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ABN: 93 723 245 808

RURAL LIVING

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
LOCAL DEVELOPMENT CONSENT DA/2020/871/1
Environmental Planning and Assessment Act, 1979

Tahmoor Coal Pty Limited
2975 Remembrance Driveway
BARGO NSW 2574

Being the applicant(s) for Development Application DA/2020/871/1 relating to:

Lot: 3937 DP: 1218207, Lot: 3938 DP: 1218307, Argyle Street PICTON, 5 Station Street PICTON.

APPROVED DEVELOPMENT:

Drilling of 3 boreholes & installation of monitoring equipment

DETERMINATION DATE: - 10 February 2021
LAPSE DATE: - 10 February 2026

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions attached.

Notes:
(1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
(2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
(3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
(4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to
    (a) Lodge, in accordance with Section 8.7 of the Act, an appeal with the Land and Environment Court of NSW within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
    (b) Request a Council review of the determination under Section 8.3 of the Act.
(5) This application has not been considered by the Independent Hearing Commission.

Should you require further information regarding the above matter, please contact Max Strassmeir, Senior Development Assessment Planner on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au.

Yours faithfully

Digitally Signed: Michael Buckley
Development Assessment Team Leader
Wednesday, 10 February 2021 8:44:04 AM
Development Services

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 Drilling of 3 boreholes & installation of monitoring equipment at Lot: 3937 DP: 1218207, Lot: 3938 DP: 1218307, No. Argyle Street PICTON, 5 Station Street PICTON.

(2) Development shall take place in accordance with the submitted plans listed below and submitted in respect of Development Applications No. DA/220/871/1, except where varied by the following conditions:

Plan / Document	Author	Plan number	Date
Cover sheet	Cardno	82020163-01	16.07.2020 Revision B
Locality Plan	Cardno	82020163-01 C1001	16.07.2020 Revision B
Site 1 General Arrangement Layout	Cardno	82020163-01 C1002	16.07.2020 Revision B
Site 2 General Arrangement Layout	Cardno	82020163-01 C1003	16.07.2020 Revision C
Site 3 General Arrangement Layout	Cardno	82020163-01 C1004	16.07.2020 Revision B

(3) Development shall take place in accordance with the recommendations of the following reports:

- Statement of Environmental Effects, Cardno prepared by dated 9 October 2020.
- Aboriginal Due Diligence Assessment for Geotechnical Investigations, prepared by EMM Creating Opportunities dated 21 September 2020
- Ecological Impact Assessment, prepared by Carno, dated 6 October 2020.
- Assessment of Heritage Impacts, prepared by EMM Creating Opportunites dated 30 June 2020.

(4) 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. Natural Resources Access Regulator

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

(1) A licence shall be obtained from NRAR prior to any bore construction that exceeds 40 metres in depth.

3. CONSTRUCTION GENERAL

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

(1) All works 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.

(2) 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.

4. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

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

5. DRAINAGE/STORMWATER

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

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

6. EROSION AND SEDIMENT CONTROL

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

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

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

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

(4) 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.

7. OCCUPATION & USE

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

(1) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifying Authority upon completion of the work.

8. HERITAGE

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

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

9. 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 4.17 (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:

(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 6.28 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 Certifiers 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).

10. ADVICES

(1) 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.

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

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

- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or 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.

(5) 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

Should you require further information regarding the above matter, please contact Mr M Strassmeir, Senior Development Assessment Planner on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2020.00000871.001.