

Hi Garry,

There are only four draft conditions that the applicant has raised concerns with. These are:

**Condition 85** – 5ha maximum of exposed site earthworks. Council's Development Engineer has advised the applicant that the intent of this condition is to cover the scenario of after having completed BEWs under DA15/1026 and topsoiled and seeded, that following detailed design for DA16/0056 and the applicant realises that they need to make adjustments to site levels (i.e. to deal with drainage issues) they are limited to the standard 5ha limit. It was noted that the 5ha would exclude any road boxing and trenching. The applicant was happy with this explanation. **No change required to Condition 85.**

**Condition 95** – Developer contributions for **Plan 22 (Cycleways)** and **Plan 26 (Regional Open Space)**. The applicant was advised that Council would acknowledge any "works in kind" associated with cycleways constructed within Sandy Lane or Cobaki Parkway, as these cycleways are recognised in the CP Plan. All other cycleways within P6&7 are a requirement of DCP A5 (Subdivision Manual) and will not receive credit under CP 22. **No change proposed to Condition 95 (Cycleways)**, as any works in kind is credited through a separate agreement with Council, as per the provisions of CP 22.

The applicant provided Legal advice in terms of Condition 95 (Regional Open space). The applicant has been advised that "works in kind" under CP 26 for open space / sportsfields at Cobaki is not supported by Council. The sports fields and casual open space that is being provided is based on the local open space formula of:

- 1.7ha of sports field per 1000 residents
- 1.13 ha of casual open space (parks) per 1000 residents

The reason the required area seems so large is due to the number of residents proposed within the Cobaki development. It is also noted the CP 26 lists a number of regional projects to be funded and none of these are in Cobaki. **No change proposed to Condition 95 (Regional Open Space).**

**Condition 102** – Requirement to provide site classification of allotments (as a Restriction on Use) if found to be poorer than type 'M'. The applicant provided legal advice with regard to the imposition of Condition 102 (see attached). Council has undertaken a review of such legal advice and are of the opinion that it is a reasonable condition to apply to the proposed subdivision, noting that it is now a standard condition of consent. Further discussion will be undertaken with the Panel in this regard tomorrow. **No change proposed to Condition 102.**

**Condition 128** – Cash Bond / Bank Guarantee for rehab works required under the Site Regeneration & Revegetation Plan (SRRP). The applicant has raised a few questions with regard to Condition 28. Upon review, Council officers have proposed a revised version of Condition 28 (as noted below). Whilst the condition is currently proposed at PSC stage, upon further consideration, it is thought to be better suited as a PCC stage (hence the yellow highlights in the condition below). The timing of the condition (i.e. PCC / PSC) can be discussed with the Panel tomorrow. The applicant has been advised of the revised condition.

#### **128. Cash Bond/Bank Guarantee**

- (a) Prior to the release of the **Subdivision** Certificate a cash bond or bank guarantee must be lodged with Council to ensure that works within the approved Site Regeneration and Revegetation Plan (SRRP) are implemented and completed. The amount of such bond

will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken within the associated Rehabilitation Area in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with meeting the performance criteria within the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.

- (b) The cash bond or bank guarantee will be refunded following the written approval of the General Manager, upon request of the applicant, and on submission of certification by a suitably experienced and qualified bush regenerator stating that all works have been satisfactorily undertaken in accordance with the approved SRRP and the performance criteria have been met.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by a suitably qualified and experienced bush regenerator at yearly intervals following initiation of SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refund and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the bush regenerator or Council during the life of the SRRP shall be promptly undertaken once the need is identified.

I trust the above provides the Panel with a brief description of the Conditions in question. We will be happy to discuss and provide further explanation tomorrow.

Regards,  
Colleen

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**Colleen Forbes**

Team Leader Development Assessment  
Planning and Regulation

