

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 19 October 2015

The meeting commenced at 6.36pm 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: Landow (Mayor), Terry, Amato, M Banasik, Hannan, Gibbs and Mitchell.

ALSO PRESENT WERE

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Governance, Manager Executive Services, Manager Financial Services, Council's Auditor, Phillip Webster 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

Apologies for Cr B Banasik and Cr Law were accepted for this meeting.

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DECLARATION OF INTEREST

TRIM 528-6

The General Manager, Luke Johnson declared a Pecuniary Conflict of Interest in relation to Item GO8 – General Manager’s Performance Review as he is the General Manager and the report relates to his performance review. The General Manager advised that he would leave the meeting whilst this item was discussed and voted upon.

CONFIRMATION OF MINUTES

TRIM 88-10

177/2015 **Resolved on the Motion of Crs M Banasik and Hannan:**

That the Minutes of the Ordinary Meeting held on Monday 21 September 2015, as circulated, be adopted as true and correct.

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

MAYORAL MINUTE

TRIM 531

During the past month the following events were attended by either myself or as indicated by other Councillors:

- Tuesday 20 September 2015 the New South Wales Government Announcement Major Land Release in Wollondilly and Campbelltown
- Thursday 1 October 2015 - Breakfast with Premier Mike Baird
- Sunday 3 October 2015 - Meet and greet Ultra Marathon Runner Matthew Reid
- Wednesday 7 October 2015 - Kangaroo March re-enactment
- Thursday 8 October 2015 – U Turn The Wheel attended by Cr Hilton Gibbs
- 11-13 October 2015 Local Government NSW Conference
- Friday 16 October 2015 – Macarthur Disability Services Hippie Ball
- Saturday 17 October 2015 – McHappy Day
- Sunday 18 October 2015 – Damfest.

In accordance with Council's Councillor Fees, Expenses and Facilities Policy permission is sought by Councillor Hilton Gibbs to attend a charity fundraiser for the Macarthur St Vincent dePaul Society on Tuesday 3 November 2015. In accordance with this Policy I move that Council grant permission for Cr Gibbs to attend this event to represent Council.

I would like to table the following pages of this document which provide more details in regard to the above events.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

On my first full day as Mayor of Wollondilly the New South Wales Government announced major land releases in Wollondilly and Campbelltown. This release will be the biggest release of land in Greater Sydney for 10 years. It is an exciting prospect to welcome new residents to the Shire and I look forward to working with relevant stakeholders on a balanced approach to growth while maintaining our rural lifestyle and heritage. General Manager, Luke Johnson was also in attendance.



WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

On Thursday 1 October 2015 I attended a Breakfast with Premier Mike Baird MP at Camden Civic Centre. Also in attendance were Deputy Mayor Cr Hilton Gibbs, Cr Michael Banasik; General Manager, Luke Johnson; Executive Director, Ally Dench; Director Planning, Chris Stewart and Senior Facilities Planner Growth, Adam Gray.



WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

On Saturday 3 October 2015 I met with Ultra Marathon Runner Matthew Reid who was running from the Melbourne Cricket Ground to the Sydney Cricket Ground.

I was delighted to pledge \$500 on behalf of Council for the Starlight Foundation.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

On Wednesday 7 October 2015, the Kangaroo March re-enactment arrived in Wollondilly via the 2705 Steam Train from Buxton. 130 people travelled on the Troop Train as it arrived with the Kangaroo Marchers and their support team at Train Works in Thirlmere. A moving welcome to our region and sunset service was held at Trainworks where 150 people joined myself, Angus Taylor MP Federal Member for Hume, Jai Rowell Member for Wollondilly and General Manager, Luke Johnson.



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

On Thursday 8 October 2015, U Turn the Wheel was held at Picton High School. I would like to thank Cr Hilton Gibbs for attending this event on my behalf.

The Local Government NSW Conference was held at Rosehill Gardens Racecourse from 11 to 13 October 2015. I attended this Conference along with Cr Michael Banasik from 11 to 13 October, Cr Hilton Gibbs attended on 12 October and Luke Johnson, General Manager attended on 12 and 13 October 2015.

On Friday 16 October 2015 I attended the Macarthur Disability Support 2015 Hippy Ball held at Campbelltown Catholic Club. This annual event was a great success and was extremely well attended.

McHappy Day was held on Saturday 17 October 2015. I was able to call into the Picton McDonalds store and thoroughly enjoyed taking part in this annual fundraiser.

I attended Damfest which was held on Sunday 18 October 2015. This event as usual was well attended and was a great success. I would like to thank General Manger, Luke Johnson for also attending this event.

Simon Landow
MAYOR
19 October 2015

178/2015 Resolved on the Motion of Crs Landow and Gibbs:

That the Mayoral Minute be accepted.

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

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

Governance

GOVERNANCE

179/2015 Resolved on the Motion of Crs Gibbs and Landow:

That Council suspend standing orders to deal with Item GO3 – Annual Financial Statements for the Year Ended 30 June 2015.

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

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

GO3 Annual Financial Statements for the Year Ended 30 June 2015

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TRIM 234-10

Councils Auditor, Mr Webster presented his summary of the audit of Councils Annual Financial Statements for the year ended 30 June 2015.

180/2015 Resolved on the Motion of Crs Landow and Gibbs:

- 1. That Mr Webster from Warton Thompson & Co be thanked for his presentation.**
- 2. That the Annual Financial Statements for the year ended 30 June 2015 be endorsed and an opinion be formed in the prescribed format (as attached) on the General Purpose Financial Reports.**
- 3. That the audited financial reports, together with the Auditor's reports, be presented to the public at the 16 November 2015 Council meeting.**

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

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

181/2015 Resolved on the Motion of Crs M Banasik and Amato:

That Council resume standing orders.

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

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

PLANNING AND ECONOMY

PE1 **Application to Modify Development Consent No. 010.2005.00058025.004 for an Extension to Existing Poultry Farm at 184B Glendiver Road, The Oaks**
1006 010.2005.00058025.004

182/2015 **Resolved** on the Motion of Crs Hannan and Amato:

That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

a) Conditions 1.1, 2.2, 10.8 and 10.9 are amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184B Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled “Project: - Development for Proposed Poultry Shed” drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.

2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

10(8) Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).”

b) Condition 10.9 is recommended to be deleted.

c) Conditions 1.5, 2.2(a), 10.8(a), 10.8(b), 10.8(c) and 10.16 are recommended to be inserted

“1.5 Development shall take place in accordance with the recommendations of the following reports:

- “Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004

Planning and Economy

- “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.

Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

10(8)(a) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).”

10(8)(c) *The speed of trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collections at night) be 10km/h and require the installation of appropriate signage.*

Planning and Economy

10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

- d) Changes are recommended to update those conditions requiring information to be submitted to council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.**
- e) Given the changes to the consent conditions, it is recommended that a consolidated consent be approved subject of this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).**

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.

- 1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.**
- 1.2 Development shall take place in accordance with plans and information submitted in relation to Development Application No. D800-05 or where superseded by the information and particulars submitted with Application to Modify Development Consent 010.2005.00058025.004 except as varied by the following conditions.**
- 1.3 The entire poultry farm, including the existing sheds is to be operated solely in accordance with this development consent.**
- 1.4 A Construction Certificate shall be approved by Council or the nominated Accredited Certifier prior to the commencement of any works authorised by this consent.**
- 1.5 Development shall take place in accordance with the recommendations of the following reports:**

Planning and Economy

- “Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004
- “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015

Prior to the issue of the Construction Certificate, the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2. BUILDING DESIGN

These conditions are 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.

- 2.1 All materials and colours to be used in the external construction of the proposed shed shall be complimentary to those of the existing development.
- 2.2 *The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.*
 - 2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

3. EROSION AND SEDIMENT CONTROL

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

- 3.1 A Soil and Water Management Plan, in accordance with Council's Design Code DCP and Construction Specification is to be submitted with the Construction Certificate for the development and approved by *Council or the nominated Accredited Certifier*.

The installation of the erosion and sediment control devices identified on the soil and water management plan, is to be completed prior to the commencement of any works on the site and are to remain in place after construction is completed.

- 3.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
- 3.3 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 3.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

4. BUILDING GENERAL

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

- 4.1 All construction work shall be:
- (i) restricted to between 7.00am and 5.00pm Mondays to Fridays (inclusive);
 - (ii) restricted to between 8.00am and 1.00pm on Saturdays;
 - (iii) prohibited on Sundays and Public Holidays unless written approval to vary the hours is granted by Council.
- 4.2 There being no burning of builder's rubble, felled trees or other material on the site.
- 4.3 Submission of a Waste Management Plan in accordance with Council's Waste Minimisation and Management guidelines *shall be submitted to Council or the nominated Accredited Certifier* prior to the issue of the Construction Certificate.

5. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.

5.1 In accordance with the provisions of Development Control Plan No.7 – Off Street Carparking – 2 all-weather car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

5.2 The road which provides access to the poultry farm the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm. *(Amended by 010.2005.00058025.003)*

6. LANDSCAPING

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

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

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

6.2 In order to ensure that the development is adequately landscaped a detailed landscape plan prepared by a person with horticultural qualifications shall be submitted to *Council or the nominated Accredited Certifier* for approval prior to release of the Construction Certificate and shall include the following:

Planning and Economy

- (a) All existing and proposed site structures.
- (b) All existing vegetation.
- (c) Location of proposed planting around the additional shed and ventilation system to screen it from surrounding areas and enhance the landscape character of the site.
- (d) Details of growth and maintenance.

6.3 Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate and maintained in accordance with the details provided on that Plan at all times.

7. STORMWATER

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

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

7.2 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.

8. INSPECTIONS

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

8.1 The proposed building works shall be inspected by *Council or the nominated Accredited Certifier* at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control measures are implemented
- Pier holes/footings before pouring of concrete
- Steel reinforcing before pouring of concrete
- Structural steel work before covering

Planning and Economy

- Roof water drainage before backfilling
- Retaining wall structure to the excavated area before backfilling
- Completion of the building work before occupation or use.

9. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS

These conditions are imposed to ensure the adequate provision of public facilities required as a result of the development, the following conditions apply:

- 9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.**

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

The contribution is to be paid before release of the *Construction Certificate* in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

10. OCCUPATION & USE

These conditions are 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.

- 10.1 The Occupation Certificate is not to be issued until all relevant conditions have been complied with.**
- 10.2 The new shed shall not be occupied until Council or the nominated Accredited Certifier has issued an Occupation Certificate.**
- 10.3 The poultry sheds shall be used for chicken production and will have a maximum combined stocking rate of 93,700 birds.**

Planning and Economy

An annual audit shall be supplied to Council on the anniversary of the Occupation Certificate to verify the stocking rate with each growing cycle. Council shall be authorised to make an independent check and clarify that audit with the producer.

10.3(a) The development shall only be operated as an accredited RSPCA – Australia Approved Farming Scheme (AFS) poultry farm at all times, for the life of the development.

10.4 No manure or spent litter is to be stored external to the sheds.

10.5 All manure and spent litter is to be taken from the property in covered loads so as to prevent spillage of contents.

New shavings are to arrive on the site in covered loads, and spent litter shall be removed from the sheds at the removal of each 'batch' of birds from each shed and replaced with fresh shavings.

At no stage shall spent litter be retained on the property.

10.6 Council shall be provided with a complete list detailing all chemicals used in the operation of the farm prior to issue of the Construction Certificate. Only chemicals approved for use on poultry farms are to be used.

10.7 All deliveries and collections from the site, other than the pick up of birds for processing, shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.

10.8 *Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).*

10(8)(a) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

Planning and Economy

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).

10(8)(c) The speed of trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collections at night) be 10km/h and require the installation of appropriate signage.

10.9 Deleted.

10.10 All watering of stock is to be by way of nipple feeders in accordance with the information submitted with the Development Application.

No cup watering is permitted in any part of any shed.

10.11 Prior to the issue of the construction certificate, the approved plans are to be amended to clearly indicate the location and details of a cool room to be utilised for the storage of dead birds.

10.12 There shall not be any storage, stockpiling or keeping of dead birds external to the cool room.

All dead birds from the poultry sheds are to be stored in the cool room at all times prior to collection by an approved waste contractor, who shall transport the dead birds for disposal at a licenced waste management centre.

Details on the collection and disposal of dead birds from the site, in the form of a contract with an approved waste contractor and a waste management plan outlining compliance with the requirements of this condition is to be submitted to *Council or the nominated Accredited Certifier* for approval prior to the issue of the Occupation Certificate.

10.13 The requirements of conditions 10.3 to 10.12 (inclusive) and 10.16 shall be incorporated into a Management Plan for the site.

The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.

Planning and Economy

The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by *Council or the nominated Accredited Certifier* prior to the issue of the Occupation Certificate.

The poultry farm must be operated in accordance with the approved management plan at all times.

10.14 The poultry farm shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.

10.15 The poultry farm shall not generate offensive noise or offensive odour as defined under the Protection of the Environment Operations Act.

10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

11. ODOUR MANAGEMENT

This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.

11.1 Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size.

If this monitoring finds out that the post development odour level at any dwelling is higher than 5OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.

Planning and Economy

- 11.2 If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust complaint from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.**

The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

- 11.3 That the Development shall not cause any offensive noise under the Protection of the Environment Operations Act, 1997**

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

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

12.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.**
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4).**

12.2 EXCAVATIONS AND BACKFILLING

- (1) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.**
- (2) 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.**

12.3 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (2) Adequate provision must be made for drainage.

12.4 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited, and
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

12.5 TOILET FACILITIES

- (1) 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.
- (2) Each toilet provided:
 - (a) Must be a standard flushing toilet, and
 - (b) Must be connected:

Planning and Economy

- (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facilities approved by the council, or
 - (iii) 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.
- (3) The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

- (4) In this clause:

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 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government General Regulation 2005.

Public sewer has the same meaning as it has in the Local Government General Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government General Regulation 2005.

13. ADVICE

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

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

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- 13.3 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.**
- 13.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:**
- **Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.**
 - **Workers Compensation Insurance.**
 - **Ten Million Dollar Public Liability Insurance.**

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

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

Planning and Economy

PE2 Development Application No. 010.2014.00000792.001 – Construction of Multi Dwelling Housing (9 units) at 2-4 Pitt Street, Tahmoor
1006 010.2014.00000792.001

183/2015 Resolved on the Motion of Crs M Banasik and Amato:

- A. That Development Application 010.2014.00000792.001 for the construction of a multi dwelling housing at Lots 426 and 427 DP 9278, No.s 2-4 Pitt Street, Tahmoor be approved subject to the following conditions:

'Deferred Commencement' consent has been granted to the Application in accordance with the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979 (As Amended). This consent will become valid and may be acted upon subject to the meeting of the following requirements:

- (i) The approval from the Mines Subsidence Board shall be obtained and submitted to Council in relation to the amended plans of development prepared by Dwell Designs (Plan Reference 1404 392) Issue B dated 20/5/15.

NOTE:

1. Nothing in this Deferred Commencement consent permits the commencement of any works or development as proposed in this application until the receipt of a valid development consent from Council.
2. This deferred commencement consent will laps if the above requirement has not been satisfied within five (5) years of the date of the deferred commencement consent.
3. Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.
4. Once the consent is valid, the development will also be subject to the following conditions outlined below.

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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.

- (1) Development Consent is granted for the construction of multi dwelling housing – nine (9) units at Lots 426 and 427 DP 9278, No. 2-4 Pitt Street, Tahmoor.
- (2) Development shall take place in accordance with the following plans:

Plan Title	Author	Reference	Dated
Site Plan Drawing 3/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 1 Drawing 7-8/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 2 Drawing 9-10/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 3 Drawing 11-12/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 4 Drawing 13-14/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 5 Drawing 15-16/34	Dwell Designs	1404 362 Issue B	20/5/2015
Units 6 and 7 Drawing 17, 19, 20/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 8 Drawing 21-22/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 9 Drawing 23-24/34	Dwell Designs	1404 362 Issue B	20/5/2015
Cover Sheet – Colour Scheme Drawing 5/34	Dwell Designs	1404 362 Issue B	20/5/2015
Ground Floor Plan Drawing 4/34	Dwell Designs	1404 362 Issue B	20/5/2015
First Floor Plan Drawing 1/34	Dwell Designs	1404 362 Issue B	20/5/2015

submitted in respect of Development Application No. 010.2014.00000792.001 except where varied by the following conditions:

- (3) Prior to the issue of any Construction Certificate for the development Lots 426 and 427 DP 9278 shall be consolidated into one allotment. Documentary evidence shall be provided to Council and/or a nominated Accredited Certifier that the consolidation of lots has been registered by NSW Land and Property Information.

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- (4) Development shall take place in accordance with the recommendations Sections 7 and 8 from “Acoustic Report – Impact Assessment of Railway Noise and Vibration on the Proposed Residential Development at 2-4 Pitt Street, Tahmoor NSW” prepared by Far West Consulting Engineers (NSW) (Ref: 1429498) dated 8 September 2014 except where varied by the following conditions. .
- (5) In the event of an inconsistency of detail between the relevant plans and *elevations* the details shown in the *elevations* shall take precedent.
- (6) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council’s records as Development Application No. 010.2014.00000792.001 received on 25/11/2014 except where varied by the following conditions of consent.
- (7) 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.

- (8) 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. 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.

- (1) The design details of the proposed building façade, including all external finishes, glazing and colours, must be in accordance with the approved materials schedule and sample board as follows:

Cover Sheet – Colour Scheme Drawing 5/34	Dwell Designs	1404 362 Issue B	20/5/2015
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- (2) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.
- (3) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (4) Unit 7 shall comply with AS4299. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (5) Prior to the issue of any Occupation Certificate, the persons having the benefit of this consent shall provide documentary evidence to the Principal Certifying Authority that Unit 7 has been constructed in accordance with the requirements of Condition 2(4).
- (6) Due to the close proximity of the Railway Corridor to the proposed development the subject building/s are to acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
- In any bedroom in the building: 35dB(A) at any time 10pm-7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

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A report shall be provided to Council or the nominated Accredited Certifier by a suitably qualified acoustic consultant confirming that the recommended standards can be achieved. Such report is to be submitted prior to the release of the Construction Certificate.

- (7) In accordance with the requirements of the Conditions 1(3) and 2(5), confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels for each unit have been satisfactorily installed.
- (8) Each unit must be designed in accordance with Table 3 – Vibration Criteria from Australian Standard AS2670 Part 2 Evaluation of Human Exposure to Vibration and Shock in Buildings.

The development must be designed and constructed in accordance with the following table:

Place	Time	Continuous vibration (mm/s) Velocity	Intermittent or impulsive vibration (mm/s)	Continuous vibration (m/s ²) Velocity	Intermittent or impulsive vibration (m/s ²)
Residential	<u>Day:</u> 7am to 10pm	0.2	6	0.01	0.3
	<u>Night:</u> 10pm to 7am	0.14	2	0.007	0.1

Details shall be provided to Council or the nominated Accredited Certifier prior to the issue of the Construction Certificate demonstrating compliance with this condition.

- (9) Prior to the issue of any Occupation Certificate of any unit, documentary evidence from a suitably qualified and practicing vibration consultant or engineer shall be provided to the Principal Certifying Authority demonstrating that each unit satisfies the requirements of Condition 2(8).

3. 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

- (1) The concrete slab for the proposed dwelling(s) 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.

- (2) The site is located in an area likely to have, or has been confirmed as having soil salinity levels that will have a cumulative damaging effect on the building over time.

The following construction inclusions shall be incorporated in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- a) Provide a damp proof barrier with high impact resistance to under slab in accordance with the NSW provisions of part 3.2.2.6 of the Building Code of Australia.
- b) Drainage shall be provided to the building perimeter including subsoil drainage to prevent water pondage or soil water logging in the building vicinity.
- c) Finished surface level including paving should not be higher than the base of the first course of brick work or the brick work and mortar below DPC should be exposure rated.
- d) DPC material must be carried through to the face of any applied finish.
- e) Retaining walls should be built of salinity resistant materials.

4. BASIX CERTIFICATES

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

In accordance with 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 following BASIX Certificates are fulfilled:

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

Planning and Economy

Unit No.	BASIX Certificate No.
1	571621S_02
2	572376S
3	572420S_02
4	5777880S
5	572420S_02
6	572417S_02
7	572418S_02
8	572419S_02
9	572707S_02

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.

5. CONSTRUCTION GENERAL

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

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- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.

Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate.

Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

- (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*.

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

- (5) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.**
- (6) 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 Occupation Certificate for the development and for the life of the development.**
- (7) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.**
- (8) All excavation and backfilling associated with the erection or demolition of a building 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.

- (9) If the soil conditions require it:**
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and**
 - (b) Adequate provision must be made for drainage.**
- (10) PROTECTION OF PUBLIC PLACES**
 - (a) If the work involved in the erection or demolition of a building:**
 - (i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or**
 - (ii) Building involves the enclosure of a public place;**

A hoarding or fence must be erected between the work site and the public place.

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- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (11) Prior to the issue of the Construction Certificate the person having the benefit of this development consent shall submit a report to Council or a nominated Accredited Certifier from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels within all dwellings in all stages will not exceed the recommended noise levels outlined in The Australian and New Zealand Standard entitled “AS/NZS 2107, Acoustics—Recommended design sound levels and reverberation times for building interiors”.
- (12) There shall be no burning of builder’s rubble, felled trees or other material on site.
- (13) Prior to the commencement of any construction work all mature trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.
- (14) Prior to the issue of any Construction Certificate for the development, the boundaries of the existing drainage easement shall be clearly marked out on site by a registered surveyor and a plan clearly identifying the proximity of the proposed works to this easement shall be submitted to Council and/or a nominated Accredited Certifier.
- (15) The proposed works shall be completed in a manner such that there is no damage caused to the drainage infrastructure or to the pipeline within easement.
- (16) There shall be no encroachment of paths, fencing or similar improvements onto the drainage easement without prior Council approval.
- (17) There shall be no loss of support or damage to the drainage easement as a result of excavation within the site.

6. 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:-

- (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 and stormwater drainage calculations, for all road, driveways, parking and drainage construction, shall be submitted to Council.

The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum.

Road design parameters shall comply with the requirements of Council's Design Specifications.

Drainage calculations are to be carried out in accordance with "Australian Rainfall and Runoff" published by the Institution of Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

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

- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as 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 all work that is to become the property of Council.

Planning and Economy

- (5) A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted in accordance with Council’s Construction Specifications for all road stormwater lines to the Principle Certifying Authority before the final inspection for the Certificate of Practical Completion.

The “Works as Executed” details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide of all new assets constructed within the public land as per Council’s asset valuation sheet.

Where Council is the nominated Principal Certifying Authority, the spread sheet will be attached to the approved plans and is available from the Design Specifications on the Website.

- (6) 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 with the Engineering Design Plans.

- (7) A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council.

The safety precautions are to be in accordance with the requirements of the “Traffic Control at Work Sites” manual (as published by the RMS). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification and provided to Council before the issue of a Building Construction Certificate for the development.

- (8) Certification by a qualified Structural Engineer on the structural design for retaining walls, detention tanks and drainage pits which do not conform to Council’s standard design shall be provided to Council or a nominated Principal Certifying Authority prior to issue of the Building Construction Certificate of the development.

- (9) Engineer’s Certification shall be provided to the nominated Principal Certifying Authority for all civil works carried out within the private property prior to the issue of any Occupation Certificate for the development.

Planning and Economy

- (10) Engineering Plans for all public road and drainage infrastructure shall be forwarded to Council, as the road authority and asset owner, for comment and approval prior to issue of the Building Construction Certificate.

7. DRAINAGE/STORMWATER

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

- (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) The applicant shall provide storm water drainage and onsite detention as shown generally on the concept plan by John Romanous & Associates Drawing No.1523-S1/2 Rev C dated 15.05.2015 with the following variations:
- a) The existing stormwater pipe system discharge from Thirlmere Way into the open channel in Pitt Street shall be decommissioned and connected to the proposed piped drainage adjacent to Unit 5 and Unit 6.
 - b) The open drainage channel traversing Pitt street and development site shall be decommissioned and backfilled. Surface levels are to be regraded to shed water away from properties and towards a natural or constructed drainage system.
 - c) The proposed piped drainage system adjacent to Unit 5 and Unit 6 shall be located as close as possible to the southern boundary of the development lot. Overland flow path shall be constructed to convey runoff from storm events up to the 1% AEP. A 3 metre wide Easement for Drainage shall be created over the pipe and overland flow path benefiting Council.
 - d) The scour protection for the piped drainage outlets adjacent to Unit 2 shall be redesigned to a pit and energy dissipation system and overflow weir for storm events up to the 1% AEP. Maintenance access is to be considered in the design process.

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Drainage details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to issue of the Building Construction Certificate. Engineering Plans for all public drainage infrastructure shall be forwarded to Council, as the asset owner, for comment and approval prior to issue of the Building Construction Certificate.

- (3) 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. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.

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.

- (4) The extent and depth of the 1 in 100 year ARI flow path shall be shown on the engineering plans. A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.
- (5) The minimum floor level of any dwelling shall be 0.5 metres above the level of the 1 in 100 year ARI flow path level.
- (6) Where any drainage structure in which Council has an interest traverses private property, the applicant shall, at no cost to Council, create and vest in Council drainage easements over the structure.
- (7) The discharge of stormwater from the subdivision shall be carried to a point suitable for integration with either the natural or constructed stormwater drainage system. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.
- (8) A restriction shall be placed on the Title of each lot for any fencing to comply with Council's *"Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses"*.
- (9) An Operation and Management Plan shall be prepared for the management and maintenance of the Onsite Detention Basin. The plan shall be approved by Council or nominated Accredited Certifier prior to the issue of the Building Construction Certificate.

A restriction as to use shall be placed on the title of the lot requiring the maintenance of the basin in accordance with the Operation & Management Plan.

8. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.
- (1) Provision shall be made for vehicles to access and leave the site in a forward direction.
- (2) The internal driveways, car parking spaces and manoeuvring areas are to be constructed using segmental paving, exposed aggregate concrete or other coloured or textured finish and shall be compatible with the external colours, materials and finishes of the dwellings.

A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted to Council or a nominated Accredited Certifier with the Building Construction Certificate application in order to demonstrate compliance with Australian Standard AS/NZS 2890.1 – Parking facilities – Off-street car parking.

All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

- (3) Provision shall be made for vehicles to access and leave the site in a forward direction. Sufficient manoeuvring area shall be provided adjacent to all parking spaces and garages. Turn path simulations shall be provided on the Engineering Plans to provide evidence of sufficient manoeuvring area.

9. PUBLIC ROADS

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

- (1) Kerb and Gutter in accordance with Council's Design & Construction Specifications shall be provided on all new roads throughout the subdivision.

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- (2) **Provision of Vehicular Access to the site through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design & Construction Specifications.**

All obsolete vehicular crossings must be reconstructed as kerb.

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.

- (3) **In accordance with Section 138 of the Roads Act 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.**
- (4) **The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.**
- (5) **Access to the proposed development from Thirlmere Way is denied. A restriction to the effect, shall be placed on the Title of the consolidated lot.**
- (6) **Street lighting shall be provided at the frontage of the site in Pitt Street as determined by Council. Such lighting is to be in accordance with Australian Standard AS/NZS 1158 – Lighting for roads and public spaces and shall be certified by an Endeavour Energy Approved design consultant.**
- (7) **A suitable public access road shall be provided that will facilitate vehicular access from Chapman Street to the proposed driveway access into the development.**

The public access road shall be concrete formation of commercial vehicle standard, minimum 6 metres wide and extend a minimum 6 metres past the access driveway to the development.

The intersection with Chapman Street shall be via a reinforced kerb crossing 6 metre wide. Access road design details shall be forwarded to Council for approval as the Road Authority.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council.

Planning and Economy

- (8) **Provision of Vehicular Access to the site through the construction of a concrete footpath crossing off the public access road in accordance with Council's Design & Construction Specifications.**
- (9) **In accordance with Section 138 of the Roads Act 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.**
- (10) **The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.**
- (11) **Street Lighting shall be provided using LED LIGHTING along the public access road and pedestrian pathway in Pitt Street to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.**
- (12) **A 1.5 metre concrete pathway shall be constructed, at no cost to Council, along the Pitt Street frontage from Chapman Street and connect to the existing pathway network in Thirlmere Way. Road crossings shall be accessed for safety in accordance with the Austroads Guide to Road Design Part 6A:**

Pedestrians and Cyclists. Details of pathway and road crossing treatments shall be detailed in the Engineering Plans. Pathway design details shall be forwarded to Council for approval as the Road Authority.

10. EROSION AND SEDIMENT CONTROL

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

- (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.**

Planning and Economy

- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) 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.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

11. EARTH FILL

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

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist.

Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support of the drainage easement 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.

Planning and Economy

- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (8) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council.

In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.

- (9) As specified in the amended Statement of Environmental Effects received by Council on 25 May 2015 prepared by Rebecca Zerk, cut shall not exceed one (1) metre and fill shall not exceed one (1) metre.

12. INSPECTIONS

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

- (1) 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
 - Structural steel work before covering
 - 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.

Planning and Economy

(2) 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
- When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- A completion of pavement shaping, prior to priming
- At sealing (minimum 24 hours required after priming)
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- 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 where Council is the Principal Certifying Authority.

Planning and Economy

- (3) 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 PCA.

13. SERVICES

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

- (1) Electricity supply is to be made available to all proposed dwellings 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 Occupation Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed dwellings 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 Occupation 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 provided to the development within the site shall be underground.
- (5) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complimentary to those used in the buildings on the site.

The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land.

Planning and Economy

A concrete or other pathway constructed from materials complementary to the development shall link the letter box structure to the rest of the development.

- (6) 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.

14. 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:

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted to Council with Development Application 010.2014.00000792.001.

15. 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:

- (1) The premises shall be maintained in a clean and tidy state at all times.
- (2) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (3) The buildings shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (4) The Development shall be serviced by Council's 'Wheel in Wheel out' Domestic Waste Management Service to be collected from Chapman Street. No waste bins are to be presented for kerb side collection on any public road. A restriction on the use of land shall be created on the certificate of title restricting the placement of kerb side waste bins on any public road.
- (5) All mobile garbage bins from the development are not permitted to be collected from either Mahonga and/or Chapman Streets. Each mobile garbage bin shall be collected from Pitt Street.

16. HERITAGE

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

- (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.

17. LANDSCAPING

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

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Council or a nominated Accredited Certifier prior to the release of the Building Construction Certificate.

This plan must include the following:

- (a) All existing and proposed site structures
- (b) All existing vegetation
- (c) Details of proposed earthworks including mounding, retaining walls and planter boxes
- (d) Location, number and type of proposed plant species
- (e) Details of planting procedure and maintenance
- (f) Details of drainage and watering systems
- (g) Provision of only native species that are endemic to the region
- (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

Planning and Economy

The landscape plan must include the following:

- a) automatic irrigation shall be installed throughout all communal/ landscape areas
- b) all paving must be semi-porous or graded to maximise onsite infiltration of stormwater
- c) common open space area shall have landscaping to help 'soften' the built form and to ensure that privacy of adjoining residents is maintained whilst providing sufficient amenity to residents.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

18. FENCING

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

- (1) Fencing shall be constructed on the following property boundaries:

Location	Treatment
Along the common property boundary with The Great Southern Railway	1.8 metre high fence to achieve a minimum noise attenuation rating of RW50 as detailed in the "Acoustic Report – Impact Assessment of Railway Noise and Vibration on the Proposed Residential Development at 2-4 Pitt Street, Tahmoor NSW" prepared by Far West Consulting Engineers (NSW) (Ref: 1429498) dated 8 September 2014.
Along the common property boundary with Thirlmere Way	1.8 metre high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
Along the common property boundary with Pitt Street to the common fence between Units 7 and 8	1.8 metre high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.

Planning and Economy

From the junction of the common fence boundary between Units 7 and 8 along Pitt Street to the eastern fence of Unit 9	1.8m fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
From the eastern fence of Unit 9 along Pitt Street towards the Mahonga, Pitt and Chapman Street junction	1.2m high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
Between each unit	1.8m high and be of timber lapped paling construction or similar.

- (2) Prior to the issue of the Building Construction Certificate, a fencing plan shall be submitted to and approved by Council or the nominated Accredited Certifier.
- (3) All fencing shall be installed prior to the issue of first Occupation Certificate issued within the development.
- (4) The fence shall not be white in colour.

19. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for seven (7) dwellings 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 Construction Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$1,134
(ii)	Open Space, Sport & Recreation (Precinct)	\$46,508
(iii)	Library & Community Facilities (Shire)	\$5,369
(iv)	Library & Community Facilities (Precinct)	\$6,923
(v)	Transport & Traffic (Roads & Intersections)	\$33,194
(vi)	Transport & Traffic (Cycleways)	\$280
(vii)	Stormwater Drainage	\$133
(viii)	Plan Administration	\$4,676
TOTAL		\$98,217

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. 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

- (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 (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.**

Planning and Economy

(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.

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., which 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:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) 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 Building Services Section for building works or Council's Infrastructure Planning Section for Plan checking approval for the civil works.
- (4) 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.

Planning and Economy

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.
- (5) 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.
- (6) 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.
- (7) 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 RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (8) 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 2011 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.

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Planning and Economy

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.

- B. That Council investigate opportunities for improved pedestrian safety.***

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

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

Planning and Economy

PE3 **Planning Agreements Policy** TRIM 1693
263081

184/2015 **Resolved** on the Motion of Crs Terry and Hannan:

1. That Council note the changes that have been made to the Draft Policy following its exhibition, and which are shown at Attachment 1.
2. That Council resolve to adopt the Planning Agreements Policy included at Attachment 2, to be used as Council's guiding framework for preparing and assessing planning agreements *with the addition of the following clause and consequently the renumbering of existing clauses 4.8(i), 4.8(j) and 4.8(k):*
 - 4.8(i) *Council has the complete discretion to agree (or disagree) to the preparation of the Planning Agreement process and to execute the Planning Agreement following the completion of the procedural stages. Furthermore, a decision by Council to agree to the commencement of the Planning Agreement process does not imply that Council supports the Agreement, and imposes no obligation on Council to execute the Agreement following the completion of the procedural stages.*
3. That Council resolve, pursuant to s55(3)(i) of the Local Government Act 1993 not to invite tenders in respect of any planning agreement because of the unavailability in every case of competitive tenders, meaning that a satisfactory result cannot and would not be achieved by inviting tenders.
4. *That Council inform both submitters of the outcome of this resolution.*

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

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

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Governance

GOVERNANCE

GO1 Notice of Motion Status Report – October 2015

103

TRIM 5253

185/2015 Resolved on the Motion of Crs Hannan and Landow:

- 1. That Council note the October Notice of Motion Status Report.**
- 2. *That the Notice of Motion status be discussed at a workshop.***

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

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

Governance

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Governance

GO2 **Investment of Funds as at 31 August 2015**

112

TRIM 1022-3

Items GO2, GO4 to GO6 were moved concurrently.

186/2015 **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 31 August 2015, be noted.

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

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

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Governance

GO4 **Draft Social Media Policy**
45

TRIM 5764-1

187/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That Council place the Draft Social Media Policy on public exhibition for a period of 28 days and that a further report come to Council following exhibition.

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

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

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Governance

GO5 **Review of Corruption Prevention & Fraud Control Policy** TRIM 1693
990

188/2015 **Resolved on the Motion of Crs Hannan and M Banasik:**

That the revised Corruption, Prevention & Fraud Control Policy be adopted with a review date of June 2017.

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

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

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Governance

GO6 Register of Disclosed Interests – 2014/15 TRIM 2502-8 & 2502-9
256

189/2015 Resolved on the Motion of Crs Hannan and M Banasik:

1. That the tabling of the Disclosure of Interests 449 Returns be received by the General Manager at this Council meeting.
2. That Council adopt the following position as “Designated Positions” under Section 441 of the Local Government Act, 1993
 - Senior Building Surveyor/Fire Safety.
3. That Council note the following amendments to the Designated Positions List:
 - Facilities & Recreation Team Leader was known as Sports, Buildings & Recreation + Projects & Capital Planning Team Leader
 - PA to Executive Director & Manager Executive Services was known as Personal Assistant Executive Director
 - Project Planning Officer was known as Project Officer
 - Infrastructure & Traffic Team Leader position removed as no longer required.

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

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

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Governance

GO7 **Draft Economic Development Strategy**
1029

TRIM 8412

190/2015 **Resolved on the Motion of Crs M Banasik and Amato:**

1. **That the Draft Economic Development Strategy be placed on public exhibition.**
2. ***That during the exhibition period an information session be held in the evening and that Chambers of Commerce and other stakeholders be invited.***
3. **That following the exhibition period, the Strategy be reported to Council for finalisation.**

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

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

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Governance

The General Manager left the meeting at 7.22pm due to a previously declared conflict of interest in item GO8.

GO8 **General Manager's Performance Review**
120

TRIM 5236

191/2015 **Resolved on the Motion of Crs Landow and Gibbs:**

That Council review the General Manager's remuneration package to reflect the outcomes of this review.

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

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

The General Manager returned to the meeting at 7.24pm.

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Notice of Motion

NOTICE OF MOTION

TRIM 6416-5

Cr Amato advised that he had interests in NOM1 and NOM2 and left the meeting at 7.25pm.

The Mayor advised that he had accepted Cr Law's request to defer NOM1 and NOM2 until 16 November 2015 Ordinary Meeting of Council so that he could be present.

Cr Amato returned to the meeting at 7.26pm.

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Notice of Motion

TRIM 6416-5

NOM3 **Notice of Motion No. 3 submitted by Cr M Banasik on 15 October 2015 regarding Picton Botanic Gardens 30th Anniversary 2016**

192/2015 **Resolved on the Motion of Crs M Banasik and Mitchell:**

That Wollondilly Shire Council organise a celebration to commemorate The Picton Botanic Gardens 30th Anniversary in 2016.

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

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

The Mayor introduced the new Manager Executive Services, Matthew Toro. The Manager Executive Service briefly addressed the Council.

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Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 7.30pm.

This and the preceding 66 pages are the Minutes of the Ordinary Meeting of Council held on Monday 19 October 2015 and were confirmed in the subsequent meeting held on Monday 16 November 2015.

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Mayor