Job No. 14-070, dated 22 January 2015, Sheets 1-23, Issue B, lodged as part of Development Application No. 010.2014.00000502.001 received on 20/08/2014 except where varied by the following conditions of consent.
- (3) The development shall be undertaken in the following stages:

Stage 1:

Two (2) lot Torres title subdivision of Lot 15 in DP 759094 in accordance with the Stage 1 Subdivision Plan, prepared by Urban Simplicity, Job No. 14-070, Sheet 03-23, Issue B, dated 22/01/2015.

Associated works, including: kerb, gutter and driveway construction and demolition of existing slab of outbuilding.

Stage 2

Construct dual occupancy on Lot 151.

Two (2) lot Torrens title subdivision of Lot 151 in accordance with the Stage 2 Subdivision Plan (Subdivision of Lot 151 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 04-23, Issue B, dated 22/01/2015.

Associated works, including: tree removal, landscaping, and driveway construction to new dwelling constructed as part of Stage 2.

Stage 3

Construct dual occupancy on Lot 152.

Two (2) lot Torrens title subdivision of Lot 152, in accordance with the Stage 3 Subdivision Plan (Subdivision of Lot 152 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 05-23, Issue B, dated 22/01/2015.

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Associated works, including: demolition of existing slab of outbuilding, tree removal, landscaping and constriction of driveways to dwellings proposed in Stage 3.

- (4) Stage 1 shall be completed and the subdivision registered prior to the release of any construction certificate for Stage 2.**
- (5) The construction of the dwelling in Stage 2 must be completed and Occupation Certificates issued for the dwelling prior to the release of any Subdivision Certificate for the corresponding sub stage of Stage 3.**
- (6) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:**
 - (a) Within the footprint of an approved building, access driveway or other structure; or**
 - (b) Within three (3) metres of the footprint of an approved building; or**
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.**

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.**

2. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All Stages

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.**

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- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or a nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA, Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (3) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.

Planning and Economy

- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) There shall be no burning of builders rubble, felled trees or other material on site.
- (8) All excavation and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

3. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

All Stages

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to Council or a nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), WorkCover Authority of NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).

Planning and Economy

- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier within fourteen (14) days of the completion of demolition.

4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

All Stages

- (1) All materials and colours to be used in the external construction of the proposed dwellings shall be consistent throughout the total development and/or match those of the existing development.
- (2) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork and finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

5. 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:

All Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering Design Plans for the kerb and gutter, road shoulder, drainage and vehicle footway crossing are to be submitted to and approved by Council or the nominated Accredited Certifier. 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.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or a nominated Accredited Certifier for the development.

Planning and Economy

- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority 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.

- (5) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. 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 work that is to become the property of Council.
- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Principal Certifying Authority 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.
- (7) 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 or a nominated Accredited Certifier. 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 Council or a nominated Accredited Certifier with the Engineering Plans.
- (8) 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 or a nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RMS's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Council or a nominated Accredited Certifier before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RMS requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RMS.

Planning and Economy

- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

6. DRAINAGE/STORMWATER

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

All Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of Construction Certificate.
- (3) Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.

Stage 1

- (4) The applicant shall design and construct street drainage as generally shown in the concept plans by Rein Warry and Co. File No 7234, Edition A dated 14/08/14 prior to the release of any subdivision certificates for Stage 1. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited prior to the issue of Construction Certificate.

Planning and Economy

- (5) The applicant shall ensure that all existing adjacent drainage structures such as table drains and pipe culvert crossings discharge into the new piped drainage system. Adjustments to the structures shall be undertaken by the applicant at no cost to Council.

7. PUBLIC ROADS

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

All Stages

- (1) Provision of Vehicular Access to the site through the construction of 3.0m wide concrete vehicle footpath crossing at all locations where vehicles cross the footway. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited prior to the issue of Construction Certificate.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) In accordance with Section 138 of the Roads Act 1993 a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

Stage 1

- (3) The applicant shall provide 150mm barrier profile kerb and gutter and sealed road from the edge of existing bitumen to the lip of the gutter along the full frontage of the proposed development in Wonson Street and Peel Street, including associated drainage works prior to the release of the subdivision certificate for Stage 1.
- (4) The Kerb and Gutter alignment in Wonson Street shall provide for a 6.0 metre verge with a minimum 6.5 metre carriageway. Peel Street alignment shall provide for an 8.8 metre verge with a minimum 6.5 metre half road width prior to the release of the subdivision certificate for Stage 1.

Planning and Economy

- (5) Provision of vehicular access to the site through the construction of vehicular crossings within the new kerb and gutter at all locations adjacent to proposed concrete footpath crossings. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to the issue of the Construction Certificate.
- (6) A street light shall be placed on the existing power pole at the intersection of Peel Street and Wonson Street adjacent to the proposed development prior to the release of the subdivision certificate for Stage 1.
- (7) The street lighting identified in Condition 8(6) above shall be provided using LED LIGHTING to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.

8. EROSION AND SEDIMENT CONTROL

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

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (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.
- (3) 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.
- (4) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

Planning and Economy

- (6) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 6(7) shall be completed prior to any construction taking place on the site.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan shall be completed prior to any construction taking place on the site.

These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

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

9. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

All Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

(1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on 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
- After shaping and prior to topsoil/turf placement of overland flow paths
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At sealing
- 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 concrete to driveway/car park 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 the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

(2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the Principal Certifying Authority.

Stage 2 and 3

(3) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Stormwater drainage before backfilling
- Bearers and joist inspection before flooring is fixed
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

(4) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000).
- (ii) Payment of a Road Opening Fee.

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

11. SERVICES

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

All Stages

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. 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 Subdivision Certificate.

Planning and Economy

- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (4) All power and services within the site shall be underground.
- (5) Every dwelling (existing and new) approved in this consent must be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.
- (6) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post prior to the release of any Occupation Certificate.
- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place. The clothes line shall be installed prior to the release of any Occupation Certificate.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

All Stages

- (1) Disposal of demolition, construction and building waste material shall be undertaken in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by the Principal Certifying Authority in response to a condition of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

14. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

All Stages

- (1) Any vegetation to be felled as part of this consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.

15. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

Stage 2

- (1) Fencing is to be installed to the boundary of proposed Lot 153 and to the full length of the northern side boundary of proposed Lot 154. The proposed fencing is to be lapped and capped 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 153 and Lot 154.

Stage 3

- (2) Fencing is to be installed to the full length of the eastern side boundary of proposed Lot 155 and to the full length of the eastern side boundary of proposed Lot 156. The proposed fencing is to be lapped and capped, 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 155 and Lot 156.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

Stage 2

- (1) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 2), prepared by Urban Simplicity, Job No. 14-070, Sheet 19-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.0000502.001 prior to the release of the Occupation Certificate for each dwelling proposed in Stage 2. The landscaping must be maintained in accordance with the details provided on the Landscape Plan at all times.

Stage 3

- (2) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 3), prepared by Urban Simplicity, Job No. 14-070, Sheet 20-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.0000502.001 prior to the release of the Occupation Certificate for each dwelling in Stage 3. The landscaping must be maintained in accordance with the details provided on that Landscape Plan at all times.

17. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

Planning and Economy

Stage 2 and 3

- (1) The concrete slab for each new dwelling proposed shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5. Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

18. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

All Stages

- (1) The proposed new dwellings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

19. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

Stage 1

- (1) Payment of a Contribution for one (1) additional lot in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 275
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 6,534
(iii)	Library & Community Facilities (Shire)	\$ 1,301
(iv)	Library & Community Facilities (Precinct)	\$ 1,716
(v)	Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi)	Transport & Traffic (Cycleways)	\$ 365
(vii)	Bushfire Protection	\$ 33
(x)	Plan Administration	\$ 745
	TOTAL	\$14,892

Planning and Economy

Stage 2

- (2) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 160
(ii) Open Space, Sport & Recreation (Precinct)	\$ 3,794
(iii) Library & Community Facilities (Shire)	\$ 755
(iv) Library & Community Facilities (Precinct)	\$ 996
(v) Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi) Transport & Traffic (Cycleways)	\$ 212
(vii) Bushfire Protection	\$ 19
(x) Plan Administration	\$ 530
TOTAL	\$11,134

Stage 3

- (3) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 160
(ii) Open Space, Sport & Recreation (Precinct)	\$ 3,794
(iii) Library & Community Facilities (Shire)	\$ 755
(iv) Library & Community Facilities (Precinct)	\$ 996
(v) Transport & Traffic (Roads & Intersections)	\$ 4,668
(vi) Transport & Traffic (Cycleways)	\$ 212
(vii) Bushfire Protection	\$ 19
(x) Plan Administration	\$ 530
TOTAL	\$11,134

Planning and Economy

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

20. SUBDIVISION PLANS

These conditions have been imposed to ensure to outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

All Stages

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) 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 Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

Stage 2

- (4) The subdivision certificate for Stage 2 shall not be released until after the Occupation Certificate has been issued for the new dwelling.

Stage 3

- (5) The subdivision certificate for Stage 3 shall not be released until after the occupation certificate has been issued for both new dwellings.

21. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989

Planning and Economy

- (a) For the purposes of section 80A(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (b) For the purposes of section 80A(11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (c) This clause does not apply:
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (1)(b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

(2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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:

Planning and Economy

- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) 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
 - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIRMENTS**
- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (ii) in the case of work to be done by an owner-builder:
 - (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.

Planning and Economy

- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (4) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 609842S_02, 609875S_02 and 6098757S_02 are fulfilled. If a replacement BASIX Certificate accompanies any subsequent application for a Construction or Occupation Certificate, the replacement BASIX Certificate shall apply.

22. ADVICES

- (1) 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 alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Telstra (telephone) 1 800 768 396
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within 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.
- (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:

Planning and Economy

- **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 registration for use on Public Road construction work.**
 - **Workers Compensation Insurance.**
 - **Ten Million Dollar Public Liability Insurance.**
- (5) **The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.**
- (6) **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 Services Section.**
- (7) **The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.**
- (8) **The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.**

Offensive noise means noise:

- (a) **that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:**
- (i) **is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or**
 - (ii) **interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
- (b) **that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.**

Planning and Economy

- (9) At all times work is being undertaken within 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.
- (10) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

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 Services Section.

The Mayor used his casting vote and the motion was declared CARRIED

Vote For: Crs Mitchell, Landow, Hannan and Amato

Vote Against: Crs Terry, B Banasik, M Banasik and Gibbs

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Governance

GOVERNANCE

GO1 **Notice of Motion Status Report - April 2015**
103

TRIM 5253

Items GO1 to GO4 were moved concurrently.

55/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That Council note the April Notice of Motion Status Report.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan
and Landow

Governance

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Governance

GO2 **Investment of Funds as at 28 February 2015** TRIM 1022-2
112

56/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That the information and certification in relation to the investment of Council funds as at 28 February 2015 be noted.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Governance

GO3 **Adoption of Revised Hardship Policy**
56

TRIM 5907

57/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That the Revised Hardship Policy be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan
and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Governance

GO4 **Adoption of Revised Debt Recovery Policy**
56

TRIM 5907

58/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That the Revised Debt Recovery Policy be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan
and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Governance

GO5 **Exhibition of Draft Wollondilly Operational Plan 2015/16** TRIM 5473-8
39

59/2015 **Resolved on the Motion of Crs B Banasik and Amato:**

That endorsement be given for the draft Wollondilly Operational Plan 2015/16 (including the proposed 2015/16 fees and charges) to be placed on public exhibition for the period of 22 April 2015 to 19 May 2015.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Infrastructure

4. **Report RMS**

No items to discuss.

5. **Report Police**

Marcus Cotton: Motorcycle Track inspection next week.

Mark Elliott: Truck incident Broughton Pass, accident at Razorback last week with 1 fatality.

Informal Items (General Business)

6. **“Sydney 2 Canberra Charity Bike Ride” fundraising ride between Sydney to Canberra on 27 & 28 March 2015.**
52 TRIM 2487

To note the fundraising ride for the charity of SIDS and Kids and Stillbirth Foundation Australia.

7. **Camden Street, Wilton - Parking concerns.**
52 TRIM 5110

To discuss the resident's concern of lack of parking at the local shopping area in the village.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Infrastructure

IN2 **Picton Sportsground Pedestrian Bridge**
32

TRIM 4565-2

62/2015 **Resolved on the Motion of Crs Mitchell and Gibbs:**

1. **That Option 1 for the Picton Sportsground Pedestrian Bridge being near the bend of the shared pathway behind Magnolia Drive is progressed.**
2. **That tenders be invited for the design and construction of the Picton Sportsground Pedestrian Bridge.**
3. **That the parking situation in adjacent residential areas be monitored following construction of the Picton Sportsground Pedestrian Bridge.**
4. **That the existing overflow parking on Picton Sportsground be formalised in conjunction with the Picton Sportsground Pedestrian Bridge construction.**
5. **That any future upgrades to the Picton Sportsground make adequate provision for parking.**
6. **The project budget be reallocated into the 2015/16 Capital Works budget.**
7. ***That all submitters and residents of Magnolia Drive be advised of this resolution.***

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Infrastructure

IN3 **Antill Park Country Golf Club** TRIM 931
660

63/2015 **Resolved on the Motion of Crs Landow and M Banasik:**

1. That Council note that significant works will be required to upgrade Antill Park County Golf Club (Jarvisfield) to ensure the building complies with current fire safety regulations.
2. *That the budget for the Antill fire safety project be adjusted to allow for \$25,000 of detail design costs, plus \$5,000 costs incurred to date, for 2014/15 funded from the Golf Club Maintenance Reserve.*
3. That the required funding for the required fire safety works and annual operating costs be considered as part of finalising the 2015/16 budget.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Notice of Motion

NOTICE OF MOTION

TRIM 6416-5

NOM 1 **Notice of Motion No. 1 submitted by Cr Hannan on 23 March 2015 regarding Pre Poll sites in Wollondilly Shire Council area for the NSW State Election**

64/2015 **Resolved on the Motion of Crs Hannan and Mitchell:**

That Council write to the NSW Electoral Commission expressing its concern that there was no pre poll site in Wollondilly Shire Council area for the NSW State Election.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

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Notice of Motion

TRIM 6416-5

NOM 2 **Notice of Motion No. 2 submitted by Cr Hannan on 17 April 2015 regarding a second Sydney Airport at Badgery's Creek**

65/2015 **Resolved on the Motion of Crs Hannan and Landow:**

- 1. That given the Federal Government's decision to progress a second Sydney Airport at Badgerys Creek, a report be prepared on a revised policy position to seek active participation wherever possible to ensure the best outcomes for the Wollondilly Community.**
- 2. *That Council set up a meeting with Warren Truss prior to the above proposed report being tabled.***

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Terry, Amato, M Banasik, Mitchell, Gibbs, Hannan and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 20 April 2015, commencing at 6.32pm

Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 7.32 pm.

This and the preceding 83 pages are the Minutes of the Ordinary Meeting of Council held on Monday 20 April 2015 and were confirmed in the subsequent meeting held on Monday 18 May 2015.

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Mayor