**Draft Conditions of Consent**

**CONDITIONS OF CONSENT DA.109.2019**

**Proposed development**

Development Application for the approval for a Subdivision for 214 residential lots and 1 residual rural residential lot and 1 lot for open space and associated infrastructure and open space.

**Property Description**

Lot 1 DP 1249543 (previously referred to as Lot 5 1199045), 28 Lonergan Drive, Greenleigh NSW 2620.

**PART A GENERAL CONDITIONS**

1. **Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

|  |  |  |  |
| --- | --- | --- | --- |
| **DRAWING REFERENCE** | **Sheet** | **Rev** | **DATE** |
| **Plans prepared by Spiire** |  |  |  |
| CA020 General Arrangement Plan | 4 | B | 25/6/21 |
| CA040 Construction Management Concept Plan | 5 | B | 25/6/21 |
| CA060 Concept Staging Plan | 6 | B | 25/6/21 |
| CA100 Hierarchy Plan | 7 | B | 25/6/21 |
| CA120 Typical Cross Sections – Sheet 1 | 8 | A | 25/6/21 |
| CA121 Typical Cross Sections – Sheet 2 | 9 | A | 25/6/21 |
| CA160 Road Details and Path Network Layout Plan – Sheet 1 | 10 | B | 25/6/21 |
| CA200 Grading Plan Layout | 18 | B | 25/6/21 |
| CA220 Longitudinal Section – Road 001 – Sheet 1 | 26 | A | 25/6/21 |
| CA221 Longitudinal Section – Road 001 – Sheet 2 | 27 | A | 25/6/21 |
| CA222 Longitudinal Section – Road 001 & Road 002 – Sheet 3 | 28 | A | 25/6/21 |
| CA223 Longitudinal Section – Road 003 – Sheet 1 | 29 | A | 25/6/21 |
| CA224 Longitudinal Section – Road 003 – Sheet 2 | 30 | A | 25/6/21 |
| CA225Longitudinal Section – Road 003 – Sheet 3 | 31 | A | 25/6/21 |
| CA227 Longitudinal Section – Road 005 – Sheet 1 | 33 | A | 25/6/21 |
| CA228 Longitudinal Section – Road 009 – Sheet 1 | 34 | A | 25/6/21 |
| CA229 Longitudinal Section – Road 009 – Sheet 2 | 35 | A | 25/6/21 |
| CA230 Longitudinal Section – Road 009 – Sheet 3 | 36 | A | 25/6/21 |
| 25/6/21CA231 Longitudinal Section – Road 011 – Sheet 1 | 37 | A | 25/6/21 |
| CA232 Longitudinal Section – Road 012 – Sheet 1 | 38 | A | 25/6/21 |
| CA233 Longitudinal Section – Road 012 – Sheet 2 | 39 | A | 25/6/21 |
| CA234 Longitudinal Section – Road 012 – Sheet 3 | 40 | A | 25/6/21 |
| CA235 Longitudinal Section – Road 013 – Sheet 1 | 41 | A | 25/6/21 |
| CA236 Longitudinal Section – Road 013 – Sheet 2 | 42 | A | 25/6/21 |
| CA237 Longitudinal Section – Road 014 – Sheet 1 | 43 | A | 25/6/21 |
| CA238 Longitudinal Section – Road 013 – Sheet 2 | 44 | A | 25/6/21 |
| CA240 Bus Route Plan | 45 | A | 25/6/21 |
| CA250 Turning Movements Layout | 46 | B | 25/6/21 |
| CA251 Turning Movements Sheet 1 | 47 | B | 25/6/21 |
| CA252 Turning Movements Sheet 2 | 48 | A | 25/6/21 |
| CA253 Turning Movements Sheet 3 | 49 | B | 25/6/21 |
| CA274 Turning Movements | 54 | A | 25/6/21 |
| CA280 Slope Analysis Plan – Existing | 56 | A | 25/6/21 |
| CA290 Slope Analysis Plan – Proposed | 57 | B | 25/6/21 |
| CA300 Drainage Catchment Plan | 58 | B | 25/6/21 |
| CA320 Drainage Concept Master Plan | 59 | B | 25/6/21 |
| CA400 Sewer Catchment Plan – Sheet 1 | 60 | B | 25/6/21 |
| CA401 Extended Sewer Catchment Plan | 61 | A | 25/6/21 |
| CA410 Sewer Catchment Details | 62 | A | 25/6/21 |
| CA420 Sewer Concept Master Plan – Sheet 1 | 63 | B | 25/6/21 |
| CA421 Sewer Concept Master Plan – Sheet 2 | 64 | A | 25/6/21 |
| CA480 Sewer Longitudinal Section – Sheet 1 | 65 | A | 25/6/21 |
| CA481 Sewer Longitudinal Section – Sheet 2 | 66 | A | 25/6/21 |
| CA482 Sewer Longitudinal Section – Sheet 3 | 67 | A | 25/6/21 |
| CA500 Water Concept Master Plan – Sheet 1 | 68 | B | 25/6/21 |
| CA501 Water Concept Master Plan – Sheet 2 | 69 | B | 25/6/21 |
| CA600 Utility Concept Master Plan | 70 | B | 25/6/21 |
| CA655 Proposed Q100 Flood Extent Plan | 72 | A | 25/6/21 |
| CA700 Water Sensitive Urban Design Outcomes Plan | 73 | A | 25/6/21 |
| CA731 Riparian Corridor Layout Plan | 78 | A | 25/6/21 |
| CA733 Riparian Corridor Offset Plan | 80 | A | 25/6/21 |
| CA800 Soil and Water Concept Management Notes | 82 | A | 25/6/21 |
| CA801 Soil and Water Concept Management Plan – Plan Phase 1 | 83 | A | 25/6/21 |
| CA802 Soil and Water Concept Management Plan -Plan Phase 2 | 84 | A | 25/6/21 |
| CA803 Soil and Water Concept Management Plan – Plan Phase 3 | 85 | A | 25/6/21 |
| CA804 Soil and Water Concept Management Plan – Plan Phase 4 | 86 | A | 25/6/21 |
| LMP001 Landscape Master Plan | - | A | 26/6/21 |
| **Plans Prepared by Matthew Dean Stevenson – Surveyors Ref 18116** | | | **Date** |
| **Plan of Subdivision of Lot 1 DP1249531** | | | |
| Stages 1 and 2A Sheets 1-4 of 4 | - | - | 28/6/21 |
| Stage 2B Sheets 1-3 of 3 | - | - | 28/6/21 |
| Stage 3A and Residue Sheets 1-3 of 3 | - | - | 28/6/21 |
| Stage 3B and Residue Sheets 1-3 of 3 | - | - | 28/6/21 |
| Stage 3C and Residue Sheets 1-2 of 2 | - | - | 28/6/21 |
| **Tree management Plan** | | |  |
| **Space Lab/Spiire** | **Drawn by** | **Rev** | **Date** |
| Drawing No TMP0 | IM/AJ | A | 9/4/19 |
| Drawing No TMP1 | IM/AJ | A | 9/4/19 |
| Drawing No TMP2 | IM/AJ | A | 9/4/19 |
| Drawing No TMP3 | IM/AJ | A | 9/4/19 |
| Drawing No TMP4 | IM/AJ | A | 9/4/19 |
| Drawing No TMP5 | IM/AJ | A | 9/4/19 |
| Drawing No TMP6 | IM/AJ | A | 9/4/19 |
| **Revised Layout Bushfire Attack Level** | | |  |
| **Ember Bushfire Consulting /Spiire** | **Drawn by** | **Rev** | **Date** |
| Drawing No SK580 | XXX | XXX | XXX |

|  |  |  |  |
| --- | --- | --- | --- |
| Document Title. | Version No. | Prepared By. | Date |
| Jumping Creek Estate Civil Engineering Report | 3 | Spiire | 6/21 |
| Supplementary Bushfire Assessment Report | - | Ember Bushfire Consultants | 24/1/21 |
| Biodiversity Development Assessment report | 3.1 | Capital Ecology | 29/6/21 |
| Biodiversity Development Assessment Report Addendum | - | Capital Ecology | 26/11/21 |
| Report of Geotechnical Assessment | 1 | Douglas Partners | 22/3/19 |
| Consideration of Transportation Noise | 0.3 | SLR | 20/3/21 |
| Erosion Control Plan | 3 | Soil and Water | 29/1/19 |
| Report of Updated Contamination Assessment | 3 | Douglas Partner | 10/9/20 |
| Vegetation Management Plan | 5 | Soil and Water | 18/1/19 |
| Cultural Heritage Assessment | 9.9 | Navin Officer Heritage Consultants | 20/6/21 |
| Statement of Environmental Effects | B | SpaceLab | 29/6/21 |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development*

1. **Amendments to Plans and Documentation**

Before the issue of a Subdivision Works Certificate (unless otherwise specified) the certifier must ensure the approved subdivision works certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

1. **Update the Jumping Creek Estate Civil Report**

Update the Civil Report to include the following:

An assessment of rainfall events between the 20% and 1% events to determine the impact of the development on riverine flooding and addressing Design Specification D5.14.4 and D5.14.5.

Specify the Water Quality Objectives identified in accordance with Design Specification D7.21.

The updated report shall be provided prior to the release of a Subdivision Works Certificate.

*Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.*

1. **Intersections with Ellerton Drive**

The Applicant is to amend the design of intersections with Ellerton Drive to utilise a comfortable deceleration rate of 2.5m/s2 or slower in accordance with Austroads Guide to Road Design Part 4A. Additionally, modelling of the storage length for the right turn lane off Ellerton Drive is to be provided to Council for concurrence.

*Reason: To ensure that intersection designs comply with the relevant standards and industry best practice.*

1. **Redesign of Road 001 as a Collector Road**

Road 001, between Ellerton Drive and the intersection with Roads 012 and 013, is to be redesigned as an 11.2m wide Collector Road in accordance with the requirements QPRC’s Design Specification D1.

*Reason: To improve passing clearances between cars, buses and other large vehicles such as garbage trucks as well as providing the required space for on-street parking on both sides of Road 001. Noting no parking has been provided for the park and open space area located in the central basin.*

1. **Amendment to Lot Sizes**

Update plan CA020 General Arrangement Plan to satisfy a minimum lot size of 800 sqm for proposed Lot 306 and Lots 120 and 121.

*Reason: To satisfy the Minimum Lot Size in the QLEP.*

1. **Additional Footpath on Road 001**

An additional footpath must be included on the open space side of Road 001 between proposed bus stops.

*Reason: To ensure safe and adequate pedestrian connectivity between public transport infrastructure.*

1. **Tree retention**

The tree identified in the Tree Management Plan as No.36 on Drawing No TMP3 shall be retained and the Tree Management Plan updated to reflect this amendment.

*Reason: To retain trees of High Value when it is reasonably practical to do so.*

1. **Large Lots**

Proposed Lots 340, 341, 342, 343, 462 and 461 are not approved under this consent and shall be consolidated into a single residual lot prior to the release of the Subdivision Certificate.

1. **Subdivision Works Certificate**

The Subdivision Works Certificate or Section 68 Development Works Application and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works for a subdivision stage.

The engineering plans must comply with the requirements of Council's Design and Construction Specifications current at the time of approval and include the following where applicable to a subdivision stage -

a) A Certification Report in accordance with Council’s DQS Quality Assurance Design Specification, Clause DQS.04 ;

b) This general note - All work must be constructed in accordance with the requirements of Council's QPRC Design and Construction Specifications

c) Detailed Pavement design conforming to the procedures set out in Council’s Design and Construction Specifications and/or relevant RMS specifications;

*Reason: To provide design certification of the subdivision works.*

1. **Hours**

The applicant must adhere to the following days and hours of operation for subdivision works associated with the development unless otherwise approved by council in writing:

7:00 AM to 6:00 PM Monday to Friday

8:00 AM to 1:00 PM Saturday

No work on Sundays or public holidays

*Reason: To protect the amenity of the adjoining areas.*

1. **Planning agreement**

Before the first subdivision works certificate is issued the applicant and Council must enter into a Planning Agreement under section 7.7(3) of the EP&A Act in the terms of the offer considered by Council on 8th September 2021.

*Reason: To ensure any planning agreement is finalised at the specified time.*

1. **Use of Modified Layback Kerbing on Local Roads**

All local roads that front residential lots are to implement Modified Layback Kerbing (MLBK). Other forms of kerbing will only be accepted where the road fronts open space or a residual lot.

*Reason: To achieve Council’s desired streetscape and provide adequate flexibility for driveway location during individual dwelling design.*

1. **Secondary Access to Ellerton Drive**

The secondary access to/from Ellerton Drive must be a gated access for use by emergency services staff only.

*Reason: To minimise the number of direct access links to Ellerton Drive.*

1. **Works to Existing Water and Sewerage Infrastructure**

The applicant is to engage Council’s Utilities Branch to complete any required works to existing water or sewerage infrastructure of to make connections of new works to existing infrastructure.

*Reason: To ensure that responsibility for live in service infrastructure remains with Council at all times.*

1. **Timber from felled trees**

The timber from the approved felling of native trees identified in the Tree Management Plan is to be salvaged and relocated within the E2 Environmental Conservation zoned land.

Details about how the timber is to be salvaged and relocated is to be provided to Council prior to the issue of a Subdivision Works Certificate.

*Reason: To provide habitat for native fauna.*

1. **Work In Accordance with Engineering Specifications**

All construction and restoration work must be carried out in accordance with the approved drawings and Council’s QPRC *Design and Construction Specifications unless otherwise varied by a condition of this consent*.

*Reason: To ensure construction and restoration work is in accordance with Council’s requirements.*

1. **Submission of Traffic Control Devices Plan**

A Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee prior to the installation of any traffic control devices. It must include line-marking and sign-posting.

*Reason: To authorise traffic control devices.*

**GENERAL TERMS OF APPROVAL**

1. **Rural Fire Service**

The NSW Rural Fire Services (RFS) as considered the application. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act, 1997*, is now issued subject to the conditions outlined in the General Terms of Approval dated 27 May 2021 at Attachment A to this consent, being achieved to Council’s satisfaction.

*Reason: To and satisfy the Rural Fire Service general terms of approval for the development under s 100B of the Rural Fires Act, 1997.*

1. **Natural Resources Access Regulator**

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under s89, 90 or91 of the *Water Management Act 2000*. The General Terms of Approval dated 6 November 2019 are Attachment B to this consent.

*Reason: To and satisfy the Natural Resource Access Regulator general terms of approval for the development under the Water Management Act, 2000.*

1. **Heritage NSW**

Before commencing subdivision works, an application must be submitted and approval obtained for an Aboriginal Heritage Impact Permit (AHIP) under s90 of the *National Parks and Wildlife Act, 1979*. The General Terms of Approval dated 6 November 2019 at Attachment C to this consent.

*Reason: To satisfy the requirements of Heritage NSW in issuing the general terms of approval for the Aboriginal Heritage Impact Permit under s 90 of the National Parks and Wildlife Act, 1979.*

**PART B CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE**

1. **Remedial Action Plans**

Prior to issue of a Subdivision Works Certificate, the Remediation Action Plans (Coffey 2009 and 2010) must be updated and submitted to, and endorsed by Council. Updates to these Remediation Action Plans must include all recommendations included in *Report on Updated Contamination Assessment, Douglas Partners, September 2020* (doc ref 88224.06.R.001.Rev1)

*Reason: To ensure that remediation of the site will make it suitable for the proposed land use.*

1. **Construction Management Plan**

Prior to release of any Subdivision Works Certificate, a Construction Environmental Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

a) describe the proposed construction works and construction program and,

b) set standards and performance criteria to be met by the construction works and,

c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,

d) identify procedures to receive, register, report and respond to complaints and,

e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans and,

f) Include detail of barriers placed around Tree 36 to protect the tree during construction and,

f) include an unexpected find protocol that addresses recommendations made in *Report on Updated Contamination Assessment, Douglas Partners, September 2020* (doc ref 88224.06.R.001.Rev1)

*Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works, and to ensure waste and contamination at the site are appropriately managed.*

1. **Biodiversity retirement of ecosystem credits**

The class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits as calculated by the biodiversity offsets payment calculator.

Note: Prices of credits in the biodiversity offsets payments calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

**Table 1 Ecosystem credits required to be retired**

|  |  |
| --- | --- |
| **Impacted plant community type** | **Number of ecosystem credits** |
| PCT1093 - Red Stringybark - Brittle Gum - Inland Scribbly Gum dry open forest of the tablelands, South Eastern Highlands Bioregion. | 13 |
| PCT1334 -Yellow Box Grassy woodland of the northern Manaro and Upper Shoalhaven area, South Eastern Highlands Bioregion | 65 |

Evidence of the retirement of credits or payment to the biodiversity conservation fund in satisfaction of table one requirements must be provided to council prior to the issue of a subdivision work certificate.

Evidence must be provided in accordance with one of the following:

1. Retirement of credits: A credit retirement report issued by OEH confirming credit transactions.
2. Payment of the Biodiversity Conservation Fund: A section 6.33 statement confirming payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.

*Reason: To satisfy the requirements of the Biodiversity Conservation Act, 2016.*

1. **Biodiversity Management Plan**

A Biodiversity Management Plan must be submitted to and approved by council. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan.

The Biodiversity Management Plan must:

1. Identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans.
2. Identify areas of land that are to be retained as outlined in the BDAR.
3. Include a statement of commitments which identifies all measures proposed in the BDAR to mitigate and manage impacts on biodiversity. The statement must indicate what the measure is when and how often it is to be applied and who's responsible for undertaking the measure.
4. State that construction impacts will be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials, stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

*Reason: To protect the biodiversity values of the site.*

1. **Provision of Odour Modelling for Proposed Sewer Educt Adjacent Greenleigh**

Prior to the issue of a Subdivision Works Certificate, odour modelling results for the proposed sewer educt adjacent Greenleigh are to be provided to Council’s Utilities Branch for concurrence. Council’s assessment of the modelling may require that the entity who holds the benefit of this consent carry out additional actions to amend any observed/foreseen odour issues. This may include, but not be limited to, actions such as dosing of the Sewer Pump Station until the development supports enough Equivalent Persons that this is no longer required.

*Reason: To mitigate the risk of nuisance odour to the resident’s of Greenleigh.*

1. **Water & Sewer Compliance Certificate - Design**

Prior to the release of a Section 68 application for development works or a Subdivision Works Certificate a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

A water and sewer compliance certificate is to be applied for in conjunction with application for Section 68 application or works certificate.

*Reason: To ensure that the hydraulic design is in accordance with the relevant Design and Construction specifications.*

**PART C CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS**

1. **Site Identification**

The site where subdivision work is proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

* the development application number,
* name, address and telephone number of the principal certifying authority,
* name of the principal contractor (if any) and 24 hour contact telephone number, and
* a statement that “unauthorised entry to the work site is prohibited”.

*Reason: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.*

1. **Traffic Management**

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council and under Section 138 of the *Roads Act 1993.*  Where occupancy of the road reserve is required, a Section 138 application shall acompany the Traffic Management Plan for Local Roads or an approved ROL from the RMS for State Roads.

*Reason: To ensure that works carried out comply with the Roads Act.*

1. **Submit Notice of Commencement of Subdivision Work**

A notice to Commence Subdivision Works must be submitted to Council at least two days prior to commencing any subdivision works and nominating Council as the Principal Certifying Authority for the subdivision works.

1. **Protection of archaeological site**

Prior to the commencement of subdivision works in Stage 3B or within 100m of the site, the applicant shall erect a fence to protect the integrity of the archaeological site listed in Queanbeyan Local Environmental Plan 2012, Schedule 5 Part 3, Item A2 Marchiori’s Lime Kiln and quarry.

*Reason: To ensure that the archaeological site is protected from damage during construction.*

**PART D CONDITIONS TO BE SATISFIED DURING SUBDIVISION WORKS**

1. **Protection of Works on Public Roads**

Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council’s QPRC Design and Construction Specifications.

Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.

*Reason: To ensure an adequate level of public safety and convenience during construction.*

**PART E CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

1. **Application and Final Survey**

An application to obtain a Subdivision Certificate must be made to Council. This must be accompanied by the following documentation:

a) A final survey plan of subdivision and three copies;

b) Any s88B instruments required by these conditions of consent

c) A letter outlining how compliance with each condition of this development consent has been achieved; and

d) Engineering Construction Certificate Report in accordance with specifications.

*Reason: To enable registration of the subdivision and to ensure compliance with conditions of consent. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.*

1. **Statement from Surveyor**

Upon the completion of subdivision works and prior to the issue of any Subdivision Certificate a statement prepared by a registered surveyor, must be submitted to the Principal Certifying Authority stating that all water, sewer and stormwater pipelines are completely located within their easements.

*Reason: To ensure works are completed in accordance with Council’s requirements.*

1. **Water and Sewer Compliance Certificate - Service**

Prior to the release of a Subdivision Certificate, a certificate of compliance in accordance with the Water Management Act 2000 must be obtained from Council.

*Reason: To ensure compliance with Section 6.14 of the Environmental Planning and Assessment Act 1979.*

***Note:*** *This certificate is required regardless of any other water and sewer compliance certificate previously obtained, and regardless of whether the development involved alterations to Council’s infrastructure.*

1. **Subdivision Works Defects Liability Period - Bond**

The completed subdivision works are subject to a six months defects liability from the date of the issue of the relevant Subdivision Certificate.

The Subdivider must:

a) Lodge a cash bond with Council with regard to the defects liability period in an amount as calculated from fees set by Council’s Management Plan and current at the time of issue of the Subdivision Certificate; and

b) Submit written authorisation that in the event of any defect not being rectified to the standards specified in Council’s QPRC Design and Construction Specifications, Council may enter the subject land and undertake rectification work and deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the Subdivider.

During the defects liability period the Subdivider will be liable for any part of the subdivision works which fail to perform in the manner outlined in Council’s QPRC Design and Construction Specifications (or as would reasonably be expected under the design conditions).

*Reason: To ensure works are completed in accordance with Council’s requirements.*

1. **Separate Connections & Services**

A separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided to each allotment within the subdivision at the Subdivider’s expense.

*Note: The Subdivider may, at their own expense, provide a gas connection to such allotment within the subdivision subject to its availability.*

*Note: The Subdivider is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.*

*Reason: To provide access to services for each allotment.*

1. **Inspections - Water & Sewer Authority**

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

a) immediately prior to connection of new sewer pipes to the existing sewerage system,

b) immediately prior to connection of new water pipes to the existing water reticulation,

c) immediately prior to the backfilling of sewer drainage trenches, and

d) immediately after installation of any on-site stormwater management system.

Council’s Natural & Built Character section must be given 24 hours notice of the need for these inspections.

*Note: Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council’s Design and Construction Specifications.*

*Reason: To ensure that hydraulic services are constructed in accordance with Council requirements.*

1. **Submission from Service Authority**

Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity and telephone services to each lot must be submitted to Council.

*Reason: To satisfy relevant utility authority requirements.*

1. **Covenant on the Land**

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

a) Prohibiting the ringbarking, cutting down, felling, poisoning or destruction in any other manner or the removing of any native trees as shown on the development plan;

b) All easements specified below and contained in the subdivision must benefit Council as well as particular lots;

i. easements to drain water,

ii. easements to drain sewer,

iii. easements for water supply,

iv. easements which Council may require to provide or maintain other services,

c) Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.

*Reason: To ensure public utility services, access and restrictions are legalised over the land and to satisfy the Rural Fire Service general terms of approval for the development under s 100B of the Rural Fires Act, 1997.*

1. **Dedication to Council**

All drainage reserves, roads, reservoir sites, reserves, sewerage pump station sites must be dedicated to Council and shown as such on the Subdivision Survey Plan.

*Reason: To permit Council to adequately manage reserves, drainage and utility services, and to provide legal access to lots.*

1. **Validation Report**

Prior to the issue of a Subdivision Certificate (including interim) a ValidationReport must be prepared in accordance with the NSW EPA’s *Guidelines for Consultants Reporting on Contaminated Sites* by a certified contaminated land consultant and must be submitted to Council and must include a statement that the site has been remediated to the extent that it is suitable for the intended land use.

Any recommendations or conditions contained within the Validation Report must be implemented and evidence of their implementation must be submitted to Council prior to the issue of a Subdivision Certificate Any ongoing management conditions will become enforceable under this consent.

*Reason: To ensure that the site is remediated prior to any work commencing and to ensure that no issues arise during the remediation work that would subsequently impact on the issue of an Occupation Certificate.*

1. **Site Audit Statement**

Prior to issue of a Subdivision Certificate (including interim) a Site Audit Statement (SAS) and Site Audit Report (SAR) must be prepared by an accredited site auditor and be submitted to Council. The SAS must state that the site has been remediated and validated to allow it to be used for the intended land use.

Any recommendations or conditions contained within the SAS must be implemented and evidence of their implementation must be submitted to Council prior to the issue of a Subdivision Certificate. Any ongoing management conditions will become enforceable under this consent.

*Reason: To ensure construction works only proceed after a Site Audit Statement has been received confirming that the site is capable of being remediated for a future residential and recreational use.*