



City of Wagga Wagga

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION DA19/0514 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18 of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA19/0514
Applicant:	E Bergmeier 71 Messenger Ave BOOROOMA NSW 2650
Land to be Developed:	537 Camerons Rd BROOKDALE NSW 2656 Lot 81 DP 754537, Lot 98 DP 754537
Description	Dwelling and detached double garage
Determination:	Approved Subject to Conditions
Date of Determination:	04/12/2019
Consent to Operate from:	04/12/2019
Consent to Lapse on:	04/12/2024
Other Approvals:	Nil

On behalf of the Council

Steven Cook
Senior Town Planner

Review of Determination

Where Council is the consent authority, Section 8.2 of the Environmental Planning and Assessment Act 1979, provides that the applicant may request the Council to review the determination. A request for review cannot be made after the period within which any appeal may be made to the Court has expired if no appeal was made. There is no right to review a determination of a complying development certificate, designated development, or Crown Development.

Right of Appeal

Where an applicant is dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 provides a right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal or after the date of deemed refusal under section 8.11.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA19/0514

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
19010 Sheet 00	Cover Sheet	Sewell Design	I	18/09/19
19010 Sheet 01	Site / Locality / Draft Consolidation & Floor Plan	Sewell Design	I	18/09/19
19010 Sheet 02	Floor Plan	Sewell Design	I	18/09/19
19010 Sheet 03	Elevations	Sewell Design	I	18/09/19
19010 Sheet 04	Elevations & BASIX	Sewell Design	I	18/09/19
19010 Sheet 05	Section & BASIX	Sewell Design	I	18/09/19
1031772S	BASIX Certificate	Sewell Design	-	03/09/19
-	Statement of Environmental Effects	Applicant	-	11/10/19
-	Wood Heater Specifications	Lopi	-	Lodged 11/10/19
-	Wood Heater Dimensions	Lopi	-	Lodged 11/10/19

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

2. Pursuant to s7.12 of the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034*, a monetary contribution of \$4,500 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034* from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

REASON: Having considered the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public amenities and public services within the area.

3. Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the "Application to Install an On-Site Sewage Management System" to determine the suitability of the site with respect to the on-site disposal of waste water. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

This study must be carried out by an appropriately qualified geotechnical Soil Consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed dwelling and the proposed waste water disposal area are located in a position and are of a design and capacity to ensure that all waste water generated from the

activities carried out on site can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE 1: Alterations/modifications to the premise or replacement of disposal areas and or the On-site Sewage Management Systems require a geotechnical soil report to determine if the current system can manage additional loads and/or if the current disposal areas are adequately sized to effectively treat waste water generated by the activities on the premise.

NOTE 2: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is suggested that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

NOTE 3: The final location of the dwelling on the land may be determined by the findings and recommendations of the required geo-technical study. The location of the dwelling should therefore not be finalised until the results of the geo-technical study are known.

REASON: To ensure that the site can cope with waste water disposal. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **Prior to the issue of a Construction Certificate, it must be demonstrated that the On-Site Sewage Management System and its associated disposal area situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.**

REASON: To comply with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Environmental and Health Protection Guideline for Onsite Sewage management for Single Households, 1998. To ensure that no nuisance is created by the disposal of wastewater. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005.**

NOTE: A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

REASON: As the development cannot be connected to the Council's reticulated sewerage system, and because it is in the public interest to comply with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005 Section 4.15 (1)(b) and (e) of the *Environmental Planning Assessment Act 1979*, as amended.

Prior to Commencement of Works

6. **Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. **A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

9. **Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-**

- a) **Development Control Plan 2010 (Section 2.6 and Appendix 2)**
- b) **Erosion and Sediment Control Guidelines for Building Sites; and**
- c) **Soils and Construction Volume 1, Managing Urban Stormwater**

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. **A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.**

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

11. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**

- a) **in the case of work done by a licensee under the Act:**
 - i) **has been informed in writing of the licensee's name and contractor license number, and**
 - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) **in the case of work to be done by any other person:**
 - i) **has been informed in writing of the person's name and owner-builder permit number, or**
 - ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
- a) **stating that unauthorised entry to the site is prohibited, and**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
 - c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) **building work carried out inside an existing building, or**
- b) **building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. **At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

14. **A 4.0 metre wide all-weather vehicular access from Camerons Road to the property boundary shall be constructed. This access roadway must be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with Council's Engineering Guidelines for Subdivisions and Developments.**

REASON: To minimise the impact of the development on the environment, and to provide access for emergency vehicles. Section 4.15 (1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

15. **New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

16. **All proposed Class 10 structures as defined per the "Building Code of Australia" attached to or within 10 metres of the habitable building shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

17. **At the commencement of building works and in perpetuity the property around the building to a distance 20 metres, shall be maintained as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.**

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

18. **If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

19. **The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.**

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. **All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. **Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.**

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

22. **The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

- a) **NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.**
- b) **CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.**
Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) **Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.**
- d) **A durable notice must be permanently fixed to the building in the electricity meter box indicating:**
 - i) **The method of protection**
 - ii) **The date of installation of the system**
 - iii) **Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.**

- iv) **The need to maintain and inspect the system on a regular basis.**

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. **The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. **A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2015 and Plumbing Code of Australia.

25. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

26. **Prior to the issue of an Occupation Certificate for the works a minimum of 20,000 litres of water supply must be dedicated on site for the purposes of bushfire protection. The tank/s dedicated for bushfire protection are required to be:-**

- (a) **Constructed from non-combustible materials such as metal or concrete.**
- (b) **Fitted with a metal 65mm storz fitting with a ball or gate valve provided.**
- (c) **Truck access shall be provided within 4m of the water tank for fire tankers.**
- (d) **A petrol or diesel pump to be enclosed / shielded in a non-combustible housing.**
- (e) **Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.**

Note: **An alternate solution assessed and approved under the relevant provisions of the Planning for Bush Fire Protection Manual 2006 may satisfy this condition.**

REASON: It is in the public interest that adequate water supply be available to protect the development from bushfire. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. **Prior to the issue of an Occupation Certificate the provision of 50,000 litres of water is required for domestic purposes. This is in addition to the dedicated supply required for bushfire purposes.**

NOTE: **NSW Health advise that proper maintenance of the rainwater tank, catchment system, roof, gutters and inlet is essential to ensure a safe supply of potable water. In this regard, a first flush system must fitted to the inlet supply pipe work**

REASON: This utility is necessary to serve the development. Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. **Prior to issue of an occupation certificate the rural address number must be displayed in a position clearly visible from the road, at the entrance to the property, in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed. The correct rural address number is stated on the Notice of Determination.**

REASON: It is in the public interest that the building/property be easily identifiable. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. **An Occupation Certificate, must be obtained pursuant to Section 6.9 of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. **A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.**

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

31. **The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

32. **Lot 81 DP 754537 and Lot 98 DP 754537 are to be consolidated into one lot prior to the issue of an Occupation Certificate.**

NOTE: Evidence of consolidation must be provided to Council.

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

33. **Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.**

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

35. **Water, electricity and gas are to comply with section 4.2.7 of Planning for Bush Fire Protection 2006.**

REASON: It is in the public interest that the development be protected from bush fire. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

36. **Any earthworks (including any structural support or other related structure for the purposes of the development):**

- (a) **must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and**
- (b) **must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and**
- (c) **retained material must have a gradient of at least 5%, and**
- (d) **must be constructed in accordance with the approved plans for such work(s).**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

37. (1) For the purposes of Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.