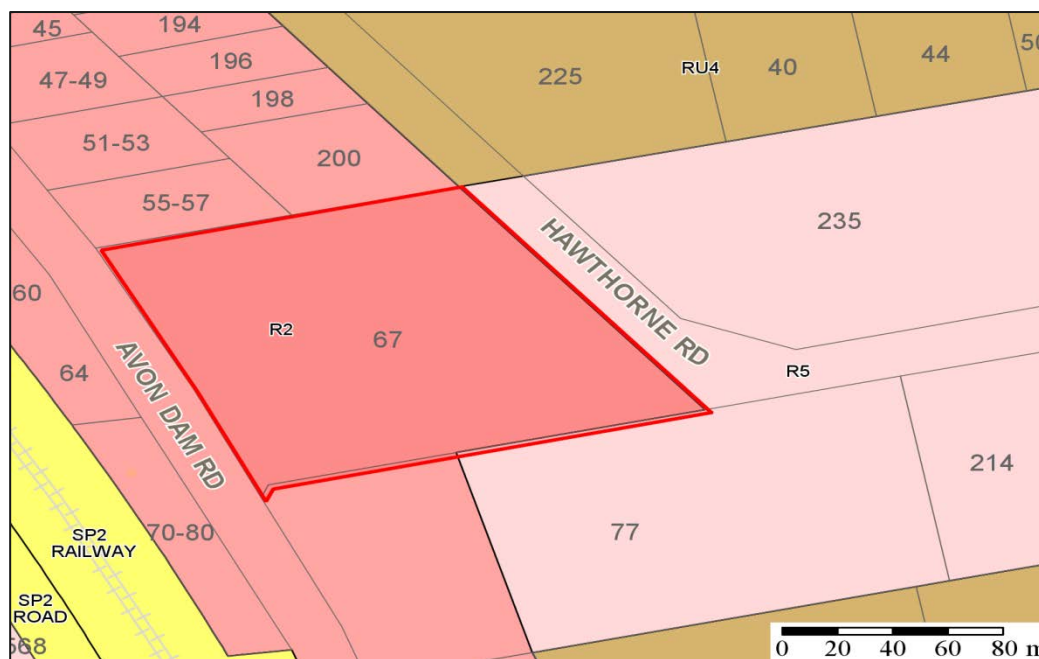


Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE1 – 16 Lot Subdivision and Demolition of Existing Garage

PLANNING AND ECONOMY

PE1 **Development Application No. 010.2015.00000445.001 – Sixteen (16) Lot Torrens Title Subdivision and Demolition of Existing Garage**
260774 DD010.2015.00000445.001



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LOCATION MAP  N

DEVELOPMENT INFORMATION

| | |
|------------------------------------|---|
| Development Application No: | 010.2015.00000445.001 |
| Property Address: | 67 Avon Dam Road, Bargo. |
| Applicant: | Abode Drafting Services Pty Ltd |
| Owner: | Mr Ken Hill |
| Proposal Details: | Sixteen (16) Lot Torrens Title Subdivision and Demolition of Existing Garage |
| Zone: | R2 Low Density Residential |

Planning & Economy

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EXECUTIVE SUMMARY

- The purpose of this report is to assess a development application for a sixteen (16) lot Torrens title subdivision (including new public road) with lot sizes ranging from 716.99m² to 1955.9m².
- This application was called up to Council for determination on 19 October 2015.
- Two (2) submissions have been received. These submissions are against the development.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or associate of the person making a public submission. No disclosure of political donations made in association with this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

On 18 June 2015, Council received Development Application No. 010.2015.00000445.001, for development described on the Application Form as “Proposed Sixteen (16) Lot Torrens Title Subdivision”.

CONSULTATION

| Referral | Outcome |
|-----------------------|--|
| Development Engineer | No concerns, subject to conditions of consent. |
| Environment Officer | The Environment Officer has stated that “there is limited impact from the development of this site environmentally”. Conditions have been recommended. |
| Contamination Officer | The proposal was accompanied by a Stage 1 Preliminary Site Investigation Report which concluded that there was no indication of chemical contamination. Conditions recommended regarding fill. |
| Health Officer | The Health Officer has no concerns with this proposal, subject to conditions of consent to mitigate noise. |

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| Referral | Outcome |
|--|---|
| Australian Rail Track Corporation Ltd (ARTC) | The ATRC recommended the submission of an Acoustic Assessment for the development and an assessment against Clause 87 of the SEPP (Infrastructure) 2007. This proposal was accompanied by an Acoustic Assessment. The site is located within 80 metres of the main Southern railway line & according to the Assessment is potentially negatively affected by excessive noise. Conditions are recommended in this regard. Clause 87 of the SEPP (Infrastructure) 2007 relates to the assessment of building DAs. Therefore, this legislation is not applicable for the assessment of the current DA. |

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject property is known as 67 Avon Dam Road, Bargo (Lot 9 DP 877774) and is located on the eastern side of Avon Dam Road. The property can also be accessed from Hawthorne Road to the east. The subject site is an irregular shaped block with a total land area of 1.674 Hectares.

The subject site consists of a single storey brick and tile dwelling, a detached metal garage with an attached metal shed and an unsealed driveway. The site is largely cleared and contains a few small groves of mature Eucalypts proximate to southern boundary.

The site is relatively flat with a slight fall towards Hawthorne Road in the east. The approximate cross-fall from the front to rear boundary is about four (4) metres.

The subject lot is located on the southern fringe of Bargo township and the adjoining land is low density residential land to the north, south and west and large lot residential land to the east and south. This surrounding development typically consists of single storey dwellings with their associated structures and uses. The Community Kids Childcare Centre is located across the road at 70 to 80 Avon Dam Road.

The subject land is located approximately 60 metres from the southern railway line and about 95 metres from Remembrance Driveway, a classified road.

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1.2 DESCRIPTION OF DEVELOPMENT

Consent is sought for the sixteen (16) lot Torrens title subdivision (including half of a new public road shared with the adjoining subdivision to the South).

1.3 SECTION 79C ASSESSMENT

1.3.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

| Question | YES | NO |
|--|--------------------------------------|--|
| 1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)? | X Proceed to Question 3 | Proceed to Question 2 |
| 2. Does the proposal result in a change of use (that is the establishment of a new use)? | Proceed to Question 3 | Assessment under SEPP 55 and DCP not required. |
| 3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone | Proceed to Question 5 | X Proceed to Question 4 |
| 4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose? | Proceed to Question 5 | X Proposal satisfactory under SEPP 55 and DCP. |
| 5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater? | Request contaminated site assessment | Proposal satisfactory under SEPP 55 and DCP. |

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Comments: This land has been previously used for residential and rural purposes however, it has largely remained undeveloped. The application was accompanied by a Stage 1 Preliminary Site Investigation report which concludes that “there are no indications of past or present chemical contamination.” A site inspection revealed a few small earth mounds at the rear of the property and these have been assessed as satisfactory in the above report. A review of office records reveals no evidence of contamination.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

| Relevant Provisions | Comment |
|---|--|
| 3. Aims of the Plan | The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact upon the quality of the river. |
| 6. Planning Policies and Recommended Strategies | |
| (3) Water quality | It is considered that the impact of the proposal on water quality would be minimal. Wastewater for all future lots will be disposed by way of reticulated sewer. The proposal was accompanied by a concept drainage plan which was reviewed by Council’s Development Engineer. In response, a number of conditions are recommended to adequately address stormwater management on this site. |
| (4) Water quantity | The impact from the proposal on water quantity would be minimal. Conditions of consent are recommended to ensure that drainage is appropriately managed. |
| (6) Flora and fauna | The land is predominantly cleared and is not identified as ‘sensitive land.’ |
| (7) Riverine scenic quality | The land is not located within a riverine corridor and is not dissected by drainage lines. |
| (10) Urban development | It is considered that this medium sized subdivision (as defined in the WDCP 2016 as being between 10 to 100 lots) contains a suitable lot layout to minimise adverse environmental impacts. |

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Wollondilly Local Environmental Plan, 2011

Clause 1.2 Aims of Plan

| Objective | Comment |
|---|--|
| (a) to provide for the management of natural resources and the protection of the natural landscape character, | (a) Subject to conditions of consent, it is anticipated that the effects of the development upon natural resources and landscape character are satisfactory. |
| (b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage | (b) The subject land does not contain a heritage item, nor are there any adjacent heritage items located nearby. The proposal was accompanied by an Aboriginal Archaeological Assessment which did not locate any Aboriginal artefacts. Standard heritage conditions are recommended should any unexpected heritage items be discovered during construction. |
| (c) to protect water quality in land that is situated within water supply catchments, | (c) Not applicable. |
| (d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth, | (d) Subject to conditions, it is considered that the proposal will provide adequate service provisions to accommodate future growth on the site. |
| (e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices, | (e) Not applicable. |
| (f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings. | (f) In 2013, this site was rezoned from RU4 Rural Small Holdings to R2 Low Density Residential. Hence, the increased density of development resulting from the approval of this development is consistent with establishing a new low density residential area within the township of Bargo. It is considered that this proposal maintains the separation between urban and rural lands. |

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Characterisation: Sixteen (16) Lot subdivision
 Zone of land: R2 Low Density Residential
 Permissibility: Permitted with consent
 Zone objectives:

| Objective | Comment |
|---|---|
| R2 | |
| To provide for the housing needs of the community within a low density residential environment | Fifteen (15) further low density residential lots potentially supplies a minimum of fifteen (15) additional homes for the community. Satisfactory. |
| To enable other land uses that provide facilities or services to meet the day to day needs of residents | The layout of the sixteen low density residential lots does not preclude the approval of non-residential land uses permitted with development consent within the zone. Compliant. |

LEP Clauses

| Clause | Comment |
|--|--|
| Part 2 Permitted or prohibited development | |
| 2.6 Subdivision— consent requirements | Development consent is being sought for the proposed Torrens title subdivision. |
| 2.7 Demolition requires consent. | The applicant requests consent to demolish a double detached garage with attached metal shed in accordance with the provisions of this clause. |
| Part 4 Principal development standards | |
| 4.1 Minimum subdivision lot size | All lots comply with the minimum lot size of 700m ² specified in the 'Lot Size Map'. Satisfactory. |
| Part 5 Miscellaneous provisions | |
| 5.9 Preservation of trees or vegetation | Some vegetation clearing is required to enable this development such as clearing for road construction. Council's Environmental Officer has recommended a number of conditions in this regard. |
| 5.10 Heritage conservation | Council's GIS indicates that no heritage items have been found on the site (or adjacent to it) and the land is not within a heritage conservation area. The proposal is satisfactory in this regard. |
| Part 7 Additional local provisions | |
| 7.1 Essential services | Reticulated water, sewer and electricity are available to the land. |

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| Clause | Comment |
|--------------------|--|
| 7.4 Flood planning | The site is not identified as flood prone land. Not applicable. |
| 7.5 Earthworks | The proposal was reviewed by Council's Development Engineers who have no objections to the development's earthworks, subject to conditions of consent. |

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments are relevant to the development proposal.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 1 – General

| Relevant Provisions | Comment |
|---|--|
| 1.2 Objectives of the Plan | The proposal is consistent with the objectives of the plan. |
| 2.1 Objectives 1. To ensure that developments are undertaken with due regard to human safety. | Conditions will apply to control the demolition of a garage on the site. |
| 2. To ensure that developments do not unreasonably impact on their surrounds. | The scale and nature of the proposed subdivision is an increase in density in comparison with some surrounding existing development but it is likely to be consistent with future development given the 2013 rezoning of this land which is now surrounded by residential zones. |
| 3. To ensure that developments achieve a satisfactory level of social equity. | The proposal achieves a satisfactory level of social equity. |
| 2.2 The consent authority shall consider the following safety and human health risks in assessing a development application under this volume: a) Road and traffic | The development seeks to upgrade nearby |

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| Relevant Provisions | Comment |
|---|--|
| hazards; | road and pedestrian facilities thereby minimising potential road and traffic hazards. The Construction of a new public road running east west along the Southern boundary of the subject |
| b) Bushfire threat; | Not applicable. The site is not identified as bushfire prone. |
| c) Flood risk; | Not applicable. The site is not identified as flood prone. |
| d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; | Subject to conditions of consent, it is considered that the proposal is compliant with the provisions of this control. To be conditioned. The proposal was accompanied by an Acoustic Assessment that recommended a number of measures to mitigate road traffic and railway noise. Such measures are suitable for the assessment of future dwelling DAs in compliance with the provisions of the State Environmental Planning Policy (Infrastructure) 2007. Satisfactory. |
| e) Exposure to electricity transmission systems; | The proposal is acceptable in this regard. |
| f) Exposure to radiation from telecommunications infrastructure; | Not applicable |
| g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises; | Not applicable |
| h) Hazards from vehicles within car parking areas; and | Not applicable |
| i) Hazard from potential contamination of the land. | The site is satisfactory as discussed under SEPP No. 55 section of this report. |
| 3. Variation | Not applicable |

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| Relevant Provisions | Comment |
|--|---|
| 4. Advertising and Notification of Development Proposals | The proposal was advertised in accordance with the requirements of the plan. Two submissions have been received that raised the following issues: <ul style="list-style-type: none"> ▪ Stormwater ▪ Flooding ▪ Road Upgrading of Hawthorne Road ▪ Impact on nearby Hawthorne Road Development Applications |
| 5. Colonial Heritage | Council's GIS indicates that no heritage items have been found on the site (or adjacent to it) and the land is not within a heritage conservation area. The proposal is satisfactory in this regard. Conditions are recommended to mitigate risks to heritage. |
| 6. Heritage Conservation (specific Locations) | Not applicable |
| 7. Aboriginal Heritage | The controls under this section do not require the submission of an Aboriginal Archaeological Assessment for this development. However, when the application was submitted under the provisions of Section 3.10 Aboriginal Heritage, Volume 10 – Subdivision of Land, Wollondilly Development Control Plan 2011, there was such a requirement. The proposal was accompanied by an Aboriginal Archaeological Assessment which identified no Aboriginal artefacts on the subject land. This report concluded that “the desktop assessment and visual inspections completed that the likelihood of Aboriginal artefacts being present is low.” Conditions are recommended to mitigate risks to Aboriginal heritage. |
| 8. Flood | The site is not identified as being affected by flooding. |
| 9. Environmental Protection | The site is not identified as ‘sensitive land.’ Subject to conditions of consent, it is considered that the impact of the development upon the natural environment is acceptable. |

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| Relevant Provisions | Comment |
|---------------------|---|
| 10. Tree Removal | Some trees will require removal to enable this development. Council's Environment Officer has recommended conditions to minimise adverse environmental impacts. |
| 11. Landscaping | A landscape plan was not submitted with the application. To improve the landscape character of this newly created R2 Low Density Residential zoned land, a recommended condition is the provision of a Street Tree Planting and Management Plan for street tree planting. This plan will comply with Council's Tree Risk Management Plan as per Control 6, Section 2.5 Landscape and Character, Volume 3 – Subdivision of Land, WDCP 2016 section of this report. |
| 12. Signage | Not applicable |

Volume 3 – Subdivision of Land

| Relevant Provisions | Comment |
|--|---|
| PART 2 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT | |
| 2.1 Traffic and Transport | |
| 1. All new public roads must comply with Council's design specifications including kerb and guttering, drainage, pedestrian paths and street lighting. | 1. A new public road will be created that will comply with requisite design specifications. To be conditioned. |
| 2. All access handles must comply with the following minimum widths: Residential (R1, R2 or R3) servicing 2 or 3 allotments – minimum width 6 metres, minimum pavement width 4 metres | 2. The proposed access handle servicing lots 15 and 16 is six (6) metres wide which is compliant with this control. A condition to ensure compliance with the minimum pavement width is recommended. |
| 4. In the case of an access handle servicing more than one allotment the access handle must | 4. The proposed access handle servicing lots 15 and 16 is a reciprocal right of carriageway as defined by this control. |

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| Relevant Provisions | Comment |
|--|--|
| <p>be part of each of the allotments it is serving with a reciprocal rights of carriageway provided.</p> | |
| <p>5. Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present:</p> <p>a) R2 Medium Subdivision Requirements (10-100 10 lots)</p> <p>Road, kerb and gutter, drainage for all frontages. Install street lighting. Install footpaths/ sharepaths/cycleways as required in Council's Design specifications.</p> | <p>5. Neighbouring roads are not currently kerb and guttered and the proposal entails the construction of an east – west link road. This proposal has been reviewed by Council's Development Engineer who has recommended a number of road upgrading conditions as per the provisions of this control.</p> |
| <p>6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.</p> | <p>6. It is considered that the proposal is compliant in this regard.</p> |
| <p>7. New street lighting must use only LED type lights.</p> | <p>7. For safety purposes, Council's Development Engineers have recommended the installation of street lighting along the east west road link in accordance with the provisions of this control. To be conditioned.</p> |
| <p>8. Access handles servicing more than 1 allotment in a rural, residential or</p> | <p>8. Conditions relating to street lighting have been recommended in this regard.</p> |

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| Relevant Provisions | Comment |
|--|--|
| <p>environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.</p> | |
| <p>9. Splay corners shall be provided for newly created corner lots with the following sizes:</p> <p>Residential Zones: 4 m by 4m</p> | <p>9. Splay corners have been provided for corner lots 4 & 11 which are considered acceptable by Council's Development Engineer.</p> |
| 2.2 Wastewater | |
| <p>1. All lots created must have access to one or more of the following:</p> <p>a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or</p> <p>b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or</p> <p>c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be</p> | <p>1. All lots are capable of achieving access to the reticulated sewage system.</p> |

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| Relevant Provisions | Comment |
|---|---|
| treated and disposed of within the boundaries of the lot. | |
| 2.3 Stormwater | |
| 1. Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety. | 1. Council's Development Engineer has reviewed the proposal and recommended a number of stormwater control measures. To be conditioned. |
| 2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long term maintenance management plan. | 2. A Water Cycle Management Study was submitted for the subject land which was reviewed by Council's Development Engineer. In response, a number of conditions are recommended to adequately address stormwater management in accordance with the provisions of this control. |

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| Relevant Provisions | Comment |
|---|--|
| 2.4 Lot Shape | |
| 2. Lots in residential zones shall have the following minimum dimensions: Between 650m ² and 1500m ² (exclusive) Minimum Lot Width = 15m Minimum Lot Width (Corner Allotment) = 20m Minimum Lot Depth = 25m 1500m ² of Greater: Minimum Lot Width = 20m Minimum Lot Width (Corner Allotment) = 30m Minimum Lot Depth = 30m | 2. The smallest proposed lot is 707m ² and the largest is 1955.9m ² . All proposed lots comply with the minimum lot sizes described in this control. Satisfactory. |
| 2.5 Landscape and Character | |
| 2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary. | 2. The proposal is satisfactory in this regard. |
| 3. Access handles to lots in residential zones (excluding R5 Large Lot Residential Zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1 m at all points. Formal landscaping is not | 3. A landscape plan is recommended to address the provisions of this control for the access handle servicing lots 15 & 16. |

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| Relevant Provisions | Comment |
|---|---|
| required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas. | |
| 4. Landscaping required by Control 2.5(3) shall be provided with: a. An automatic watering system; and b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and c. A mulched or rock garden bed with permanent edging. | 4. To be conditioned. |
| 5. Landscaping for access handles shall not obscure the buildings at the rear of the handle | 5. To be conditioned. |
| 6. The subdivision of land proposing the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan. | 6. Conditions are recommended to ensure compliance with the provisions of this control. |
| 2.6 Corner Allotments. | |
| 1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks. | 1. Proposed lots 4 and 11 will require a building envelope. To be conditioned. |
| 2. Corner allotments in residential zones shall nominate a vehicular access point | 2. Proposed lots 4 and 11 will require a nominated vehicular access point. To be conditioned accordingly. |

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| Relevant Provisions | Comment |
|---|--|
| to allow the safety of the access point to be assessed with reference to any nearby intersection. | |
| 2.7 Building Envelopes | |
| | This section of the DCP is not applicable as it relates to integrated housing lots and the subdivision of land within rural and environmental zones. |
| 2.8 Environmental Protection | |
| | This section of the DCP is not applicable as it relates to the subdivision of land requiring asset protection zones, land containing watercourses and generally constrained sites. |
| 2.9 Non-Residential Development | |
| 1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of Inghams Enterprises vs Kira Holdings. | <p>1. The subject site is located within 150 metres of a classified road and the Southern railway line.</p> <p>It is considered that the proposed development would not unduly restrict the ability of the nearby existing road and rail network to meet amenity requirements. Satisfactory.</p> |

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| PART 3 – CONTROLS FOR SPECIFIC LOCATIONS | |
|---|---|
| 3.7 Avon Dam & Hawthorne Roads, Bargo | |
| Objectives | |
| 1. To encourage alternative modes of transport to the site. | 1. It is considered the requirement for road upgrading works and a shared pathway adequately addresses the provisions of this objective. |
| 2. To ensure hazards such as flooding are managed effectively. | 2. It is considered that the proposal is satisfactory in this regard. |
| 3 To ensure riparian land is protected. | 3. Not applicable. |
| 4. To ensure native vegetation is maintained and improved. | 4. Council's Environment Officer has reviewed the proposal and recommended a number of conditions to protect and enhance the natural environment. Satisfactory. |
| 5. To provide a convenient vehicular and shared pathway route for future residents to local amenities. | 5. To be conditioned. |
| 6. To reduce the number of lots fronting Avon Dam Road. | 6. It is considered that the proposal is satisfactory in this regard. |
| 7. To reduce the number of lots potentially impacted by road traffic and rail noise. | 7. It is considered that the proposal is acceptable in this regard. |
| 8. To ensure that contaminated land is suitably assessed and remediated prior to residential development. | 8. The proposal has been assessed against the provisions of SEPP 55 and is considered satisfactory. |

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| PART 3 – CONTROLS FOR SPECIFIC LOCATIONS | |
|---|---|
| 9. To ensure that required infrastructure is provided if development is staged. | 9. Not applicable. |
| 10. To ensure water quality is maintained and improved. | 10. To be conditioned accordingly. |
| Controls | |
| 1. Any future subdivision of Lot 8 DP 877774 requires the submission of a Phase 2 Contaminated Site Assessment in order to satisfy the requirements of Clause 7(1) of State Environmental Planning Policy 55 – Remediation of Land. | 1. Not applicable. |
| 2. An east-west road link which incorporates a shared pathway route on the northern side of this road shall be provided between Hawthorne Road and Avon Dam Road. | 2. The east west road link will be conditioned to comply with this control. Satisfactory. |
| 3. The lot layout shall ensure that where possible lots between Avon Dam Road and | 3. It is considered that this proposal complies with the provisions of this control as eight (8) lots face directly onto the link road. |

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| PART 3 – CONTROLS FOR SPECIFIC LOCATIONS | |
|---|---|
| Hawthorne Road front the east-west road link. | |
| 4. A shared pathway shall be constructed along the full length of the frontage of the site on the eastern side of Avon Dam Road and along the frontage of properties within the site on the south western side of Hawthorne Road. | 4. The proposal includes the construction of a shared path at these locations. Satisfactory. |
| 5. For the purposes of Volume 1 of this plan, the site is to be regarded as being at risk of flood. | 5. Noted. The flood report submitted for neighbouring land, positioned at a lower elevation, is not identified as being flood prone, nor is the subject land identified as flood prone on the GIS mapping system. |
| 6. The existing culvert in Hawthorne Road shall be replaced with a culvert which has capacity to manage a 1% AEP (100yr) flood level and this shall be installed prior to release of the first Subdivision Certificate. | 6. Not applicable. |
| 7. A Vegetation Management Plan (VMP) for all restored or reconstructed riparian areas of the site shall be submitted with | 7. Not applicable. |

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| PART 3 – CONTROLS FOR SPECIFIC LOCATIONS | |
|--|---------------------|
| each development application for lots containing NRW mapped areas and shall be based on the document Controlled activities - Guidelines for Vegetation Management Plans by DECCW (2010). | |
| 8. Existing mature Cumberland Plain Woodland (CPW) species shall be maintained and the mapped NRW area around the watercourse shall be revegetated using indigenous CPW species. | 8. Not applicable. |
| 9. The watercourse shall be protected and rehabilitated to mimic a natural creek system and this work shall be completed prior to release of the Subdivision Certificate for the land on which the watercourse is located. | 9. Not applicable. |
| 10. A Section 88B instrument with a Restriction on the Title to require the ongoing restoration and maintenance of riparian corridors shall be registered on the title for | 10. Not applicable. |

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| | |
|---|--|
| PART 3 – CONTROLS FOR SPECIFIC LOCATIONS | |
| those lots containing NRW mapped land. | |

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1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None applicable.

1.4 IMPACT OF THE DEVELOPMENT

| Head of Consideration | Comment |
|------------------------------|--|
| Natural Environment | The development is expected to cause minimum adverse impact to the natural environment. |
| Built Environment | The subdivision increases the density of development in the area that is consistent with surrounding residential development, rendering the proposal acceptable in terms of the impact upon the built environment. |
| Social Impacts | The proposed development is considered to be in keeping with the planning of the area and LEP 2011 and DCP 2016 provisions are generally satisfied. Consequently, no significant adverse social impacts are anticipated. |
| Economic Impacts | Construction of the subdivision and subsequent residences will provide some future local employment |

1.5 SUITABILITY OF THE SITE

The site is considered suitable for the development. There are no physical constraints to the development. Utility services are available and adequate for the development. No hazardous land uses or activities are located nearby.

1.6 Submissions

The application was advertised for a period for a period of fifteen (15) days. A total of two (2) submissions were received in response.

An assessment of the submissions received relevant to this application follows:

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| Concern | Comment |
|---|---|
| How will the development manage stormwater? | The proposal to manage stormwater was reviewed by Council's Development Engineer and is considered satisfactory, subject to recommended conditions of consent. This development will manage stormwater through the construction of a piped drainage system, road upgrading works (including the construction of a new east-west road link) and the creation of drainage easements should drainage from a public road be discharged to private property. An interallotment drainage system is required for lots not able to discharge stormwater to the street. |
| Increased flood risk further to the east at Hawthorne Road will become unacceptable | This application was considered together with the four (4) nearby development applications for subdivision in the Hawthorne Road area by Council's Development Engineers. It is considered that the localised drainage risk posed by the development is acceptable, subject to conditions of consent. Relevantly, the person having the benefit of this consent will be required to provide adequate stormwater quantity control measures to ensure that post development flow rates from the site do exceed predevelopment levels at each discharge point for all rainfall events up to 1 in 100 year ARI. |
| Who is responsible for upgrading Hawthorne Road? | The developer will be responsible for upgrading a section of Hawthorne Road (adjacent to the border of 67 Avon Dam Road) that includes the provision of kerb and guttering, and construction of a road shoulder. |

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE1 – 16 Lot Subdivision and Demolition of Existing Garage

| Concern | Comment |
|---|--|
| How will this development impact upon the other recent Hawthorne Road subdivision development applications? | This application has been considered in conjunction with four (4) other nearby development applications in the Hawthorne Road area. Recommended conditions are designed to minimise potential adverse impacts upon all neighbours, including those affected in Hawthorne Road. |

Planning & Economy

1.7 THE PUBLIC INTEREST

It is considered that the development would not have any detrimental impact to the public interest, nor the interest of any government agency representative of the public interest.

FINANCIAL IMPLICATIONS

The matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS:

1. Subdivision Plan.
2. Concept Drainage Plan.

RECOMMENDATION

That Development Application 010.2015.00000445.001 for the sixteen (16) lot Torrens title subdivision and the demolition of an existing garage of lot 9 DP 877774 at 67 Avon Dam Road, Bargo be approved subject to the following conditions:

1. COMPLIANCE

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

- (1) Development Consent is granted for a Sixteen (16) Lot Subdivision at lot 9 DP 877774, No. 67 Avon Dam Road, BARGO.
- (2) Development shall take place generally in accordance with the following plans:

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| Drawing Title/Description | Prepared by | Reference No. | Date |
|---------------------------|--------------------------|------------------------------------|------------|
| Site Plan | Abode Drafting | Project No. 8270, Issue A, Sheet 1 | 12/06/2015 |
| Drainage Concept Plan | D & M Consulting Pty Ltd | Drawing No. 15304A | 20/05/15 |

Submitted in respect of Development Application No. 010.2015.00000445.001, dated 18 June 2015, except where varied by the following conditions:

- (3) 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.
- (4) In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.
- (5) 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.
- (6) A vehicular access point for Lots 4 and 11 shall be nominated for approval by Council or the nominated Accredited Certifier prior to the issue of the Construction Certificate.

2. DEMOLITION

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

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- (1) All demolition works that are proposed to demolish (or partially demolish) any building structure or installation that:
 - Is over 15 metres in height
 - Is a chemical installation
 - Involves a tower crane on site
 - Involves a mobile crane with a rated capacity of more than 100 tonnes
 - Has structural components that are pre-tensioned or post-tensioned
 - Involves floor popping
 - Involves explosives
 - Is between four metres and fifteen metres in height involving mechanical demolition such as excavators, bulldozers or cranes
 - Is between 10 metres and 15 metres in height and affects its structural integrity and involved the use of load shifting machinery on suspended floors shall be undertaken by a licensed demolisher who is registered with Safe Work NSW. Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any Demolition works involving asbestos removal must comply with all legislative requirements including the How to Safely Remove Asbestos – Code of Practice (December 2011 – WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environmental Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create a general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).

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- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm, Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

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3. 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 until a Construction Certificate has been obtained from 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.
- (3) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (4) Dust shall be controlled so that it will not leave the construction site.

4. 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 for the proposed roads, driveways, shared pathways, stormwater drainage, stormwater management measures and cut and fill shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.

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- (3) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council or the nominated Accredited Certifier 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.
- (4) Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.
- (5) A defects liability period of twelve (12) months will apply from the date of 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.
- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format, including CCTV recording for all road stormwater lines to the Principal 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.
- (7) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or the nominated Accredited Certifier. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the Engineering Plans.
- (8) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or the nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to Council or the nominated Accredited Certifier before the issue of a Construction Certificate for development.

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5. 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) 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.
- (3) Road drainage shall be provided for all new roads, new kerb and gutter and road widening works. Where drainage from a Public Road is to be discharged onto adjoining private property, written permission shall be provided to Council or a nominated Accredited Certifier, for the discharge of stormwater and creation of a drainage easement over such drainage, from the owner of the affected property prior to the issue of a Construction Certificate.
- (4) Drainage calculations shall be carried out for the existing drainage system to show that adequate capacity exists for the proposed drainage.
- (5) Any amplification of the existing drainage lines or the provision of on-site detention shall be provided at no cost to Council. Details shall be shown on the Engineering design plans for approval.
- (6) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (7) The person who has the benefit of this consent shall incorporate adequate dissolved pollutant, silt, grass and oil pollutant controls to the stormwater management system in accordance with Council's design Specifications. Details of the stormwater pollution control system shall be shown on the engineering plans for approval.

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- (8) The person who has the benefit of this consent shall incorporate adequate stormwater quantity control measures to ensure that post development flow rates from the site are not more than pre development site discharge at each discharge point for all rainfall events up to 1 in 100 year ARI. Details of the proposed Stormwater management measures shall be shown on the engineering design plans for approval.
- (9) An appropriate Easement, Restriction on the Use of Land and Positive Covenant shall be registered on each lot affected to ensure the provision or protection of the stormwater management measures proposed for each lot. A Positive Covenant shall be placed on each lot to ensure the appropriate management and maintenance of such devices. Terms and Conditions can be obtained from Council.
- (10) An Operational Management Plan shall be prepared for all stormwater management devices that details the purpose of the devices and provides a maintenance and inspection schedule for each device. The plan shall be referenced in the Terms and Conditions for each Restriction or Positive Covenant created on the lot and be made available with any land sale contract documents. The plan shall be submitted with the Engineering design plans for approval.

6. 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 parkin areas, loading bays and entry facilities.**
- (1) Provision of vehicular access to proposed lots 15 and 16 through the construction of a coloured concrete driveway 4 metres wide along the handle access.
- (2) A 3.0 x 3.0 metre splay corner shall be taken from the north west corner of proposed lot 13 to facilitate vehicle access to the battle axe lot 16. Details to be shown on the Engineering design plans for approval.

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- (3) Provision of vehicular access to the existing dwelling on proposed lot 3 through the construction of an appropriate driveway 3.0 metre wide in accordance with Council's design Specification. Details to be shown on the Engineering design plans for approval.

7. PUBLIC ROADS

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

- (1) 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 any work within the site or public road. A fee is payable for issue of this Consent Certificate.
- (2) Provision of road access between Avon Dam Road and Hawthorne Road, through the construction of half carriageway width of the East-West Link road as generally shown on the concept plans by Abode Drafting, Project 8270, Issue A dated 12.06.15. Kerb alignment shall provide for a 10.0 metre full carriageway width. The road shall be constructed to Council's Design and Construction specifications prior to the issue of the Subdivision Certificate.
- (3) Where the construction of the full width carriageway for the East-West Link road is not carried out concurrently with the civil works for the adjoining development on lot 132 in DP851807, the minimum constructed carriageway width shall be 8.0 metres wide and 10.0 metres wide at the intersections with Avon Dam Road and Hawthorne Road. A registered Easement for Access, a minimum 9.0 metre wide, shall be created over the adjoining lot benefiting Council for the road access. Evidence of such easement being created and written acceptance from the adjoining land owners for the construction of part roadworks on the private property shall be provided to Council prior to issue of Construction Certificate.
- (4) The intersection of the East-West Link road with Avon Dam Road and Hawthorne Road shall make provision for turning movements for 12.5 metre Single Unit Truck in accordance with the Austroads turning templates.

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- (5) The person having the benefit of this consent shall, at no cost to Council, dedicate as public road a minimum 9.0 m wide road reserve at the location of the East-West Link road and 10.0 metre by 10.0 metre splay corners at the intersections with Avon Dam Road and Hawthorne Road prior to the issue of the Subdivision Certificate.
- (6) Provision of kerb and gutter and asphalt surface road shoulder from the edge of the existing bitumen to the lip of the gutter shall be constructed along the full frontage of Hawthorne Road, including associated drainage works. Kerb alignment shall provide for a minimum 5.0 metre wide half carriageway width (to make provision for a future 10.0 metre full carriageway width). Details shall be included on the engineering plans for approval by the Principal Certifying Authority and Council, as the Road Authority.
- (7) Provision of kerb and gutter and asphalt surface road shoulder along the full frontage of Avon Dam Road shall be constructed, including associated drainage works. Road shoulder works shall include restoration of the existing sealed pavement for a minimum width of 1.0 metre from the edge of bitumen towards the road centreline. Kerb alignment shall provide for a minimum 13.0 metre full carriageway width. Details shall be included on the engineering plans for approval by the Principal Certifying Authority and Council, as the Road Authority.
- (8) The applicant shall at no cost to Council, construct the following concrete shared pathways:
 - 2.0 metre shared path along the full frontage of Avon Dam Road, eastern side,
 - 2.0 metre shared path along the full frontage of Hawthorne Road, western side,
 - 1.5 metre pathway along the East-West Link road between Avon Dam Road and Hawthorne Road, north side, with pedestrian kerb ramps at intersections.
- (9) Pathways shall be constructed to driveway standard, 125mm thick reinforced concrete prior to the issue of the Subdivision Certificate. Kerb Ramps are to be provided at all intersections to provide a pedestrian link across the intersection. Shared path details shall be shown on the Engineering design plans for approval.

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- (10) Provision of vehicular access to proposed lots 3, 15 and 16 through the construction of concrete footway crossings 4.0 metres wide in accordance with Council's Design and Construction Specification. Details to be provided on the Engineering design plans for approval.
- (11) Street lighting shall be provided using LED LIGHTING within the subdivision in accordance with the Australian Standard AS1158 – Lighting for roads and public spaces and shall be certified by an Endeavour Energy approved design consultant.
- (12) The person having the benefit of this Consent shall provide three street names to Council before the application for Subdivision Certificate for the approval of the name of the proposed East-West Link road which is to be dedicated to Council.
- (13) 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.

8. STREET ADDRESSING

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

- (1) Prior to the issue of a Construction Certificate for the subdivision an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.
- (2) Prior to the issue of a Construction Certificate for the subdivision an application for street addresses for all lots within the subdivision shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

9. EROSION AND SEDIMENT CONTROL

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

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

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- (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) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

10. 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) A Cut/Fill plan shall be prepared and supplied with the Engineering design plans, showing the exact extent and depth of cut and filling on each lot prior to the issue of the Construction Certificate.
- (3) 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.

11. INSPECTIONS

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

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

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- 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.
- When road works 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.
- During roller test, which is to be carried out using a tree point roller or approved equivalent.
- At sealing
- 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 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.

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

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- (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 Subdivision Certificate for the development.

- (4) All power and services provided to the development within the site shall be underground.
- (5) The subdivision shall be connected to the reticulated sewage scheme prior to the issue of any Subdivision Certificate for the development.

13. 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 maintain clean and tidy premises.

- (1) A Waste Management Plan is to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provision of Council’s Waste Minimisation and Management Guidelines and is to include the construction phases of the development.
- (2) Disposal of construction and building waste shall be undertaken in accordance with the Waste Management Plan approved by Council or the nominated Accredited Certifier in response to a condition of consent.

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14. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values of 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 Office of Environment and Heritage should be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

15. 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) The development shall be undertaken in accordance with the provisions of Clause 5.9 of Wollondilly Local Environmental Plan 2011 (WLEP 2011) and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 (DCP 2016). Under these provisions a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree or vegetation without a permit unless it is exempted under WLEP 2011 or DCP 2016.
- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (3) A Street Tree Planting and Management Plan shall be prepared by a suitably qualified person for the East-West link road, the eastern side of Avon Dam Road and the western side of Hawthorne Road to be approved by Council or the nominated Accredited Certifier prior to the issue of the Construction Certificate. This plan shall contain the following:

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- Nominate appropriate species from Table 5 of Part 11 – Landscaping of Volume 1 – General, Wollondilly Development Control Plan 2016.
 - Provide a planting schedule and maintenance methods to be implemented for a minimum of one (1) year after planting to ensure street tree establishment.
- (4) Street tree planting shall be completed in accordance with Wollondilly Shire Council's Street Tree and Vegetation Risk Management Procedure. A copy of this document is attached for reference purposes.
- (5) Street tree planting recommendations from the Street Tree Planting and Management Plan shall be completed prior to the issue of the Subdivision Certificate.
- (6) A detailed landscape plan for the access handle servicing lots 15 and 16, 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 Council or the nominated Accredited Certifier prior to the release of the 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.

- (7) The access handle landscaping plan shall also incorporate the following:

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- (8) Detailed landscaping in the area between the driveway and the side boundaries of the access handle. This area is to be a mulched garden bed with permanent edging, contain an automatic watering system and planted with suitable species so as to 'soften' the appearance of the driveway and fencing.
- (9) Landscaping of the access handle is to be installed in accordance with the approved Plan prior to the release of the Subdivision Certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times and the Section 88B Instrument shall reflect this requirement for Lots 15 & 16.

16. FENCING

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

- (1) All fencing is to be installed in accordance with the provisions of Council's Fencing Policy.
- (2) Fencing shall be constructed on the following property boundaries:
 - The common boundaries of Lot 15 with Lots 1, 2, 3, 14 and 16 (excluding an access area at and within the Reciprocal Right of Way) and the length of the Reciprocal Right of Carriageway along the boundary of Lot 14. Such fencing is to be installed prior to the issue of any Occupation Certificate for a dwelling on Lot 15. An 88B Restriction shall be provided in this regard.
 - The common boundaries of Lot 16 with Lots 15, 3, 6, 7, 12, and 13 (excluding an access area to and within the Reciprocal Right of Way) and the length of the Reciprocal Right of Carriageway along the boundary of Lot 13. Such fencing is to be installed prior to the issue of any Occupation Certificate for a dwelling on Lot 16. An 88B Restriction shall be provided in this regard.

Such fencing shall have a height of 1.8 metres and be of timber lapped paling construction (or similar, ie pre-coloured metal panels). Such fencing shall also taper forward of the building line to a height of 1.2 metres at the street boundary.

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17. 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 fifteen (15) additional lots in accordance with the Wollondilly Development Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

| | |
|---|------------------|
| Open Space, Sport & Recreation (Shire) | \$4,020 |
| Open Space, Sport & Recreation (Precinct) | \$164,100 |
| Library & Community Facilities (Shire) | \$18,945 |
| Library & Community Facilities (Precinct) | \$24,435 |
| Transport & Traffic (Roads & Intersections) | \$68,010 |
| Transport & Traffic (Cycleways) | \$975 |
| Bushfire Protection | \$480 |
| Plan Administration | \$14,055 |
| TOTAL | \$295,020 |

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.

18. SUBDIVISION PLANS

These conditions have been imposed to ensure:

- (a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.
- (b) To outline Council's requirements on work standards for the construction of land subdivision.
- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.

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- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:
 - A building envelope shall be established for Lots 4 and 11 which clearly identifies the primary and secondary setbacks.
 - All future dwellings constructed on all lots shall be constructed in accordance with the recommendations of the Acoustic Assessment prepared by Blackett Acoustics, reference no. BA150515, dated June 2015.
 - Landscaping for the right of carriageway servicing Lots 15 and 16 shall be maintained in accordance with the approved Landscape Plan at all times.
 - The restrictions shall also contain a provision that it may not be released, varied or modified without the consent of Council.
 - Fencing to Lots 15 and 16 (including the Reciprocal Right of Carriage Way in accordance with Condition 16(2)).

19. PRESCRIBED CONDITIONS

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

- (1) 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.

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- (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.

20. 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) 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.
- (3) 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.
- (4) **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 subdivision works.**
- (5) 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:

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- 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.
- (6) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

Should you require further information regarding the above matter, please contact Ms C Bell, Development Assessment Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday hours 8.00am - 4.00pm. Please quote File No. 010.2015.00000445.001.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE1 – 16 Lot Subdivision and Demolition of Existing Garage

ATTACHMENT 1 – 010.2015.00000445.001 – 20 JUNE 2016

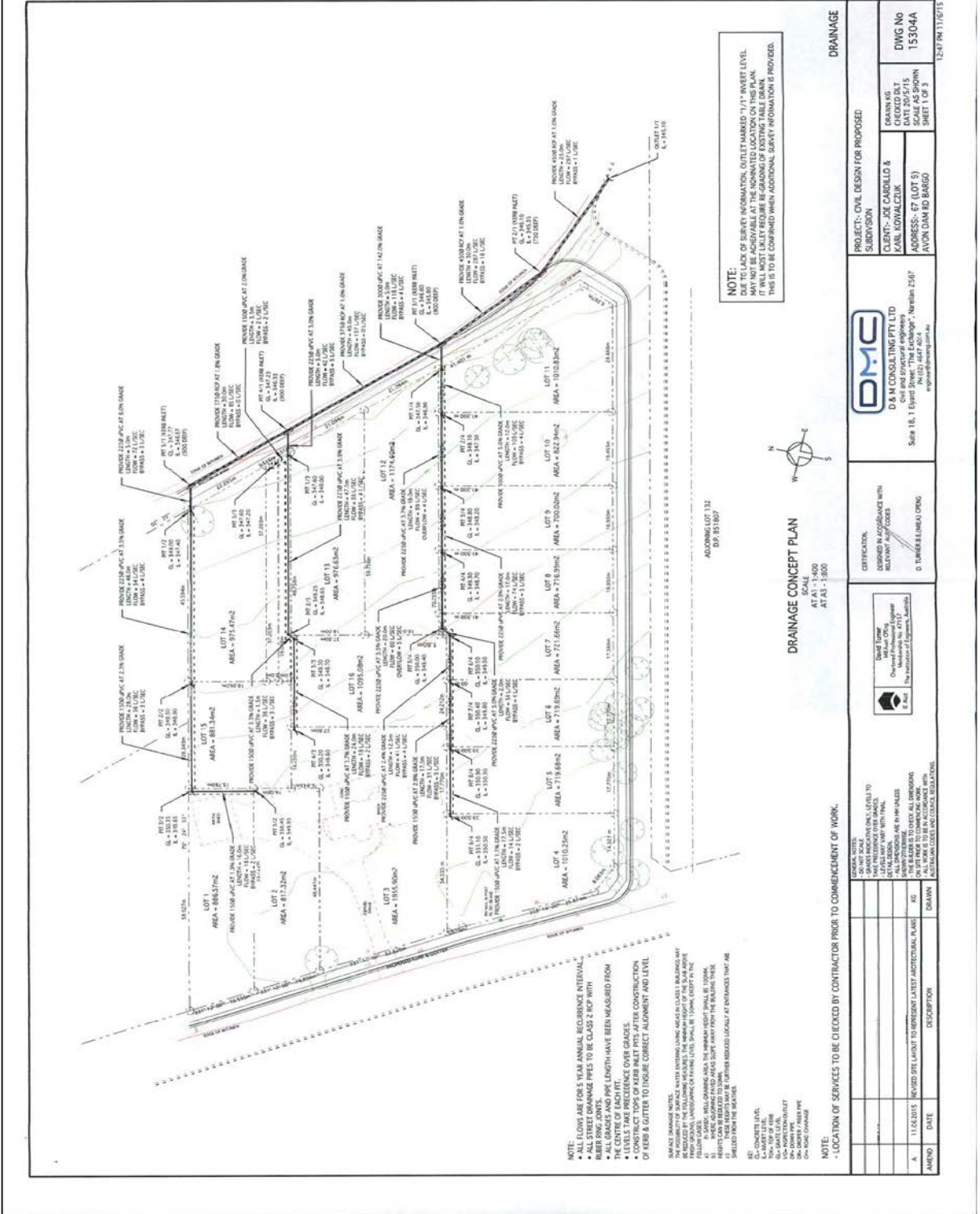


Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 June 2016

PE1 – 16 Lot Subdivision and Demolition of Existing Garage

ATTACHMENT 2 – 010.2015.0000445.001 – 20 JUNE 2016



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