

23 February 2022

Director Communities and Place  
Wingecarribee Shire Council  
Civic Centre, 68 Elizabeth Street  
MOSS VALE NSW 2571

Dear Geoff,

## **CHELSEA GARDENS COOMUNGIE PRECINCT – TERMS OF AGREEMENT FOR DELIVERY OF WATER & SEWER INFRASTRUCTURE**

Premise is assisting Prime Moss Vale Pty Ltd ('Applicant') in this matter. On behalf of the Applicant we thank Wingecarribee Shire Council ('the Council') for its extensive analysis and advice since November 2021 which has been agreed to and forms the basis of the approach going forward for delivery of water and sewer infrastructure for the project.

On instructions from and on behalf of the Applicant we have prepared terms of agreement with the Council in respect to the delivery of water & sewer infrastructure to service the development of the Chelsea Gardens Coomungie Precinct, being Lot 3 DP 706194 and Lot 12 DP 8660366 located at 32 Lovelle Street and 141 Yarrowa Road ('the Subject Land'). It has been prepared to enable a clear and concise agreement of the sewer and water infrastructure requirements for the stages of Chelsea Gardens and for referencing in any draft conditions of consent.

### **1.0 Background**

The Applicant is the registered owner of the Subject Land.

The Applicant has lodged a concept development application ('DA') for residential subdivision of approximately 1,200 lots; including Stage 1 comprising a Torrens Title subdivision of 173 residential lots, two (2) lots for open space or drainage and two (2) residue Lots, with associated works including site clearing, tree removal, bulk earthworks and construction of new roads and public infrastructure, open space and restoration of a section of the Whites Creek on the Land ('the Development'). Council's reference no. for the DA for the Development is 20/0227.

Determination of DA 20/0227 is subject to the provisions of *Wingecarribee Local Environmental Plan 2010* ('WLEP 2010'). Clause 7.10(2) of WLEP 2010 provides that development consent must not be granted unless the determining authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

DA 20/0227 is also subject to the provisions of the *Moss Vale Township Development Control Plan* ('DCP'). *Section 22: Chelsea Gardens Coomungie Precinct* of the DCP specifically applies and requires a water and sewer servicing strategy for the Development.

The Council is the responsible water and sewer servicing authority for the Development. Following detailed consultation with the Council a table of water and sewer issues, including Council's preferred approach was prepared by Council and issued to the Applicant via email on 24 December 2021 (see **Appendix A**). It is acknowledged that Appendix A refers to a total number of 1073 lots, which is consistent with the clarification letter by Beveridge Williams dated 3 December 2021 concerning amended stage boundaries in the revised indicative staging plan provided to Council on 3 December 2021. We note that development consent is being sought under the concept development application for up to a maximum of 1,200 residential lots, the maximum yield on which all infrastructure planning has been based. Final lot yields will be determined with detailed subdivision design, to be undertaken as part of future subdivision applications for Council's further and more detailed consideration. Council has noted this clarification and is satisfied in the understanding that 1200 residential lots is the maximum yield for infrastructure purposes.

The Applicant is proposing terms of agreement with the Council in respect to the delivery of certain water and sewer infrastructure in line with the above.

## **2.0 Terms of Agreement**

The terms of agreement cover the construction and transfer to the Council of certain water and sewer infrastructure at various stages of the Development. This agreement is expected to be implemented by any conditions of development consent.

The schedule at **Appendix B** sets out the water infrastructure to be constructed and transferred to the Council and the timing of the construction and transfer of the water infrastructure items. **Note:** in respect to item 2 (additional reservoir), whilst water modelling investigations confirm that the Development requires an additional 2.2ML reservoir to service the development, the Council has expressed a preference to construct a 10ML reservoir at the preferred site (Hill Road) to maximise storage capacity at the preferred site (Hill Road). Dual 10ML reservoirs support growth beyond 2051, minimise risk in the network, have an ability to provide water supply to southern villages and provide greater flexibility for operation, maintenance and cleaning of structures. Given the above the Applicant is agreeable to the additional 10ML reservoir on a cost sharing basis with Council.

The schedule at **Appendix C** sets out the sewer infrastructure to be constructed and transferred to the Council and the timing of the construction and transfer of the sewer infrastructure items.

The above schedules should be read in conjunction with the following plans:

- Plan titled *Stage 1 Lead-in Water Main Context Plan* by JMD Development Consultants, ref: 18001W1 Rev D (**Appendix D**);
- Plans of proposed Stage 1 trunk main sewer works by Beveridge Williams, ref: 18001S2 Version B (**Appendix E**); and
- Plans of proposed Stage 2 trunk main sewer works by Beveridge Williams, ref: 18001S3 Version B (**Appendix F**).

The terms agreement contained in this letter are conditional on it containing satisfactory clauses including:

- the proposed cost-sharing basis for the additional 10ML water reservoir as described above.
- that the sewer and water infrastructure nominated under the agreement is not deliverable unless a development consent is granted consistent with DA 20/0227 as currently lodged for approval.
- In the event of a refusal (including on appeal) the agreement is terminated.

Please contact either myself or the Applicant with any questions.

Your sincerely,



**Paul Hume**  
**Senior Town Planner**

cc Angela Villate

Appendices