



**PLANNING VOTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL**

20 December 2011 commencing at 9.01am.

**11 RESCISSION MOTIONS**

**RM1 Donation – Slim Dusty Foundation** **File: 462 {Folio No. 465081}**

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**MOVED:** *Moved: Cl. Sproule  
Seconded: Cl. Snowsill*

**That part 1 of resolution number 2011.440 from the ordinary meeting held 18 October 2011 as printed below:**

*That Council advise that it is not in a financial position to assist at this time.*

**be rescinded.**

**At this stage 10.30am the Meeting adjourned for Morning Tea and upon resumption at 10.44am all present at the adjournment were in attendance.**

**2011. 516 The MOTION was PUT to the meeting and was CARRIED.**

**Councillors Gribbin and Saul called for a Division which resulted in the following votes being recorded.**

**A Division resulted in the following votes.**

**F = Voted For  
A = Voted Against**

<b>Bowell</b>	<b>A</b>	<b>Campbell</b>	<b>F</b>	<b>Green</b>	<b>F</b>	<b>Gribbin</b>	<b>A</b>	<b>Saul</b>	<b>A</b>
<b>Snowsill</b>	<b>F</b>	<b>Sproule</b>	<b>F</b>	<b>Walker</b>	<b>F</b>				

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**MOVED:** *Moved: Cl. Sproule  
Seconded: Cl. Walker*

- 1 That Council allocate \$100,000 in funds from the Industrial Subdivision Reserve and Residential Land Reserve in order to provide funding support for the Slim Dusty Centre.
- 2 That Council continues to demonstrate its ongoing support for the successful completion of the Slim Dusty Centre.

An AMENDMENT was MOVED:

*Moved: Cl. Howell  
Seconded: Cl. Saul*

- 1 That Council offer \$100,000 to the Slim Dusty Centre as a contribution towards but not limited to the completion of the roadworks.
- 2 That this offer be subject to the Slim Dusty Centre being successful with the current Regional Australia Development Fund (RADF) application.

2011. 517 RESOLVED:

*Moved: Cl. Green  
Seconded: Cl. Howell*

That the AMENDMENT be PUT.

The AMENDMENT was PUT to the Meeting and was LOST.

2011. 518 The MOTION was PUT to the MEETING and was CARRIED.

Councillors Gribbin and Saul called for a Division which resulted in the following votes being recorded.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Bowell	A	Campbell	F	Green	F	Gribbin	A	Saul	A
Snowsill	F	Sproule	F	Walker	F				

Councillors Howell, Saul and Gribbin lodged a Notice of Rescission in regard to the foregoing resolution.

## 1.7 Development Approvals & Regulatory Planning Functions

### 1.7.1 Planning Proposal for Northbound South Kempsey Highway Service Centre

File: T5-118 RZ-11-3 {Folio No. 465083}

## SUMMARY

Reporting that Council has received a Planning Proposal seeking to amend Kempsey Local Environmental Plan (KLEP) 1987, to enable a Highway Service Centre at South Kempsey.

2011. 521 RESOLVED:

*Moved: Cl. Walker  
Seconded: Cl. Green*

**A That planning proposal T5-118 be forwarded to the Department of Planning and Infrastructure for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.**

**B That Lot2452 DP532345 be included in the request to the Department of Planning and Infrastructure for a Gateway Determination.**

**A Division resulted in the following votes.**

**F = Voted For**

**A = Voted Against**

<b>Bowell</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Green</b>	<b>F</b>	<b>Gribbin</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Snowsill</b>	<b>F</b>
<b>Sproule</b>	<b>F</b>	<b>Walker</b>	<b>F</b>								

**1.7.2 Proposed Concept Plan for Residential Subdivision Stage 1  
File: T6-11-232 {Folio No. 465112}**

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**SUMMARY**

Reporting that Council has received a staged development application for a Concept Plan for residential subdivision, submitted in accordance with section 83C(2) of the *Environmental Planning and Assessment Act 1979*.

**REPORT DETAILS**

Applicant: SWRUT Pty Ltd

Subject Property: Lot 1 DP445196 Phillip Drive,  
SOUTH WEST ROCKS

Zone: 2(a) (Residential "A" Zone)

2011. 522 RESOLVED:

*Moved: Cl. Walker  
Seconded: Cl. Snowsill*

**A That the use of SEPP 1 to vary the provisions of Clause 16(1)(d) of the *Kempsey Local Environmental Plan 1987* be supported; and**

**B That consent for the Concept Plan be granted subject to the following conditions:**

**THE FOLLOWING CONDITIONS ARE FOR ALL STAGES OF THE DEVELOPMENT – STAGES ONE (1) TO FIVE (5)**

**PARAMETERS OF THIS CONSENT**

- 1 Staged Development Consent – separate development consent required for Stages Two (2) to Five (5)**

**This development consent is a staged development consent. The development approved in each stage is as follows:**

- Stage One (1): Concept Plan**
- Stage Two (2): Subdivision of up to 22 residential lots fronting Phillip Drive and the required portion of the internal road.**
- Stage Three (3): Subdivision of up to 14 residential lots along the western boundary and the required portion of the internal road.**
- Stage Four (4): Subdivision of up to 13 residential lots in the centre of the lot.**
- Stage Five (5): Subdivision of up to 14 residential lots at the eastern and southern boundaries.**

**Development of the stages is to occur in a sequential order. That is, Stage Two is to be approved and developed prior to Stage Three, and so on.**

**This development consent is for the concept plan and approves the general layout of the subdivision only. This development consent does not consent to the subdivision of land or the erection of any buildings. All future applications for subdivision must include a State Environmental Planning Policy No. 1 to vary the minimum lot size under Clause 16 (1)(d) of the KLEP for residential development.**

- 2 Development to be in accordance with approved plans**  
**The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.**

<b>Plan No./ Supporting Document</b>	<b>Version</b>	<b>Prepared by</b>	<b>Dated</b>
<b>Latitude 30 Master Plan (i.e. Concept Plan)</b>	-	<b>SG Consulting</b>	-
<b>Indicative Staging Plan</b>	-	<b>SG Consulting</b>	-
<b>Indicative Lot Access</b>	-	<b>SG Consulting</b>	-
<b>Central Park Concept</b>	-	<b>SG Consulting</b>	-

**Note: The Building Envelope Plan will be associated with the DCP as it relates to development on the proposed lots.**

**Note: The Open Space Strategy is indicated in the Master Plan.**

**Note: The "master plan" referred to above is a "concept plan" for the purposes of this consent.**

**Note: Separate development consent for any development within the approved lots subject to compliance with the Latitude 30 DCP, as amended, or equivalent.**

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

**The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.**

**3 This consent does not permit commencement of any works  
This consent does not permit commencement of any works. Works are not to commence until such time as a Principal Certifying Authority has been appointed and a Construction Certificate has been obtained.**

**4 Subdivision  
Each stage of residential subdivision on the subject land is generally to be in accordance with the Concept Plan, relevant DCP and any variation to minimum lot sizes approved under State Environmental Planning Policy No.1. Each development application for any buildings in blocks which are under the minimum lots size must include detailed plans of the buildings and demonstrate general compliance with the objectives of the KLEP (or equivalent) or relevant DCP.**

**5 Retention of Central Park  
The Central Park shown on the approved Concept Plan, as amended, is to be retained in perpetuity and is not to be further subdivided or redeveloped for any other use.**

**6 Subdivision lot sizes  
(a) The area of the lots created within the Medium Density Precinct are to be generally in the range of 195m<sup>2</sup> to 400m<sup>2</sup>.  
(b) The area of the lots created within the Standard Lot Precinct are to be a minimum of 500m<sup>2</sup>.**

**7 Amelioration of Contamination Hazards  
(a) All subsequent applications for subdivision and residential development and works must comply with the Groundwater Management Plan – January 2011.  
(b) Groundwater is not to be extracted from the site without assessment for the particular use.  
(c) Construction and/or maintenance workers excavating in the Groundwater Management Plan Area (refer to map in the Groundwater Management Plan – January 2011) are to be made aware of the potential for exposure of odorous soils at depths greater than 2 metres within this area during excavation works.  
(d) Any soil impacted by contamination encountered during excavations is to be returned to depth or removed from the site for proper disposal.**

**8 Boundary Fencing**

**Boundary fencing is to be replaced, if required, at the full cost of the developer and at no cost to adjoining property owners.**

**9 Details of Disposal of Vegetation**

**Details of disposal of any vegetation to be removed from the site are to be submitted with each development application for subdivision for Stages 2 to Stage 5. Burning of felled trees is not permitted.**

**10 Landscaping**

**Landscaping is to be provided and maintained within the development in accordance with the following:**

- (a) All landscaping provided within the street reserve and public open space/s is to be in accordance with the "Indicative tree schedule – street trees and public open space."**
- (b) Landscaping provided within the central park is to be provided generally in accordance with the "Central Park Concept Plan".**
- (c) All landscaping and open space inclusions must be provided prior to execution of a linen plan for each stage of development.**
- (d) Open space must be maintained by the developer/property owners for all previous stages until the completion of the final stage of subdivision within the development and in accordance with any Planning Agreement for the open space within the development.**
- (e) Upon completion of the subdivision for each stage of development, the developer is to enter into a maintenance agreement with Council for a period not less than 2 years.**

**11 Section 88B Restrictions to Title**

**Section 88B restrictions to title under the *Conveyancing Act 1919* are to be included in subdivision development applications for lots affected by bushfire buffer, drainage controls (including building envelope) and/or landscaping protection.**

**12 Groundwater Management Plan**

**In the event that soil impacted by residual hydrocarbons is encountered during excavations, such soil is to be either returned to depth or removed from the site for proper disposal, in accordance with the Groundwater Management Plan dated January 2011.**

**GENERAL TERMS OF APPROVAL – RURAL FIRE SERVICE**

**13 NSW Rural Fire Service General Terms of Approval**

**The following conditions of consent have been imposed by the NSW Rural Fire Service as "General Terms of Approval" under Section 100B of the *Rural Fires Act 1997*, and shall be complied with along with any other conditions imposed on any subsequent Development Consent for subdivision for Stage 2 to Stage 5 and in perpetuity:**

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

2. Public road access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.
  - Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.

#### Landscaping

3. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

#### General Advice – consent authority to note

The development proposal is to comply with the subdivision layout Masterplan (Building Envelope Plan) prepared by SG Consulting dated October 2011.

At each subdivision stage, the proponent will be required to comply with the relevant NSW Bushfire legislation and guidelines.

### **THE FOLLOWING CONDITIONS ARE FOR STAGE ONE (1) ONLY – CONCEPT PLAN**

#### **PARAMETERS OF THIS CONSENT**

- 14 This consent does not permit commencement of any works  
This consent does not permit commencement of any works. Works are not to commence until such time as a Principal Certifying Authority has been appointed and a Construction Certificate has been obtained.
- 15 This approval does not allow any components of the project to be carried out without further approval of consent being obtained.

### **THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE LODGEMENT OF ANY APPLICATION FOR STAGE 2**

- 16 **Stormwater Management Strategy**

Details for the treatment of stormwater are to be submitted to and approved by Council to ensure that stormwater discharge

from the site and adjoining roads can be collected and disposed of on-site via a stormwater detention/infiltration system and if necessary, into Saltwater Creek, using Best Management Practices for stormwater infiltration without impacting on the proposed development or water quality within Saltwater Creek. All subsequent development applications for subdivision will respond appropriately to the stormwater constraints on the site.

A Stormwater Management Strategy is to be prepared for the whole site, which shows stormwater infrastructure to be provided for each stage of the development, and approved by Council prior to the submission of any future development applications for any of Stages 2 to 5 of the subdivision. The Stormwater Management Strategy must identify the principles for the management of stormwater emanating from the site having regard for the general Saltwater Catchment *Stormwater Management Strategy for Saltwater Lagoon and Creek*, is to address the following principles and requirements as a minimum:

- i) To achieve a net reduction in total catchment pollutants entering the estuary (ie achieving a net positive environmental outcome);
- ii) To restrict stormwater flows off the subject site to prevent pre-development levels for the full range of ARI up to and including the 1% ARI;
- iii) Combination of lot and street scale options to meet the water quality target specified in the *Stormwater Management Strategy for Saltwater Lagoon and Creek*;
- iv) Use of WSUD measures (including temporary arrangements over the interim stages of the development) in water management at the site in accordance with existing practice;
- v) Provide Music Modelling for the following scenarios:
  - Existing (for calibration purposes);
  - At each stage of the development with measures to meet water quality targets and maintain storm flows leaving the site to pre-development levels; and
  - Full development of the site with measures to meet water quality targets and maintain storm flows leaving the site to pre-development levels.
- vi) Music modelling to be undertaken in accordance with Draft NSW Music Modelling Guideline;
- vii) Stormwater runoff from this site to the adjoining property to the south is to be from "existing condition" areas such that the water quality and quantity is maintained to pre-development levels in perpetuity;
- viii) Use of low maintenance WSUD measures;



- ix) Incorporation of adequate street and inter-allotment pipe drainage;
- x) Investigate and incorporate appropriate overland flow path;
- xi) Incorporation of downstream energy dissipation devices;
- xii) Any other relevant matters contained in Council's DCP 36 – Guidelines for Subdivision and Development.
- xiii) Measures to prevent pollution of the wetland or estuary;
- xiv) Demonstrate that the proposed parklands have sufficient area to accommodate the infiltration requirements of the stormwater management strategy.
- xv) Demonstrate that site levels near the property boundaries will remain within 1m of existing levels, following the required regrading of the site.
- xvi) Any other relevant matters.

*Note: Council is not requesting detailed stormwater infrastructure design at the concept plan stage. The lot layout proposed is subject to further detailed engineering investigation and the ultimate subdivision layout may well differ substantially from the concept as a result. In addition, an increase in size of the central park may be required to accommodate sufficient infiltration capacity.*

The Stormwater Management Strategy is to be approved by Council prior to the lodgement of an application for Stage 2.

## **17 Traffic Impact Assessment/Pedestrian Management**

Details are to be submitted to and approved by Council to ensure that the concept subdivision layout accommodates suitable traffic control and Pedestrian management measures to accommodate traffic and pedestrian movements within the subject site and neighbouring areas to a 20 year design horizon.

A Traffic Impact Assessment prepared in accordance with NSW RTA *Guide to Traffic Generating Developments* and Austroads *Guide to Traffic Management* series. The Traffic Impact Assessment is to address the following matters:

- (a) A conceptual plan depicting potential pedestrian and cyclist movement;
- (b) Projected increase in traffic volumes;
- (c) Impact on development of road noise for existing and future scenarios;
- (d) Public transport;
- (e) A description and conceptual plan of relevant road improvements to the adjacent urban road network, including the proposed new road intersection with Phillip Drive;

- (f) An analysis of visitor parking spaces to be generated by the development, based on the Latitude 30 DCP requiring no on-site visitor parking spaces, meaning all visitor parking spaces will be provided on the street. Following this analysis, concepts are to be provided showing that all required visitor parking spaces may be provided within the verge of the internal road network; and
- (g) Traffic infrastructure required to be provided for each stage of development.

The Traffic Impact Assessment is to be approved by Council prior to the lodgement of application for Stage 2.

## **18 Infrastructure Strategy**

Details are to be submitted to and approved by Council to ensure that adequate infrastructure will be provided in a timely and efficient manner and those subsequent applications for subdivision must include sufficient infrastructure to accommodate that particular stage of development.

An Infrastructure Servicing Strategy, relating to both soft and hard infrastructure, should identify the key principles to be incorporated into detailed Infrastructure Servicing Plans for each stage of subdivision. For example, Council will require any Infrastructure Servicing Strategy to include, but not be limited to, the following principles:

- (a) The existing community is not to be burdened by the provision of public infrastructure required as a result of future development;
- (b) The necessary public infrastructure is to be provided in a timely, cost efficient and effective manner;
- (c) All proposed lots in the development are to be connected to Council's Recycled Water Supply System;
- (d) Any water harvesting program is to complement Council's Recycled Water Supply Scheme;
- (e) Council must endorse the proposed infrastructure provision strategy;
- (f) A servicing and financial strategy must be undertaken to ensure financial viability to deliver the required upgrades in a timely manner;
- (g) Utilities and services are to be designed in accordance with relevant statutory requirements; and
- (h) All lots created in urban areas for private occupation must be fully and individually serviced; etc.

The Infrastructure Servicing Strategy is to be approved by Council prior to the lodgement of an application for Stage 2.

## **19 Adoption of Residential Development Control Plan**

The *Latitude 30 Development Control Plan*, or similar development control plan, with sufficient controls to control the residential development of any created lots in accordance with the intent of the concept plan, is to be approved by Council and adopted prior to the lodgement of an application for Stage 2.

## **20 Amendments to Concept Plan**

**An amended concept plan addressing changes that may be required in response to stormwater management requirements, traffic requirements, or other relevant matters is to be approved by Council prior to the lodgement of an application for Stage 2.**

- (a) The amended concept plan is to show the provision of proposed parks as amended to address the following matters, if applicable:**
  - (i) The size of all parkland should be sufficient to serve the groundwater recharge/infiltration requirements of the Stormwater Management Strategy required by conditions of this consent; and**
  - (ii) Parks are to be consolidated into a single area, with the two smaller landscaped spaces redesigned to be removed from the development or incorporated as street-side landscaping, rather than parks.**
- (b) The amended concept plan is to incorporate any amendments required as a result of the Traffic Impact Assessment required by condition/s of this consent and any other amendment necessary, including any alterations that may be required to the intersection of the main entrance road with Phillip Drive.**

**THE FOLLOWING CONDITIONS ARE FOR STAGE TWO (2) ONLY – SUBDIVISION OF UP TO 22 RESIDENTIAL LOTS**

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE APPROVAL OF STAGE TWO (2)**

### **21 Amended Staging Plan**

**An amended fully detailed Staging Plan is to be submitted to and approved by Council prior to the issue of any Development Consent for Stage 2 Subdivision. The amended Staging Plan is to show the following:**

- (a) Each stage of subdivision is to be shown on a separate plan;**
- (b) The interim road layout for each stage of development; including the provisions of cul-de-sacs that will be removed in subsequent stages of subdivision (eg Stage 2 will require cul-de-sac heads at each end of the internal road);**
- (c) The general location of lots in relation to the street network, both existing and proposed, demonstrating that each proposed lot will have access to the street network; and**
- (d) Must take into account infrastructure (ie stormwater, water and sewer) that will be required for each stage of development.**

### **22 Separate Development Application required**

**A separate Development Application is to be lodged with Council and development consent gained for this Stage of the subdivision, in accordance with the requirements of Section 83B(4) of the *Environmental Planning and Assessment Act 1979*.**

**The application for this stage of subdivision is to demonstrate compliance with the following, as relevant to the particular stage applied for:**

- (a) The Staging Plan;**
- (b) The Stormwater Management Plan;**
- (c) The Traffic Impact Assessment;**
- (d) The Infrastructure Servicing Plan;**
- (e) The requirements of Development Control Plan No.36 – Guidelines for Engineering and Subdivision; and**
- (f) Any other relevant DCP.**

**23 Crown Land Consent**

**In the event that stormwater will ultimately be discharged to Saltwater Creek, the consent of the NSW Department of Lands must accompany the development application, to allow stormwater drainage lines to be placed within the Crown Land to the north of the subject site.**

**24 Stormwater Management Plan**

**A detailed Stormwater Management Plan, complying with the principles and requirements of the approved Stormwater Management Strategy approved in accordance with the conditions of this Consent, is to be submitted to and approved by Council. The Stormwater Management Plan is to include a separate plan showing the infrastructure to be provided for each stage of development.**

**25 Infrastructure Management Plan**

**A detailed Infrastructure Management Plan, complying with the principles and requirements of the approved Infrastructure Management Strategy approved in accordance with the conditions of this Consent, is to be submitted to and approved by Council. The Infrastructure Management Plan is to include a separate plan showing the infrastructure to be provided for each stage of development.**

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS**

**26 Landscape Plan**

**A detailed Landscape Plan shall be provided to Council for approval prior to issue of the construction certificate. Each subsequent staged development application is to include details of the proposed management and maintenance regime for that stage of landscaping and open space.**

**27 Infrastructure Provision**

**A separate plan/s showing details of the sizing, location and staging of sewer, water, grey water, stormwater, electricity and telecoms infrastructure provision is to be submitted to and**

approved by Council. These detailed plans are to demonstrate compliance with the approved Infrastructure Management Plan and Stormwater Management Plan for the development.

**THE FOLLOWING CONDITIONS ARE FOR STAGE THREE (3) ONLY – SUBDIVISION OF UP TO 14 RESIDENTIAL LOTS**

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE APPROVAL OF STAGE THREE (3)**

- 28 Separate Development Application required**  
A separate Development Application is to be lodged with Council and development consent gained for this Stage of the subdivision, in accordance with the requirements of Section 83B(4) of the Environmental Planning and Assessment Act 1979.

The application for this stage of subdivision is to demonstrate compliance with the following, as relevant to the particular stage applied for:

- (a) The Staging Plan;
- (b) The Stormwater Management Plan;
- (c) The Traffic Impact Assessment; and
- (d) The Infrastructure Servicing Plan;
- (e) The requirements of Development Control Plan No.36 – Guidelines for Engineering and Subdivision;
- (f) Any other relevant DCP.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS**

- 29 Landscape Plan**  
A detailed Landscape Plan shall be provided prior to issue of the construction certificate. Each subsequent staged development application is to include details of the proposed management and maintenance regime for that stage of landscaping and open space.

- 30 Infrastructure Provision**  
A separate plan/s showing details of the sizing, location and staging of sewer, water, grey water, stormwater, electricity and telecoms infrastructure provision is to be submitted to and approved by Council. These detailed plans are to demonstrate compliance with the approved Infrastructure Management Plan and Stormwater Management Plan for the development.

**THE FOLLOWING CONDITIONS ARE FOR STAGE FOUR (4) ONLY – SUBDIVISION OF UP TO 13 RESIDENTIAL LOTS**

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE APPROVAL OF STAGE FOUR (4)**

- 31 Separate Development Application required**  
A separate Development Application is to be lodged with Council and development consent gained for this Stage of the

subdivision, in accordance with the requirements of Section 83B(4) of the *Environmental Planning and Assessment Act 1979*.

The application for this stage of subdivision is to demonstrate compliance with the following, as relevant to the particular stage applied for:

- (a) The Staging Plan;
- (b) The Stormwater Management Plan;
- (c) The Traffic Impact Assessment;
- (d) The Infrastructure Servicing Plan;
- (e) The requirements of Development Control Plan No.36 Guidelines for Engineering and Subdivision; and
- (f) Any other relevant DCP.

**32 Planning Agreement**

The developer is to enter into a Planning Agreement with Council in relation to the provision of equipment within Central Park. The equipment is to be provided at the developer's expense.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS**

**33 Landscape Plan**

A detailed Landscape Plan shall be provided to Council for approval prior to issue of the construction certificate. Each subsequent staged development application is to include details of the proposed management and maintenance regime for that stage of landscaping and open space.

**34 Infrastructure Provision**

A separate plan/s showing details of the sizing, location and staging of sewer, water, grey water, stormwater, electricity and telecoms infrastructure provision is to be submitted to and approved by Council. These detailed plans are to demonstrate compliance with the approved Infrastructure Management Plan and Stormwater Management Plan for the development.

**THE FOLLOWING CONDITIONS ARE FOR STAGE FIVE (5) ONLY – SUBDIVISION OF UP TO 14 RESIDENTIAL LOTS**

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE APPROVAL OF STAGE FIVE (5)**

**35 Separate Development Application required**

A separate Development Application is to be lodged with Council and development consent gained for this Stage of the subdivision, in accordance with the requirements of Section 83B(4) of the *Environmental Planning and Assessment Act 1979*.

The application for this stage of subdivision is to demonstrate compliance with the following, as relevant to the particular stage applied for:

- (a) The Staging Plan;
- (b) The Stormwater Management Plan;
- (c) The Traffic Impact Assessment;
- (d) The Infrastructure Servicing Plan;
- (e) The requirements of Development Control Plan No.36 – Guidelines for Engineering and Subdivision; and
- (f) Any other relevant DCP.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS**

- 36 Landscape Plan**  
A detailed Landscape Plan shall be provided to Council for approval prior to issue of the construction certificate. Each subsequent staged development application is to include details of the proposed management and maintenance regime for that stage of landscaping and open space.
- 37 Infrastructure Provision**  
A separate plan/s showing details of the sizing, location and staging of sewer, water, grey water, stormwater, electricity and telecoms infrastructure provision is to be submitted to and approved by Council. These detailed plans are to demonstrate compliance with the approved Infrastructure Management Plan and Stormwater Management Plan for the development.

**ADVICE FOR ALL STAGES**

- 38 SEPP1 Requirement**  
A separate SEPP1 application will need to accompany each development application for Stage 2 to Stage 5 that involves reduced lot sizes. Any application for buildings on blocks under the minimum lot size as identified under Clause 16(1) (d) of the KLEP must be accompanied by detailed plans of the building demonstrating that the building complies with the requirement of any relevant DCP.
- 39 Rural Fire Service Integrated Development Trigger**  
Each development application for Stage 2 to Stage 5 will require referral to the Rural Fire Service as Integrated Development, if that part of the site is still identified as a bushfire prone area at the time the development application is lodged.
- 40 NSW Rural Fire Service advice regarding the approved concept plan for Stage Two (2) to Stage Five (5)**  
With regard to the concept plan, the NSW Rural Fire Service were not able to issue a bushfire safety authority for any part of the proposed development other than Stage One (1), however, the NSW RFS provided the following advice:

**General Advice – Council to Note**

In regards to the proposed Concept Plan – Masterplan, the RFS cannot issue a Bushfire Safety Authority, however the NSW RFS provide the following advice.

1. Based on the forest vegetation classification and a downslope of 0-5 degrees, a 70 metre asset protection zone shall be provided to the southern elevation of future buildings.
2. Water, electricity and gas shall comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006*.
3. New construction shall comply with Australian Standard AS3959-1999 '*Construction of buildings in bush fire-prone areas*'.
4. Existing structures shall be upgraded to improve bushfire protection.
5. Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
6. Arrangements for emergency and evacuation shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
7. Landscaping to the site shall comply with the principals of Appendix 5 of *Planning for Bush Fire Protection 2006*.

**41 Residential Development**

- (a) Lots within the Medium Density Precinct are to be generally developed with housing forms at a density of one dwelling per 195-400m<sup>2</sup> of site area, so as to form a streetscape of cluster housing, dual occupancy, multiple dwellings or similar.
- (b) Lots within the Standard Lot Precinct are to be generally developed with single dwellings only, at a maximum density of one dwelling per 500m<sup>2</sup>.

**C That the objectors be advised of Council's decision.**

**A Division resulted in the following votes.**

**F = Voted For**

**A = Voted Against**

<b>Bowell</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Green</b>	<b>F</b>	<b>Gribbin</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Snowsill</b>	<b>F</b>
<b>Sproule</b>	<b>F</b>	<b>Walker</b>	<b>F</b>								