

GR4 – Development Application No. 010.2016.00000014.001 – Four (4) Lot Torrens Title Subdivision and Ancillary Works at 78 Taylors Road and 61 St Heliers Road , Silverdale

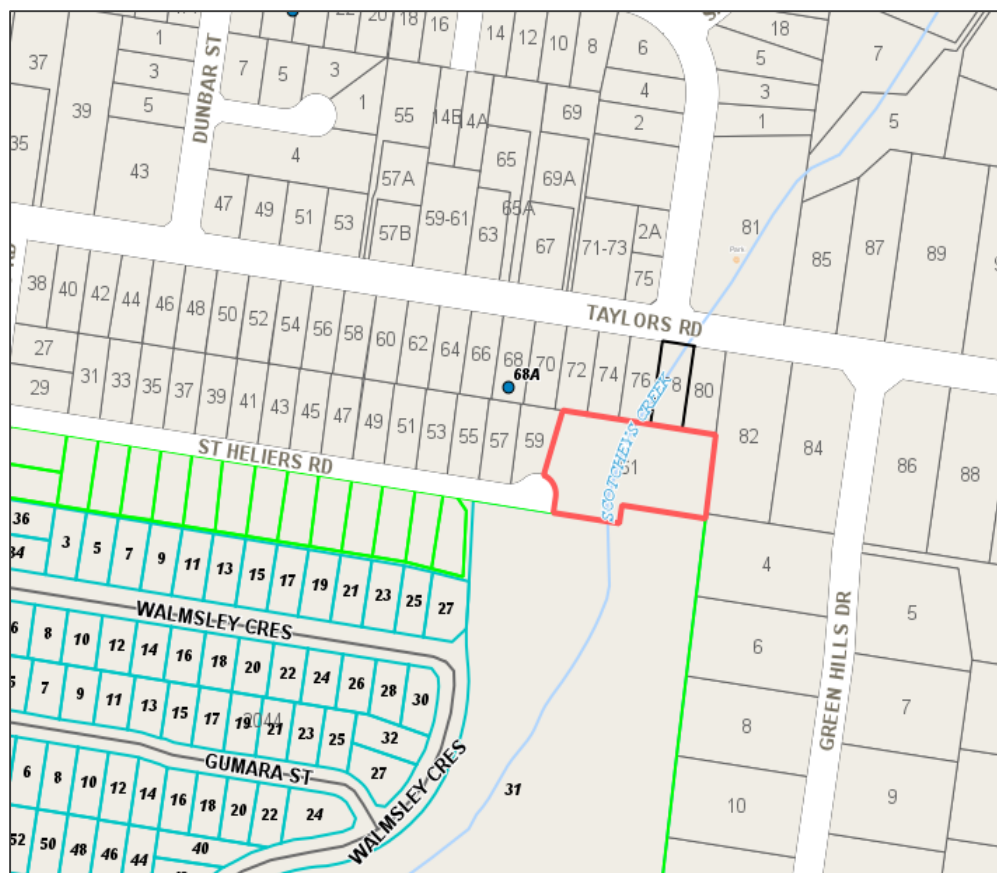
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DD010.2016.00000014.001

Growth



LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010.2016.00000014.001
Property Details:	78 Taylors Road & 61 St Heliers Road SILVERDALE
Applicant:	Sancorp Property Group Pty. Limited
Owner:	R Sanchez
Proposal Details:	Four (4) Lot Torrens Title Subdivision
Zone:	R2 Low Density Residential

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EXECUTIVE SUMMARY

- The purpose of this report is to present an assessment of the application for a proposed four (4) lot Torrens Title subdivision and ancillary works.
- One submission from the public has been received in respect of the original proposal for a six (6) lot subdivision.
- 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 any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

8 January 2016

The Statement of Environmental Effects (SoEE) described the original proposed development lodged with Council as follows:

- *'The proposed development will consist of six (6) residential lots, ranging in size from 700m² to 1400 m². Construction of the six (6) lots will include four (4) on the western portion of the site, with two (2) lots on the eastern portion.*
- *The development will generally consist of single detached dwellings.*
- *Two (2) shared driveways connecting to both St Heliers Road and Taylor's Road.*
- *A central watercourse (formalised channel) with low level riparian vegetation to convey overland flows through the subject site. The width shall transition (from around 40 m to 13m) to enable a driveway connection to Taylors Road.*
- *The realigned watercourse will drain to a new headwall / box culvert (say 1.2 m x 0.75 m RCBC) which will connect to the existing piped crossing (3 x 900mm dia pipes) under Taylors Road.*
- *Earthworks will be locally undertaken just upstream of the southern boundary to realign the invert and channel to the new low point position.*
- *Lot filling will be undertaken on either side of the channel to ensure there is sufficient freeboard to all proposed dwellings (1% AEP + freeboard).*
- *Bush fire and access requirements have been assessed by Ecological Australia (ELA, 2015). A 10 m buffer zone is subsequently provided off the "E2" zone along the southern boundary of the subject site.'*

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An assessment by Council staff concluded that a four (4) lot subdivision would be appropriate for the land. Amended plans and details for a five (5) lot subdivision were submitted with a covering letter dated 21 September 2016 from Cityscape Planning + Projects that stated:

‘As per your advice we have now developed an alternate concept plan that we would like to discuss with Council’s planning department. A copy of that alternate plan concept accompanies this letter however in summary, the alternate option seeks to rationalise the proposed subdivision layout by:

- *Reducing the proposed lot yield from 6 to 5*
- *Providing more regular and practical shaped lots that run along a north south alignment, which corresponds with the prevailing land fragmentation pattern of adjacent lands*
- *Locating the riparian corridor entirely within the boundaries of proposed lot 4 which allows for more orderly tenure and management arrangements of those lands*
- *Defined building envelope within proposed Lot 4.*
- *Provides an Asset Protection of 12m at the southern boundary’.*

17 January 2017

Further assessment of this proposal resulted in a Council letter being sent to the proponents that, in part stated:

‘As part of the referral process of the amended plans for a five (5) lot subdivision received by Council on 23 September 2016, the plans were referred internally and externally. Council’s Design Engineer has reviewed the revised plans and supporting letter from City Planning + Projects and cannot provide support to the current design.

You are encouraged to provide amended subdivision and design plans which provide for the consolidation of proposed lot 4 and 5 to create a four (4) lot subdivision. If you amend the plans you may wish to design the access and driveway to this lot to allow for a potential two (2) lot subdivision of this lot in the future i.e. providing sufficient space for 6m access handle and 4m pavement width.’

10 February 2017

Cityscape Planning + Projects responded on, in part, as follows:

Please also see attached a copy of an amended plan of subdivision, together with a concept development plan that also addresses some of those issues.

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The key issues raised at the meeting were as follows:

1. COMPLIANCE WITH THE LEP & DCP

The development now complies with all numeric requirements of the LEP and DCP (Volume 3: Section 2.4) for lot size and shape.

This includes the provision of a Building Envelope that could accommodate a regular shaped building of up to 275m² for Lot 4 and 252m² for Lot 5.

2. SUITABLE BUILDING FOOTPRINT SIZE

We note that the plan that was tabled at the recent meeting only provided a building envelope of 150m², which despite meeting the DCP numeric requirement was still of a concern to Council officers as they considered that scale footprint to be out of character with the prevailing development pattern.

The amended plan therefore addresses that concern by providing a building footprint for Lot 4 that is not only larger than that required by the DCP (183% of size required by DCP) but also now presents a footprint scale that is consistent with that of many of the immediately adjacent dwellings.

There also remains an opportunity to develop a 2nd storey development on-site which would allow for additional floor space and the subsequent delivery of a development of the scale that is commensurate with that of nearby adjacent development.

3. BATTLE-AXE LOT

Council officers had expressed concern about the potential development of a 2 storey dwelling on the site given that the DCP sought to not allow 2 storey dwellings on battle-axe lots. From our reading of the DCP it actually does not prohibit 2 storey dwellings on battle-axe lots but actually restricts 'secondary dwellings' on a battle-axe lot to a single storey.

Nevertheless, we recognise the nature of the concern expressed at the meeting as battle-axe lots typically provide increased potential to cause exaggerated (amenity concerns overshadowing and overlooking) given they usually have greater proximity to private open space areas of neighbouring development, as well as commonly have a direct interface with a higher number of neighbouring properties.

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However, in this instance, proposed Lot 4 does not share those common battle-axe lot characteristics, as there is no private open spaces located immediately adjacent to the building footprint and there is also no residential development located to the rear or south of the Lot 4.

Similarly, the north-south alignment of the lot, together with a bushland interface to the rear, ensures that no overshadowing impacts will occur from 2-storey development. Further, any privacy concerns with regard to future development of proposed lot 5 and No. 80 Taylors Rd can be suitably managed and addressed at the DA stage for a dwelling.

Accordingly, the concerns relating to battle-axe development are considered not relevant in the unique circumstances of this particular development.

4. ORDERLY ECONOMIC DEVELOPMENT

It was also suggested that that an undersized dwelling development did not represent orderly economic development of land and was therefore inconsistent with the objects of the Environmental Planning & Assessment Act, 1979.

It should firstly be noted that as per the earlier commentary, the amended plan now provides a larger building footprint and as such should overcome this stated concern.

However, it is also our contrary view that urban land is a valuable resource and therefore orderly economic development should actually seek to respond to that value by maximising the development yield in a manner that does not adversely impact upon natural environmental values.

The subdivision plan that accompanies this letter seeks to achieve that objective and therefore in our view clearly does represent orderly economic development of the land.

5. VEHICLE ACCESS AND MANOEUVRING

The amended development concept plan identifies options for vehicle access and manoeuvring that allow for entry and exit within the boundaries of each respective lot.

6. EASEMENTS

The amended subdivision plan now includes easements and restrictions to users for all matters site-planning matters including:

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- *Asset Protection Zone*
- *Riparian Corridor*
- *Stormwater drainage*
- *Right of access.*

It is expected that the appropriate vegetation management plans for the riparian corridor would be conditioned as part of any development consent notice.

7. ALL WORKS UNDERTAKEN ON SITE

We also wish to confirm that all development and works associated with including retaining walls shall occur wholly on the site as per the attached plans.'

12 October 2017

Council advised the Applicants at a meeting that staff would consider recommending consent for four (4) lots rather than five (5) lots.

18 October 2017

A revised design for four (4) lots was submitted to Council.

CONSULTATION

Integrated Development Considerations

Authority	Comments on the Four (4) Lot Design
NSW Rural Fire Service (RFS)	<p>A bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997'.</p> <p>A bush fire safety authority has been issued by the RFS before the proposal was amended to a four lot subdivision.</p> <p>Council is awaiting an updated bush fire safety authority under section 100B of the RFA 1997 for the four lot subdivision.</p>

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Authority	Comments on the Four (4) Lot Design
<p>Department of Primary Industries – Water (DPI-W)</p>	<p>DPI-W has provided GTA previously for the six lot proposal, and again for the five lot proposal.</p> <p>GTAs for the four lot proposal are outstanding. Council is awaiting these GTAs.</p> <p>Chronologically, DPI-W's advice has been as follows:</p> <p><i>"I refer to your letter dated 17/2/2017 regarding the changes to the subject DA. The GTAs issued by DPI Water on 28/6/2016 for the subject DA remain unchanged".</i></p> <p>DPI-W's letter of 28/6/2016 stated:</p> <p><i>'Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 (WM Act), as detailed in the subject DA</i></p> <p><i>Please note Council's statutory obligations under section 91A (3) of the Environmental Planning and Assessment Act 1979 (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.</i></p> <p><i>If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent.'</i></p>

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Internal Referrals

Referral	Comments on the Five (5) Lot Design
Development Engineer	<p>Advice provided on 26 April 2017 stated:</p> <p><i>The amended proposal for a 5 lot subdivision of the subject land is not supported by Development Engineering in its current form as the following items have not been satisfactorily addressed.</i></p> <ol style="list-style-type: none"> 1. <i>The vehicle turning areas as shown in the amended plans are not contained within the lots & clear of the access handle and may result in increased risk of vehicle conflict at areas with low sight distance.</i> 2. <i>The sight distance for vehicles, property owners or children using the ROC past the right angle corner with the adjoining lot does not meet current requirements and may result in increased risk of vehicle conflict.</i> 3. <i>The available building area for lot 4 is not considered adequate to provide for a standard building size, vehicle movement areas and any filling required for the building floor level requirements.</i> 4. <i>A large portion of lot 4 is flood affected and contains a riparian vegetation area which extends in part up to the BE with minimal open area of the lot not impacted by flooding and the riparian restricted area.</i> 5. <i>The proximity of the proposed building area for lot 4 and the re-aligned watercourse may result in stability issues with the watercourse bank and building foundations during flood events that have not been considered in the application.</i> <p><i>Development Engineering may consider supporting a four lot subdivision proposal where lot 4 and 5 are consolidated into a single lot 4. This configuration will alleviate the above identified issues.</i></p>

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Referral	Comments on the Five (5) Lot Design
	<p><i>If the applicant was to consider amending the development to four lots the following comments and consent conditions would be considered appropriate.</i></p> <p>COMMENTS:</p> <ul style="list-style-type: none"> ▪ <i>It is suggested that the boundary of proposed lot 3 should be placed on the boundary of the riparian corridor so that fencing does not impact on it.</i> ▪ <i>Pedestrian footpaths not required for this development as there is no existing or planned footpaths in Taylors Road to provide any pedestrian connection for the development. Existing footpath exists in St Heliers Road</i> ▪ <i>The proposal amended to a four lot subdivision is acceptable to the Development Engineer provided the following conditions as outlined below receive compliance’.</i> <p>Planning Comment: Conditions proposed by the Development Engineer could be recommended if the application was to be approved in respect of engineering and construction specifications, flood prone areas, drainage/storm water, access, public roads, erosion and sediment control, earth fill and inspections.</p> <p>With regard to the suggestion that the boundary between proposed lots 3 and 4 should be reconfigured to align with the boundary of the riparian corridor, it is acknowledged that the proposed lots would still meet the minimum lot size. However, to ensure orderly development and lot shapes that are as regular as possible, it has been deemed that the boundary remain where it is currently located and no additional conditions be placed on a development consent altering the boundary.</p>

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Referral	Comments on the Five (5) Lot Design
Environment Officer	<p>Comments regarding the amended plan and additional information were received on 21 March 2017 as follows:</p> <p>Lot layout <i>'The Environment Referral dated 27th July 2016 questioned the capability of the originally submitted 6 lot subdivision to support building envelopes without resulting in adverse impacts to the riparian corridor. In this regard, the Referral recommended:</i></p> <ul style="list-style-type: none"> ▪ <i>The eastern two initially proposed allotments be consolidated into one allotment due to constraints in accommodating the building envelopes in the current two allotments and the Asset Protection Zone on the southern boundary.</i> ▪ <i>A detailed plan for the amalgamated allotment showing the location of all items in regard to the adjusted watercourse be provided prior to the issuing of the construction certificate.</i> ▪ <i>The submitted amended plan is considered to have broadly addressed the above previous comments. However, the recommended amalgamation of proposed Lots 4 and 5 has environmental benefits on the following two grounds:</i> ▪ <i>Considered difficulties in accommodating the dwelling and associated ancillary structures within the depicted building envelope on the most updated plans.</i> ▪ <i>Difficulties in managing impacts from these structures on the condition of the creek line and associated riparian corridor (following its establishment).</i>

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Referral	Comments on the Five (5) Lot Design
	<p><i>The recommended amalgamation by Council's Engineers has therefore broad support from an environmental perspective. It is understood in relation to this matter that the finalised boundaries of the riparian corridor will be protected by a Section 88B Covenant. The retention of 5 lots in this regard would be acceptable from an environmental perspective if a four lot subdivision is not achievable. Such support is subject to any structures not being permitted within the riparian corridor and sufficient management of impacts resulting from the adjoining development.'</i></p> <p>Planning Comment: Conditions in respect of protection of biodiversity, management of stormwater and the need for a vegetation management plan (VMP) are recommended. Broad requirements for the VMP are also included in the advice.</p>
Strategic Planner	Council's Senior Strategic Planner has no concerns with the proposal.
Design Engineer	<p>Advice received from the Investigation and Design Engineer on 13 December 2017 included the following information:</p> <p><i>'Development Engineering has prepared comments that also reject the 5 lots and provide conditions for a 4 lot version.</i></p> <p><i>I am comfortable that flooding (with the 4 lot version – i.e. 1 lot with access off Taylors Road) can be adequately addressed with the development consent.</i></p> <p><i>A flood study was submitted with a concept design for a channel amplification that demonstrated a reduction in affectation on adjoining properties during the 1% AEP event.</i></p>

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Referral	Comments on the Five (5) Lot Design
	<p><i>The concept included an access width of 8m that can be significantly reduced to allow additional channel amplification (and potentially further flood level reductions).</i></p> <p><i>As the access to the eastern lot will be cut during the 1% AEP event, we would seek a requirement for the dwelling to be above the PMF level. A dam break scenario that is similar to the PMF was included with the flood study and this shows ample land is available for a flood free dwelling.</i></p>

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

A description of the subject land is contained in the SoEE:

- *The subject site consists of approximately 0.65 ha of land at 61 St Heliers Road (identified as Lot 32 of DP 1057932) and 78 Taylors Road (identified as Lot 39 of DP 236542) in the township of Silverdale.*
- *The site has frontage to both Taylors Road to the north (20 m frontage) and St Heliers Road to the west.*
- *The existing site is undeveloped and heavily vegetated and is surrounded by existing residential dwellings. A review of 1:25,000 topographic maps shows that the subject site is bisected by an existing watercourse. This watercourse runs south – north and is a 2nd order watercourse under the Strahler system.*
- *The watercourse drains to an existing headwall and pipe system under Taylors Road, with piped flows being conveyed under the adjoining cricket field before ultimately discharging into residential properties to the northeast.*
- *The upstream catchment is approximately 51 Ha, which includes 44 ha of rural pastures to the south and 7.0 ha of urban catchment to the east and west.*
- *Upstream of the proposed development is two (2) interconnected farm dams which appear to be man-made. These farm dams have elevated embankments with no formal spillway or piped outlet.'*

1.2 DESCRIPTION OF DEVELOPMENT

It is proposed to subdivide existing Lot 39 DP 236542 and Lot 32 DP 1057932 No's 78 Taylors and 61 St Heliers Road Silverdale into four (4) Torrens title lots.

Proposed subdivision works would include the re-alignment of the watercourse (Scotchcys Creek) that traverses the site. See attachment 2.

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1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No 44 - Koala Habitat Protection (SEPP 44)

The 'Flora and Fauna Assessment' report submitted with the application states that Koalas are unlikely to occur on the land due to lack of suitable habitat.

A section dealing with SEPP 44 in the SoEE states:

'Recommendations by ELA (Eco Logical Australia) are summarised as follows:

- *SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Phascolarctos cinereus (Koala) to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.*
- *As SEPP 44 applies to the Wollondilly local government area, an assessment under SEPP 44 is required. The assessment follows the steps below.*
- *One tree species Eucalyptus punctata (Grey gum) was identified as feed tree for the Koala. However, the area of vegetation in which this species occurs is highly fragmented and isolated from the main vegetation patch to the west of the study area. Additionally, there are no records of Koalas within 5 km. The fauna survey undertaken for this assessment did not record any evidence of Koala occupation in the study area (scats, scratches).*
- *Part 2 clause 6 of SEPP 44 states that the policy applies to land that has an area greater than 1 hectare. As the site is less than 1 ha, the SEPP does not apply to the development. Therefore no further action is required under SEPP 44.'*

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

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Question	YES		NO
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: 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	X	Proposal satisfactory under SEPP 55 and DCP.

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A search of Council's records provided no evidence of a listed purpose.

Information included in the SoEE is as follows:

'A review of Western Sydney Salinity Risk Mapping (DNR, 2002) indicates that the subject site is in an area of moderate salinity potential. Saline areas may occur in this zone, which have not yet been identified or may occur if risk factors change adversely. It is noted however that local variations are commonly different to the regional mapping.

No evidence of salt concentrations (such as water marks on rockwalls), excessive water use or areas of poor drainage were observed during site visits.

Given the nature of the site (undeveloped, well drained, downstream drainage system via a culvert outlet, healthy range of plants along with being underdrain by shale) it is considered unlikely that the subject site is affected by salinity.

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Similarly, given the undeveloped nature of the site, contamination is considered to be unlikely. If contamination were to be present, then a remediation plan would need to be implemented. At this stage, it is expected that any areas of contamination would be excavated, stockpiled and disposed offsite to a licenced facility. Stockpiled soil would need to be validated in accordance with NSW EPA Water Classification Guidelines (2014) by a suitably qualified geotechnical engineer prior to disposal.'

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (SREP 20)

Relevant Provisions	Comment
3. Aims of the Plan	The development is able to be carried out with acceptable impact on the quality of the rivers subject to appropriate conditions.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	<p>Due to the situation that reticulated sewer will be available to the site, stormwater drainage will connect to Council's existing system and a buffer is to be provided to the redirected Scotcheys Creek, it is anticipated that the proposed subdivision would not detrimentally impact upon the catchment.</p> <p>In this regard the SoEE states:</p> <p><i>'The subject site requires an integrated assessment given it is bisected by a mapped watercourse. As discussed in Section 1.7, liaison has been undertaken with the NSW Office of Water, who has agreed in principle to the proposed layout and riparian corridor arrangement.</i></p> <p><i>The proposed arrangement will subsequently include the realignment of the existing watercourse as a central watercourse (formalised channel) with low level riparian vegetation to convey overland flows through the subject site. The width shall transition (from around 40 m to 13 m) to enable a driveway connection to Taylors Road. The layout provides a 100% offset on riparian area as agreed with the NSW Office of Water.'</i></p>

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Relevant Provisions	Comment
(2) Environmentally sensitive areas	<p>The Stormwater Management and Flooding Report submitted with the application concludes:</p> <p><i>‘The proposed subdivision will improve the existing environment (which currently includes undefined watercourse and exotic species) via the reconstruction of a fully vegetated riparian corridor. Thus there will be no "environmental harm".’</i></p> <p>Also see comments for ‘(1) Total catchment management’ immediately above and ‘SEPP 55’ earlier in the report.</p>
(3) Water quality	<p>Stormwater will be directed to Council’s existing system.</p> <p>Statements included in the ‘Stormwater Management and Flooding Report’ enunciate:</p> <p><i>‘The existing watercourse will be realigned to optimise the development footprint, improve flow conveyance and deliver an improved flood outcome both for the subject site and surrounding properties.</i></p> <p><i>The realigned watercourse will be fully vegetated with "low lying" riparian planting. The removal of "exotic" species and replanting will ensure there is no "environmental harm whilst improving the local habitat.</i></p> <p><i>Sediment and Erosion Control Measures will be undertaken during construction to ensure there are minimal impacts on the existing environment.’</i></p> <p>Council’s Development Engineer has recommended conditions in respect of drainage/stormwater and erosion and sediment control (based on the four (4) lot proposal).</p> <p>Conditions will be included in the GTA issued by DPI-W; however, Council is yet to receive updated GTAs for the four lot subdivision proposal.</p>

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Relevant Provisions	Comment
(4) Water quantity	<p>Conclusions included in the <i>'Stormwater Management and Flooding Report'</i> submitted with the application state:</p> <p><i>'Results indicate that by reshaping the site to include a central watercourse and associated lot filling, the 1% AEP will be conveyed to Taylors Road without adversely affecting surrounding properties.</i></p> <p><i>Importantly, due to the proposed upgrade works, the extent of flooding on the adjacent properties is significantly reduced and therefore provides an improved flooding outcome.</i></p> <p><i>Given the proximity of the existing sag in Taylors Road and the capacity of Council's existing drainage system, it is noted that the partial inundation of the driveway during the 1% AEP event is unavoidable.</i></p> <p><i>Importantly however, this not considered to be a hazard to life since:</i></p> <ul style="list-style-type: none"> ▪ <i>all proposed lots will be elevated well clear of the 1% AEP event (so there is minimal risk to life and damage to property).</i> ▪ <i>there is no need to cross the watercourse given the driveway is located entirely on the right hand side of the development.</i> ▪ <i>the arrangement will ensure an improved flooding outcome for all local properties flood depth on the driveway is limited to around 230 mm during the 1% AEP event.'</i>
(5) Cultural heritage	<p>Council's Geographic Information System (GIS) does not indicate that any heritage items are located on the site.</p>

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Relevant Provisions	Comment
(6) Flora and fauna	<p>Recommendations included in the <i>‘Flora and Fauna Assessment’</i> report submitted with the application are as follows:</p> <p><i>‘6.1 Prior to construction</i></p> <p><i>The boundaries of impact areas should be clearly delineated using fences or similar means to prevent encroachment of the works into bushland located to the south.</i></p> <p><i>Vegetation for removal should be used on-site for habitat features or mulched for soil erosion control.</i></p> <p><i>Establishment of a riparian corridor along the waterway running north-south through the site in accordance with DoPI-Water requirements. Species chosen should not create a bushfire hazard, should be riparian species and should be native and characteristic of SSTF. The riparian corridor is anticipated to contain mostly low level riparian vegetation. Species may include Carex appressa, Juncus usitatus, Lomandra fififormis, Microlaena sfipoides var. stipoides and Themeda australis among others. In terms of maintaining a low bushfire hazard within the riparian vegetation, the presence of a few shrubs or trees is acceptable provided that they are well spread out and do not form a continuous canopy between the hazard and the building, and are located far enough away from the building so that they will not ignite the building by direct flame contact or radiant heat emission.</i></p> <p><i>6.2 During construction</i></p> <p><i>Construction located near Scotcheys Creek should be completed during dry periods.</i></p> <p><i>Storage areas should be located away from the drainage line to minimise risk of pollution and adverse impact to aquatic ecosystems.</i></p>

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Relevant Provisions	Comment
	<p><i>Installation of sediment and runoff control measures to prevent runoff entering adjacent bushland areas.</i></p> <p><i>Ongoing weed control should be undertaken along the length of the works to reduce the impacts of edge effects or adjacent vegetation.</i></p> <p><i>6.3 Post construction</i></p> <p><i>Ongoing inspection / management of weeds within the study site to prevent the spread of weeds within adjacent vegetation.'</i></p> <p>Conclusions state:</p> <p><i>'One native vegetation community, Shale / Sandstone Transition Forest, was present within the study area. Shale / Sandstone Transition Forest is listed as a critically endangered ecological community under the TSC Act and EPBC Act.</i></p> <p><i>The proposal will result in the removal of 0.31 ha of this community representing 9.2% of the local occurrence of Shale / Sandstone Transition Forest under the TSC Act and 11.4 % under the EPBC Act.</i></p> <p><i>No targeted fauna surveys were conducted during the field survey. However, the study area contains potential habitat for a number of threatened fauna.</i></p> <p><i>An Assessment of Significance under Section 5A of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) was undertaken for Shale / Sandstone Transition Forest and the threatened fauna. The assessments concluded that the proposal is unlikely to have a significant impact on Shale / Sandstone Transition Forest and these threatened species. Therefore, a Species Impact Statement is not required.</i></p>

Growth

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

GR4 – Development Application No. 010.2016.00000014.001 – Four (4) Lot Torrens Title Subdivision and Ancillary Works at 78 Taylors Road and 61 St Heliers Road , Silverdale

Relevant Provisions	Comment
	<p><i>An Assessment of Significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was also conducted for Shale / Sandstone Transition Forest, the Grey-headed Flying-fox, Large-eared Pied Bat, Ardea ibis (Cattle Egret) and Ardea alba (Great Egret). Following consideration of the administrative guidelines for determining significance under the EPBC Act, it was concluded that the proposal is unlikely to have a significant impact on these species, and a referral to the Commonwealth Environment Minister is not required.</i></p> <p><i>Based on this FFA the proposed development is considered unlikely to have a significant impact on threatened species, communities and the surrounding environment.'</i></p> <p>Planning Comment:</p> <p>The recommendations of the 'Flora and Fauna Assessment' should be included in the conditions of consent if the application is approved.</p>

Growth

Wollondilly Local Environmental Plan, 2011 (LEP 2011)

Characterisation: Subdivision
Zone of land: R2 Low Density Residential
Permissibility: The proposed development is permissible with consent

Zone objectives:

Relevant Objective	Comment
R2	
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. 	<p>A more efficient use of the land is achieved by providing additional housing lots whilst still complying with the minimum lot size.</p>

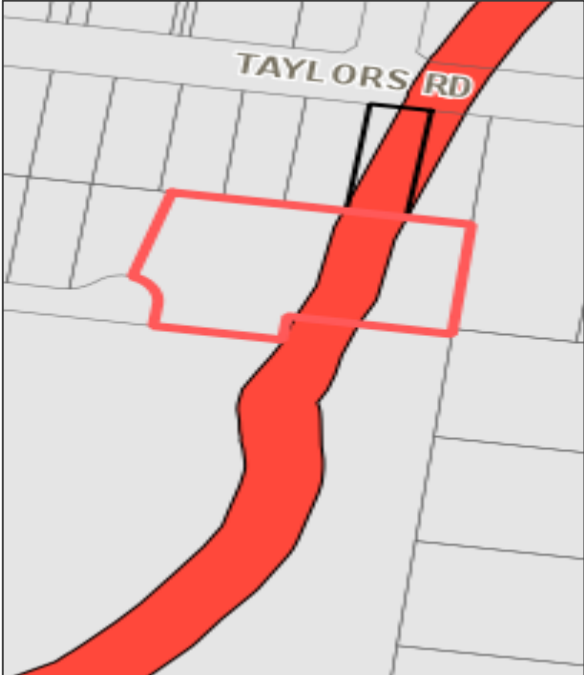
GR4 – Development Application No. 010.2016.00000014.001 – Four (4) Lot Torrens Title Subdivision and Ancillary Works at 78 Taylors Road and 61 St Heliers Road , Silverdale

LEP Clauses

Relevant Clause	Comment
Part 2 Permitted or prohibited development	
2.6 Subdivision — consent requirements	Consent has been sought for the proposed subdivision.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	All lots exceed the minimum size of 700m ² applicable to the land. Lot sizes (not including battle-axe handles) range from 809m ² to 2,351m ² .
Part 7 Additional local provisions	
7.1 Essential services	Reticulated water, sewage and electricity are available to the land.
7.2 Biodiversity protection	Land immediately to the south zoned E2 is categorised as 'sensitive land'.
7.3 Water protection	<p>The eastern portion of the site is identified as 'sensitive land' (see diagram below).</p> <p>The SoEE states:</p> <p><i>'The existing site is undeveloped and heavily vegetated and is surrounded by existing residential dwellings. A review of 1:25,000 topographic maps shows that the subject site is bisected by an existing watercourse. This watercourse runs south – north and is a 2nd order watercourse under the Strahler system.'</i></p> <p>Further on the SoEE includes the following:</p> <p><i>'The subject site requires an integrated assessment given it is bisected by a mapped watercourse. As discussed in Section 1.7, liaison has been undertaken with the NSW Office of Water, who has agreed in principle to the proposed layout and riparian corridor arrangement.'</i></p> <p><i>The proposed arrangement will subsequently include the realignment of the existing watercourse as a central watercourse (formalised channel) with low level riparian vegetation to convey overland flows through the subject site. The width shall transition (from around 40m to 13 m) to enable a driveway connection to Taylors</i></p>

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Relevant Clause	Comment
	<p>Road. The layout provides a 100% offset on riparian area as agreed with the NSW Office of Water.'</p> <p>Also see comments under SREP 20 earlier in the report.</p> 

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Relevant Clause	Comment
7.4 Flood planning	<p>Taking into account the information included in the '<i>Stormwater Management and Flooding Report</i>' submitted with the application, the GTA issued by DPI-W and Council's Engineering comments and recommendations it is assessed that the proposed four (4) lots subdivision design:</p> <ul style="list-style-type: none"> ▪ would be compatible with the flood hazard of the land ▪ is unlikely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties ▪ would incorporate appropriate measures to manage risk to life from flood ▪ is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, or a reduction in the stability of river banks or watercourses ▪ should not result in unsustainable social and economic costs to the community as a consequence of flooding <p>Removal of Shale Sandstone Transitional Forest (SSTF) would occur however the '<i>Flora and Fauna Assessment</i>' concludes that the proposed development is considered unlikely to have a significant impact on threatened species, communities and the surrounding environment.</p>
7.5 Earthworks	<p>Earthworks will be undertaken to realign the Scotcheys Creek channel to improve stormwater management and potential flooding impacts. Filling will be undertaken on either side of the channel to ensure there is sufficient freeboard to all proposed dwellings.</p> <p>Council's Development Engineer has recommended conditions in respect of drainage/stormwater, the need for a "<i>Soil and Water Management Plan</i>" and erosion and sediment control.</p> <p>It is assessed that earthworks associated with the proposed four (4) lots subdivision would be unlikely to:</p>

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Relevant Clause	Comment
	<ul style="list-style-type: none"> ▪ have any detrimental effect on existing drainage patterns and soil stability in the locality ▪ adversely affect the likely future use or redevelopment of the land ▪ unreasonably affect the existing and likely amenity of adjoining properties disturb relics ▪ have adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Not applicable.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

DCP 2016 Volume	Relevance
Volume 1 – General	✓
Volume 3 – Subdivision of Land	✓

Volume 1 – General

Volume 1 – General	
Relevant Provisions	Comment
Part 2 - General considerations for all development	
2.2 Controls	
1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume: a) Road and traffic hazards	The proposed four (4) lots will gain access from either Taylors or St Heliers Roads. Proposed Lots 1-3 would front St Heliers Road. Lot 4 achieves access via a battle-axe handle from Taylors Road. Both roads would have the capability to cater for the increased

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Volume 1 – General	
Relevant Provisions	Comment
b) Bushfire threat	traffic generated by the proposed subdivision. Council is awaiting an updated bush fire safety authority under section 100B of the <i>Rural Fires Act 1997</i> .
c) Flood Risk	See the section above under LEP 2011 '7.4 Flood planning'
d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses	Adjoining land is utilised for residential purposes and bushland.
e) Hazard from potential contamination of the land.	See the section earlier in the report under the heading 'State Environmental Planning Policy No. 55 – Remediation of Land'
Suitability of the road network	See comments in 1a 'Road and traffic hazards' immediately above.
Part 3 - Variation	
3.1 Controls	
1. In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) must include in the development application a written request for Council to consider a variation to that control.	No variations were applied for.
Part 4 – Community Engagement	
4.1 Development applications to be notified	The proposal was advertised in accordance with the DCP. The application was notified from 27 April 2016 to 27 May 2016. One (1) submission was received, which is addressed later in this report. As a result of changes made to the proposal (including the

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Volume 1 – General	
Relevant Provisions	Comment
	<p>reduction of one (1) lot) re-notification occurred for 15 days from 13 February 2017.</p> <p>No additional submissions were received.</p> <p>The proposal was renotified from 14 December 2017 to 2 January 2018 (public holidays excluded from required 15 days).</p> <p>In accordance with the provisions of DCP 2016 the person making the submission to the original proposal was notified of the four (4) lot proposal.</p> <p>No further submissions were received.</p>
Part 7 – Aboriginal Heritage	
7.2 Controls	
<p>A report may also be required at the discretion of the assessing officer where:</p> <p>3. A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features:</p> <p>river frontage creek line sandstone exposures at ground level larger than 5m² sandstone cliff line or isolated boulder higher than 2m disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age.</p>	<p>The SoEE for the approved (in 2015) major subdivision immediately to the south of the subject land stated:</p> <p><i>‘The site is not known to contain any Aboriginal relics or sites or places of cultural significance according to the NSW Department of Environment and Conservation data base known as the Aboriginal Heritage Information Management System (AHIMS).</i></p> <p><i>The site is not located within the vicinity of any natural or built heritage sites and will therefore have no adverse impact on any of the natural or built heritage of the area.’</i></p>

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Volume 1 – General	
Relevant Provisions	Comment
	Taking into account this analysis and the fact that Council’s GIS does not indicate that any heritage items are located on the site it is considered reasonable to apply appropriate conditions in respect of Aboriginal heritage if the application was to be approved.
Part 8 – Flooding	
8.2 Controls	
There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor.	A ‘ <i>Stormwater Management and Flooding Report</i> ’ has been submitted with the application. Council’s Development Engineer has recommended conditions relating to flood prone areas if the application was to be approved.
Part 9 – Environmental protection	
9.3 Controls	
Any development application on a site that includes sensitive land mapped on the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse. It should be noted that the LEP maps are indicative and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground	A plan showing contours and detail including the watercourse and variable width riparian corridor has been submitted with the application. It is proposed to realign the Scotcheys Creek watercourse as part of this application. See the section under LEP 2011 ‘7.3 Water protection’ earlier in this report.

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Volume 1 – General	
Relevant Provisions	Comment
Part 11 – Landscaping	
11.2 Recommended Species	<p>A landscape plan (broad concept only) has been submitted with the application.</p> <p>It would be appropriate to condition the application to require a detailed landscape plan prior to issue with the Construction Certificate and submitted with the engineering design plans if the application was to be approved. That way, the totality of the works can be designed (benching/cut/fill/earthworks) and once that has been established, the landscaping can be designed. The submission of a detailed landscape plan now prior to any engineering design is premature and is likely to be amended after the scope of works has been considered, designed and the like.</p>

Growth

Volume 3 – Subdivision of Land

Volume 3 – Subdivision of Land	
Relevant Provisions	Comment
Part 2 – General Requirements for all Development	
2.2 Wastewater	
Controls	
1. All lots created must have access to one or more of the following: a) A reticulated sewage scheme operated by the relevant statutory sewage authority; or	Reticulated sewer is available to the land.
2.3 Stormwater	
Objectives	
Controls	
1. Development involving the subdivision of land must demonstrate	A plan has been included in the 'Stormwater Management and

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Volume 3 – Subdivision of Land	
Relevant Provisions	Comment
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.	<p><i>Flooding Report':</i></p> <p><i>'Stormwater Management Plan</i></p> <p><i>The existing watercourse will be realigned to optimise the development footprint, improve flow conveyance and deliver an improved flood outcome both for the subject site and surrounding properties.</i></p> <p><i>The realigned watercourse will be fully vegetated with "low lying - riparian planting. The removal of "exotic" species and replanting will ensure there is no -environmental harm" whilst improving the local habitat.</i></p> <p><i>The "low lying - nature of the vegetation will ensure improve / remove the existing bush fire hazard risks associated with the existing site.</i></p> <p><i>The existing 600 mm dia pipe which enters the subject site from St Heliers Road will be extended to the new watercourse location within a Council easement. A pipe headwall with rock scouring will be provided to minimise the potential for erosion.</i></p> <p><i>The internal pit and pipe network will enable connection from each of the new dwellings/lots into the new watercourse. A pipe headwall with rock scouring will be provided to minimise the potential for erosion.</i></p> <p><i>Sediment and Erosion Control Measures will be undertaken</i></p>

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Volume 3 – Subdivision of Land	
Relevant Provisions	Comment
	<p>during construction to ensure there are minimal impacts on the existing environment.</p> <p>A proposed culvert extension (say 1.2 m x 0.75 m RCBC) will enable flows to enter Council's piped system (3 x 900mm dia pipes). Provision is made for the table drain along Taylors Road to enter the new system also. The table drain to the west will transition to the new headwall in the subject site. The table drain to the east will drain to a new headwall (375 mm pipe) for connection to the culvert.'</p> <p>Relevant conditions are included in the General Terms of Approval (GTA) issued by DPI-W.</p>
2.4 Lot Size and Shape	
Controls	
<p>2.Lots in residential zones shall have the following minimum dimensions:</p> <p>Between 650m² and 1500m² (exclusive) - 15m width and 25m depth.</p> <p>1500m² or Greater - 20m width and 30m depth</p>	<p>None of the proposed lots have frontages that meet the minimum width dimension. This is because three lots have frontage to the St Heliers Road cul-de-sac bulb and one has an access handle off Taylors Road.</p> <p>The three lots having frontage to the St Heliers Road cul-de-sac bulb have a width of slightly in excess of 18m for the majority of their depths ranging from 40.4m to 53.3m and so could easily accommodate a dwelling. This applies if the width of Lot 3 is conditioned to be reduced so that the eastern boundary would be placed on the western edge of the riparian corridor so that fencing does not impact on it.</p>

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Volume 3 – Subdivision of Land

Relevant Provisions	Comment
<p>5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with control 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:</p> <p>i) a dwelling with a footprint of at least 150m² ; and</p> <p>ii) Any required asset protection zone wholly within the proposed lot boundaries</p> <p>Council may require the submission of specialist studies to justify development carried out under this control.</p>	<p>Building envelopes in excess of 150m² outside of the proposed riparian corridor are able to be achieved.</p> <p>Asset protection zones can be provided within the proposed lot boundaries.</p> <p>Specialist studies addressing bush fire, flora and fauna and stormwater and flooding have been submitted with the application.</p>
<p>6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services.</p>	<p>Battle-axe lot 4 complies with this provision.</p>
<p>7. Proposed lots which face onto a cul-de-sac head shall achieve a minimum “chord” width of 10 metres.</p> <p>The width of any lot at the front building line shall be in accordance with the table above in control 2.</p>	<p>Lots 1, 2 and 3 have frontage to the curved section of the St Heliers Road cul-de-sac head. Lot 3 has a frontage of 5.72m. Lot 2 has a frontage of 6.3m and Lot 1 a frontage of 14.34m.</p>
<p>2.5 Landscape and Character</p>	
<p>Controls</p>	
<p>2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.</p>	<p>An access handle runs adjacent to 80 Taylors Road. There are not two adjacent access handles along the same property boundary.</p>
<p>3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of</p>	<p>This is achievable and can be conditioned.</p>

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Volume 3 – Subdivision of Land	
Relevant Provisions	Comment
the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points	
2.8 Environmental Protection Controls	
2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.	It is proposed to realign the Scotcheys Creek watercourse. This has been comprehensively assessed and discussed earlier in the report.

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

None are applicable.

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	The development would cause acceptable impacts on the natural environment. Studies have demonstrated that it is possible to realign the Scotcheys Creek watercourse and that there are benefits in respect of flooding impacts by adopting this approach. There would be a loss of SSTF but this is considered unlikely to have a significant impact on threatened species, communities and the surrounding environment.
Built Environment	No structures are proposed, however, it is considered that the lot layout allows any future buildings on the site to be designed and located with acceptable impact on the existing built environment of the area.
Social Impacts	The scale and nature of the proposed subdivision is generally consistent with surrounding existing and future development and is considered to be appropriate for the area as LEP and DCP provisions are generally satisfied. No adverse impact of a scale warranting refusal of the application would be anticipated.

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Head of Consideration	Comment
Economic Impacts	<p>Building of future dwellings has the potential to provide some future local employment.</p> <p>Efficient use of residential land and infrastructure would occur if the application were to be approved.</p>

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1.5 SUITABILITY OF THE SITE

The site is considered suitable for the proposed four (4) lot development because:

- Physical constraints to the development have been taken into account in the proposed design of the lots and that combined with appropriate conditions devised by Council, NSW RFS and NSW DPI -W is considered to result in a satisfactory subdivision proposal.
- Utility services can be provided for the development
- There are no hazardous land uses or activities nearby
- Neighbourhood character would not be compromised.

1.6 SUBMISSIONS

Form of Exhibition: Advertised
 Submissions Received: One (1) submission to the original six (6) lot proposal was received from the public.

Consideration of submissions:

Concern	Comment
<p>Infrastructure including: roads in good repair and the widening of Silverdale Road; car parking at the Silverdale shopping centre; better medical services; and, improved public transport, should be provided before approving additional subdivisions.</p>	<p>The proposed subdivision occurs on land zoned R2 Low Density Residential. Infrastructure availability to the site and the local road network are adequate to service the infill subdivision.</p> <p>The issues raised are strategic ones that could be addressed before further land is zoned for residential purposes.</p>

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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. A more efficient use of residential zoned land and infrastructure would result if the proposed subdivision was to be approved and implemented.

Potentially the condition of the Scotcheys Creek riparian corridor could be improved.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates unless Council becomes involved in maintenance of the riparian corridor.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Plan of Proposed Subdivision.
2. Alternate Concept Plan.
3. Flooding Maps.

RECOMMENDATION

That Development Application No. 010.2016.00000014.001 for the four (4) lot Torrens title subdivision and the re-alignment of Scotcheys Creek at Lot 39 DP 236542 and Lot 32 DP 1057932 No's 78 Taylors and 61 St Heliers Road Silverdale be approved subject to conditions, subject to resolution of the following matters to the satisfaction of the Manager Development Services:

1. General Terms of Approval are received from Department of Primary Industries Water.
2. A bush fire safety authority is received from NSW Rural Fire Services.

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Conditions of Consent Without Prejudice

1. COMPLIANCE

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

- (1) Development Consent is granted for a four (4) lot Torrens title subdivision at Lot 32 DP 1057932, 61 St Heliers Road SILVERDALE and Lot 39 DP 236542, 78 Taylors Road SILVERDALE.
- (2) Development shall take place in accordance with the following plans submitted in respect of Development Application No. 010.2016.0000014.001, except where varied by the following conditions.
 - Plan of proposed subdivision, ref no. 19917-P3, prepared by Vince Morgan (Surveyors) Pty Ltd, sheet 1 of 1, dated 13 October 2017;
 - Alternate concept plan, plan no. 9948SK04, prepared by J. Wyndham Prince, issue E, dated 17 October 2017*;
 - Engineering and stormwater management plan, sheet 1, ref no. 9948DA01, prepared by J. Wyndham Prince, issue B, dated 17 October 2017;
 - Engineering and stormwater management plan, sheet 2, ref no. 9948DA02, prepared by J. Wyndham Prince, issue B, dated 17 October 2017;
 - Soil and water management plan, ref no. 9948DA05, prepared by J. Wyndham Prince, issue B, dated 17 October 2017.

*Note: prior to the issue of any construction certificate, Alternate concept plan prepared by J. Wyndham Prince (plan no. 9948SK04, issue E, dated 17 October 2017) is to be amended to remove the blue line bisecting proposed lot 4 east-west (at the end of the access handle).

- (3) Development shall take place in accordance with the recommendations of the following documents:
 - Statement of Environmental Effects, prepared by J. Wyndham Prince, document no. 9948, issue A, dated December 2015.
 - Bushfire Protection Assessment report, prepared by Eco Logical Australia Pty Ltd, project no. 15SYDBUS-2374, version 1, dated 10 December 2015.
 - Flora and Fauna Assessment report, prepared by Eco Logical Australia Pty Ltd, project no. 2374, version 1, dated 10 December 2015.

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- (4) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees 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.
- (5) 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.

- (6) 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. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) Awaiting General Terms of Approval from Department of Primary Industries Water, and awaiting issue of bush fire safety authority from NSW Rural Fire Service.

3. BUSHFIRE

- (1) Bushfire hazard shall be managed in accordance with the recommendations of the Bushfire Protection Assessment Report submitted with the Development Application (prepared by Eco Logical Australia Pty Ltd, project no. 15SYDBUS-2374, version 1, dated 10 December 2015).

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4. 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.
- (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) 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.

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

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

- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.
- (8) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
 - (i) Payment of Road Damage Inspection Fee
 - (ii) Payment of a Road Opening Fee
 - (iii) Payment of Damage Bond.

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

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

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- (2) Engineering Design plans and stormwater drainage calculations for all Civil Works associated with this development including road works, access driveways, drainage, works within the watercourse, retaining walls and earth cut and fill shall be submitted to Council or nominated Accredited Certifier for approval prior to the issue of a Construction Certificate. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Engineering Design plans for all infrastructure to be vested in Council, including roads and road drainage, shall be submitted to Council, as the roads and drainage authority, for approval prior to the issue of the Construction Certificate.
- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council or Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

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

- (5) A defects liability period of twelve (12) months will apply from the date of 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 to Council or 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.

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- (7) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (8) 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 the Principal Certifying Authority. 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 Principal Certifying Authority with the Engineering Plans.
- (9) 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 nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the "Traffic Control at Work Sites" manual (as published by the RTA). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification and provided to Council or nominated Accredited Certifier before the issue of a **Construction Certificate** for development.

6. FLOOD PRONE AREAS

These conditions have been imposed to reduce the risk and implications of flooding for development works that are carried out in flood affected areas within the Shire.

- (1) The development site has been identified as being liable to inundation by flooding or overland stormwater flows. The proposed subdivision civil works shall be designed to ensure there is no adverse impact on the flood extent and flood potential on the adjoining properties and over Taylors Road. There shall be no increase in the risk to road users in Taylors Road during any overtopping event.
- (2) Prior to issue of any Construction Certificate, flood analysis modelling for the pre and post development condition shall be submitted to Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier for the design as shown in the Engineering Design plans.

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- (3) Lot filling shall be undertaken to ensure future building areas on lots adjacent to the watercourse re-alignment are above the 1% AEP plus dam break scenario level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
- (4) A Flood Planning Level (FPL) shall be nominated for lots 3 and 4 and submitted to the Principal Certifying Authority for approval prior to issue of Subdivision Certificate. Flood Planning Level (FPL) shall be determined as follows:
- (a) Lot 3 – 500mm above the 1% AEP plus dam break scenario level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
- (b) Lot 4 – the Probable Maximum Flood (PMF) level as calculated in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd.
- (5) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating a Restriction on the Use of Land over Lots 3 and 4 preventing the erection of any habitable building with a floor level below the Flood Planning Level (FPL) as nominated by the flood conditions contained within this consent.
- General terms of restriction are as follows:
- No habitable building shall be erected unless:
- (a) The minimum finished floor level is RL <insert nominated FPL> A.H.D. and;
- (b) where AHD refers to the Australian Height Datum a certificate from a Registered Surveyor verifying compliance with these levels must be submitted to the Principal Certifying Authority prior to placing the concrete slab or timber floor.
- (6) Prior to issue of any Construction Certificate, flood analysis modelling for the pre and post development condition shall be submitted to Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier for the design as shown in the Engineering Design plans.

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- (7) A Risk Assessment shall be undertaken to determine the appropriate level of public safety measures to be provided for properties and public areas adjacent to the watercourse. All public safety measures shall be shown on the Engineering Design plans for approval by Council, as the roads authority for Taylors Road, and the nominated Accredited Certifier prior to issue of any Construction Certificate.
- (8) Public Safety measures identified on the approved Engineering Plans are to be satisfactorily installed or be in place prior to issue of Certificate of Practical Completion.

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) Calculations and modelling for all stormwater drainage and flood analysis must be submitted to the nominated Accredited Certifier with the Engineering Design plans prior to the issue of any Construction Certificate.
- (3) The natural watercourse traversing the development lot shall be re-aligned and restored to a natural watercourse condition as generally outlined in the Stormwater Management and Flooding Report, Issue B dated 23 December 2015 prepared by J. Wyndham Prince Pty Ltd. Detail design of all watercourse works including vegetation works must be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to the issue of any Construction Certificate.
- (4) Watercourse re-alignment works required within adjoining properties shall be done concurrently with the proposed watercourse works within the development lot. Details of works within adjoining properties must be shown on the Engineering Design plans for approval prior to the issue of any Construction Certificate.
- (5) Prior to issue of any Construction Certificate, written acceptance, by the owner(s) of adjoining properties, for any proposed watercourse re-alignment and vegetation works must be provided to the nominated Accredited Certifier.

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- (6) The existing road culvert under Taylors Road, adjacent to the development lot, must be extended, at no cost to Council, to the proposed watercourse re-aligned invert as generally shown in the plans by J. Wyndham Prince Pty Ltd.
- (7) A pipe extension, at no cost to Council, shall be provided from the existing road drainage pipe outlet from the end of St Heliers Road to within the bank of the proposed watercourse re-alignment as generally shown on the plans by J. Wyndham Prince Pty Ltd. A defined overland flow path shall be constructed to safely convey overland flows from storm events up to and including the 1% AEP, from the road drainage pit at the end of St Heliers Road to the proposed re-aligned watercourse.
- (8) Road drainage, associated with kerb and road widening works, in the form of standard kerb inlet pit and stormwater pipe shall be provided on the southern side of Taylors Road to direct road waters into the road culvert under Taylors Road.
- (9) Stormwater runoff from all impervious surfaces on all lots shall be collected and conveyed to a point suitable for integration with the realigned watercourse 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. Stormwater drainage shall be shown on the Engineering Design plans for approval prior to the issue of any Construction Certificate.
- (10) An interallotment drainage system shall be provided for all lots to enable future drainage of impervious services to the watercourse. The piped drainage system shall extend to within the bank of the watercourse and be provided with adequate outlet protection. This system, including scour protection works, shall be located within an appropriate drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (11) Stormwater discharge to the watercourse shall be controlled by the creation of adequate scour protection to prevent erosion and scour to the banks of the watercourse. Details of scour protection shall be shown on the Engineering Design plans.
- (12) Prior to the issue of any Construction Certificate, a copy of a Controlled Activity Permit issued by Department of Primary Industries Water is to be provided to Council and the nominated Accredited Certifier.

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- (13) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating the following:
- (a) Easement to Drain Water Variable Width benefiting lots 1, 2, 3, Wollondilly Shire Council and lot 33 in DP1057932 over the re-aligned watercourse.
 - (b) Easement to Drain Water 3 Wide benefiting Wollondilly Shire Council on the tile of lots 1, 2 and 3 over the road drainage from the end of St Heliers Road to the watercourse.
 - (c) Restriction on the Use of Land on the tile of lots 1, 2 and 3 over the overland flowpath from the end of St Heliers Road to the watercourse that prevents the alteration of any surface levels, placement of any structures, landscaping and fencing, unless such fencing is of open style construction, within the area that restricts surface flows along the overland flow path.
 - (d) Easement to Drain Water 1.5 Wide over the interallotment drainage line along the rear of lots 1, 2 and 3.
- (14) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan releasing the Easement to Drain Water 3 wide Vide DP1057932 traversing the development lot.

8. 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) The applicant shall provide a coloured concrete driveway within lot 4 from Taylors Road to the building area on lot 4. The driveway shall have a minimum width of 3.0 metre. A detailed design of the driveway including associated stormwater drainage shall be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to the issue of any Construction Certificate.

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- (2) Provision of vehicular access from St Heliers Road to proposed lots 2 and 3 shall be provided through the construction of a shared coloured concrete driveway, and associated drainage, a minimum 4.0 metres wide along the full length of the access handles. The driveway shall be covered by appropriate Reciprocal Rights of Carriageway. Details of the driveway and associated drainage shall be provided on the Engineering Plans for approval.

Reason: To prevent multiple access points at the St Heliers Road cul-de-sac bulb, lots 2 and 3 shall share a common driveway access from St Heliers Road.

- (3) Prior to issue of any Subdivision Certificate, a Section 88B instrument shall be submitted along with the Deposited Plan creating the following:
- (a) A Restriction on the Use of Land on the Title of lots 2 and 3 preventing vehicular access to St Heliers Road unless access is along the common shared driveway.
 - (b) A Restriction on the Use of Land on the Title of lots 2 and 3 preventing the erection of any garage, carport or other designated parking space unless provision has been made for a hard stand vehicle turning area that allows vehicles to manoeuvre to and from the parking areas and exit to St Heliers Road in a forward direction.
 - (c) A Restriction on the Use of Land on the Title of lot 4 preventing the erection of any garage, carport or other designated parking space unless provision has been made for a hard stand vehicle turning area that allows vehicles to manoeuvre to and from the parking areas and exit to Taylors Road in a forward direction.
- (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.

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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) Barrier profile kerb and gutter, including associated road drainage works, and road pavement widening from the edge of existing bitumen to the lip of the gutter shall be constructed along the full frontage of Taylors Road. Kerb alignment shall be consistent with the existing kerb line.

All works shall be to Council's Design & Construction Specifications and detailed in the Engineering Plans for approval. Pavement widening shall be full depth pavement and include a 40mm asphaltic concrete wearing course. The verge shall be reshaped in accordance with Council Design Specification.

- (2) All new roadworks, road drainage and footway crossing shall be approved by Council, as the Roads Authority, prior to the issue of any Construction Certificate by the nominated Accredited Certifier.
- (3) 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.

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

- (4) Street Lighting shall be provided using LED LIGHTING at the end of the St Heliers Road Cul-de-sac bulb to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (5) 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. Engineering Design plans shall be provided with the application for approval of works within the road reserve.

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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.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) 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.

11. EARTH FILL

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

- (1) A Cut and Fill plan shall be submitted with the Engineering Design plans that details the exact extent and depth of proposed cut and fill.
- (2) 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.
- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

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- (5) 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.

12. 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:
- 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 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
 - At completion of the preparation of all concrete layback gutter crossing subgrade
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place
 - 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.

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13. 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 National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

14. 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 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.

15. 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 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) Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

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- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or Department of Planning and Environment – Planning Circular PS 17-005 2 / 3 may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
 - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).
- (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.

- (4) All power and services provided to the development within the site shall be underground.

16. WASTE MANAGEMENT

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

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council’s Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to condition 16(1) of this consent.

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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 two additional lots 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 any Subdivision Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$554.00
(ii) Open Space, Sport & Recreation (Precinct)	\$15,472.00
(iii) Library & Community Facilities (Shire)	\$2,614.00
(iv) Library & Community Facilities (Precinct)	\$4,090.00
(v) Transport & Traffic (Roads & Intersections)	\$6,208.00
(vi) Bushfire Protection	\$66.00
(vii) Plan Administration	\$1,450.00
TOTAL	\$30,454.00

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. 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 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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**19. ENVIRONMENTAL REQUIREMENTS AND VEGETATION
MANAGEMENT**

These conditions have been imposed to protect significant vegetation on the subject land and ensure positive environmental outcomes.

- (1) Prior to the issue of any subdivision certificate, the design for the treatment of stormwater flow generated by the proposal must include measures consistent with Water Sensitive Urban Design Principles. These measures must be designed to require minimal maintenance requirements and recommended to include appropriate measures such as swales on internal roads.
- (2) Design measures outlined in 19(1) above must be consistent with the General Terms of Approval, plans required by the consent, as well as requirements of a Controlled Activity Approval.
- (3) No portion of any building envelope is to be permitted within 10m of the top bank of the adjusted location of the creek line or any alternate distance required by the Department of Primary Industries.
- (4) A Vegetation Management Plan (VMP) shall be prepared and submitted to Council or the principal certifying authority prior to the issue of any subdivision certificate. The VMP applying to the defined riparian corridor must be prepared by a suitably qualified ecological consultant and be of a satisfactory standard. The VMP must be consistent with current best practice for such documents as well as the attached specific requirements of Council.
- (5) No works are to be undertaken within 5m radius of the drip zone of the tree(s) or vegetation nominated for retention.
- (6) Earthworks are not permitted within a 5 metre radius of the drip zone of nominated or significant trees.
- (7) The development is to be carried out in accordance with the Flora and Fauna Assessment report approved as part of this consent (prepared by Eco Logical Australia Pty Ltd, project no. 2374, version 1, dated 10 December 2015). In particular, the development must be carried out in accordance with the following recommendations, unless modified by any conditions of this consent:

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Prior to construction

- The boundaries of impact areas should be clearly delineated using fences or similar means to prevent encroachment of the works into bushland located to the south.
- Vegetation for removal should be used on-site for habitat features or mulched for soil erosion control.
- Establishment of a riparian corridor along the waterway running north-south through the site in accordance with DoPI - Water requirements **(Figure 2)**. Species chosen should not create a bushfire hazard, should be riparian species and should be native and characteristic of SSTF. The riparian corridor is anticipated to contain mostly low level riparian vegetation. Species may include *Carex appressa*, *Juncus usitatus*, *Lomandra filiformis*, *Microlaena stipoides* var. *stipoides* and *Themeda australis* among others. In terms of maintaining a low bushfire hazard within the riparian vegetation, the presence of a few shrubs or trees is acceptable provided that they are well spread out and do not form a continuous canopy between the hazard and the building, and are located far enough away from the building so that they will not ignite the building by direct flame contact or radiant heat emission.

During construction

- Construction located near Scotcheys Creek should be completed during dry periods.
- Storage areas should be located away from the drainage line to minimise risk of pollution and adverse impact to aquatic ecosystems.
- Installation of sediment and runoff control measures to prevent runoff entering adjacent bushland areas.
- Ongoing weed control should be undertaken along the length of the works to reduce the impacts of edge effects or adjacent vegetation.

Post construction

- *Ongoing inspection / management of weeds within the study site to prevent the spread of weeds within adjacent vegetation.*

20. 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 Council or a nominated Accredited Certifier prior to the release of the Construction Certificate.

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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.
- (i) List of at least two canopy species, ten shrub and ten groundcover SSTF diagnostic species currently on the site which will be planted on the site.

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.

- (2) The detailed landscape plan required by condition 20(1) must also include provision for landscaping between the edge of the driveway pavement and the property boundary for any proposed access handles. The minimum width of such landscaping shall be 1m at all points. The landscaping shall be provided with an automatic watering system, a mix of ground covers and shrubs that are appropriate for the width of the handle, and a mulched or rocked garden bed with permanent edging.

21. SUBDIVISION PLANS

These conditions have been imposed:

- (a) To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.**
 - (b) To submit the required documentation for the creation of property restrictions and easements as specified.**
- (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.

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- (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 Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) A building envelope shall be nominated and indicated on the Linen Plan for proposed lot 4. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as any waste water irrigation area, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lot shall be submitted with the linen plan. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
- (5) Submission of a Section 88B Instrument indicating an appropriate restriction on the use of the land with respect to the Building Envelopes indicated on proposed lot 4. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
- (6) Existing and proposed easements and natural watercourses are to be marked on the Linen Plan of Subdivision.

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

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

- (1) ERECTION OF SIGNS
 - (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
 - (b) 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:

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- (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.
- (c) 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.
- (d) 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.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

23. 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.

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- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) 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.
- (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:
- 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.
- (7) 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.
- (8) Prior to the commencement of works you are required to obtain the approval of Sydney Water to commence construction.
- (9) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

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

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- (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.
- (10) 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.

Should you require further information regarding the above matter, please contact Mr A Golden, Acting Development Assessment Team Leader on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 010.2016.00000014.001

Broad Requirements for the Vegetation Management Plan

Section 1: Introduction

- Context of the Plan in relation to the Proposal.
- Plan purpose and objectives.
- Relationship with other documents.

Section 2: Site features

- Topography and watercourse
- Vegetation communities and condition
- Riparian vegetation and conditions
- Management of drainage and stormwater (existing and proposed).

Section 3: Defining and description of Management Zones

- Mapping showing the location of identified management zones
- Description of the features of each management zone in tabular format.

Section 4: Management actions

- Management tasks should be divided into Stormwater, weed management, sediment and erosion control, Asset Protection Zones as well as other management actions (such as litter) categories.

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- Management tasks should be prescriptive and be divided into short-term (1 to 5 years) and longer term (5 years plus).
- Actions should address indirect impacts from the adjoining development (such as stormwater influences and edge effects) as well as direct impacts (such as stormwater discharges).
- The VMP should contain as an attachment a subsidiary Weed Management Plan which contains the following:
 - An inventory of noxious weeds as well as high priority environmental weeds to be targeted.
 - The intended method of treatment (i.e. mechanical and herbicide use)
 - Intended primary and secondary weed removal techniques to achieve the identified targeted control rates (e.g 80% removal of woody weeds)
 - The timing of intended primary and secondary treatments.
 - Annual on-going maintenance program.
 - Details of any methods for the disposal of weed material occurring on site.

The actions with associated performance targets within this subsidiary Plan should be duplicated in the main body of the VMP.

Section 5: Procedures to monitor the implementation of each action within the VMP

- Performance indicators need to accompany each management action and be easily measurable
- The indicators accompany weed control management actions need to be directly linked to the targeted control rates.

Section 6: Costings

Costings should be divided into 1-5 years and 5 plus years and adequately reflect the management actions.