

<b>JRPP Number</b>	2010NTH024
<b>DA No.</b>	DA93/2011
<b>Proposed Development</b>	Shannon Estate 87 Lot Residential Subdivision, Fitzroy Street, Narrabri
<b>Applicant</b>	Anthony Daintith Town Planning
<b>Report By</b>	Warwick Stimson – Consultant Planner

## Assessment Report and Recommendation

<b>Owner</b>	Narrabri Shire Council
<b>Lodgement Date</b>	27 August 2010
<b>Capital Investment Value</b>	\$9.1million
<b>Land Zoning</b>	2(a)(Residential “A” Zone) and 1(d)(Rural (Floodway) Zone)
<b>Current use and Development</b>	Vacant land

## Executive Summary

### Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13B(2) of *State Environmental Planning Policy (Major Development) 2005* as Narrabri Shire Council is the owner of the land on which the development is proposed to be carried out and the capital investment value is in excess of \$5 million.

### Brief Description of Proposal

The development application seeks consent for the subdivision of one lot into 87 residential allotments ranging in size from between 900m<sup>2</sup> and 1100m<sup>2</sup> within the area referred to as the ‘Shannon Estate’. Lots that include portions of the flood affected 1(d) zoned land are up to 2.36 hectares in area.

### Compliance with Planning Controls

The *Narrabri Local Environmental Plan No 2* (the LEP) is applicable to the subject site. The northern part of the subject site is zoned 1(d) (*Rural (Floodway) Zone*) while the southern section of the site is zoned 2(a) (*Residential “A” Zone*). No residential development is proposed within the 1(d) zone portion of the land. It is considered that the proposed development is consistent with the aims and objectives of the LEP.

## Development Proposal

The application seeks consent for the development of a residential subdivision including the creation of 87 residential lots generally ranging in size from between 900m<sup>2</sup> and 1100m<sup>2</sup>. Lots that include portions of the flood affected 1(d) zoned land are up to 2.36 hectares in area. Associated road works and infrastructure including reticulated water and sewer, electricity and telecommunications also form part of the application.

It is proposed to construct the subdivision in three stages as follows:

- Stage 1**        Lots 3 to 22
- Stage 2**        Lots 1, 2, 57 to 65, 67 to 79
- Stage 3**        Lots 23 to 56, 66, 80 to 87

## Site Description

The subject site is currently known as 64 Fitzroy Street with the real property description being Lot 92 DP 871048. The site is generally flat in topography and can be accessed from the northern ends of both Regent Street and Ningadhun Circuit. The site is currently vacant and is used occasionally for grazing purposes.

Development to the north of the subject site is characterised by rural and agricultural uses while to the east of the site rural and rural residential properties are found. Residential dwellings are located to the south while active railway infrastructure exists to the west along with a number of commercial businesses fronting Fitzroy Street including a transport depot, scrap metal yard and Country Energy depot.

## Referrals

The application was referred to Council's Engineering Services Section for comment. The following comments were provided for consideration:

- *Stormwater grades are extremely flat (as low as 0.1%). These grades would be very hard to construct and would not achieve self cleansing requirements. APP to confirm suitability of these lines.*
- *Hydraulic tables have been calculated on a 5 year ARI – hydraulic grad lines appear to be surcharging at every pit. Pipes/pits to be resized to suit this storm event and accommodate acceptable surcharge levels.*
- *Sewer lines are very shallow especially at upstream locations and some lots may not have 100% drainage capabilities. Extent of achievable sewerage drainage limits not shown – APP to confirm suitability of lines.*
- *Kerb layback detail to be amended to Council's typical detail.*

- *No investigation has been completed in regards to the impact the subdivision may have on existing sewer and potable water capacities. An analysis of these services will be required prior to construction.*
- *Design plans submitted did not include electrical or telecommunications layout – these are to be designed in accordance with current Australian Standards and local service utility requirements.*
- *All road works and drainage works are to be constructed in accordance with Narrabri Shire Council's specifications.*
- *All sewer works are to be constructed in accordance with:*
  - *AS3500.2 – Sanitary Plumbing and Drainage*
  - *WSA02 – Sewerage Code of Australia*
  - *WSA07 – Pressure Sewerage Code of Australia*
  - *Narrabri Shire Council Design Specifications*
- *All potable water works are to be constructed in accordance with:*
  - *AS3500.1 – Water Services*
  - *WSA03 – Water Supply Code of Australia*
  - *Narrabri Shire Council Design Specifications*

Engineering comments are discussed later in this report.

## **Environmental Planning and Assessment Act 1979**

### **Section 23G – Environmental Planning and Assessment Act 1979**

A regional panel is responsible for any of Council's functions as a consent authority that is conferred on it under an environmental planning instrument. In this instance, the Northern Region Joint Regional Planning Panel is the consent authority as conferred on it under *State Environmental Planning Policy (Major Development) 2005*.

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the *Environmental Planning and Assessment Act 1979* as they relate to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

## **Section 79C(1)(a)(i) Any environmental planning instrument**

### **State Environmental Planning Policies**

#### State Environmental Planning Policy 44 – Koala Habitat Protection

Clause 7 of the SEPP requires Council to be satisfied that the land is not a potential koala habitat. The subject site is void of any vegetation and so a detailed investigation was not considered necessary.

#### State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of the SEPP requires Council to consider the issue of contamination prior to determining an application. It is considered that the potential for contamination of the site is minimal with no evidence of any potential polluting uses of the land in the past. A detailed investigation was therefore not considered necessary.

#### State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP details the traffic generating developments that are required to be referred to the NSW Roads and Traffic Authority. Since the proposed subdivision is less than 200 lots, the proposal does not need to be referred.

### **Local Environmental Plans**

#### Narrabri Local Environmental Plan No 2

**Clause 9** of LEP No. 2 contains the zone objectives and development control table.

1. *The objectives of a zone are set out in the Table to which this clause under the heading “Objectives of the zone” appearing in the matter relating to the zone.*
2. *Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:*
  - a. *Development may be carried out without development consent,*
  - b. *Development may be carried out only with development consent, and*
  - c. *Development is prohibited*
3. *Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.*

The site contains two zonings, with the northern portion of the site being zoned 1(d)(Rural (Floodway) Zone). The objectives of the zone are as follows.

*The objective is to establish a series of obstacle free floodways, these floodways being a vital component of the flood mitigation programme for the Town of Narrabri. Permissible land uses within the zone are those which can be carried out without obstructing the floodway or resulting in extensive damage in times of flood.*

No development within the 1(d) zone is proposed as part of this application.

The southern portion of the site is zoned 2(a)(Residential A Zone). The objectives of the zone are as follows.

*The objective is to provide residential areas free of residential flat buildings but available for the establishment of uses compatible with low density residential development. Small shops to service the convenience needs of residents are considered to be compatible with the objectives of this zone are permissible with the Council's consent.*

It is considered that the proposed subdivision is consistent with the objectives of the zone. Moreover, the additional housing stock will contribute to the needy supply of residential accommodation within Narrabri. The proposed development represents a natural extension of the existing residential subdivision along Regent Street and Ningadhun Circuit.

**Clause 10** of the LEP concerns development of flood prone land as follows:

1. *This clause applies to land to be inundated by floodwaters with an average recurrence interval of 1:100 years.*
2. *In this clause, land-filling means the depositing of soil or like materials to a depth of more than 225 millimetres above natural ground surface level.*
3. *In considering an application for development consent in respect of land to which this clause applies, the Council shall take into account the following additional matters:*
  - a. *Floor height of any building comprised in the proposed development in relation to known flood levels,*
  - b. *Land filling,*
  - c. *Drainage,*
  - d. *Flood proofing measures,*
  - e. *Access.*

The subject site is located within the *additional area inundated by a fifty year flood*, or ARI 1:50. A detailed flood Strategy was prepared in 2001 that investigated various sites including the Shannon Estate. This was an updated of an earlier study undertaken in 1996 that had, amongst other things, recommended a levee within the vicinity of the site. The Strategy included the following commentary:

*The 1996 floodplain management study identified the following strategy for the Shannon Estate area:*

- *Construction of a ring levee, or filling of residential allotments to provide protection up to 1% AEP flood level*
- *Compensatory works to be undertaken to the adjacent reach of Narrabri Creek to offset the loss of floodplain storage resulting from levee construction/site filling*
- *Raising some 17 nearby rural houses with habitable floor levels below the 2% AEP flood levels*
- *Planning, development and building controls*

*The results produced by the expanded MIKE-11 hydraulic model indicate that the Shannon Estate levee would have a significantly lesser impact on flood behaviour than previously estimated. The compensatory works along the adjacent reach of Narrabri Creek were found to be not required.*

*Construction of the Shannon Estate levee in addition to the Mackenzie Street levee was found to have little additional impact on flood behaviour other than along Horsearm Creek.*

The Strategy identified the following preferred management regime for the Shannon Estate:

*It is proposed that residential development be permitted within the limits of the current Residential 2(a) zone subject to the following conditions:*

- *Site filling of allotments permitted to 0.3m above 1% AEP design flood level, subject to adequate provision for drainage of adjacent allotments;*
- *No residential development permitted in areas where flooding exceeds 1m depth in 1% AEP design flood event.*

It is therefore considered that matters relating to flooding can be addressed at the time of individual development applications being lodged for dwellings once the subdivision has been developed.

**Clause 17** of the LEP concerns the subdivision of land, with any subdivision requiring the consent of Council. The lodgement of the development application satisfies this clause.

**Clause 19** of the LEP relates to the provision of water supply, sewerage and drainage and states:

1. *A person shall not erect a dwelling house on land (except land within Zone 1(a) or 1(d)) unless and until arrangements satisfactory to the Council have been made for connection to a water supply, drainage and sewerage system, or unless and until arrangements satisfactory to the Council have been made for*

*connection to a water supply and drainage system and a septic tank for sewage disposal on the land*

2. ...
3. ...
4. ...

It is proposed that each lot will be connected to the reticulated town water supply, drainage and sewerage systems. Detailed plans for these works were submitted with the application and have been assessed by Council's Engineering Department. Whilst concern has been raised over certain aspects of the design as it is currently, it is considered that these issues can be resolved through more detailed design prior to the construction of the subdivision.

***Section 79C(1)(a)(ii) Any draft environmental planning instrument that is or has been placed on public exhibition***

There are no draft environmental planning instruments applicable to the proposal.

***Section 79C(1)(a)(iii) Any development control plan***

The following development control plans (DCP's) are applicable to the site and the proposed development.

Development Control Plan – Landfill Development

The aims and objective of the DCP include:

- *To regulate the appropriate use and maintenance of landfill; and*
- *To set reasonable environmental standards in respect of flood-liaible land, privacy, on-site drainage, aesthetics, streetscape and other impacts on adjoining landuses; and*
- *To approve design controls for landfill development; and*
- *To provide application and assessment standards for landfill activity*

The applicant has submitted a Statement of Environment Effects that states that the engineering plans have been prepared to demonstrate the amount of cut and fill required on the site to construct the subdivision.

The submitted plans do include an earth works layout plan and this has been considered by Council's Engineering Department when the application was referred for comment. No objection was raised in relation to landfill issues.

Part 5 of the DCP contains site specific development controls that would be applicable to 'landfill pads' at the stage of determining single dwelling applications for within the estate. It is considered that they would be applied at that time.

Part 6 of the DCP outlines Council's approach to development application assessment and this section includes a diagram relating to the dwelling only.

It is therefore considered that the provisions of this DCP would be considered at the time of individual development applications for dwelling houses.

#### Development Control Plan – Notification

Greenfield subdivisions are considered a 'Category A' type of development and have been subject to Council's notification process. Three submissions were received through this time and are discussed later in this report.

#### Development Control Plan – Subdivision Code

The following is an assessment of the proposal against the relevant provisions of the DCP.

Clause	Description	Comments
4.1	Lot sizes for rural subdivisions	Not applicable, urban subdivision proposed.
4.2.1	Access to rural properties	Not applicable, urban subdivision proposed.
4.2.2	Access to urban properties	Appropriate vehicle crossing and laybacks will be provided to each lot. Access to proposed battle-axe lots will exceed 3.5m. New roads will be sealed in accordance with the relevant standards and Council's specification.
4.3	Building envelopes	Suitable building envelopes are available on each allotment.
4.4	Street frontages	Street tree planting will be provided in accordance with Council's requirements.
4.5.1	Essential services	Appropriate arrangements will be made with utility providers prior to construction.
4.5.2	Community services	Appropriate Section 94 contributions have been levied as part of this recommendation.
4.6.1	Flooding	Matters relating to flooding have been discussed throughout this report.
4.6.2	Bushfire	Not applicable

It is therefore considered that the proposed development satisfactorily addresses the provisions of the DCP.



***Section 79C(1)(a)(iia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F***

There are no planning agreements applicable to the subject site or proposal development.

***Section 79C(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph),***

There are no provisions of the Regulations that are applicable to the proposed development.

***Section 79C(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

Context and Setting

The proposed subdivision represents an extension to the existing residential area to the south. The land has been appropriately zoned for a significant time and it is considered that given there are no conflicting land uses in the vicinity, the proposal is considered compatible with the existing locality.

Whilst there will be short term impacts on existing residents through the development period of the estate, it is considered that these will be minimal and short term.

Demand for housing in Narrabri is well documented and the construction of the Shannon Estate is a distinct contribution in alleviating the housing shortage.

Traffic and Access

The Statement of Environmental Effects accompanying the application submits that the 87 lots would generate an additional 522 vehicle movements per day (based on generally accepted figures used by the RTA for dwelling houses). It is concluded that such an increase would not require additional upgrading of local roads or intersections and that there is sufficient capacity on the road network to accommodate this increase.

Public Domain

It is considered that the proposed development would have a negligible impact on the public domain of the locality. There will be some short term impacts arising as a result of the construction activities in the estate however these will be minor.

Services

It is proposed to individually service each lot with water, sewer, electricity and telecommunications. Appropriate stormwater drainage will also be provided for.

Conditions of consent are recommended to ensure that the correct services are incorporated into the estate. Furthermore, to ensure that sufficient capacity will be available for both sewer and stormwater systems, the proponent will be required to provide a detailed report to Council that recommends the necessary upgrades required, if any.

Accounting for the existing lot, calculations for contributions would be based on the development of 86 lots. At the time of writing this report, the following contributions would apply to the proposed development.

<b>Contribution</b>	<b>Rate</b>	<b>Total for proposed development</b>
s68 sewer headworks	\$4,177.00 per lot	\$359,222.00
s68 water headworks	\$2,758.00 per lot	\$237,188.00
s94 Public Open Space	\$249.00 per lot	\$21,414.00
S94 Bushfire	\$311.00 per lot	\$26,746.00
S94 Community Facilities	\$124.00 per lot	\$10,664.00
<b>TOTAL</b>		<b>\$655,234.00</b>

#### Erosion and Sediment Control

With the need to relocate soil around the site for earthworks, appropriate erosion and sediment control measures will be required for the site. Conditions of consent have been recommended accordingly.

#### Flora and Fauna

There are no matters of concern relating to flora and fauna arising as a result of this application.

#### Heritage

There are no matters of concern relating to flora and fauna arising as a result of this application.

#### Amenity Impacts

As described above, there will be short term amenity impacts through the construction period of the Estate. These however will be minor. Appropriate conditions of consent will be incorporated in relation to minimising construction impacts on existing residents.

The land is capable of accommodating the proposed development and it is considered that the additional dwellings will complement and contribute to the general amenity of the locality.

#### Safer by Design Principals

There are no aspects of the proposal that are inconsistent with the principles and strategies relating to crime prevention within the design of the estate.

***Section 79C(c) The suitability of the site for the development,***

Despite the flood prone nature of the subject site, residential development can be developed on this land. Measures to protect dwellings from the impacts of flood would be fully considered at the time of considering specific development applications.

Given the zoning of the site, the complementary nature of the proposal when considering existing dwellings to the south, and the minimal impacts arising as a result of the construction of the estate, the site is considered suitable for this development.

***Section 79C(d) Any submissions made in accordance with this Act or the regulations***

The application was notified in accordance with Council's policy with three (3) submissions being received. The following issues were raised in the submissions.

*The lack of recreational space*

The proposed development does not include dedicated recreational space, however a contribution will be levied in accordance with Council's Section 94 plan to provide for additional public open space facilities for the wider community.

*Impact on existing sewage plant/capacity*

A condition of consent has been recommended to provide details on the capacity of the current system to accommodate the proposed development. Should it be found that additional capacity was necessary then an upgrade to the system would be required.

*Concerns over flooding impact*

Matters relating to flooding have already been discussed throughout this report. It is considered that future dwellings will require some forms of flooding protection and that the necessary requirements would be imposed at the time of determining those development applications.

*Increase traffic flow*

There will be a minor increase in traffic flow in the locality however it is not considered that this increase would represent a significant negative impact on existing residents. It is also considered that the existing road network has sufficient capacity to accommodate this increased growth in housing.

*Privacy*

Concern was raised over the potential for two storey dwellings to be constructed on the proposed lots and the impact on privacy that might arise. Matters relating to privacy would be an issue to assess at the time that specific development applications for dwellings were being assessed.

#### Cost of the land

Concern was raised over the potential lower cost that the blocks might be sold at and the potential for the area to turn into a ghetto. The issue of the price that lots are sold at is not a planning issue that is considered relevant to the proposed development.

#### Government housing

Objection was raised over the potential for lots to be purchased for the purposes of housing commission and aboriginal housing. Such an issue is not considered to be of a planning nature and is therefore irrelevant to the proposed development.

#### Water pressure

The proponent will need to ensure that appropriate water pressure is provided to each lot and that existing dwellings will not be impacted on. Conditions of consent have been recommended accordingly.

### ***Section 79C(e) The public interest.***

The housing shortage in Narrabri is well documented. Impacts arising through the development of this land have been discussed in this report and are considered acceptable.

It is considered that the public interest would be served well through the approval of this application.

## **Conclusion**

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. The assessment demonstrates that the proposal is satisfactory in terms of the matters for consideration, and the potential impacts on the existing locality.

It is therefore recommended that the proposal be granted approval subject to conditions.

### SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in Development Application No. 93/2011 registered in Council's records as of 27 August 2010 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.
2. Prior to the release of the linen / original plans by Council, the proponent is required to lodge with Council a Subdivision Certificate, certifying that the development has complied with Council's subdivision conditions of consent requirements.

**REASON:** To comply with Council's statutory requirements.

3. Prior to the issue of a construction certificate for subdivision works, the proponent shall provide the following information to Council's Manager Planning and Development Services for approval:
  - a. Confirmation of the suitability of proposed stormwater grades;
  - b. Details on appropriately sized pits/pipes to accommodate acceptable surcharge levels ;
  - c. Confirmation of the suitability of the proposed sewer lines; and
  - d. Confirmation that kerb layback design is consistent with Council's requirements.

The above information shall be provided by an appropriately qualified consultant. Existing infrastructure services are to be upgraded accordingly.

4. Prior to the issue of a Construction Certificate, the proponent shall provide a report to Council's Manager Planning and Development Services for approval detailing the capacity of the existing sewer and potable water supplies and the impact of the proposed development on same. The report shall be undertaken by an appropriately qualified consultant.
5. All road and drainage works are to be constructed in accordance with Narrabri Shire Council's Specifications.
6. All sewer works are to be constructed in accordance with:
  - a. AS3500.2 – Sanitary Plumbing and Drainage
  - b. WSA02 – Sewerage Code of Australia
  - c. WSA07 – Pressure Sewerage Code of Australia

- d. Narrabri Shire Council Design Specifications
7. All potable water works are to be constructed in accordance with:
- a. AS3500.1 – Water Services
  - b. WSA03 – Water Supply Code of Australia
  - c. Narrabri Shire Council Design Specification
8. The proponent shall erect signage in a prominent position on the site:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) 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
  - (c) stating that unauthorised entry to the work site is prohibited.

**REASON:** To comply with Council's statutory requirements.

9. No development works or activity (including fencing, grazing, etc) be undertaken in that part of the land zoned 1 (d) Rural 'Floodway' unless prior development approval is obtained from Council.

**REASON:** To comply with Council's requirements.

10. Prior to the release of the Subdivision Certificate and further linen or original plans, the developer is required to submit professional plans and seek Council approval to construct the road intersections and connections indicated on the approved plans, to Council Design Specifications.

**REASON:** To comply with Council's requirements.

11. Prior to the issue of a Construction Certificate the applicant is to submit to Council a Traffic Management Plan for the development outlining the proposed plan of management during construction and further post construction permanent traffic management.

**REASON:** To comply with Council's requirements.

## **GENERAL**

12. All works associated with the implementation / construction of the proposed activity (Not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Friday	7am to 5pm
Saturday	8am to 1pm
Sunday	Nil

Advice: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relive the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

**REASON:** Statutory Requirement

13. Temporary toilet facilities shall be provided on the said allotment prior to the commencement of any site or building work.

**REASON:** To comply with Council's requirements

14. Should the development require connection of a telephone service or further alteration to the existing telecommunications network the proponent shall contact Telstra at their Commercial Operations Centre.

**REASON:** To comply with Council's requirements.

15. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.

**REASON:** To comply with Council's requirements.

16. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.

**REASON:** To comply with Council's requirements.

17. The proponent shall install suitable protection to ensure that public trees are protected from damage arising during the construction phase of the development.

**REASON:** To comply with Council's requirements.

18. The proponent shall not remove street trees owned by Council on public land. Any pruning or removal of street trees will be subject to approval by Council under the Urban Tree Management Policy.  
Advice: Further information may be obtained by contacting Council's Parks and Gardens Overseer / Co-ordinator.

**REASON:** To comply with Council's requirements.

19. No materials or machinery to be used in the construction of the development shall be stored or stacked on Council's footpath, nature strip, public defined land or roadway.

**REASON:** To comply with Council's requirements.

20. During construction of the proposed building or structure no construction vehicles are to be parked on roads / rear lane ways as to restrict traffic flow and or access to allotments.

**REASON:** To comply with Council's requirements.

21. The proponent shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.

**REASON:** To comply with Council's requirements.

22. The proponent shall provide at least forty-eight (48) hours notice be given to Council when any inspection is required.



**REASON:** To comply with Council's requirements.

#### **ENGINEER'S DETAIL**

23. That certification of the proposed work(s) be supplied by a qualified practising Structural or Civil Engineer at the completion of works, certifying that the work(s) have been carried out under their supervision and to their requirements.

**REASON:** To comply with Council's requirements.

#### **STATUTORY**

24. The proponent shall supply documentary evidence to Council that the proposed subdivision has been notified to Country Energy for the supply of electricity.

**REASON:** To comply with the statutory requirements of other authorities.

25. The proponent shall supply documentary evidence to Council that the proposed subdivision has been notified to the relevant telecommunications authority for the provision of telephone services

**REASON:** To comply with the statutory requirements of other authorities.

#### **CONTRIBUTIONS**

26. The proponent is served notice that in accordance with Council's Contributions Policies, the proponent is required to contribute to public infrastructure, services and facilities. In accordance with this policy, the amount payable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which the payment is made. The contribution during the 2010/2011 financial year is tabulised below for payment. Contributions have been calculated on 86 lots in addition to the existing lot.

Contribution	Rate	Total for proposed development
s68 sewer headworks	\$4,177.00 per lot	\$359,222.00
s68 water headworks	\$2,758.00 per lot	\$237,188.00
s94 Public Open Space	\$249.00 per lot	\$21,414.00
S94 Bushfire	\$311.00 per lot	\$26,746.00
S94 Community Facilities	\$124.00 per lot	\$10,664.00
<b>TOTAL</b>		<b>\$655,234.00</b>

Contributions shall be paid prior to the issue of a linen certificate.

**REASON:** To comply with Council's section 94 Contributions Plan

### **INFRASTRUCTURE**

27. The town sewer system is to be provided to each Lot at the applicant's cost in accordance with Council's Subdivision Design Specifications. Application shall be made to Council's Engineering Standards and approval shall be granted prior to any works commencing in the site.

**REASON:** To comply with Council's requirements for the upgrading of services.

28. That the town water be provided to each Lot at the applicant's cost accordance with Council's Subdivision Design Specifications. Application for connection shall be lodged with Council's Engineering Services and approval shall be granted prior to any connection being made. Each connection shall also include provision of a water meter.

**REASON:** To comply with Council's requirements for the upgrading of services.

29. The developer shall install appropriate street trees in accordance with Council's Public Space Tree Policy, every ten (10m) along the entire frontage of the proposed allotments.

**REASON:** To comply with Council's requirements.

30. In respect to the proposed infrastructure works (roads, water, sewer, stormwater), the developer is to submit appropriate design plans and specifications and Design Certificate Report in accordance with Auspec Design Specifications Guide to Council and for approval.

Council will also require works as executed plans for the above works, water and sewer facilities are to be shown on separate plans. All plans shall be accompanied by a Auspec Design Specifications Guide checklist that shall be endorsed by a suitably qualified and professional civil or structural engineer.

The developer may nominate to Council for consideration appropriate street names in respect to the proposed new streets.

**REASON:** To comply with Council's requirements for the provision of infrastructure.

### **LIABILITY**

31. The applicant shall indemnify Council against any and all actions, suits and claims of whatsoever nature resulting in injury to person or persons or damage to property other than that owned by the applicant and providing a declaration to this effect to the satisfaction of Council and the applicant providing Council with proof of adequate public liability insurance coverage.

**REASON:** To comply with Council's requirement for insurance coverage against claims.

### **ENVIRONMENTAL**

32. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Department of Environment & Climate Change (DECC) requirements. All sediment is to be controlled onsite including the transport of sediment from vehicular tyres and machinery.

**REASON:** To comply with Council's statutory requirements.