

## **Draft Conditions – DA 105-2015 – 102 Burra Road - SUBDIVISION**

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **1. DETAILED EFFLUENT DISPOSAL ASSESSMENT**

**Prior to the release of any Construction Certificate for the subdivision, a detailed on site effluent disposal assessment of each individual lot containing a building envelope shall be prepared by a suitably qualified person and submitted to Council for endorsement. If this assessment identifies that the required effluent disposal area or system cannot be accommodated or contained within the proposed building envelope then the lot design will require amendment and an application for Modification of Development Consent must be lodged.**

**REASON:** To ensure the effluent disposal can be accommodated within the building envelopes and to mitigate impacts on biodiversity. **(00.00)**

#### **2. REMEDIATION ACTION PLAN**

**The Report of Detailed Site Investigation identified areas impacted by potential contamination.**

**Prior to the issue of the Construction certificate (Subdivision) the applicant shall submit to Council a Remediation Action Plan (RAP) incorporating the following:**

- **Removal and validation of the shower sheep dip (AEC 8), septic tank and septic overflow pipeline (AEC 6 & 7)**
- **Removal of all waste materials from the site including the scattered water materials in localised areas of the site (AEC 14 and 35), the drum filled with waste (AEC 15) and the waste materials within the creek bed (AEC 32) and inspection of the footprints of these features.**
- **After demolition of the farm house, excavate and validate the area around the exceedance of TRH (F2) at Pit 42 (AEC 11) and inspection of the footprints of the demolished farm house and associated structures.**
- **An unequivocal statement that subject to completion of the remediation works in accordance with the RAP the land will be suitable for its proposed rural residential landuse.**

**REASON:** To ensure appropriate remediation minimising the risk to the health and safety of all people in the vicinity of the development site.

## **PRIOR TO COMMENCEMENT**

3. **CONSTRUCTION CERTIFICATE (SUBDIVISION) TO BE ISSUED**  
**Prior to the commencement of any stage of subdivision works approved under this development consent a Construction Certificate (Subdivision) must be issued by Council or an Accredited Certifier.**

REASON: To satisfy the requirements of the Environmental Planning and Assessment Act 1979. **(57.05)**

4. **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.**

*NOTE: A quotation for Council to perform the duties of Principal Certifying Authority for the subdivision works will be provided upon submission of the Construction Certificate (Subdivision) to Council.*

REASON: To provide for supervision of the subdivision works. **(57.06)**

5. **SUBDIVISION CONSTRUCTION CERTIFICATE**  
**The Construction Certificate (Subdivision) and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works for a subdivision stage. Works associated with the subdivision stage shall subsequently be carried out in accordance with the detailed design drawings and specifications the subject of the Construction Certificate (Subdivision).**

**The engineering plans must comply with the requirements of Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013) and include the following where applicable to a subdivision stage -**

- (a) A Certification Report in accordance with Clause DQS.04;**
- (b) This general note - All work must be constructed in accordance with the requirements of Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013);**
- (c) A BAR/BAL intersection treatment in Burra Road at the Road 1 intersection for a design speed of 100 kph;**
- (d) Road long and cross sections for proposed Road 1 as a Local Access Road with a design speed of 80 kph and providing 2x3.0m wide bitumen sealed travel lanes and 2x0.5m bitumen sealed shoulders;**
- (e) Road long and cross sections for proposed Roads 2 & 3 as a Local Access Cul-de-Sac with a design speed of 60 kph and providing 2x3.0m wide bitumen sealed travel lanes;**

- (f) Private access roads for all battle-axe allotments and the reservoir access road as a 3.0m wide bitumen sealed access;
- (g) Pavement design for the public roads and private access roads;
- (h) Bitumen sealed driveway for all lots, including the deletion of the existing access off Burra Road to the existing dwelling and its replacement by a new access off Road 1 and where practical for accesses to be grouped;
- (i) A stormwater management plan, including erosion and sediment controls and works required to stabilise Church Creek.

The SWMP should include the following:

- Constraints and characteristics of the site including; rainfall erosivity, slope gradients, potential erosion hazards, rainfall zone, soil erodibility (subsoil), calculated soil loss, soil loss class, soil texture group, percent dispersible (subsoil)
- Runoff coefficient, total site area disturbed site area, 75<sup>th</sup> %ile, 5 day rainfall event.
- An actually drawn plan to scale which shows the location of best management practice sediment and erosion control devices and drainage structures will be located;
- detailed drawings of soil erosion controls to be provided;
- location of sediment dams, sediment fences, energy dissipaters, earth banks, and other controls.
- Schedule of works providing schedule of land disturbance and stabilisation program;
- (j) Details of the private non-potable water supply scheme (located within the subdivision lots except for road crossings) and including the bore, rising main, reservoir, gravity pipelines and individual lot services;
- (k) Details of the proposed entry feature; and
- (l) A detailed Landscape Plan for the development including the Riparian Zone must be prepared and submitted to Council. Fencing provision shall also be shown on the plan for protection of sensitive areas.

NOTE: A Construction Certificate (Building) will also be required for the reservoir

NOTE:- Landscape Plan is to feature endemic species to the area. Drawing No. L501 Binowee Drive Screen Planting should reflect this consideration.

REASON: To provide design certification of the subdivision works. (57.07)

6. ERECT A SIGN FOR ANY DEVELOPMENT WORKS

**A sign must be erected and maintained in a prominent position on any site on which subdivision work is being carried out;**

- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.**
- (b) Showing the name of the principal contractor (if any) for the work and a telephone number on which that person may be contacted outside working hours.**
- (c) Stating 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. **(57.08)**

7. SUBMIT A TRAFFIC MANAGEMENT PLAN

**Prior to any work commencing within an existing public road a Traffic Management Plan for the construction works must be submitted to, and approved by, Council under the provisions of Section 138 of the Roads Act 1993.**

REASON: To ensure that adequate arrangements are made for traffic and pedestrian safety during the construction works. **(57.13)**

8. IDENTIFICATION OF HAZARDOUS MATERIALS

**Prior to demolition of any existing structures a Hazardous Building Materials Report shall be prepared by a competent person and submitted to Council. This report must meet the requirements for fully defining the presence of asbestos containing material in any form, lead paint, synthetic mineral fibre and PCB in electrical capacitors in florescent lights and buried potential ACM pipe near the shearing shed (AEC 12). This document is for 3<sup>rd</sup> party use in reference to the asbestos status of the site.**

Note: If hazardous materials, including asbestos, are identified in the development, *AS 2601-2001, The demolition of structures* requires that the materials be removed only by competent persons and in accordance with the requirements of WorkCover NSW

REASON: To minimise the risk to the health and safety of all people in the vicinity of the development site.

9. **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**  
**A construction environmental management plan (CEMP) is to be prepared which is to include an “unexpected finds” protocol to assess potential sources of contamination encountered in untested areas in the filling onsite. This should include asbestos finds protocol in the event that asbestos-based materials are discovered.**

REASON: To ensure that appropriate measures are taken to minimise the risk to the health and safety of all people in the vicinity of the development site, ensure compliance with legislative requirements and protect the environment.

## **SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION**

10. **INSTALL EROSION AND SEDIMENT CONTROLS**  
**Erosion and sediment controls must be installed on accordance with the approved Stormwater Management Plan (SWMP) on the site, revised and maintained during the construction period.**

REASON: To prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land. **(58.03)**

11. **REPAIR DAMAGED PUBLIC PROPERTY**  
**All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.**

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition. **(58.06)**

12. **WORKS SITES TO BE FENCED**  
**A barrier fence must be erected between the development site and public places before commencement of any other work.**

REASON: To ensure that an effective barrier is provided to preserve the safety of people and property in public places. **(58.07)**

13. **TEMPORARY VEHICLE ACCESS**  
**Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.**

REASON: To minimise transfer of soil from the site onto the road pavement.  
(58.08)

14. PROVIDE WASTE STORAGE RECEPTACLE

**A waste receptacle must be placed on the site for the storage of waste materials.**

REASON: To prevent pollution of surrounding areas. (58.02)

15. HOURS OF OPERATION FOR WORKS

**All works associated with the construction of this development must be carried out between the following hours:**

<b>Weekdays:</b>	<b>7.00am to 6.00pm</b>
<b>Saturdays:</b>	<b>8.00am to 4.00pm</b>
<b>Sundays and Public Holidays:</b>	<b>NIL</b>

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality. (58.04)

16. WORK ON ADJOINING LAND IS LIMITED

**The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:**

- (a) Installation of a temporary, stabilised construction access across the verge.**
- (b) Installation of services.**
- (c) Construction of an approved permanent verge crossing.**

REASON: To minimise interference with the verge and its accessibility by pedestrians. **(58.05)**

## **GENERAL CONDITIONS**

17. IN ACCORDANCE WITH THE APPROVED PLANS

**The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.**

**In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.**

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. **(59.02)**

18. NO DWELLING ENTITLEMENT FOR LOT 101

**Residential use (including dwelling houses) is not permitted on Lot 101. This lot has been created under Clause 4.2(3) of the *Queanbeyan Local Environmental Plan 2012* for the purpose of primary production. This lot does not meet the minimum areas requirements for a dwelling house.**

REASON: To prevent the fragmentation of rural land and comply with QLEP 2012. **(00.00)**

19. ESTATE ENTRY SIGNAGE/FEATURES

**The proposed Estate Entry features, including the signage concepts, historic site seating and planting, shall be located on the Community Lot and not within the proposed Road 1 public road reserve.**

**Any lighting used for the entry signage / feature shall not cause glare for surrounding properties or vehicles using the adjoining roads.**

**Details of the feature(s) proposed must be included in the Construction Certificate (subdivision).**

REASON: To ensure the feature is maintained and does not impact on the amenity or safety of road users and surrounding residents. **(00.00)**

20. GENERAL TERMS OF APPROVAL – RURAL FIRE SERVICE

**The development must be carried out in accordance General Terms of Approval provided by NSW Rural Fire Service dated 30 April 2015 and attached in Schedule 1 of this consent.**

REASON: To comply with the NSW Rural Fire Service requirements. **(59.08)**

21. GENERAL TERMS OF APPROVAL – OFFICE OF WATER

**The development must be carried out in accordance General Terms of Approval provided by the Office of Water dated 11 June 2015 and attached in Schedule 2 of this consent.**

REASON: To comply with the Department of Primary Industries requirements. **(59.08)**

22. GENERAL TERMS OF APPROVAL – OFFICE OF ENVIRONMENT AND HERITAGE

**The development must be carried out in accordance General Terms of Approval provided by the Office of Environment and Heritage dated 24 August 2016 and attached in Schedule 3 of this consent.**

REASON: To comply with the Office of Environment and Heritage requirements. **(59.08)**

23. GENERAL TERMS OF APPROVAL – FISHERIES NSW

**The development must be carried out in accordance General Terms of Approval provided by Fisheries NSW dated 30 April 2015 and attached in Schedule 4 of this consent.**

REASON: To comply with the Department of Primary Industries requirements. **(59.08)**

24. SUBMISSION OF STREET NAMES

**The proposed new street names within the subdivision must be submitted to Council for approval and allocation of street numbers prior to the submission of any application for a Subdivision Certificate.**

**The approved street names are to be indicated on the Survey Plan of Subdivision and provided on road name plates to be installed at the road intersections.**

*Note: Council has a list of approved names for subdivision roads which can be obtained by contacting Council's Environment, Planning and Development section. Any other names will require a written submission to be lodged with Council detailing the origin of the name and the reasons for selection. Proposed names must also comply with the Guidelines for Road Naming prepared by the Geographical Names Board.*

REASON: To provide street addressing. **(59.10)**

25. STREET NUMBERING

**Street numbering for each new lot must be obtained from Council's Land Information System (LIS) Officer prior to the submission of any application for a Subdivision Certificate. Street numbers shall be affixed to the front entry gate of each premises prior to the issue of the Subdivision Certificate.**

REASON: To ensure that each lot has a street number allocated ready for submission to NSW Land and Property Information. **(59.09)**

## CONSTRUCTION OF INFRASTRUCTURE

26. CONSTRUCTION OF INFRASTRUCTURE

**Construction of infrastructure shall be undertaken so as to comply with the Quality System Requirements (CQS) of Council's *Queanbeyan Engineering Construction Specification* (Version 3.2, dated January 2013).**

REASON: To ensure works are constructed in accordance with Council's requirements. **(67.01)**

27. SEPARATE CONNECTIONS & SERVICES

**A separate non-potable water service, electricity supply and communication service must be provided to each allotment within the Community Title 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. **(67.02)**

28. ACCESS DRIVEWAY CONSTRUCTION

**A 3 metre wide bitumen sealed access driveway must be constructed between the front boundary of the site and the building envelope of the proposed Lots c, i, t, q, ac and an within the battleaxe handle, and including its construction over the adjacent Council road reserve.**

**A 3 metre wide bitumen sealed access driveway must be constructed between the front boundary of the site and the proposed reservoir site and including the proposed vehicular parking area, an on-site turning bay at the reservoir site and over the adjacent Council road reserve.**

REASON: To provide adequate vehicular access for each allotment and the proposed water reservoir. **(67.04)**

29. WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS

**All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013).**

REASON: To ensure construction and restoration work is in accordance with Council's requirements. **(67.05)**

30. PROTECTION OF WORKS ON PUBLIC ROADS

**Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works in existing public roads and for the safety and convenience of the public, in accordance with Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013)**

**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. **(67.06)**

31. SUBMISSION OF TRAFFIC CONTROL PLAN

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

REASON: To authorise traffic control devices. **(67.08)**

## **LANDSCAPING**

### **32. LANDSCAPING WORKS COMPLETED BY AN ACCREDITED CONTRACTOR**

**All landscaping must be completed by a Council accredited Category 2 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.**

REASON: To help ensure a high standard of landscape works. **(73.02)**

## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **33. ACCESS CONTROL TO NATURAL AREAS**

**Prior to the issue of the subdivision certificate stock proof fencing must be provided by the applicant in accordance with the following requirements:**

- a) between the development site and public places including community open space;**
- b) all other access areas along Church Creek**
- c) along Burra Road Boundary**
- d) specifically located along the perimeter of the likely extent of the Pink Tailed Worm Lizard habitat.**

**In addition, a double steel rail fence and/or gate is to be provided blocking the laneway access to the community open space to restrict unauthorised vehicles accessing the the conservation area.**

REASON: To ensure that an effective barrier is provided to preserve the protection of the environment and safety of the people and property in public places. **(58.07)**

### **34. 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) A letter outlining how compliance with each condition of this development consent has been achieved; and**
- (c) Engineering Construction Certificate Report in accordance with Council's *Queanbeyan Development Construction Specification*.**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 109 Environmental Planning and Assessment Act 1979. **(68.02)**

35. 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. (68.03)

36. 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, telephone services and natural gas to each lot must be submitted to Council.**

REASON: To satisfy relevant utility authority requirements. (68.05)

37. SUBDIVISION WORKS – DEFECTS LIABILITY BOND

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

**The Subdivider must:**

- (a) **Lodge a cash bond with Council with regard to such defects liability as a bond 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 rectification work not being completed to the standards specified in Council's *Queanbeyan Construction Specification* (Version 3.2, dated January 2013, Council may enter the subject land and undertake such rectification work and to 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 *Queanbeyan Construction Specification* (Version 3.2, dated January 2013) (or as would reasonably be expected under the design conditions).**

REASON: To ensure works are completed in accordance with Council's requirements. (68.06)

38. COMMUNITY MANAGEMENT STATEMENT

**A Community Management Statement for the Community Title Scheme approved under this consent must be submitted to Queanbeyan-Palerang Regional Council for endorsement prior to release of the Subdivision Certificate for the Community Title Scheme.**

REASON: To satisfy the provisions of the *Community Land Management Act 1989* and the *Community Land Development Act 1989*. **(68.01)**

39. VEGETATION MANAGEMENT PLAN

**A Vegetation Management Plan, prepared by a suitably qualified person, must be submitted to Queanbeyan-Palerang Regional Council for endorsement by Council and the NSW Office of Environment and Heritage, prior to release of the Subdivision Certificate for the Community Title Scheme.**

**The plan should include a number of biodiversity protection controls and enhancements measures including:**

- a) weed management;**
- b) conservation actions for Aprasia Habitat;**
- c) restricting and removal of trees on sites identified as box-gum woodland;**
- d) restricting new planting areas within conservation area**
- e) providing recommended planting lists**

REASON: To ensure the ongoing management and protection of the Box-Gum Woodland Endangered Ecological Community. **(68.01)**

40. STATEMENT OF COMPLETED LANDSCAPE WORKS

**A “Statement of Completed Landscaped Works” form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.**

REASON: To help ensure a high standard of landscape works. **(73.03)**

*Note: A Statement of Completed Landscape Works form can be obtained from Council’s website or from the Environment, Planning and Development section.*

41. **VALIDATION OF REMEDIATION WORKS**

**Following completion of the RAP and prior to the issue of the subdivision certificate a validation report shall be prepared by a competent environmental consultant and submitted to Council confirming that the site has been remediated in accordance with the RAP and providing an unequivocal statement that the land is suitable for its proposed rural residential landuse.**

**Any subsequent recommendations or conditions contained within the validation report shall be carried out. Evidence of their implementation must be submitted to Council prior to the issue of the Subdivision Certificate.**

**REASON:** To ensure the site is remediated and suitable for its proposed use prior to the subdivision certificate being released.

## **TITLE RESTRICTIONS**

42. **EASEMENTS AND RESTRICTIONS**

**Easements and restrictions as to use shall be created to achieve the following purposes:**

- (a) Compliance with the Bushfire Management Plan;**
- (b) Prohibiting construction of buildings outside identified building envelopes;**
- (c) Prohibiting clearing except in accordance with the approved development and the Bushfire Management Plan and clearing within building envelope;**
- (d) Requiring the creation and maintenance of a 50m wide fire protection zone along each side of proposed Roads 2 & 3;**
- (e) Requiring the creation and maintenance of fire protection zones within the battle axe access handles of Lots 3, 13, 24, 25, 34 and 40.**
- (f) Compliance with the recommendations of the geotechnical report prepared by Douglas Partners dated February 2015;**
- (g) easements for the private water supply, including crossings of the proposed public roads , and**
- (h) Nominating Council as the name of the person/authority empowered to release, vary or modify restrictions.**

**REASON:** To ensure public utility services, access and restrictions are legalised over the land. **(70.02)**

43. DEDICATION TO COUNCIL

**All roads must be dedicated to Council and shown as such on the Subdivision Survey Plan.**

REASON: To provide legal access to lots. (70.04)

## **CONTRIBUTIONS**

44. SUBDIVISION

**Prior to the issue of a Subdivision Certificate the contributions specified in Schedule 1 to this consent are payable to Council in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.**

**NOTE**

- 1. The Queanbeyan Section 94 Contribution Plan may be inspected at Council's Development Division, Council Chambers Queanbeyan.*
- 2. The contribution rates specified in Schedule 1 are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Development Division should be contacted to receive a current contribution notice of charges prior to payment.*
- 3. Cash contributions may be deferred in accordance with Council Policy (refer to Development Division for further advice).*
- 4. If payment is made by personal cheque the final survey plan and Subdivision Certificate will not be released until 5 working days after receipt of the payment.*

REASON: To provide for the funding of augmentation and provision of services and community facilities. (23.02A)