

3. DA No. 2008.0207: Staged concessional lot subdivision – Princes Highway, Frogs Hollow

Group Manager, Planning and Environment

Applicant	Eric Johnston C/- Caddey Searl & Jarman
Owner	Eric Johnston
Site	Lots 1-5 DP910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP750211, Lots 11, 14, 16 & 17 DP787822, Lot 1 DP772257, Lot 1 DP772316, Lot 10 DP740849, Lots 1 & 2 DP772310, Lots 1, 2 & 3 DP772305, Lot 1 DP772315, Lot 1 DP245789 and Lot 1 DP1100637, Princes Highway, Frogs Hollow
Zone	1(a) Rural General Zone
Site area	205ha
Proposed development	Staged subdivision of land to create 8 concessional lots and 1 residue lot: Stage 1 – Lot E and residue Stage 2 – Lots D, F & G and residue Stage 3 – Lot H and residue Stage 4 – Lots A, C and residue Stage 5 – Lot B and residue Lot J (Plan on display in Council chamber)

PRECIS

The above development application was reported to the Council meeting held on 3 March 2009 as the applicant applied under Council Policy 4.1.1(q) "Extension of Council Maintained Roads in Concessional Lot Subdivisions" (previously PE175) to legitimise the proposed access over a Crown Road Reserve.

10 [www.begavalley.nsw.gov.au/Your_Council/Council_Meetings/20090303/pe08.pdf]

Council at the meeting resolved the following:

"That this item be deferred until a report is prepared on the potential impacts of the proposed subdivision on Yellow Pinch pipeline, and appropriate means to address same."

The development application is recommended for approval.

DESCRIPTION OF THE PROPOSAL

20 The applicant proposes to undertake a staged subdivision of land to create eight concessional lots and one residue lot. All proposed lots would gain access via a Crown Road Reserve off the Princes Highway. The Crown Road Reserve is proposed to be upgraded and dedicated under Council Policy 4.1.1(q).

DESCRIPTION OF THE SITE

The property comprises Lots 1-5 DP910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP750211, Lots 11, 14, 16 & 17 DP787822, Lot 1 DP772257, Lot 1 DP772316, Lot 10 DP740849, Lots 1 & 2 DP772310, Lots 1, 2 & 3 DP772305, Lot 1 DP772315, Lot 1 DP245789 and Lot 1 DP1100637. The total area of the property is approximately 205 hectares and is utilised for the grazing of livestock.

The property retains an existing residence and associated farm buildings. The topography of the land is described as undulating and is generally free of native vegetation.

YELLOW PINCH PIPELINE

30 The potential for impact of the proposed subdivision on the Yellow Pinch pipeline was assessed by the Manager, Water and Wastewater who advised that the pipeline is now not proposed to be located on the land proposed to be subdivided as part of this application and therefore the proposed subdivision would have no impact.

CONCLUSION

The proposal complies with the provisions of the BVLEP 2002, particularly Clause 16(7) which are the mandatory matters for consideration in the assessment of concessional lots subdivision applications.

40 In accordance with Council Policy 4.1.1 (q) "Extension of Council Maintained Roads in Concessional Lot Subdivisions", it is recommended that approval be given to the road upgrading of the Crown public road and that Council add that section of Crown public road to Council's maintenance schedule.

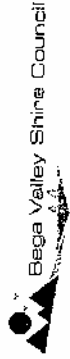
Council's Manager, Water and Wastewater has advised that the proposed subdivision would not impact on the Yellow Pinch pipeline.

RECOMMENDATION

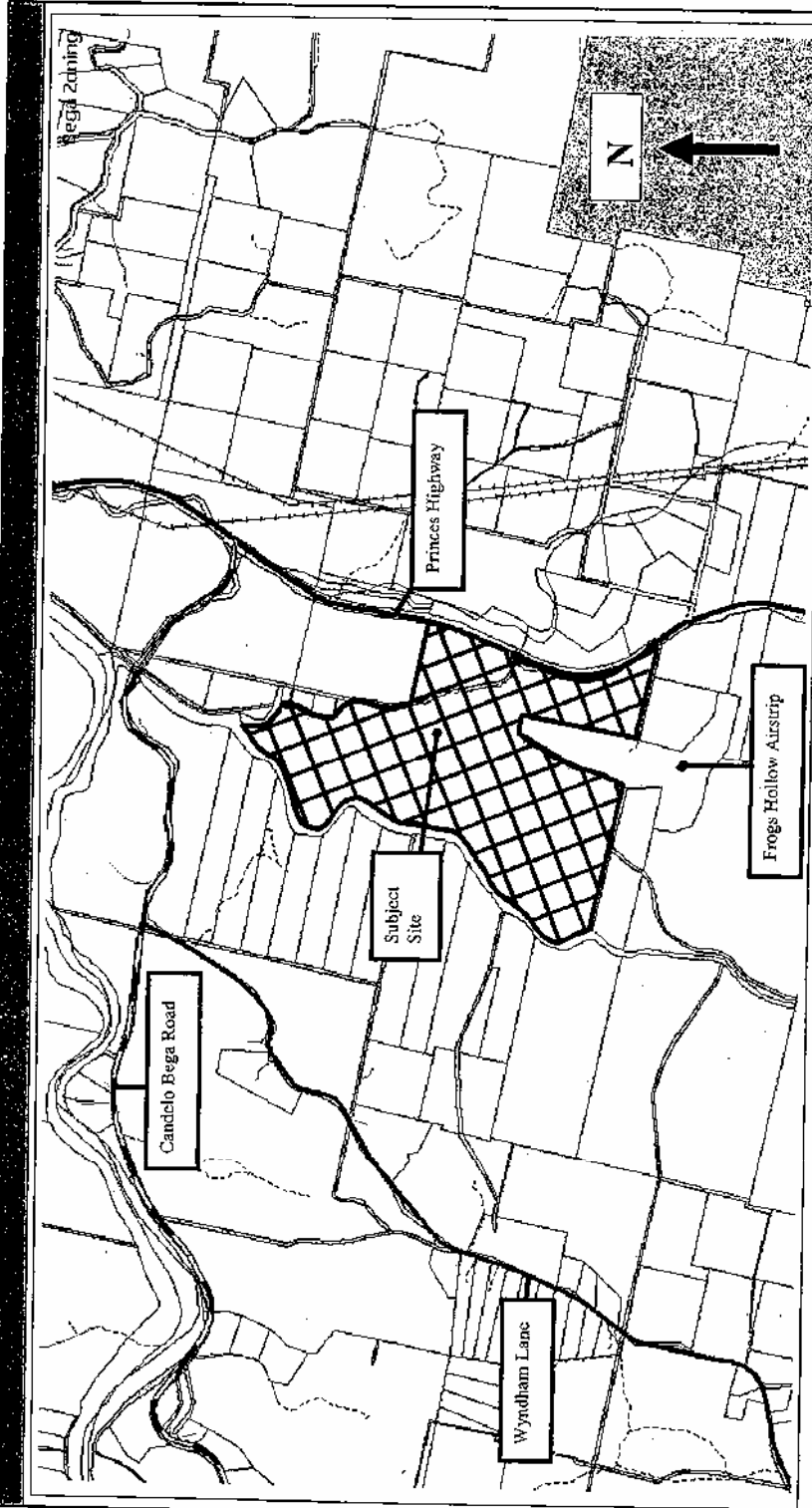
- 50 1. That Development Application 2007.0261 for the staged subdivision of land to create eight concessional lots and one residue allotment on Lots 1-5 DP910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP750211, Lots 11, 14, 16 & 17 DP787822, Lot 1 DP772257, Lot 1 DP772316, Lot 10 DP740849, Lots 1 & 2 DP772310, Lots 1, 2 & 3 DP772305, Lot 1 DP772315, Lot 1 DP245789 and Lot 1 DP1100637 – Princes Highway, Frogs Hollow, be approved in accordance with

the report submitted to Council on 26 May 2009 and the draft consent attached to the report.

2. That Council add the 1.4km section of Crown public road, from the Princes Highway to its road maintenance schedule.



Locality Map



About this Document

This map has been created for the purpose of showing basic locality information over Bega Valley Shire Council. Property boundaries and the network data is supplied by LANDS. Any error should be reported to the GIS Section, Bega Valley Shire Council.

Disclaimer

This map is a representation of the information currently held by Bega Valley Shire Council. Every effort has been made to ensure the accuracy of this product. Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

DA No. **2008.0207**

DEVELOPMENT CONSENT

<DATE>

Eric Johnston
c/- Caddey Searl & Jarman
PO Box 259
BEGA NSW 2550

NOTICE OF DETERMINATION
under Section 81(1)(a) of the *Environmental Planning
and Assessment Act 1979* (as amended).

The development application has been determined by granting consent
under Clause 12, 16, 65, 74, 75, 77 and 79 of the *Bega Valley Local
Environmental Plan 2002* subject to conditions.

APPLICANT	E Johnston
LAND	Lot 1-5 DP 910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP 750211, Lots 11, 14, 16 & 17 DP 787822, lot 1 DP 772257, Lot 1 DP 772316, Lot 10 DP 740849, Lots 1 & 2 DP 772310, Lots 1, 2 & 3 DP 772305, Lot 1 DP 772315, Lot 1 DP 245789 and Lot 1 DP 1100637
LOCATION	1070 Princes Highway, Frogs Hollow
ZONE	1(a) Rural General Zone
PROPOSED DEVELOPMENT	Staged subdivision of land to create 8 concessional lots and 1 residue lot; Stage 1 – Lot E and residue Stage 2 – Lots D, F & G and residue Stage 3 – Lot H and residue Stage 4 – Lots A, C and residue Stage 5 – Lot B and residue Lot J

CLASSIFICATION(S) UNDER
BUILDING CODE OF
AUSTRALIA

DETERMINATION MADE ON <DATE>

CONSENT TO OPERATE <DATE>
FROM

CONSENT TO LAPSE ON <DATE>

Conditions of approval

1. The plan of subdivision shall be in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans by the following conditions.
2. This subdivision approval exhausts the concessional lot entitlements from the "existing holding" as prescribed in *Bega Valley Local Environmental Plan 2002*, as amended.
3. This development consent is for the subdivision of land and related works. No approval of existing buildings or structures is granted or implied by this consent.
4. As part of any subsequent subdivision certificate application, the applicant shall submit to Council documentary evidence / compliance certificate to confirm compliance with all conditions of this Consent.
5. The subdivider must obtain a Subdivision Certificate for each stage of subdivision from the appointed Principal Certifying Authority before the plan of subdivision can be registered by the Department of Land and Property Information NSW. All conditions of consent must be satisfied, or suitable bonding arrangements made with Council, before a Subdivision Certificate can be issued. A copy of the prescribed form for an Application for a Subdivision Certificate is enclosed. (Council's current fee for a Subdivision Certificate as at the date of this consent is \$ 450).
6. Prior to the endorsement of a subdivision certificate by the Principal Certifying Authority for each stage, the following contributions must be paid to Council pursuant to Section 94 and 94B of the Environmental Planning and Assessment Act, 1979 and the following Contributions Plans. Section 94 Contributions plans can be inspected at Council's Bega Office during normal office hours.

Stage 1

- a) Section 94 Contributions Plan No.3 – Recreational Facilities & Public Reserves

Recreational facilities	\$576
Allocation no	1679-001

This contribution will be applied to the provision and/or improvement of public recreation facilities at Bega.

- b) Section 94 Contributions Plan No. 1 - Local Rural Roads

Local Rural Roads Fund	\$972
(to be expended on improvements to Shire Roads)	
Allocation no	1622-

This contribution will be expended on improvements to the new road and/or on roads leading to that road.

- c) Section 94 Contributions Plan No. 2 – Car parking

Payment for provision of public parking in the Bega town centre.	\$500
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Allocation no	1688-009
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DA No. 2008.0207

Stage 2

- d) Section 94 Contributions Plan No.3 – Recreational Facilities & Public Reserves
- | | |
|-------------------------|----------|
| Recreational facilities | \$1,728 |
| Allocation no | 1679-001 |
- This contribution will be applied to the provision and/or improvement of public recreation facilities at Bega.
- e) Section 94 Contributions Plan No. 1 - Local Rural Roads
- | | |
|---|---------|
| Local Rural Roads Fund
(to be expended on improvements to Shire Roads) | \$2,916 |
| Allocation no | 1622- |
- This contribution will be expended on improvements to the new road and/or on roads leading to that road.
- f) Section 94 Contributions Plan No. 2 – Car parking
- | | |
|--|----------|
| Payment for provision of public parking in the Bega town centre. | \$1,500 |
| Allocation no | 1688-009 |

Stage 3

- g) Section 94 Contributions Plan No.3 – Recreational Facilities & Public Reserves
- | | |
|-------------------------|----------|
| Recreational facilities | \$576 |
| Allocation no | 1679-001 |
- This contribution will be applied to the provision and/or improvement of public recreation facilities at Bega.
- h) Section 94 Contributions Plan No. 1 - Local Rural Roads
- | | |
|---|-------|
| Local Rural Roads Fund
(to be expended on improvements to Shire Roads) | \$972 |
| Allocation no | 1622- |
- This contribution will be expended on improvements to the new road and/or on roads leading to that road.
- i) Section 94 Contributions Plan No. 2 – Car parking
- | | |
|--|----------|
| Payment for provision of public parking in the Bega town centre. | \$500 |
| Allocation no | 1688-009 |

PLANNING AND ENVIRONMENT COMMITTEE

26 May 2009

DA No. 2008.0207

Stage 4

- j) Section 94 Contributions Plan No.3 – Recreational Facilities & Public Reserves
- | | |
|-------------------------|----------|
| Recreational facilities | \$1,152 |
| Allocation no | 1679-001 |
- This contribution will be applied to the provision and/or improvement of public recreation facilities at Bega.
- k) Section 94 Contributions Plan No. 1 - Local Rural Roads
- | | |
|---|---------|
| Local Rural Roads Fund
(to be expended on improvements to Shire Roads) | \$1,944 |
| Allocation no | 1622- |
- This contribution will be expended on improvements to the new road and/or on roads leading to that road.
- l) Section 94 Contributions Plan No. 2 – Car parking
- | | |
|--|----------|
| Payment for provision of public parking in the Bega town centre. | \$1,000 |
| Allocation no | 1688-009 |

Stage 5

- m) Section 94 Contributions Plan No.3 – Recreational Facilities & Public Reserves
- | | |
|-------------------------|----------|
| Recreational facilities | \$576 |
| Allocation no | 1679-001 |
- This contribution will be applied to the provision and/or improvement of public recreation facilities at Bega.
- n) Section 94 Contributions Plan No. 1 - Local Rural Roads
- | | |
|---|-------|
| Local Rural Roads Fund
(to be expended on improvements to Shire Roads) | \$972 |
| Allocation no | 1622- |
- This contribution will be expended on improvements to the new road and/or on roads leading to that road.
- o) Section 94 Contributions Plan No. 2 – Car parking
- | | |
|--|----------|
| Payment for provision of public parking in the Bega town centre. | \$500 |
| Allocation no | 1688-009 |

The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

DA No. 2008.0207

7. Where any easement, right-of-carriageway or restrictive covenant is to be created pursuant to Section 88B of the *Conveyancing Act, 1919*, the subject S88B Instrument shall be submitted to the Principal Certifying Authority with the final plan of subdivision as a prerequisite to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.
8. Where a positive covenant is intended to be created in favour of Council pursuant to Section 88E of the *Conveyancing Act*, the Section 88B instrument must be endorsed by the Council prior to the endorsement of the Subdivision Certificate by the Principal Certifying Authority.
9. Each allotment in the proposed subdivision shall be serviced with electricity at no cost to Council. A letter from Country Energy advising that its requirements have been met for each stage of subdivision shall be sufficient to establish compliance with this condition.
10. The subdivider shall arrange for the provision of telephone services to the lots in the subdivision. Prior to the endorsement of a subdivision certificate for each stage, the subdivider shall submit to the Principal Certifying Authority written notification from a recognised telecommunications carrier to confirm that arrangements have been undertaken to satisfy this condition.
11. The erection of dwellings on proposed Lot A, B, C, D, E, F, G and H will require the installation of an on-site sewerage management system in accordance with the recommendations contained within the report prepared by Caddey Searl & Jarman dated 8 April 2008 or to an equivalent or superior standard. The plan of subdivision and Section 88B Instrument shall establish a suitable positive covenant to give effect to this requirement. Council is to be nominated as having the benefit of the covenant and the sole authority to release, vary or modify the covenant.
12. The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants, with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by bearings and distances shown on the plan of subdivision shall define these covenants.
 - a) Prohibiting the disposal of treated or untreated sewage or septic tank effluent on, in or under land within 40 metres of the gully / watercourse as delineated on the Approved Development Plan.
 - b) Prohibiting direct vehicular access to and from Princes Highway from Lots E, F and D.
13. All noxious weeds are to be controlled or provision made for their effective management by way of a management plan agreed to and signed off by Council and the landowner prior to the release of the subdivision certificate. Consultation with Council's Noxious Weeds Officer is required.

A management plan shall include (but is not limited to) the following:

- Name of weed/s being managed;
- Method and timing of control operations – either by season or stage of growth;
- Areas of property where work will be implemented;
- Ongoing maintenance details;
- Outline of any proposed rehabilitation works.

DA No. 2008.0207

Note: To avoid any delays in the issue of the Subdivision Certificate an early pro-active response to the control of noxious weeds is recommended.

Council requires that noxious weeds are controlled in accordance with the declaration requirements specified in the Government Gazette. It should be noted that Class 4 declared weeds are to be managed in accordance with Bega Valley Shire Council's weeds specific management plan.

14. Prior to the issue of the subdivision certificate for stage 1, the applicant must submit to Council documentation from Council's Noxious Weeds Officer to confirm that effective control of noxious weeds has occurred on the property or an endorsed management plan is being suitably implemented.

Engineering Conditions

15. **Procedures - Requirements before commencement of subdivision work:**

- A. Subdivision work in accordance with this development consent must not be commenced until:
- a) **Construction Certificate** for this subdivision work has been issued by:
 - i) the council, or
 - ii) an accredited certifier, and
 - b) the person having the benefit of this development consent:
 - i) has appointed the Council as Principal Certifying Authority for this development, and
 - ii) has notified the Council of this appointment (see below), and
 - c) the person having the benefit of this development consent has given at least 2 days notice to the Council of the person's intention to commence the subdivision work.

The notification to Council of appointment of the Principal Certifying Authority and intention to commence work must be submitted on the form prepared by the Council for that purpose.

- B. The notification to Council of appointment of the Principal Certifying Authority must contain the following information:
- a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and
 - e) the name and address of the Principal Certifying Authority (Council).

DA No. 2008.0207

- C. The notice to Council of intention to commence the subdivision work must contain the following information:
- a) the name and address of the person by whom the notice is being given, and
 - b) a description of the work to be carried out, and
 - c) the address of the land on which the work is to be carried out, and
 - d) the registered number and date of issue of this development consent, and
 - e) the registered number and date of issue of the relevant Construction Certificate, and
 - f) a statement signed by or on behalf of the Principal Certifying Authority (Council) to the effect that all conditions of the consent that are required to be satisfied prior to the work being commenced have been satisfied, and
 - g) the date on which the work is intended to commence.
- D. The plans and specifications to which the Construction Certificate relates must conform to the conditions of this development consent, the standards set out in Council's Development Control Plans, Subdivision Guidelines and construction and design specifications and sound engineering practice.
- E. Any levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* must be paid before the Construction Certificate is issued.
- F. Payment to Council of a security deposit for the making good of any damage caused to any Council property as a consequence of the doing of anything to which this consent relates. This security shall be provided in an amount of 5 per cent of the value of the construction works, either as a cash deposit or unconditional bank guarantee. A bond administration fee may also be payable to Council.

(Reason: Statutory requirements. See *Environmental Planning and Assessment Act 1979*, Sections 80A, 81A and 109F and *Environmental Planning and Assessment Regulation 2000*, Clauses 103 and 104.)

16. **Traffic Control Plan**

No work shall be carried out within three metres of the carriageway of a public road subject to motor vehicle traffic until Council has approved a satisfactory Traffic Control Plan relating to that work, and the Roads and Traffic Authority has approved any associated Roadworks Speed Limit.

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Traffic Authority to prepare these plans. The Traffic Control Plan must bear the name, signature and Traffic Control at Worksites Certificate Number of the person who prepared it.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within or adjacent to the road carriageway.

(Reason: so that work on public roads is performed safely.)

DA No. 2008.0207

17. **Certification and inspection of subdivision work**

The subdivision works must be inspected and tested either by Council's inspector, or by an Accredited Certifier (PCA) at each of the following stages of construction listed below to confirm compliance with the standards set out in Council's Technical Specification for Civil Engineering Works.

Before the endorsement of the Subdivision Certificate for this development, a Completion of Engineering Works Certificate must be obtained from Council (where Council is the PCA), to demonstrate that all subdivision works have been completed.

Where Council is not the PCA, documentary evidence shall be provided by the PCA to Council demonstrating compliance with the following.

- a) After placement of all signs and control measures in accordance with the approved Traffic Control Plan.
- b) After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage.
- c) After completion of road subgrade.
- d) After placement and compaction of each layer of gravel pavement material.
- e) During application of bitumen seal or asphaltic concrete wearing surface.
- f) After laying and jointing of all stormwater pipelines prior to backfilling.
- g) After completion of works.
- h) As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and certificates. These fees must be paid prior to the endorsement of a Subdivision Certificate.

(Reason: to demonstrate that subdivision works are completed in conformity with development consent conditions and to appropriate technical standards).

18. **Defects liability period for subdivision works:**

- a) The developer shall remedy any defects in the subdivision works arising within six months after the completion of the works and shall make good any damage caused to any Council property as a consequence of doing anything to which this consent relates.
- b) If the Subdivision Certificate is issued prior to the expiry of this period, the Council must first be provided with a security deposit or unconditional bank guarantee in a form acceptable to Council, in an amount of five percent (5%) of the value of the subdivision works. This amount is security for remedying any defects in the subdivision works that arise within six months after the works are completed, and for making good any damage caused to Council property as a consequence of the doing of anything to which the consent relates. The funds realised from this security may be paid out by Council to meet any costs referred to in paragraph (a) above. A Bond Administration Fee may be payable to Council.

DA No. 2008.0207

- c) This condition is authorised by Section 80A(6)-(10) of the Environmental Planning and Assessment Act 1979.

(Reason: to ensure that subdivision works are in satisfactory condition when transferred to Council and that any damage to Council property is remedied.)

19. **Qualifications and insurance of engineering designers**

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance.

(Reason: to ensure appropriate professional standards.)

20. **Contractor's insurance**

Each contractor engaged in the construction of subdivision work must hold current public liability insurance for an amount of not less than \$10,000,000 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of subdivision works Council must be provided with evidence of the currency of this insurance.

(Reason: to ensure that contractors hold suitable public liability insurance.)

21. **Dedication of road widening**

The final plan of subdivision shall include the dedication as Public Road of such land as is necessary to contain the constructed road in use. The registered surveyor who prepares the plan of subdivision shall certify to the Principal Certifying Authority that the existing constructed road is wholly contained within the road reserve boundaries shown on the plan of subdivision.

(Reason: To rectify encroachments as part of the subdivision).

22. **Road naming**

The developer shall submit proposed names for the new public road for approval by the Council's Director of Engineering Services or his delegate, in accordance with Council's Road Naming Policy and addendum. The approved road names shall be clearly shown on the subdivision plans accompanying the application for the Subdivision Certificate. Road name signs shall be erected in conformity with Council's Technical Specification for Civil Engineering Works.

(Reason: so that new roads have suitable names)

23. **Dedication of splay corners at road junctions**

The final plan of subdivision shall include the dedication as Public Road of splay corners 5 metres by 5 metres at each road junction.

(Reason: To improve sight distance and space for utility services at road junctions).

24. **Easements for services**

The plan of subdivision shall establish easements for services as necessary to provide for the connection of electricity services to each lot.

(Reason: to secure the authority for land benefited to install, use and maintain connections to utility services across other land.)

DA No. 2008.0207

25. **Compliance from State government departments**

The Developer shall obtain, and submit to Council, the written concurrence of the Department of Lands for all improvements within the Crown Road Reserve. Documentary evidence to this effect is to be submitted to Council to works commencing.

(Reason: to ensure that the subdivision has legal access.)

26. **Subdivision works Stage 1 (lot E & residue)**

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Roadworks

- a) design (full engineering design plans) and construction of a BAR BAL intersection treatment at the junction of the proposed new Council Public Road with the Princes Highway in conformity with the standards specified in the Road Design Guide published by the NSW Roads and Traffic Authority. The design shall include the requirement for Safe Intersection Sight Distance for a speed environment 100km/h along the Princes highway.

The right turn treatment is to be in accordance with a BAR treatment, figure 4.8.23. The BAR is to be sealed. A verge in accordance with Section 3.6 of the Road Design Guide shall be constructed outside the BAR.

The left turn treatment is to be in accordance with a BAL treatment, figure 4.8.35. The BAL is to be sealed to a minimum of 10 metres from the edge of the traffic lane. The gate or grid at the entrance to the property shall be indented a minimum of 20 metres from the edge of the through carriageway of the highway.

The design shall ensure that no water is directed onto the formation of the Princes Highway. The applicant will be required to provide suitable drainage, including structures if necessary, underneath the driveway. Drainage headwalls shall be located outside the Clear Zone of the Highway. The width of the Clear Zone must be in accordance with Section 3.7 of the RTA's Road Design Guide.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

Note: Evidence of the concurrence of the Roads and Traffic Authority to the design of all works within any classified road (as defined in the Roads Act, 1993) must be provided to the Council prior to the endorsement of a Construction Certificate for this work.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- b) design (full engineering design plans) and construction of the following in the proposed Council Public Road (Policy 4.1.1(q) formally PE 175 – Extensions to Council Maintained Roads in Concessional Lot Subdivisions) from its intersection with the Princes Highway to the northern boundary of lot E:

DA No. 2008.0207

- 6.4 metre wide gravel road with a 6.4 metre wide bitumen seal,
- 200mm thick compacted gravel pavement,
- suitable temporary vehicle turning facility at the southern end of this road (15.0 metre radius),
- 1.5 metre wide table drains as necessary,
- all associated stormwater and subsoil drainage works,
- installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
- erection of street name sign, and
- all other works necessary to achieve the above,

The design speed for this road shall be not less than 60 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) design and construction of **bitumen sealed vehicular entrance(s)** serving lots E and the residue lot in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the *Road Design Guide* published by the NSW Roads and Traffic Authority. The entrance is to be sealed to the property boundary.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- e) construction of **electricity reticulation** works and associated facilities to service every lot.

DA No. 2008.0207

(Reason: to provide appropriate electricity servicing for of each lot.)

- f) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

27. **Subdivision works Stage 2 (lots D, F, G & residue)**

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Roadworks

- a) design (full engineering design plans) and construction of the following in the proposed Council Public Road (Policy 4.1.1(q) formally PE 175 – Extensions to Council Maintained Roads in Concessional Lot Subdivisions) from the northern boundary of lot E (stage 1) to the northern boundary of lot G:
- 6.4 metre wide gravel road with a 6.4 metre wide bitumen seal,
 - 200mm thick compacted gravel pavement,
 - suitable temporary vehicle turning facility at the southern end of this road (15.0 metre radius),
 - 1.5 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 60 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- b) design and construction of **bitumen sealed vehicular entrance(s)** serving lots D, F and G in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the *Road Design Guide* published by the NSW Roads and Traffic Authority. The entrance is to be sealed to the property boundary.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

DA No. 2008.0207

- c) design (full engineering design plans) and construction of the following in the proposed right of access servicing lot D from its intersection with the new public road through lot F to the access point for lot D:

- 4 metre wide gravel road,
- 200mm thick compacted gravel pavement,
- 1.0 metre wide table drains as necessary,
- all associated stormwater and subsoil drainage works,
- all other works necessary to achieve the above,

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state: These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- e) construction of **electricity reticulation** works and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

- f) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

28. **Right of access**

The plan of subdivision shall establish right(s) of access not less than 20.0 metres wide in favour of lot D to contain the physical access to that land.

(Reason: to secure the authority for land benefited to use and maintain the access provided within this subdivision.)

DA No. 2008.0207

29. **Subdivision works Stage 3 (lot H & residue)**

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Roadworks

- a) design (full engineering design plans) and construction of the following in the proposed Council Public Road (Policy 4.1.1(q) formally PE 175 – Extensions to Council Maintained Roads in Concessional Lot Subdivisions) from the northern boundary of lot G (stage 2) to the northern boundary of lot H:
- 6.4 metre wide gravel road with a 6.4 metre wide bitumen seal,
 - 200mm thick compacted gravel pavement,
 - suitable temporary vehicle turning facility at the southern end of this road (15.0 metre radius),
 - 1.5 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 60 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- b) design and construction of **bitumen sealed vehicular entrance(s)** serving lot H in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the *Road Design Guide* published by the NSW Roads and Traffic Authority. The entrance is to be sealed to the property boundary.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

DA No. 2008.0207

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- d) construction of **electricity reticulation** works and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

- e) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

30. **Subdivision works Stage 4 (lots A, C & residue)**

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Roadworks

- a) design (full engineering design plans) and construction of the following in the proposed Council Public Road (Policy 4.1.1(q) formally PE 175 – Extensions to Council Maintained Roads in Concessional Lot Subdivisions) from the northern boundary of lot H (stage 3) to the northern boundary of lot A:
- 6.4 metre wide gravel road with a 6.4 metre wide bitumen seal,
 - 200mm thick compacted gravel pavement,
 - suitable temporary vehicle turning facility at the southern end of this road (15.0 metre radius),
 - 1.5 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 60 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

26 May 2009

DA No. 2008.0207

- b) design and construction of **bitumen sealed vehicular entrance(s)** serving lots A and C in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the *Road Design Guide* published by the NSW Roads and Traffic Authority. The entrance is to be sealed to the property boundary.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) design (full engineering design plans) and construction of the following in the proposed right of access servicing lot C from its intersection with the new public road through lot A to the access point for lot C:
- 4 metre wide gravel road,
 - 200mm thick compacted gravel pavement,
 - 1.0 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 40 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved then the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- e) construction of **electricity reticulation** works and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

DA No. 2008.0207

- f) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

31. **Right of access**

The plan of subdivision shall establish right(s) of access not less than 20.0 metres wide in favour of lot C to contain the physical access to that land.

(Reason: to secure the authority for land benefited to use and maintain the access provided within this subdivision.)

32. **Subdivision works Stage 5 (lot B & residue lot J)**

The following subdivision work shall be designed (Engineering Design plans submitted to Council for approval) and constructed in conformity with Council's Subdivision Guidelines and Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for subdivision works, DCP No.2) as current at the date of the relevant Construction Certificate, and sound engineering practice:

Roadworks

- a) design (full engineering design plans) and construction of the following in the proposed Council Public Road (Policy 4.1.1(q) formally PE 175 – Extensions to Council Maintained Roads in Concessional Lot Subdivisions) from the northern boundary of lot A (stage 4) to 20.0 metres past the entry point to lot B:
- 6.4 metre wide gravel road with a 6.4 metre wide bitumen seal,
 - 200mm thick compacted gravel pavement,
 - suitable vehicle turning facility at the southern end of this road (15.0 metre radius),
 - 1.5 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
 - erection of street name sign, and
 - all other works necessary to achieve the above.

The design speed for this road shall be not less than 60 km/h. The maximum grade for a gravel pavement is not to exceed 15%, if this can not be achieved than the pavement will be required to be bitumen sealed with a maximum grade of 20%. Evidence shall be provided to Council confirming that the access complies with the above grade requirements.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- b) design and construction of **bitumen sealed vehicular entrance** serving lot B in conformity with Council's standard drawing 2111 and the standards for a rural property access as shown in the *Road Design Guide* published by the NSW Roads and Traffic Authority. The entrance is to be sealed to the property boundary.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council for provision to the RTA to be assessed for approval.

DA No. 2008.0207

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) construction and maintenance of all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from this development site, both during and after the construction period, is similar to the quality of stormwater runoff from the site in an undeveloped state. These works shall be documented in a site specific Soil and Water Management Plan. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

Note: Technical advice on the design, construction and maintenance of stormwater quality control measures is contained in *Managing Urban Stormwater: Soils and Construction* published by the NSW Department of Housing.

Note: The responsibility for the maintenance of all works constructed for controlling stormwater quality shall remain with the developer until the Council authorizes the removal of temporary works or takes over the maintenance responsibility for permanent works.

(Reason: to minimize the environmental impacts of this development.)

- d) construction of **electricity reticulation** works and associated facilities to service every lot.

(Reason: to provide appropriate electricity servicing for of each lot.)

- e) construction of **telecommunications cabling** and associated facilities to service every lot.

(Reason: to provide appropriate telecommunications servicing for of each lot.)

Roads and Traffic Authority Conditions

33. The Princes Highway adjoining the property is declared a controlled access road and accordingly additional access points to the Princes Highway from the subdivision shall not be permitted. All vehicular access to the Princes highway shall therefore occur via the existing access point. This shall be restricted via the use of a Section 88B Instrument on all lots fronting the Princes highway. This restriction on user shall be reflected in the plan of subdivision to be lodged at the Land and Property Information.
34. Any other existing access points to the Princes Highway shall be permanently closed.
35. The existing junction with the Princes Highway shall be upgraded to a sealed Type BAL left turn together with a sealed Type BAR right turn configuration as per Section 6 of the AUSTRROADS Guide to Traffic Engineering Practices – Part 5 Intersections at Grade.
36. The developer shall be required to provide a suitable drainage treatment at the junction of the existing access point with the Princes Highway to prevent water proceeding onto, or undermining, the travel lane of the Princes Highway.
37. Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTRROADS Pavement Design Guide.

DA No. 2008.0207

38. All roadworks and / or traffic control facilities associated with this development will be at no cost to the RTA and completed prior to occupation.
39. Landscaping and fencing should not restrict vehicular sight lines on the Princes Highway.
40. The proposed access location shall maintain sight distance in accordance with RTA Standards in both directions along the Princes Highway.
41. The proposed development should be designed such that road traffic noise from the Princes Highway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, may 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
42. Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) for the above road works in the Princes Highway.
43. Section 138 consent under the Roads Act, 1993 shall be obtained from the RTA prior to construction. Note: since a WAD is required for the subject roadworks the RTA will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority.
44. The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: an approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

NSW Rural Fire Service Conditions

45. A Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*, was issued by the NSW Rural Fire Service in respect of the proposed development on 4 June 2008. The terms of the Bushfire Safety Authority outlined below are also conditions of this Consent:

The development proposal is to comply with the subdivision layout identified on the drawings prepared by Caddey Searl & Jarman numbered 52579 dated 1 April 2008.

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan and Tree Preservation Order*.

DA No. 2008.0207

Notes:

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).
2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 12 months from the date of this notice.
3. Before you start any subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.
6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Mark Fowler
Development Control Planner

FOR BEGA VALLEY SHIRE COUNCIL