

# Notice of Determination

## of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the Modification of the above Development Application pursuant to Section 4.55 of the Environmental Planning & Assessment Act, 1979.

**Modification Number:** DA19/0181.01

**Development Application Modified:** DA19/0181

**Type of Modification:** s4.55(1A)

**Applicant:** TJ Hinchcliffe & Associates Pty Ltd  
Po Box 5497  
WAGGA WAGGA NSW 2650

**Land to be Developed:** 119 Elizabeth Ave FOREST HILL NSW 2651  
Lot 1400 DP 1243790

**Description of Modification:** Amend Condition 1 Plans

**Determination:** Approved

**Description of Development:** Modification to subdivision plan - Amend Condition 1 Plans

**Date of Determination of Modification:** 15/04/2020

On behalf of the Council



Paul O'Brien  
Manager Development Assessment & Building Certification

### Notice of Determination

#### Lapsing of the Consent

This modification does not alter the lapsing date of the Consent. It remains as that shown on the original determination.

## 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. AS MODIFIED BY APPLICATION NO. DA19/0181.01

### Approved Plans and Documentation

- 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
19379	Proposed Plan of Subdivision	T.J Hinchcliffe & Associates	-	6 March 2020
	Statement of Environmental Effects	EDM Group		17 April 19
19379	Written Correspondence	T.J Hinchcliffe & Associates		6 March 2020

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.

- 2. Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga Section 94 Contributions Plan 2006-2019 the following monetary contributions must be paid to Council, prior to the issuing of the Survey Certificate unless, before the time due for payment, the applicant and the Council enter into a legally binding agreement for the applicant to provide works-in-kind or any other material public benefit(s) to the Council in part or full satisfaction of the monetary contributions:**

Forest Hill Section 94 Subdivision - Without Land Dedication	
Contributions Plan Preparation & Management	\$335.62
Future Civic, Community & Cultural	\$334.58
Recoupment Civic, Community & Cultural	\$1,635.37
Future Roads & Traffic Management	\$3,300.96
Recoupment Open Space & Recreation	\$754.63
Future Open Space & Recreation	\$4,060.80
Base Charge	\$10,423.00/residential lot
Final Amount Including CPI 115.2/95.6 (June 19)	\$12,559.93/residential lot

The amounts payable under this condition will be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019 from the endorsed date of this Development Consent until the date of payment. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

**NOTE 1:** Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019 provides for Section 94 contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

**NOTE 2:** The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

**REASON:** Having considered the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, 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 release of the Subdivision Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.**

**NOTE1:** 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

- NOTE 2:** Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Subdivision Certificate.
- NOTE 3:** The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.
- NOTE 4:** Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- NOTE 5:** The Section 64 Sewer base figure is \$3538 / residential lot.  
  
The Section 64 Sewer contribution (updated by the CPI/100.5) required to be paid is \$3988.61 / residential lot.
- NOTE 6:** The Section 64 Stormwater base figure is \$642 / residential lot.  
  
The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is \$827.51 / residential lot.
- NOTE 7:** Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8:** The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

**REASON:** It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15 (1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 4. A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.**

**The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.**

- NOTE:** Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development

**consent relating to the subdivision have been complied with and the appropriate fee paid.**

REASON: It is in the public interest that the plan is certified in accordance with the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

**5. Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-**

- i) Essential Energy: Notification of Arrangement OR Certificate of Acceptance**
- ii) APA Gas: Certificate of Acceptance**
- iii) Riverina Water: Certificate of Compliance**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.