

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 1 March 2016 and 30 March 2016

Panel Members: Pam Allan (chair), Allen Grimwood and Alison McCabe

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015STH028 Albury 10.2015.34157.1 [at Gerogery Road, Ettamogah] as described in Schedule 1.

Date of determination: 30 March 2016

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development is appropriate for the proposed site
2. With the imposition of the conditions of consent, as amended by the panel, the proposed development will not have an unreasonable impact on the natural or built environment
3. The proposed development will benefit the community by stimulating the local economy.

Conditions: The development application was approved subject to the recommended conditions attached to the assessment report, amended as follows:

- Include new condition A12:

(A12) Compliance – NSW Department of Primary Industries-Lands

i) Both road crossings will be on land zoned E3 and it is understood that under the order conferring Biodiversity Certification of Albury LEP 2010, there will be a requirement to provide offsets in the form of an equivalent area of land as well as offsets for the loss of vegetation.

ii) The location of Knowles Road North should be considered in detail to ensure that its future extension to the west across Crown land (lot 35 DP1121146) and private land (lot 1 DP1054721) will be such that the loss of vegetation will be minimised and the loss of large hollow bearing trees in particular will be avoided.

The creek within Lot 1 DPI054721 and the adjoining Crown land were identified as habitat for threatened species in the Thurgoona Threatened Species Conservation Strategy and accordingly have been zoned E3 Environmental Management under the Albury LEP 2010. Further, the part zoned E3 on lot 1 DPI054721 is subject to a Restriction as to Use for environmental protection. The beneficiaries of this restriction are Albury City Council and the (then) Department of land and Water Conservation.

iii) The fill batter on the Eastern side of Maclaurin Road at approximate chainage 750 appears to impact on a mature tree. Because of the tree's proximity to another tree on the western side of the proposed road, its loss would be detrimental to the safe movement of Squirrel gliders through the landscape. This tree must be protected to ensure that there is no disturbance within the drip line. This may require the construction of a retaining wall to restrict the fill batter.

iv). Notwithstanding that an easement to drain water exists over the whole of the Crown land in the vicinity of the proposed road crossing, the outlet from the retarding basin at headwall 2-1 must be located within the proposed road reserve. The outlet should be designed and constructed to minimise disturbance of vegetation and erosion particularly where the discharge enters the creek within Crown land.

v) The outlet from the retarding basin at headwall 3-1 should be designed and constructed to minimise disturbance of vegetation and erosion in particular where the discharge enters the depression within Crown land.

vi) The proposed road intersects a significant natural water course resulting in the need for the diversion. However this diversion appears to be a short term solution which does not address possible future site works on lot 7 to enable development for industrial use. These site works are likely to involve filling of the water course and thus necessitating a diversion further to the west.

SOUTHERN JOINT REGIONAL PLANNING PANEL

Site works on lot 7 are to be carried out either wholly or in part in conjunction with the estate development so that a diversion of the water course can be created to the west of lot 7 within the proposed wildlife corridor.

Reason: to ensure that the development does not impact adversely on environmentally sensitive areas or landscape features within the site and on adjoining land

- Include new condition D8:

Subdivision – watercourse crossings

All watercourse crossings are to be constructed as advised in 'Guidelines for watercourse crossings on waterfront land', published by the Department of Primary Industries – Office of Water (published June 2012)

Reason: to ensure that the development does not impact adversely on environmentally sensitive areas or landscape features within the site and on adjoining land

- Other conditions to be renumbered accordingly.
- Section G to be deleted

Panel members:



Pam Allan (chair)



Allen Grimwood



Alison McCabe

SOUTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015STH028 Albury 10.2015.34157.1
2	Proposed development: 11 Lot Torrens Title Subdivision - Industrial
3	Street address: Gerogery Road, Ettamogah
4	Applicant: Albury City Council Owner: Albury City Council, AP Delany & NSW Department of Primary Industries - Lands
5	Type of Regional development: Development with a Capital Investment Value of more than \$5 million where Council has an interest
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • Albury Local Environmental Plan 2010 • Albury Development Control Plan 2010 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report dated 5 February 2016 Amended Council Assessment Report dated 22 March 2016
8	Meetings and site inspections by the panel: electronic determination meeting held between 1 March 2016 and 30 March 2016
9	Council recommendation: Approval
10	Recommended conditions: Attached to Council Assessment Report

SOUTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 2

A. General

(A1) Subdivision - approved plans

The subdivision of Lots 31-35 DP 1121146 and Lots 7, 11 & 12 DP 247805 Gerogery Road, Ettamogah being carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application received on 02/10/2015 and as amended 18 December 2015 including mitigation measures as outlined with the NEXUS Statement of Environmental Effects prepared by GHD dated February 2014 and subject to the following conditions. (A003)

(A2) Development of Crown Land

(1) This consent does not imply the concurrence of the Minister for Primary Industries and the Minister for Lands and Water for the proposed development.

(2) The development of any Crown Land is to be carried in accordance with the following conditions:

(a) Any further development or works proposed on Crown land including the extension of utilities to service the development will require a separate development application to be lodged. Such application will require an Application for Landowner's Consent to the lodgement of a Development Application with respect to Crown land.

(b) The Minister for Primary Industries and the Minister for lands and Water reserves the right to make comments, lodge an objection and / or require conditions with respect to any further development proposed on Crown land.

(c) Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the NSW Department of Primary Industries, lands authorising such work or occupation.

(d) No development drainage, overflow or contaminated waste (contaminated runoff or septic) shall impact negatively on the Crown land.

(e) No materials are permitted to be dumped or stored on Crown land.

(f) The development shall be conducted with minimal environmental disturbance to the Crown land and is to avoid the removal or damage of any native trees located within the subject Crown lands.

(g) Public access on the Crown land is retained and not restricted on and along the Crown land.

(h) Appropriate pollution control measures shall be provided for the duration of the works. Such measures are not to be located on Crown land.

(i) Measures should be taken by the applicant to ensure that the work does not contribute to the spread of noxious weeds.

(A3) Land Acquisition

(a) Council is required to make application under the Land Acquisition (just Terms Compensation) Act 1991 to acquire identified land for road purposes.

(b) Offsets in the form of suitable land or compensation for the land acquired. (NOTE: The Deed of Transfer of Albury Environmental lands from Albury Wodonga Corporation to the Department requires that any proceeds from the sale "*must be used to purchase, manage and improve land having similar biological values to the Land sold*".)

(c) Offsets are to be provided for the loss of vegetation as a result of the construction of the road crossings.

(A4) Construction Environmental Management Plan

(1) Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site is to be submitted to AlburyCity Council for consideration and approval. The EMP is to be prepared by a suitably qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

(a) Address all environmental aspects of the development's construction and operational phases, and

(b) Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s), and

(c) Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

(2) The EMP should include but is not limited to the following:

(a) Soil and water management. Erosion and sediment control measures shall be provided and

maintained during the construction of the subdivision in accordance with Council's Soil and Water Management Guidelines for Subdivisions. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been stabilised and fully revegetated;

(b) Dust suppression controls. These could include minimising soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions. Dust control measures must be utilised during work, to control the emission of dust from the site during work

(c) Construction Traffic Management Plan prepared in accordance with AS1742.3 by an appropriately qualified person;

(d) Protective measures for land within adjoining E3 Zone land as well as any native vegetation on site to be retained which shall be maintained to post construction Stage;

(e) Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environmental Noise Control Manual.

(f) Emergency response and spill contingency.

(3) Council will not withhold its consent to the Environmental Management Plan provided the above-mentioned matters are reasonably addressed.

(4) The relevant aspects of the approved EMP are to be implemented during the relevant phase(s) of the development.

(A5) Construction Certificate - subdivision works

Works on the subdivision and or civil work construction is not to commence until:

- A Construction Certificate has been issued. Works are to be in accordance with Albury City Council's *Engineering Guidelines for Subdivisions and Developments Standards* and applicable conditions of this consent, a copy of which must accompany the Construction Certificate application.

- A Principal Certifying Authority has been employed for the project, and

- Any other matters prescribed in the Development Consent for the subdivision and the *Environmental Planning and Assessment Act and Regulation* have been complied with.

Albury City Council is to be notified 48 hours prior to commencement of civil engineering works or clearing associated with the subdivision or civil construction works. (A061)

(A6) Stormwater Management

Each lot is responsible to collect stormwater and retain pre-development flows. (A996)

(A7) Construction Traffic

Construction environmental plan will be required and approved prior to the issue of a construction certificate (A997)

(A8) Sewer

Each allotment within the subdivision will be responsible for the onsite treatment of sewage in accordance with Council requirements and depending on the nature of the system and the extent of waste generated. This will need to be a proprietary system that is monitored and controlled in accordance with regulatory requirements. (A998)

(A9) Water Supply

Associated roof water harvesting and onsite storage of water by each lot is needed for the purposes of fire water, industrial water, toilet facilities and external requirements such as irrigation. Restricted portable water supply made available to each lot.

Add to 88b (A999 Modified)

(A10) Compliance - Tree Preservation Order

The development must not remove any tree unless prior approval of the Albury City Council has been obtained. (Tree's less than 4.5 metres in height or having a branch spread under 3 metres are exempt.) Any existing street tree within Council's road reserve shall not be removed or damaged during construction. . (C015)

(A11) Archaeology

If any Aboriginal artefacts are discovered on the subject land during the disturbance of the land work is to cease immediately and no further work shall; be undertaken until further directed by NSW Office of Environment & Heritage in relation to the protection of such artefact.

(A12) Compliance – NSW Department of Primary Industries-Lands

i) Both road crossings will be on land zoned E3 and it is understood that under the order conferring Biodiversity Certification of Albury LEP 2010, there will be a requirement to provide offsets in the form of an equivalent area of land as well as offsets for the loss of vegetation.

ii) The location of Knowles Road North should be considered in detail to ensure that its future

extension to the west across Crown land (lot 35 DP1121146) and private land (lot 1 DP1054721) will be such that the loss of vegetation will be minimised and the loss of large hollow bearing trees in particular will be avoided.

The creek within Lot 1 DPI054721 and the adjoining Crown land were identified as habitat for threatened species in the Thurgoona Threatened Species Conservation Strategy and accordingly have been zoned E3 Environmental Management under the Albury LEP 2010.

Further, the part zoned E3 on lot 1 DPI054721 is subject to a Restriction as to Use for environmental protection. The beneficiaries of this restriction are Albury City Council and the (then) Department of land and Water Conservation.

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v) The outlet from the retarding basin at headwall 3-1 should be designed and constructed to minimise disturbance of vegetation and erosion in particular where the discharge enters the depression within Crown land.

vi)

The proposed road intersects a significant natural water course resulting in the need for the diversion. However this diversion appears to be a short term solution which does not address possible future site works on lot 7 to enable development for industrial use. These site works are likely to involve filling of the water course and thus necessitating a diversion further to the west. Site works on lot 7 are to be carried out either wholly or in part in conjunction with the estate development so that a diversion of the water course can be created to the west of lot 7 within the proposed wildlife corridor.

B. Prior to the Issue of a Construction Certificate

(B1) Development – Stormwater drainage design

A stormwater drainage design is to be prepared showing stormwater from the site area and development being collected and disposed of to a lawful point of adequate capacity so as to prevent contamination of receiving waters. The design shall:

- (a) Be in accordance with *Australian Standard 3500.3*
- (b) Provide for drainage discharge to an existing Council drainage system.
- (c) Maintain where relevant existing stormwater overland flowpaths.
- (d) Ensure that the development either during construction or upon completion, does not impede or direct natural surface water runoff so as to cause a nuisance to adjoining properties.

Details including easements to be created are to be included with the plans and specifications to accompany any Construction Certificate. (B538)

(B2) Construction Certificate - Long Service Levy

Prior to the issue of a Construction Certificate, the Building Industry Long Service Levy is to be paid in accordance with the provisions of Section 34 of the *Building and Construction Industry Payments Act 1986*. This fee is payable on all projects in excess of \$25,000 in value and is calculated at the rate of 0.35% of the current value of works. (B105)

(B3) Subdivision - provision of services

The applicant must consult with the relevant electricity, gas, water and telecommunications carrier regarding their requirements for the provision of services to building sites and the location of existing services that may be affected by proposed works, either on-site or on the adjacent public roads. Services are to be located to minimise environmental damage. (B069)

(B4) Predicted Infrastructure

Stormwater drainage and water reticulation and services being designed and provided in accordance with Council's *Engineering Guidelines for Subdivision and Development* to cater for predicted infrastructure demand in the locality, and impact of development on Council's assets. The design must be approved by Council under the *Local Government Act* prior to construction and, on completion, the submission to Council of transparencies of work-as-executed drawings indicating the location of those facilities. Details to be provided to Council for approval. (B532)

(B5) Access - emergency service vehicles accommodated

Evidence being produced with the construction plans, from operators of emergency services, i.e. Fire Brigade and Ambulance, as to the adequacy of access to building sites, for emergency services. (B001)

(B6) Access - turning area in cul-de-sac

Sufficient area should be provided at the head of cul-de-sac streets to enable a standard vehicle (i.e. garbage truck) to turn. Details are to be provided with the construction certificate. (B003)

(B7) Construction certificate - Landscape Plan

Prior to issue of construction certificate a Detailed Landscape Plan that includes the following will be required:

- (a) Identification and accurate mapping of all trees within the subdivision in health and condition suitable for retention.
- (b) Report detailing species, health, condition and hazard rating of trees identified as suitable for retention.
- (c) Trees identified for retention to be clearly tagged on site to allow for assessment by Council officers.
- (d) A street tree planting plan detailing species and location.
- (e) Methods of tree protection during engineering works for trees identified to be retained.

(B018)

(B8) Environmental - dust control

Effective dust control measures shall be introduced and maintained at all times. Full details of proposed method of dust control shall be submitted to and approved with the construction certificate. (B027)

(B9) Kerb and gutter - "rollover" kerbing

Where road pavement widths of less than eight metres are proposed, kerbing shall be of a "rollover" semi-mountable type and shown, on the construction plans. (B045)

(B10) Site levels and catchment

Site levels to AHD and full calculations for all drainage design shall be submitted with the construction plans, for checking and approval, together with catchment plan, showing the total catchment and the sub-areas used in the calculations. (B051)

(B11) Soil and water management - soil erosion and sediment control plan

(a) A soil erosion and sediment control plan being designed in accordance with Council's *Soil and Water Management Guidelines for Subdivisions*. Details are to be included with the plans for a Construction Certificate. (B054)

(b) All measures specified in and approved soil erosion and sediment control plan to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained.

(B12) Subdivision – Stormwater drainage detention

A stormwater drainage detention system is to be provided to the subdivision. The system is to be designed to reduce developed discharges to pre-development discharges for all storms up to and including the 1:100 year event. The weir and wall of the basin are to be designed to withstand the effects of a 1:500 year event. (B542)

(B13) Limited Water Pressure

The applicant is advised that Council can provide town water at a limited pressure to within a reasonable distance from this development. It is the applicant's responsibility to demonstrate that each lot has an adequate water supply system for industrial water, fire fighting requirements, toilet facilities and external requirements such as irrigation. The proposed system to provide this adequate water supply shall be designed and submitted to Council for approval prior to issue of the Construction or Subdivision Certificate, whichever is the first. The minimum water supply requirements for each allotment are: -

- (a) A break pressure tank constructed at the frontage of each allotment for the purpose of obtaining water from the main by a low flow line;
- (b) A preferred pressure at the dwelling sites of 30 metres head with a minimum of 20 metres head at peak instantaneous demand;
- (c) The provision of a minimum 10,000 litres of water at all times for fire fighting purposes fitted with an outlet capable of being coupled to Fire Brigade fire fighting equipment so as to assist during an emergency.
- (d) On land within Council's Bush Fire Prone Map, water supply provision shall comply with "Planning for Bush Fire Protection 2006".

C. Prior to any work commencing on the site area

(C1) Prior to commencement of Construction Works

Two days before any site works, building or demolition begins, the applicant must:

- (a) Provide *Notice of commencement of work and appointment of Principal Certifying Authority*; to the Council.
- (b) Notify the adjoining owners that work will commence.
- (c) Notify *the Council* of the name, address, phone number and licence number of the builder.
- (d) Erect a sign at the front of the property stating that unauthorised entry is prohibited and showing the builder's name, licence number and site address.
- (e) Provide a temporary on-site toilet.
- (f) Protect and support any neighbouring buildings.
- (g) Protect any public place from damage, obstruction or inconvenience from the carrying out of the consent.
- (h) Implement measures to protect existing trees.
- (i) Implement controls to prevent soil erosion and pollution.
- (j) Prevent any substance from falling onto a public place.
- (k) Follow any other conditions prescribed in the *Environmental Planning and Assessment Regulation 2000*. (C426)

(C2) Compliance - protection for retained vegetation

Protective measure for vegetation to be retained shall be installed before commencement of work and maintained to post construction stage. (C025)

D. During Construction or Works

(D1) Construction - mode of work

During construction work must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like. (D033)

(D2) Construction - Hours of work

Demolition, subdivision or construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- (a) Mondays to Fridays, 7.00am to 6.00pm
- (b) Saturdays, 8.00am to 1.00pm
- (c) No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

Note: The provisions of the *Protection of the Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works. (D422)

(D3) Maintenance of soil erosion and pollution controls

All measures specified in Council's *Soil and Water Management Policy* to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained. (D522)

(D4) Subdivision – service supply

During construction each lot shall be provided with independent services i.e. electricity, gas, telecommunications, sewer and water, and if necessary, inter-allotment drainage, all in accordance with the requirements of the relevant authority. Works shall be carried out to meet Council's *Soil and Water Management Guidelines for Subdivisions*. (D546)

(D5) Construction - landscaping and planting open space and all reserves

All open space, road and watercourse reserves must be landscaped and planted to the satisfaction of Council. (D018)

(D6) Subdivision – No water passing over another allotment

During construction a piped interlot drainage system shall be installed to serve all allotments that cannot be drained to a drainage reserve or road table drain without water passing over another allotment. Installation shall be in accordance with the approved construction plan, with easements not less than 3.0 metres wide being created over the system. (D486)

(D7) Subdivision – New road construction

All new roads being constructed with concrete kerb and gutter, road pavement, sealed kerb to kerb and footpaths formed in earth and filled with topsoil, all in accordance with the Construction Certificate. (D502)

SOUTHERN JOINT REGIONAL PLANNING PANEL

(D8) **Subdivision – watercourse crossings** All watercourse crossings are to be constructed as advised in 'Guidelines for watercourse crossings on waterfront land', published by the Department of Primary Industries – Office of Water (published June 2012)

(D9) **Subdivision – street lighting**

During construction lighting is to be installed to illuminate accessways at head of cul-de-sacs and connecting pathways within any reserve. (D552)

(D10) **Subdivision – fire hydrants**

Locations of fire hydrants are to comply with AS2419 and be delineated by blue pavement markers in the centre of the road. (D554)

(D11) **Stormwater - drainage**

All stormwater runoff from the proposed development is to be collected on-site and conveyed to a lawful point of adequate capacity in a manner that is consistent with the latest version of *Australian Standard 3500.3.2*, and does not impede or direct natural surface water runoff so as to cause nuisance to adjoining properties. (B528)

(D12) **Subdivision – Water meter locations**

All water services to be located square off the water main and terminating at the meter located as close as possible (no more than 350mm) from the side boundary so as not to be subject to damage. (D484)

(D13) **Subdivision – runoff and sediment control**

During construction runoff detention and sediment interception measures are to be applied to the site area so as to reduce flow velocities and prevent sediment escaping from the site or entering any downstream drainage easement or natural or artificial water bodies. (D524)

E. Prior to the Issue of a Subdivision Certificate

(E1) **Compliance with Conditions**

Prior to the issue of the Subdivision Certificate the applicant must submit to Council, a letter outlining relevant conditions of consent and how each of the conditions have been implemented and/or satisfactorily addressed, so as to confirm compliance with all conditions of the subject consent.

Note: Council will not issue a Subdivision Certificate unless all work has been completed or agreement reached in accordance with s109J(2) of the Environmental Planning and Assessment Act. (G001)

(E2) **Subdivision - S94 and S64 contributions table**

Prior to the issue of a Subdivision Certificate the following monetary contributions pursuant to Section 94 of the *Environmental Planning and Assessment Act* and Section 64 of the *Local Government Act*, are to be paid. The contribution has been assessed as \$247,513.64 (Stage 1) and \$209,054.88 (Stage 2) if paid before the adoption of any subsequent plans, and is made up as indicated on the attached Tables 1 & 2 -

SERVICE/FACILITY	AMOUNT PAYABLE	ACCOUNT NO	HOTKEY
s.94			
Nexus Area (72ha)	\$247,513.64	0072.0849.800	225
TOTAL	\$247,513.64		

Table 1 – Stage 1

SERVICE / FACILITY	AMOUNT CALCULATED	SITE CREDIT	AMOUNT PAYABLE	ACCOUNT No.	HOT KEY

SOUTHERN JOINT REGIONAL PLANNING PANEL

s .64					
Water	\$24,408	\$9153	\$15,255	00044.0820.800	270
Sewer	\$32,544	\$12,204	\$20,340	00225.0822.800	271
s.94					
Nexus Area (50ha)			\$173,459.88	0072.0849.800	225
TOTAL			\$209,054.88		

Table 2 – Stage 2

Contributions are due prior to the release of the Subdivision Certificate, and will be calculated or recalculated at the rate applicable under the plans current at the time of payment. (G300)

(E3) Subdivision Certificate inspection fee

Prior to issue of a Subdivision Certificate the applicant shall pay to Council an Inspection Fee equivalent to 2.2% (includes GST) of the contract price of the subdivision works but not less than One Hundred and Sixty Dollars (\$160) for the cost of providing Council Inspection of Works. **(For office use only - HK 63)** (G306)

(E4) Subdivision - submit value of civil works and any maintenance bonds

Prior to issue of a Subdivision Certificate, the applicant shall submit an itemised monetary value of civil works for the inclusion in Council's Asset Management System and any necessary maintenance bonds. (G310)

(E5) Subdivision - maintenance bond

Prior to issue of a Subdivision Certificate, the applicant lodge with Council a maintenance bond equivalent to five percent (5%) of the contract price of the subdivision works but not less than Five Thousand Dollars (\$5000). Such bond monies will be held for a minimum period of twelve (12) months at which time an assessment will be made as to the extent of outstanding or substandard works. Those works deemed to be outstanding or of a substandard nature at that time by Council, might be repaired by Council at the applicant's expense by drawing on the bond monies held by Council. Note: Maintenance Bonds are only applicable for projects with a value greater than \$50,000. **(For office use only, Hot Key 64)** (G316)

(E6) Subdivision - provision of works-as-executed plans

"Works-as-executed" transparency plans duly certified by an Engineer or Registered Surveyor being provided, together with a statement certifying that all works have been completed in accordance with the Construction Certificate. Where applicable, a Registered Surveyor's Certificate certifying location of all pipes is to be attached. (G406)

(E7) Subdivision - evidence of service supply

Prior to the release of the Subdivision Certificate the following documentary evidence is to be obtained and forwarded to the Principal Certifying Authority: -

- (a) A Notification of Arrangement issued by the relevant electricity supplier;
- (b) A letter of compliance from the relevant telecommunications carrier.
- (c) A letter of compliance from the relevant gas supplier. (G408)

(E8) Subdivision - easement creation

Drainage, water, sewer and service easements not less than three (3) metres wide being created where required and/or as directed by council so that adequate access to, and protection of, services will be ensured. (G414)

(E9) Subdivision - final plan

A final plan of subdivision, together with five exact copies, shall be submitted with the Application for the Subdivision Certificate. The issue of a Subdivision certificate is not to occur until all conditions of this consent have been satisfactorily addressed. (G012)

(E10) Subdivision - future retention of suitable trees

An instrument setting out Memorandum on the use of Land intended to be created pursuant to

Section 88B of the *Conveyancing Act, 1919* shall be submitted in a form acceptable to Council indicating that no building shall be permitted without adequate consideration given to sensitive design for the retention of suitable trees on each individual allotment. Pre-purchase consultation with AlburyCity staff is recommended. (G039)

(E11) Subdivision – Geotechnical report

Prior to the issue of a Subdivision Certificate, the subdivider creating more than five (5) lots shall provide two (2) copies of a Geotechnical Report detailing:

- (a) The classification of soil types and stability of the total subdivision area;
- (b) Classification for each lot within the subdivision in accordance with AS 2870 "Residential Slabs & Footings". (G400)

(E12) Subdivision - establishment of works on public property

Stabilisation and establishment of all erosion prone areas, table drains and open channels prior to Council formally accepting any works to be contained in public property. (G412)

(E13) Subdivision - street signs

During construction, the applicant shall install such street name signs, regulatory signs and advisory signs as may be reasonably required for such development. Appropriate names for the streets are to be selected from AlburyCity Council's approved street names list. If you do not agree to any of those listed a separate application shall be lodged with Council seeking approval for street names. The regulations imposed under the Roads Act require that these street names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to Council before the Council can commence the process to name the street. (G428)

(E14) Subdivision – Proof of supply underground electricity

Prior to the release of the Subdivision Certificate, Council shall be given documented evidence to the effect that satisfactory arrangements have been made with the relevant electricity supplier for the provision of underground electricity to all lots, the provision of any necessary street lighting and the creation of any necessary easements. (G462)

(E15) Subdivision – Proof of supply telecommunications

The submission with the application for a Subdivision Certificate of a letter of compliance from a telecommunications carrier that suitable arrangements have been made, for underground telephone services to each lot. (G464)

(E16) Landscaping plan - Subdivisions

A detailed Landscape Plan must be submitted that includes:

- (a) Identification and accurate mapping of all trees within the subdivision/block in health and condition suitable for retention, regardless of location;
- (b) Report detailing species, health, condition and hazard rating of trees identified as suitable for retention;
- (c) Trees identified for retention to be clearly tagged on-site to allow for assessment by Council officers;
- (d) A street tree planting plan detailing species and location; and
- (e) Methods of tree protection during engineering works for trees identified to be retained.

(G050)

F. Reasons for Conditions

The above conditions have been imposed: -

- (a) To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*

- (b) Having regard to Council's duties of consideration under Section 79C and 80A of the Act
- (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites

- (d) To improve the amenity, safety and environmental quality of the locality

- (e) Having regard to environmental quality, the circumstances of the case and the public interest

- (f) Having regard to the *Albury Development Control Plan 2010*

- (g) To help retain and enhance streetscape quality

- (h) Ensure compatibility with adjoining and neighbouring land uses and built form

- (i) To protect public interest, the environment and existing amenity of the locality

- (j) To minimise health risk to neighbouring residents and workers. (H001)

v) Similarly the outlet from the retarding basin at headwall 3-1 should be designed and constructed to minimise disturbance of vegetation and erosion in particular where the discharge enters the depression within Crown land.

vi) The Department is particularly concerned with the proposed open channel discharge from lot 7.

The proposed road intersects a significant natural water course resulting in the need for the diversion.

SOUTHERN JOINT REGIONAL PLANNING PANEL

However this diversion appears to be a short term solution which does not address possible future site

works on lot 7 to enable development for industrial use. These site works are likely to involve filling of the water course and thus necessitating a diversion further to the west.

It is recommended that site works on lot 7 be carried out either wholly or in part in conjunction with the estate development so that a diversion of the water course can be created to the west of lot 7 within the proposed wildlife corridor.