



**DIVISION OF  
ENVIRONMENT & PLANNING**

**ATTACHMENTS TO COUNCIL REPORT**

**COUNCIL MEETING DATE: 27 January 2010**

**ITEM: O-EP4 - Proposed 25 lot subdivision at "Vine Lodge", Lot  
1 DP 596495, Lot A DP 927745, Lot 4 DP 660174  
Exeter Road, Exeter**

1. Draft Conditions

**FILE No: LUA08/1042**

## **GENERAL – DEVELOPMENT CONSENT CONDITIONS**

### 1. Compliance

Subdivision is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the subdivision is consistent with Council's consent.

Any subsequent changes to the approved plans should be clearly identified for Council's consideration. Council reserves the right to request an application for modification of this consent or a new development application in the event that significant changes to the approved plans are subsequently made.

### 2. Qualifications and Responsibility for Documentation

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Development Control Plan No 41.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

### 3. Responsibility for Works

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.

### 4. Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer must nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:

- Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:-

- Inform Council in writing of their intention 7 days before entering the site.
- Submit to Council a proposed Schedule of Works.

The Applicant may be required to arrange for Council to peruse all other contract documentation **PRIOR TO THE CONTRACTOR ARRIVING ON SITE TO COMMENCE WORK.** (Schedule of Works, Specifications Bill of Quantity, Traffic Control Plan and Soil and Water Management Plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

5. Hours of Demolition and Construction Works

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

6. Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$10,000,000 cover.

7. Construction Certificate (Subdivision)

Subdivision work in accordance with the consent must not be commenced until a Construction Certificate has been applied for and issued by Council, pursuant to Section 81A (4) (a, b & c) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Development Control Plan No 41. The Construction Certificate fee is payable at time of lodgement of the application.

8. Other Approvals

Subdivision work in accordance with the consent must not commence until any relevant approvals required under Section 68 of the *Local Government Act 1993* and the *Roads Act* have been obtained.

9. Heritage

Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director General of the NSW Department of Environment and Climate Change shall be contacted immediately and any directions or requirements of that Department complied with.

10. Carbon Offset

To offset carbon emissions from the additional twenty five (25) dwellings, the developer shall provide a revegetation plan prior to the release of the Construction Certificate to the satisfaction of the Director Environment and Planning. Revegetation in accordance with the approved plan shall be completed prior to the release of the Subdivision Certificate. A minimum of twenty five (25) trees per lot shall be provided to offset average annual household carbon emissions. The revegetation program shall also include a mix of mid-storey and groundcover species at a rate of 3:1 for every tree provided.

Reason: Carbon sequestration rates are based on mature trees of approximately 20 – 30 years of age. The provision of mid-storey and groundcover species will increase the amount of carbon absorbed during the early growth period, assist in weed control, improve the soil nutrient balance and provide a more natural environment or ecosystem. All species used shall be indigenous to the local area.

**Land Title**

11. Subdivision Certificate

In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with a linen plan suitable for lodgement with Land and Property Information NSW plus eight (8) copies and relevant other documentation, shall be made on the completion of works and the relevant application fee paid. All works specified in Council's development consent and approved construction certificate plans shall be completed and all development consent conditions complied with prior to making a subdivision certificate application.

12. Access by Right of Carriageway

Submit Section 88B Instrument to make satisfactory provision for the following in respect of the proposed right of carriageway:

- (a) Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- (b) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Full details, including draft Section 88B Instrument, to be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

13. Permanent Road Survey Marks

The provision by the Applicant of road permanent survey marks to the satisfaction of the Director Environment and Planning.

14. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Maintenance

The creation of a "Positive Covenant" on the linen plan and title of proposed Lots 7 and 15 showing the location of stormwater facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard. Details shall be provided for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

NOTE: A standard format is available from Council.

15. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Alterations

The creation of a "Restriction as to User" on the linen plan and title of proposed Lots 7 and 15 to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details to be provided for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

16. Title Restrictions Re Drainage

Details of function, form and levels of essential earth or other surface works including floodways, shall be legally attached to the titles of affected land to help ensure the permanency and designed operation of such facilities.

17. Flood Prone Land Restrictions 88B

A legally binding instrument (Section 88B of the *Conveyancing Act*) shall be prepared in consultation with, and to the satisfaction of the Council for each allotment identified as affected by flooding in Wingecarribee Development Control Plan No 34.

The required instrument(s) shall be registered on the title of the affected lot(s) and proof of that registration shall be submitted to Council **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

18. Dedication of Right of Carriageway / Easements

The creation or obtaining by the Applicant of the following easements and right of carriageway, at the Applicant's expense **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE:**

- (a) Splay corners within Lot 1 at the junction of Exeter Road and proposed road.
- (b) Reservation for pathway between Lot 11 and Lot 12 6m wide.
- (c) Stormwater drainage easements over Lot 1 in favour of Council a minimum 5 metres wide.
- (d) Water supply easements over Lot 4 in favour of Council.

- (e) Right of carriageway and easement for services 16 metres wide and variable over Lot 4 in favour of adjoining Lots 2, 3, 5 and 6.
- (f) Right of carriageway and easement for services 50 metres wide and variable over Lot 5 in favour of Lot 1 DP 596495.
- (g) Stormwater drainage easements over Lot 23 in favour of Lot 1 DP 596495 a minimum of 5 metres wide.
- (h) Stormwater drainage easements over Lots 9, 10, 11, 12, 13, 14 and 15 in favour of Lots 8, 9, 10, 11, 12, 13, 14 and 15 a minimum of 4 metres wide and variable. A grassed swale is to be constructed along the southern boundary of Lot 1 DP 596495, adjacent to Lots 17, 18, 19, 20, 21, 22, 23, 24 and 25, to direct surface water to the proposed drainage easement to be located within Lot 23.
- (i) An easement for services 5 metres wide over Lot 4 in favour of Wingecarribee Shire Council and the electricity, gas and telecommunications provider.

19. Restriction as to User - Fencing

A Restriction as to User shall be placed on the title of each lot requiring each lot to be fenced with rural post and wire fencing around each lot prior to the construction of any dwelling. Only one access to the site is permitted through the fence with the entrance across the grass swales stabilised with rock over a non woven geotextile.

Full details to be submitted for the approval of the Director Environment and Planning with the subdivision application.

20. 88B Restriction as to User – Rail Noise

A suitable 88B Restriction as to User shall be placed on the title of those lots located in the vicinity of the railway line, advising owners of the need to comply with the Rail Authorities requirements for the effect of rail noise and vibration when designing a dwelling for the lot.

Full details to be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

21. Railway Noise and Vibration

Due to its location adjoining the Great Southern Railway Line, State Rail is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise structural safety of buildings and should be addressed early in the development process. State Rail recommends that bedrooms and living areas be sited the greatest distance possible from the rail corridor and/or shielded by non-sensitive uses/barriers.

The State Rail publication *Interim Guidelines for Applicants - Consideration of Rail Noise and Vibration in the Planning Process* provides information on likely noise impacts and preventative measures. This document is available on [www.ric.nsw.gov.au/publications](http://www.ric.nsw.gov.au/publications).

To improve the comfort of future occupants, the landscaping and fencing in the proposal should screen views of the rail tracks and reduce exposure to passing trains.

22. Registration of Linen Plans

The linen plans of subdivision must be registered at Land and Property Information NSW within six (6) months from the date on which the Subdivision Certificate is issued by Council.

**Protection of Council Assets**

23. Provision of Services

Provision of a separate access, stormwater drainage connection, water service and electricity supply to each allotment within the subdivision at subdivider's expense.

24. Property Services Within Lots

All property services are to be located within the lots that they serve in accordance with Development Control Plan No 41. The developer is to provide to Council written confirmation of this **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE**.

25. Maintenance and Bond for Public Assets

The developer shall at their own expense maintain all road, public pathways, stormwater drainage, water supply, sewerage and other civil works constructed by them with respect to the development for a period of twelve months after the date of the signing of the subdivision certificate or approval for occupation of the development and shall lodge a cash bond with regard to such maintenance in an amount equal to 5% of the total engineering works or minimum of \$1,000.

26. Applicant Must Advise of Damage to Property

The Applicant must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Applicants expense.

**LAND AFFECTATION**

**Geotechnical**

27. Geotechnical Engineer Supervision of Dam Works

Where land filling of dams and depressions is to occur filling shall be supervised by a Council approved Geotechnical Engineer.

28. Site Classification

The developer's geotechnical engineer is required to provide a site classification in accordance with the current version of AS2870 for each lot in the subdivision that will be built upon. The site classification shall be registered on the 88B Instrument.

29. Placement of Fill on the Development Site

All fill placed on the site shall be placed in a controlled manner in accordance with the requirements of Development Control Plan No 41.

## **Flooding**

### 30. Flood Compatible Development

Any proposed development which is to occur within the area identified as inundated by the 1:100 year ARI event, shall ensure compliance with the following:-

- (a) Requirements of Council's current Development Control Plan No 34 "Potentially Flood Affected Land".
- (b) Requirements of Wingecarribee Local Environment Plan, Clause 34.

### 31. Finished Surface Level Work as Executed

Where any part of any allotment created is within the 1% AEP flood an appropriate Restriction as to User shall be created on the title of that lot. The works as executed plans and title document shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.

## **Land Contamination**

### 32. Imported Fill Material

Fill material shall not be obtained from contaminated land (as defined in Part 7A of the *Environmental Planning & Assessment Act 1979*). All imported fill shall be validated in accordance with NSW Department of Environment and Climate Change guidelines prior to it being brought onto the site.

### 33. Occupational Health & Safety Compliance

All site works shall comply with the occupational health and safety requirements of WorkCover NSW.

*Reason: To ensure that safe work/site conditions and practices are afforded to site workers and the surrounding community.*

## **ENVIRONMENTAL MANAGEMENT**

### **Sediment and Erosion Control**

### 34. Erosion Control on Completed Subdivisions

Adequate erosion and sediment control measures are to be maintained in place on the subdivision to the satisfaction of Council until site stabilisation and revegetation is finalised.

### 35. Soil and Water Management – Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

*Reason: To ensure that building materials are not washed into stormwater drains.*

36. Soil and Water Management – Site Maintenance

Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

*Reason: To minimise construction / demolition materials being trucked off site.*

**Landscaping, Vegetation and Privacy Screening**

37. Tree Retention

Road design and construction to ensure preservation of as many existing trees as possible. All trees proposed to be removed within the road reservation to be clearly identified by survey and submitted to Council for approval **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.**

All trees shown on development consent as being retained are to be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

38. Council Reserve / Street Tree Retention

All trees in Council's road reserve are to be preserved except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

**ADVISING:**

Reference should be made to Council's Roadside Vegetation Management Plan.

39. Tree Removal/Tree Preservation

No trees to be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council - in accordance with the provisions of Council's Tree Preservation Order.

**ADVISING:**

Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.

40. Tree Clearing in New Subdivisions

Where the development involves the clearing of vegetation for road construction the Applicant is responsible for removal / disposal / mulching of cleared material prior to application for a subdivision certificate and to the satisfaction of the Director Environment and Planning.

41. Tree Clearing with Subdivisions

Where trees have been approved for removal in the development consent, Council is to be advised of the intended commencement date and time for these clearing works. Council staff will then inspect the site and will require the applicant and contractor/site supervisor to be present. No clearing works can commence until an approval is given. All trees specified as being retained on site on the approved plans are to be protected throughout construction activities to Council's satisfaction.

42. Street Trees

Street trees shall be provided in subdivision roads and / or on the frontage to the subdivision to the satisfaction of the Town Planner or Manager of Parks and Property.

43. Noxious Weeds

Prior to the issue of a Subdivision Certificate the applicant must demonstrate to Council that:

- there are no noxious weeds (as defined in the *Noxious Weeds Act 1993*) on the land; or that
- action has been taken to control any such noxious weeds.

Confirmation of the above must be in the form of certification from Council's Noxious Weeds Officer, and must accompany the application for a Subdivision Certificate.

**Air/Noise/Water Pollution Controls**

44. Dust Suppression

The applicant shall use (water cart, vegetation etc) to control dust from the site when ever conditions are favourable to dust formation.

45. Noise and Vibration Adjacent to Rail Corridors – Subdivision within the Acoustic Assessment Area

The applicant is advised that the property may be affected by rail noise and vibration and that reference be made to the *Guidelines for Councils - Consideration of Rail Noise and Vibration in the Planning Process*, which is available at Council offices.

**CIVIL ENGINEERING WORKS AND SERVICES**

46. Provision of Works and Services

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with Council's Development Control Plan Nos 12 and 41, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Water and Sewer Authority Conditions

Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

**(a) Stormwater Drainage**

(i) Construction of Stormwater

Provision of adequate stormwater drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of stormwater passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by the Development Control Engineer. The point of discharge is to be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear, ie provision of drainage easements.

(ii) Control of Peak Discharge

Adequate and suitable infrastructure is to be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed for the 100 year ARI design storm and Council's Development Control Plan No 41. Any stormwater temporarily stored on site shall be done in a manner that does not jeopardise public safety. In this regard the Applicant shall provide a risk assessment with the Construction Certificate Application.

(iii) Detention Systems

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's Development Control Plan No 41 to facilitate maintenance and provide a safe environment.

(iv) Fencing – Public Reserves/Drainage Reserves/Council Lands

Developer at their expense is required to erect fencing to all public reserves, drainage reserves or Council owned land to ensure public safety. Details of fencing to be submitted to Council for approval **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE.**

**(b) Access and Roadworks**

(i) Construction of Right of Carriageway

Construction of right of carriageway surfaced with two coat seal bitumen for a minimum of 4.5 metres wide within Lot 4.

(ii) Construction of Road Pavement

All road pavement construction is to be in accordance with Development Control Plan No 41 and to the satisfaction of the Director Infrastructure Services and Director Environment and Planning.

- (a) Construction of road pavements surfaced with two coat bitumen seal with concrete edge strips in residential subdivision roads. An access road 6 metres wide is to be provided to Exeter Oval, approximately 40 metres from Exeter Road along the proposed subdivision road and to link with the existing internal road. The access road within the proposed road reserve is to be surfaced with two coat bitumen seal with the remainder being similar material to the existing access road.

**NOTE:** Where the subdivision is staged and required road works are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council's Development Engineer.

(iii) Construction of Footpath in Pathways

Concrete paving 2.5 metres wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a structure and in a location to be approved by Council's Parks and Property Division. Pathway barriers are to be installed at each end in accordance with Standard Drawing No SD130.

(iv) Construction of Rural Crossing

Rural vehicular entrances for access in accordance with Standard Drawing Nos SD110 and SD123 to provide access to the lots.

(v) Tree Retention

Road design and construction to ensure preservation of as many existing trees as possible. All trees proposed to be removed within the road reservation must be approved by Council and are to be clearly identified by survey and shown **ON SUBMITTED CONSTRUCTION CERTIFICATE PLANS**.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

(vi) Provision of Public Lighting

(a) Provide public lighting in accordance with the requirements of Development Control Plan No 41 to the intersection of Exeter Road and proposed road.

(b) Columns are to be hot dip galvanised from Integral Energy's standard range.

(c) Luminaires are to be from Integral Energy's standard range and are to be approved by Council prior to being ordered.

(vii) Street Name Signs and Posts

Provision of street signage in accordance with Development Control Plan No 41.

(a) Blades

150 mm Blade

Hawthorn green, powder coated background and bracket, 100 mm high, series 'C', biscuit, class 1 reflective lettering 6 mm wide, red, class 2 reflective band applied above and below, and 6 mm from lettering.

(b) Posts

Posts shall be powder coated hawthorne green and installed in accordance with Standard Drawing No 119.

(viii) Traffic Control Plan

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.

**(d) Water Mains Supply**

(i) Engineering Design

The submission to and approval by the Director Infrastructure Services and Director Environment and Planning of a master plan/strategy which should include an overall layout of the proposed network, a water pressure analysis and a certification that adequate water pressure is available to all proposed lots in the subdivision.

(ii) Construction of Water Mains to Lots

Water mains to serve each lot in the subdivision.

(iii) Construction of Water Service

A water service shall be installed to each lot in the subdivision.

Council's application form shall be completed by the applicant and the appropriate fee paid.

**General**

47. Integral Energy Requirements

The provision of underground electricity to service the development in accordance with the requirements of Integral Energy. The Applicant prior to release of a Construction Certificate will be required to submit to Council documentary evidence from Integral Energy qualifying that the requirements of Integral energy have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

48. Telecommunications Provider / Gas Provider – Where Applicable

The Applicant is to contact the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

49. Works as Executed Plans

Following the completion of the work, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

50. Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

51. Engineering Details in DXF Format

The Applicant is to provide a copy of the work as executed information on disk in DXF format **PRIOR TO SUBMISSION OF THE SUBDIVISION CERTIFICATE APPLICATION**, to enable Council to update the Geographical Information System (GIS) to incorporate the subdivision with its asset register. The Applicant should contact Council's GIS Officer for further details and technical specifications.

52. Asset Management

The Applicant is to provide a detailed summary of the Assets that will fall into Council's care and control at the end of the maintenance period. The details are to be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include;

- Roadways length and width and type of surface
- Drainage systems length and size of pipes, number of pits, total area (m<sup>2</sup>)
- Water.

**MONETARY CONTRIBUTIONS AND DEVELOPER CHARGES**

53. Section 94 Contributions

Under Section 94 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the Development:

- **Roads & Traffic Management Facilities**
- **Stormwater Drainage**
- **Resource Recovery Centre 2009**
- **Central Library Facility**

- **Administration Resources**
- **East Bowral Incorporating**
- **Open Space & Recreation Facilities**

A Developer Charges – Notice of Payment is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of Subdivision Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

**NOTE:** *Payment of the contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (ie, a minimum of 10 days).*

54. Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained prior to the issue of (*Subdivision / Construction / Occupation*) Certificate.

**Notes:**

Section 64 of the *Local Government Act 1993* authorises Council to issue Certificates of Compliance under Section 306 of the *Water Management Act 2000*. Section 64 of the *Local Government Act 1993* also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer charges as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- **Water Supply Development Servicing Plan**

A developer Charges – Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water and sewer head works levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); and Council's Development Servicing Plans. However, incremental adjustments above CPI will be applied by Council in accordance with the table below.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

New Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. The new charges are to be phased in as detailed below:

Period	Water Supply	Sewerage
1 January 2007 – 30 June 2008	\$4,000/ET	\$5,500/ET
1 July 2008	\$4,750/ET	\$6,250/ET
1 July 2009	\$5,500/ET	\$7,000/ET

Note: The charges shown above are amounts to be implemented on the subject dates. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, [www.abs.gov.au](http://www.abs.gov.au).

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 working days prior to adoption.

**NOTE: Payment of the charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (ie, a minimum of 10 days).**

### Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of (*Subdivision / Construction / Occupation*) Certificate:-

Water – 141901-1536 \$90.00

Prior to final release, you will need to contact Council's Technical Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the Water Management Act charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, the Construction Certificate will not be issued until the Water Management Act charges have been paid and/or secured and the approval of Council has been obtained.

### GOVERNMENT AUTHORITIES

55. Sydney Catchment Authority

The following are the requirements of the Sydney Catchment Authority with regard to Drinking Water Catchments Regional Environmental Plan No 1:

#### General

- (i) The lot layout and staging is to be as shown on the proposed Plan of Subdivision prepared by Campbell & Anderson Consulting Surveyors Pty Ltd. (Drawing No. 14206-DA3; Issue G; dated 2 October 2009). Any revised lot layout or staging is to be agreed to by the Sydney Catchment Authority;

*Reason for Condition (i) - The Sydney Catchment Authority has based its assessment under the Drinking Water Catchments Regional Environmental Plan No 1 on this version of the subdivision;*

### **Wastewater Management**

- (ii) There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, requiring that:
- all wastewater generated on the proposed Lots 1 to 7, 13 to 18 and 23 to 25 is to be treated to a secondary standard as a minimum;
  - all wastewater generated on the proposed Lots 8 to 12 and 19 to 22 is to be treated to a tertiary standard, such as amended soil mounds or aerated wastewater treatment systems with membrane filters, as a minimum;
  - absorption-only methods are not to be used for effluent disposal;
- (iii) The existing failing onsite wastewater system on proposed Lot 3 is to be decommissioned in accordance with the NSW Health Advisory Note 3-May 2006 for *Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels*;

*Reason for Conditions (ii) & (iii) - To ensure that an appropriate wastewater management and effluent disposal system can be sited on each lot given site and soil constraints so as to have a sustainable neutral or beneficial effect on water quality over the longer term;*

### **Water Cycle Management**

- (iv) All management measures as specified in Section 5.2 of the Water Cycle Management Study (dated 25 July 2008) except where modified in a letter from SEEC Morse McVey (dated 19 November 2009) and associated Water Cycle Management Plan (Drawing No. 08000086.01; Revision C; dated 19 November 2009) prepared by SEEC Morse McVey are to be implemented, in particular as elaborated or varied in the conditions below;

*Reason for Condition (iv) – To ensure that a sustainable neutral or beneficial effect on water quality can be achieved for the development as a whole over the longer term;*

### **Subdivision Road and Right-of-Way**

- (v) The subdivision road and the right-of-way to provide access to proposed Lot 4 are to be constructed as specified in Section 5.2.1 of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 25 July 2008) and otherwise as specified by Council. The construction of the subdivision road and the right-of-way is also to be consistent with the guidelines *Environmental Practice Manual of Rural Sealed and Unsealed roads* (ARRB Transport Research Ltd. 2002), *Road Runoff & Drainage: Environmental Impacts and Management Options* (Austroads Inc. 2000) and as specified below:
- the proposed road and right-of-way are to have buffer strips and vegetated swales, as appropriate, for their entire length with appropriately level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge into water quality ponds or a drainage channel they must be stabilised by an energy dissipater;
  - all buffer strips, swales, batters and verges associated with the proposed subdivision road and right-of-way are to be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction;
  - all drainage works associated with the proposed subdivision road and right-of-way must be wholly included in the road reserve or right-of-way or have suitably defined easements;

- the subdivision road crossings of drainage easements near proposed Lots 11 & 12, and near the south east corner of proposed Lot 6 are to be appropriately sized box culverts consistent with the guidelines *Environmental Practice Manual of Rural Sealed and Unsealed roads* (ARRB Transport Research Ltd. 2002);

#### **Access Ways to Dwelling Sites**

- (vi) Access ways to dwelling sites are to be constructed with compacted roadbase (aggregate) as a minimum, and are to be located so as to minimise cut and fill and minimise length and as specified below:
- all access driveways are to have vegetated swales on both sides of their entire length with appropriately spaced level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation;
  - all swales, batters and verges associated with the access ways to the lots are to be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction;

*Reason for Conditions (v) & (vi) - To ensure the subdivision road, right-of-way and access ways to dwelling sites and associated drainage works and water quality control measures are appropriately designed, constructed, managed and maintained over the longer term to ensure an overall and sustainable neutral or beneficial impact on water quality;*

#### **Stormwater Management for Proposed Lots**

- (vii) All stormwater treatment and management measures for proposed subdivision are to be implemented for each stage of the development as specified in Sections 5.2.2 and 5.2.3 of the Water Cycle Management Study (dated 25 July 2008) except where modified in a letter from SEEC Morse McVey (dated 19 November 2009) and associated Water Cycle Management Plan (Drawing No. 08000086.01; Revision C; dated 19 November 2009) prepared by SEEC Morse McVey, in particular as elaborated or varied below:
- **Stage-1** – a constructed swale along the western boundary of proposed Lot 3 to collect run-on from Exeter Road and divert this to the existing drainage channel skirting the northern boundary of Exeter Park Oval;
  - **Stage-2** - a constructed swale along the western boundary of proposed Lot 2 and through proposed Lot 1 to collect run-on from Exeter Road and the existing road culvert and pipe it under the proposed subdivision road into the existing drainage channel that runs along the northern boundary of the Exeter Park Oval;
  - **Stage-2** – the upgrade of the existing dam on proposed Lot 7 to a water quality control pond (WQCP-2);
  - **Stage-3** - a constructed swale along the northern boundaries of proposed Lots 19 to 25 to collect runoff from agricultural lands to the north and transfer this to the new drainage easement located between proposed Lots 22 & 23 and 11 & 12;
  - **Stage-3** - a swale along the northern boundaries of proposed Lots 17 & 18 to collect runoff from the north and transfer this to the east of the railway line;
  - **Stage-3** - the upgrade of the existing dam on proposed Lot 15 to a water quality control pond (WQCP-1);
  - **Stages-2-3** - an inter-allotment stormwater drainage system appropriate for the stages;

- (viii) All swales referred in Condition 7 above are to be designed and constructed as specified in Section 5.2.1 (ii) of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 25 July 2008), are otherwise to be consistent with Chapter 8 of *WSUD Engineering Procedures: Stormwater* (Melbourne Water 2005) and as specified below:
- the swales are to be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction;
  - the swales are to be protected from vehicular damage by bollards, posts, fences, slotted kerbs or similar permanent structures, with signs to be erected to advise of the nature and purpose of their water quality management function;
- (ix) The water quality control ponds on proposed Lots 7 and 15, as referred to in Condition 7 above, are to be designed as specified in Section 5.2.3 of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 25 July 2008), and must as a minimum meet Council's on-site detention requirements and as specified below:
- fringing aquatic vegetation is to be established around the perimeter of the ponds;
  - the ponds are to be permanently fenced-off with signage advising of their water quality functions;
- (x) All discharge outlets from the site stormwater drainage system are to be constructed and armoured in such a manner so as not to cause erosion;
- (xi) There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over proposed lots 1 to 3, 7, 15 and 17 to 25 (as appropriate) requiring that the stormwater quality management structures including protective structures or fences are to be retained, protected and maintained and that no development is to take place within one metre of the structure:
- proposed Lots 7 and 15 – water quality control ponds;
  - proposed Lots 1, 2, 3 and 17 to 25 – swales;
- (xii) An Operational Environmental Management Plan (OEMP) detailing responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including swales, water quality control ponds, inter-allotment stormwater drainage system and related structures is to be developed in consultation with the Sydney Catchment Authority. The OEMP is to be developed prior to the issuance of the Stage 3 subdivision certificate;
- (xiii) Any variation to stormwater treatment and management is to be agreed to by the Sydney Catchment Authority;

*Reason for Conditions (vii) to (xiii) - To ensure that the proposed subdivision stormwater quality management works have a sustainable neutral or beneficial impact on water quality over the longer term;*

### **Rainwater Tanks**

- (xiv) There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over all proposed lots requiring:
- rainwater tanks with a minimum volume of 10,000 litres above any volume required for mains top-up;

- that roofs and gutters are to be designed so as to maximise the capture of rainwater in rainwater tanks;
- that the rainwater tanks are to be plumbed to toilets, laundry and other areas for non-potable use including use for gardens;
- that the overflow from rainwater tanks and all surface runoff from the proposed Lots 7 to 15 is to be directed to the inter-allotment stormwater drainage system;

*Reason for Condition (xiv) - To ensure stormwater runoff from future dwellings is appropriately designed and managed over the longer term to ensure an overall and sustainable neutral or beneficial impact on water quality;*

### **Landscape Management**

- (xv) All existing trees on the site are to be retained and maintained, other than the minimal removal required for the development and associated works;
- (xvi) Landscape planting, as appropriate for each stage of the subdivision, is to be implemented as shown in the Landscape Concept Plan prepared by Architectural Projects (Drawing No. 1257; dated 23 September 2008);

*Reason for Conditions (xv) & (xvi) – To ensure that appropriate measures are taken to offset the water quality impact of the increased intensity of the proposed development so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term;*

### **Staging of the Subdivision and Implementation of Conditions**

- (xvii) The following Sydney Catchment Authority Conditions are to be implemented prior to each stage of the Plan of Subdivision being approved by Council:
- condition 3 and the relevant aspects of Conditions 6 to 8, 10, 15 and 16 are to be implemented prior to Stage-1 of the Plan of Subdivision being certified by Council;
  - the relevant aspects of Conditions 5 to 10, 15 and 16 are to be implemented prior to Stage-2 of the Plan of Subdivision being certified by Council;
  - all conditions are to be implemented prior to Stage-3 of the Plan of Subdivision being certified by Council;

*Reason for Condition (xvii) – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all phases of the proposed development;*

### **Construction Activities**

- (xviii) A Soil and Water Management Plan (SWMP) is required for each stage of the subdivision, in particular the subdivision road, right-of-way and stormwater management structures. The SWMP for each stage is to meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual the "Blue Book" and is to be prepared by a person with knowledge and experience in the preparation of such plans. The SWMPs are to incorporate the elements of Section 5.1 of the Water Cycle Management Study prepared by SEEC Morse McVey (dated 25 July 2008) and include temporary stormwater management measures during the construction phase, such as sedimentation basins, until the site is stabilised and permanent stormwater management measures can be fully installed and commissioned. The SWMP for each stage is to be prepared in consultation with the Sydney Catchment Authority;

- (xix) Effective erosion and sediment controls are to be installed prior to any construction activity including earthworks for the subdivision road, watercourse crossing and dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundcover established;

*Reason for Conditions (xviii) & (xix) – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during these construction phases.*

56. Roads and Traffic Authority

The following are the requirements of the Roads and Traffic Authority with regard to road safety and traffic management:

- (i) Prior to the issue of the Subdivision Certificate associated with Stage 2 of the proposal, the access to proposed Lot 3 shall be permanently closed and reinstated to match existing. All access to Lot 3 shall occur via a right of way providing access across proposed Lots 2, 4, 5 and 6.
- (ii) Vehicular access to all lots fronting Exeter Road shall occur via the proposed public road and associated rights of carriageway. Future access to Lots 1, 2, 3 and 4 via Exeter Road shall be restricted via the use of an 88B Instrument.
- (iii) The junction of the proposed public road and Exeter Road shall be upgraded to a sealed Type BAL left turn together with a sealed Type BAR right turn configuration as per Section 6 of the *AUSTROADS Guide to Traffic Engineering Practice- Part 5 Intersections at Grade*.
- (iv) The developer shall be required to provide a suitable drainage treatment across the driveway to prevent water proceeding onto, or undermining, the travel lane of Exeter Road.
- (v) Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
- (vi) Where required, lighting shall be upgraded / provided in accordance with Australian Standard AS/NZS1158.
- (vii) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the Roads and Traffic Authority.
- (viii) Section 138 concurrence under the *Roads Act 1993* shall be obtained from the Roads and Traffic Authority prior to construction of the junction upgrade.

- (vii) The developer shall apply for a Road Occupancy Licence (ROL) from the Roads and Traffic Authority Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the Roads and Traffic Authority Project Manager.

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