



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA19/0039
Modification No.:	DA19/0039.01
Council File No.:	D/2019/0039
Date of Lodgement:	23/03/2020
Applicant:	Estella Heights Pty Ltd 11 Tallowood Cres LAKE ALBERT NSW 2650 Debbie Cox
Proposal:	98 Lot Subdivision
Description of Modification:	Rectify minor error regarding Remediation Action Plan and Validation Report Requirements - Delete Conditions 62 and 63
Development Cost:	\$2940000
Assessment Officer:	Steven Cook
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Section 4.55(1) Modification
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	N/A
Advertising:	N/A
Owner's Consent Provided:	23/3/20
Location:	Western side of Pine Gully Road, immediately north of the existing development north of Harris Road, approximately 700m north of Cootamundra Boulevarde, and approximately 5.5km north-west of the Wagga Wagga Central Business District.

SITE DETAILS

Subject Land:	177 Pine Gully Rd GOBBAGOMBALIN NSW 2650 Lot 172 DP 1260509, Lot 125 DP 1253593
Owner:	Hipasu Pty Ltd ATF Jackson Family Trust

REPORT

DESCRIPTION OF DEVELOPMENT

DA19/0039 for a 98 Lot Subdivision was approved by Council on 11th September 2019. An application to modify the consent pursuant to Section 4.55(1) of the Act to rectify a minor Council error in the consent has now been submitted.

The error relates to the imposition of Conditions 62 and 63 of the consent, which are as follows:

- 62. *Prior to the issue of Subdivision Certificate for Stage 6, a Remediation Action Plan (RAP) for the site, including the residual allotment area where the UST has been identified, must be submitted to Council, to the satisfaction of the General Manager or delegate. The RAP must be certified by an Accredited Site Auditor under the Contaminated Land Management Act 1997 and demonstrate that the site can be remediated so that it can be used for its intended use and does not pose an unacceptable risk to human health or ecology. The report shall be developed in accordance with the Guidelines for Consultants Reporting on Contaminated Sites prepared by NSW Office of Environment and Heritage and clearly identify when the works are to occur.***

REASON: It is in the public interest that remediation works are commenced and completed prior to development of the site. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979

- 63. *Prior to the issue of the Subdivision Certificate for Stage 6 a Validation Report certified by an Accredited Site Auditor under the Contaminated Land Management Act 1997, identifying that all objectives and actions of the Remediation Action Plan (RAP) required under condition 62 have been achieved must be submitted to Council, to the satisfaction of the General Manager or delegate. The Validation Report shall be developed in accordance with the Guidelines for Consultants Reporting on Contaminated Sites prepared by NSW Office of Environment and Heritage.***

REASON: It is in the public interest that remediation works are commenced and completed prior to occupation of the site, Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

It was subsequently determined that these conditions could potentially be too onerous, depending on the condition of the UST and any apparent leakage/contamination observed when it was removed. To this end, Council's General Manager advised the following process would be followed:

- *Council is to be provided with information confirming that the UPSS removal will be undertaken by a duly qualified person and in accordance with UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS, NSW*

Environment Climate Change and Water.

- *Council shall be advised, at least one week prior to site works commencing, of the date and time of proposed works. The Manager Environment & City Compliance and Manager Development Assessment & Building Certification, or delegates, shall be present on site at the time of tank removal.*
- *The UPSS Regulation requires preparation of a site validation report where a tank has been decommissioned or removed from a site. The validation report must provide independent verification that goals associated with site works have been met and the site is suitable for its ongoing or future uses.*
- *Based on Council Officer field observations, the results of testing of soil samples and the site validation report, Council will determine if a Site Auditor is required to conducting a site audit and prepare a site audit statement and site audit report. Council retains its descension, under SEPP55 to require a Site Auditor at any time.*

To this end, Council was advised that a duly qualified person would be removing the tank in accordance with UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS, NSW Environment Climate Change and Water and provided with the date on which the removal would occur. Council's Manager Development Assessment & Building Certification and Council's Manager Environment & Regulatory Services attended site on 20/02/20 and observed the removal of the UST. In addition, a Validation Report, prepared by, DM McMahon Pty Ltd, dated 03/03/20, was submitted to Council for the remediation work.

Following consideration of the Validation Report, and in conjunction with the site observations made, Council's Manager Environment & Regulatory Services advised that he had no concerns.

Following the process set out by the General Manager, the Validation Report, and the observations made on site by Council's Manager Development Assessment & Building Certification and Council's Manager Environment & Regulatory Services, it is therefore considered that both a Remediation Action Plan and a Validation Report certified by an Accredited Site Auditor are not necessary in the circumstances, with potential contamination appropriately managed via the UST removal, and the findings of the validation report subsequently submitted to Council.

As such it is recommended that Conditions 62 and 63 be deleted.

It is noted that there are structures on the site potentially containing asbestos. It is considered that existing conditions 27 and 76 are sufficient for managing the removal of these structures. These conditions are as follows:

- 27. The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.**

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and**
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.**

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 76. *Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.***

NOTE 1: *All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material*

NOTE 2: *Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.*

NOTE 3: *Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.*

NOTE 4: *A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.*

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

THE SITE & LOCALITY

The site, currently described as Lot 172 DP 1260509, 177 Pine Gully Road, Gobbagombalin, is located on the western side of Pine Gully Road, immediately north of the existing development north of Harris Road, approximately 700m north of Cootamundra Boulevard, and approximately 5.5km north-west of the Wagga Wagga Central Business District. The site and locality to the west is largely rural in nature consisting of a number of larger sized 'small-holdings'. Immediately and further to the south, and south west of the site is a developing residential subdivision. To the north of the site is farmland associated with the Charles Sturt University (which has its main campus to the north-east of the site).

The majority of the site falls to the west, with the highest land on the east of the site. Sewer and stormwater for most of the site will be to land to the west. A small number of lots on the southern boundary of the development will connect to existing

infrastructure to the south.

A dwelling and a number of outbuildings stand on the site.

SUMMARY OF MAIN ISSUES

Nil

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55 OR 4.56

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 4.55 or 4.56 of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

Section 4.55(1) Modifications involving minor error, misdescription or miscalculation

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5), (6), and Part 8 do not apply to such a modification.

The details of the proposed modification are discussed in the description of the development, and are considered to meet the requirements of Section 4.55(1) of the Act.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

Matters under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 are not required to be considered for applications made under Section 4.55(1) of the Act.

Other Legislative Requirements

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

The requirements of the Biodiversity Conservation Act 2016 were considered under the original application. Nothing in these modifications alters that original assessment.

Council Policies

No additional Council policies apply to this development.

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are summarised below and full details are available on the file.

Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Contributions are not amended or impacted by this modification.

Other Approvals

No other approvals have been sought.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that application number DA19/0039.01 to modify Development Consent DA19/0039 for 98 Lot Subdivision - Rectify Minor Error Regarding Remediation Action Plan and Validation Report Requirements be approved subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	MJM Consulting Engineers	Rev 01	23/01/19
	Layout and Demolition Plan Stages 6-9	MJM Consulting Engineers	E	02/07/19
	Concept Sewer Plan Stages 6-9	MJM Consulting Engineers	A	21/01/19
	Concept Drainage Plan Stages 6-9	MJM Consulting Engineers	A	21/01/19
	Overall Catchment Plan Stages 6-9	MJM Consulting Engineers	A	24/01/19

	Contamination Plan Stages 6-9	MJM Consulting Engineers	D	21/01/19
	Detailed Site Investigation (Report No 5892)	McMahon Earth Science	01	08/05/19
	Preliminary Site Investigation (Report No 5180)	McMahon Earth Science	02	20/06/18

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. No approval is granted for the removal of any vegetation from the Pine Gully Road road reserve.**

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

- 3. Prior to the issue of each Subdivision Works Certificate plans shall be submitted to Council for approval that show the provision of a temporary turning heads at the termination of all roads ending at the stage boundaries. The temporary turning head shall be constructed with a minimum 150mm thick DGS20 and sealed with a minimum two coat spray bitumen seal. Turning heads are to have a minimum radius of 12m.**

REASON: To ensure the temporary turning head functions as intended over its lifespan and to reduce erosion, stormwater and dust issues. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

4. **Lots capable of being developed for 3 or more dwellings shall have a drainage spur extended to the lowest part of the lot. Details of compliance with this condition shall be submitted to Council prior to the release of the Subdivision Works Certificate for each stage.**

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

5. **Prior to release of the Subdivision Works Certificate for each stage, locations of gross pollutant traps (GPT), with sufficient specification of the GPT to be shown on the relevant stage of Subdivision Works Certificate drawings.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

6. **Prior to release of the Subdivision Works Certificate for Stage 6 stormwater calculations to account for the upstream adjoining catchment discharging via the culvert in Pine Gully Road are to be provided to Council. The stormwater plans shall detail how this upstream discharge is to be managed by the stormwater system in the subdivision.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

7. **The existing dam shall be accurately located and shown on the engineering drawings prior to the release of the Subdivision Works Certificate for the Stage 6.**

REASON: To ensure that the land is suitable for future development. Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

8. **Prior to the issue of the Subdivision Works Certificate for each stage stormwater drainage shall be designed to limit post development overland flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

9. **Prior to release of the Subdivision Works Certificate for Stage 6, a Construction Management Plan (CMP) shall be submitted to and approved by the General Manager or delegate. The plan shall detail the route to be taken by construction traffic. No construction traffic is to enter the site directly from Pine Gully Road. Appropriate signage and fencing is to be installed and maintained to give effect to this requirement. This CMP shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **Prior to the release of the Stage 9 Subdivision Works Certificate, details of the proposed treatment of the road reserve between Road 9 (where it runs parallel to Pine Gully Road) and Pine Gully Road shall be submitted to Council for approval. The plans shall be approved by the General Manager, or delegate, prior to the release of the Subdivision Works Certificate.**

NOTE: The treatment shall comprise a steel cable barrier and should be designed to restrict all vehicular movement and uncontrolled pedestrian movement between Pine Gully Road and Road 9 (where it runs parallel to Pine Gully Road).

REASON: To ensure that vehicles cannot travel between Road 9 and Pine Gully Road. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

11. **Prior to the release of the Stage 9 Subdivision Works Certificate, details of the proposed buffer plantings in the vegetative buffer between Road 9 (where it runs parallel to Pine Gully Road) and Pine Gully Road shall be submitted to Council for approval. The plans shall be approved by the General Manager, or delegate, prior to the release of the Subdivision Works Certificate.**

REASON: To ensure appropriate buffer screening is provided to Pine Gully Road. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 12. Prior to the release of the Subdivision Works Certificate for Stage 6, details of the specifications, installation method and location or piezometer P7 (as identified in the Wagga Wagga Development Control Plan 2010) shall be submitted to and approved by Council, to the satisfaction of the General Manager, or delegate.**

REASON: To ensure that infrastructure is installed in accordance with the Wagga Wagga Development Control Plan 2010. Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended.

- 13. No approval is granted for the removal of the existing trees on proposed Lot 186 and proposed Lot 198. Prior to the release of the Subdivision Works Certificate for Stage 6 and Stage 7, Subdivision Works Certificate drawings shall show the retention of these trees, and measures to protect them during construction works, to the satisfaction of the General Manager, or delegate.**

REASON: To minimise the impacts of the development on the amenity of the area. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 14. Prior to the release of the Subdivision Works Certificate for Stage 9, amended plans shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, showing:**

- **Lots 255, 256, 257, 258, 263 and 264 rotated to face east (i.e. towards Pine Gully Road)**
- **Lot 272 amended so that the front lot boundary is squared off and follows a continuous line, consistent with the front boundary of the lots to the west (i.e. Lot 271, 270, 269 etc), with the balance of the land being included in the road reserve.**

REASON: To ensure that the development appropriately addresses Pine Gully Road. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 15. Prior to the issue of each Subdivision Works Certificate two (2) copies of engineering plans, specifications and calculations in relation to the development together with payment of any relevant fees must be submitted to Council. The works are to comply with Council's Engineering Guidelines for Subdivision and Developments.**

REASON: To ensure the design of the proposed work is 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.

- 16. Prior to the release of the Subdivision Works Certificate for each stage, a Street Tree masterplan showing the location of all proposed street trees within the development shall be submitted for approval by the General Manager or delegate. Generally, one tree per lot is to be provided.**

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 17. Prior to the issue of a Subdivision Works Certificate for each stage, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.**

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

Prior to Commencement of Works

- 18. 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.

19. **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.

20. **A Subdivision Works Certificate must be obtained pursuant to Section 6.13 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 Wagga Wagga City Council's Engineering Guidelines for Subdivisions and Developments prior to any subdivision works commencing.**

NOTE 1: No building, engineering or excavation work must be carried out in relation to this development until the necessary Subdivision Works Certificate or relevant certificates of approval have been obtained.

NOTE 2 YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE SUBDIVISION WORKS CERTIFICATE, even if you made an application for a Subdivision Works Certificate, at the same time as you lodged the 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 that the design of the proposed work to be assessed in detail before construction commences, and because it is in the public interest that the development comply with the appropriate construction standards. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 21. 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.

- 22. Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.**

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the Roads Act 1993. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 23. Prior to works commencing a container must be erected on site for the enclosure of all construction 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 Council's Waste Management Centre.**

Materials and sheds or machinery linked to construction associated with the subdivision 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: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste.

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.

- 24. No works are to take place to any services without prior written approval from the relevant authority.**

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

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.

During works

- 25. If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:**
- a) must preserve and protect the building from damage, and**
 - b) if necessary, must underpin and support the building in an approved method, and**
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.**

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

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.

- 26. 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.**

Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.

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.

- 27. The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.**

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and**
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.**

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. 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.

- 29. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 30. Inter-allotment drainage must be constructed to drain all lots not draining naturally to a public road. The drainage system must include grated inlet pits with a 90 mm diameter pipe connection to all lots. All drainage works are to comply with the provisions of AS/NZS 3500 and Council's Engineering Guidelines for Subdivision and Developments.**

REASON: The character of the subdivision is such that it warrants storm water drainage of this type. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. Sewer mains, other than those being constructed by Council, must be extended to the site, at full cost to the developer, in accordance with Council's Engineering Guidelines for Subdivision and Developments. The works must be carried out by Council or a licensed approved contractor under Council supervision via a Section 68 (Public) approval.**

REASON: To ensure that the development is serviced by a reticulated sewerage system. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 32. During works, construction vehicles shall access the site as per the approved Construction Management Plan.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 33. If a space shallow aquifer is identified at any time, appropriate mitigation measures shall be identified and agreed to by the developer and the Council, and monitoring of the aquifer shall begin.**

REASON: To minimise the impacts of the development on the natural environment. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 34. Any cut and fill batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.**

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.

- 35. Electricity infrastructure is located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.**

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.

REASON: To help ensure safety impacts are appropriately managed. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 36. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.**

REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 37. Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.**

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

- 38. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.**

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

- 39. Inspections are to be carried out on the approved road works in accordance with Council’s Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of road works shall be inspected at the required hold points:**

- (a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.**
- (b) Subgrade proof roll. Survey levels and compaction results.**
- (c) Subbase proof roll. Compaction results.**
- (d) Basecourse proof roll. Survey levels and compaction results.**
- (e) Prior to sealing**
- (f) Sewer works, prior to backfilling of trenches.**
- (g) Stormwater works, prior to backfilling of trenches.**
- (h) Concrete works prior to pouring.**
- (i) Into Maintenance inspection.**
- (j) Out Of Maintenance inspection at expiry of the maintenance period.**

NOTE: Fees for inspections will be charged in accordance with Council’s current Fees and Charges Schedule. Please contact Council’s Development Engineer on 1300 292 442 to book inspections.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 40. If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage. If necessary, an Aboriginal Heritage Impact Permit (AHIP) must be obtained.**

A member of the Wagga Wagga Local Aboriginal Land Council or other Aboriginal stakeholder group must be invited to supervise works carried out in proximity to an Aboriginal object, Aboriginal place, or other site with Aboriginal cultural heritage values, if identified during subdivision construction.

REASON: To ensure that Aboriginal sites are protected. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Release of Survey Certificate

- 41. The applicant shall pay a maintenance bond equal to 5% of the total cost of civil works. The bond shall be held for the duration of the maintenance period until the works are accepted Out of Maintenance.**

REASON: It is in the public interest to ensure that subdivision works are carried out in accordance with approved plans and Council's Engineering Guidelines for Subdivisions and Development. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 42. Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution as identified in the table below must be paid to Council, prior to the issuing of the Subdivision 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.**

Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	\$18,045 per lot
Adopted CPI indexation applied at date of determination (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	N/A (see Note 1)
Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)	\$18,045 (see Note 2)

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.11 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. Indexed developer contributions are adopted annually by Council for the financial year.

For the 2019/20 financial year, no indexation will be applied to the base monetary contribution as it is within the first year of the Contributions Plan.

NOTE 2: The final indexed 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.

NOTE 4: A credit for one lot applies to the development. This credit applies to Stage 9, and as such, in this stage, contributions are payable for one less lot than is created in the stage.

REASON: Having considered the development in accordance with Section 7.11 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.

43. 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 per lot

The Section 64 Sewer contribution (updated by the 115.2/100.5) required to be paid is \$4055.50 per lot

(There is a credit available for the existing dwelling on the land. This credit is applicable in Stage 9, and as such, the contribution payable in Stage 9 will be one lot less than the number of residential lots created in that stage)

NOTE 6: The Section 64 Stormwater base figure is \$1721 per lot

The Section 64 Stormwater contribution (updated by the 115.2/87.9) required to be paid is \$2255.51 per lot

(There is a credit available for the existing dwelling on the land. This credit is applicable in Stage 9, and as such, the contribution payable in Stage 9 will be one lot less than the number of residential lots created in that stage)

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.

- 44. Prior to release of each Subdivision Certificate Council's sewer/stormwater pipelines within the subdivision development are to be inspected using Closed Circuit Television (CCTV) at the conclusion of all construction activities onsite (into maintenance inspection). The CCTV footage is to be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council (fees will be charged in accordance with Council's standard fees and charges schedule) or a private contractor. Should any damage to Councils infrastructure be evident, the developer shall repair/reinstate damaged infrastructure at their cost.**

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 45. Prior to the issue of the Subdivision Certificate for Stage 6, N.A.T.A certification shall be provided to Council that the dams located on land subject to that stage have been reinstated to appropriate standards capable of residential development.**

REASON: To ensure that the land is suitable for future development. Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 46. Prior to the release of the Subdivision Certificate for Stage 6, any existing septic tanks, transpiration beds and all associated infrastructure servicing the existing dwellings on the site shall be decommissioned and removed and the relevant areas of the site reinstated, to the satisfaction of the General Manager or delegate. A plan showing the location of all such septic tanks and transpiration beds and compaction details shall also be submitted to Council prior to the release of the Stage 6 Subdivision Certificate.**

REASON: It is in the public interest that septic systems are decommissioned and removed. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 47. Prior to the issue of the Subdivision Certificate for Stage 6, N.A.T.A certification shall be provided to Council that the site of any septic tank infrastructure has been reinstated to appropriate standards capable of residential development.**

REASON: To ensure that the land is suitable for future development. Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 48. Prior to the issue of the Subdivision Certificate for Stage 6, the sewer pump station on Lot 1002 DP 1253253 (or any subsequent child allotment), required to service the development, shall be completed and operational to the satisfaction of the General Manager or delegate.**

REASON: To ensure that the development is serviced by a reticulated sewerage system. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 49. Prior to the issue of the Subdivision Certificate for Stage 6, the stormwater and sewer mains and infrastructure required to service the development over adjoining land to the west, to provide access to the reticulated sewer networks, and to adequately dispose of stormwater, and all associated infrastructure, shall be fully constructed, operational and commissioned, to the satisfaction of the General Manager, or delegate.**

REASON: To ensure that the development is serviced by a reticulated sewer and stormwater system. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 50. Prior to the release of the Subdivision Certificate for Stage 6, a detailed landscape/vegetation plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate, for each large lot residential lot, that shows the location and spacing of plantings, to satisfy the requirements of Conditions 59, 60 and 61 in regards to native vegetation / re-vegetation. The plantings must be designed and spaced to ensure that they comply with the requirements of an inner protection area (IPA), 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' (or any superseding documents), and can be managed in perpetuity as such (including, where relevant, any recommendations for management).**

The plantings shall also be designed, where appropriate, to maximize screening to agricultural lands to the north, whilst still being able to be managed as an IPA. To achieve appropriate buffers screening, additional plantings may be required on top of the native vegetation requirements of this consent.

The landscape/vegetation plan required under this condition must be certified by an appropriately qualified bushfire consultant, certified under the Bushfire Planning and Design (BPAD) Accredited Practitioner

Register, as complying with the IPA requirements of this condition and any other relevant provisions of Planning for Bushfire Protection 2006 (or superseding document).

The approved plan shall be registered on title for these lots with each stage released, with a requirement that the relevant plan be complied with at all times, and Council listed as being the authority empowered to uplift.

REASON: To provide buffering to help minimise land use conflicts. Section 4.15(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 51. Prior to the release of the Subdivision Certificate for each relevant stage, pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift, shall be written and shown on the submitted Plan of Subdivision over proposed lots 186, 197, 198, 225, 226 and 252, that has the effect of prohibiting the construction of any boundary fence on these allotments, other than an open style farm fence.**

REASON: To ensure fencing maintains the desired character of the area, and provides an appropriate interface between urban and rural land. Section 4.15(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 52. Prior to the release of the Subdivision Certificate for Stage 9, pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift, shall be written and shown on the submitted Plan of Subdivision over proposed lot 252 and 272, that has the effect of prohibiting access to these lots from Pine Gully Road.**

REASON: To ensure fencing maintains the desired character of the area, and provides an appropriate interface between urban and rural land. Section 4.15(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 53. Prior to the release of each Subdivision Certificate, pursuant to Section 88B of the Conveyancing Act 1919, a covenant shall be written and shown on the submitted Plan of Subdivision over proposed lots 186, 197, 198, 225, 226 and 252, that has the effect of requiring the property to be managed as an Inner Protection Area (IPA) at all times (from the issue of the Subdivision Certificate onwards), 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' (or any superseding document).**

REASON: To ensure the property is managed to minimise bushfire risk. Section 4.15(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 54. Prior to the release of the Subdivision Certificate for Stage 9, pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift, shall be written and shown on the submitted Plans of Subdivision over proposed lot 272 that has the effect of requiring that side fencing on this allotment facing Pine Gully Road is constructed and maintained to a certain standard. This standard shall be consistent with that established for similar lots approved under DA15/0332 (as amended). The standard shall be written in such a way that it also complies with the requirements of State Environmental Planning Policy (Exempt and Comply Development Codes) 2008 for fencing of its type.**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010. Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979, as amended.

- 55. Prior to the release of the Subdivision Certificate for Stage 9, the physical treatment of the road reserve between Road 9 (where it runs parallel to Pine Gully Road) and Pine Gully Road approved under this consent shall be installed/completed.**

REASON: To ensure that vehicles cannot travel between Road 9 and Pine Gully Road. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 56. Prior to the release of the Subdivision Certificate for Stage 9, the buffer plantings between Road 9 (where it runs parallel to Pine Gully Road) and Pine Gully Road, approved under this consent, shall be installed.**

REASON: To ensure that appropriate buffers are provided to Pine Gully Road. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 57. Footpaths and shared paths shall be provided throughout the development in accordance with approved plans in this consent. Footpaths and shared paths shall be constructed to Council's Engineering Guidelines for Subdivisions and Developments at full cost to the developer.**

The footpaths and shared paths relevant to each stage shall be constructed by the developer prior to the release of the Subdivision Certificate for the relevant stage.

Minimum dimensions for footpaths: At least 1.5m in width. Shared paths: At least 2.5m width.

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010 and to ensure footpaths are provided in areas likely to experience high volumes of pedestrian/cycle traffic. Section 4.15(1)(a)(iii) and (b) Environmental Planning and Assessment Act 1979, as amended.

- 58. Prior to the release of the Subdivision Certificate for Stage 6, piezometer P7 (as identified in the Wagga Wagga Development Control Plan 2010) shall be installed, in accordance with the plans approved in this consent, to the satisfaction of the General Manager, or delegate.**

REASON: To ensure that infrastructure is installed in accordance with the Wagga Wagga Development Control Plan 2010. Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended.

- 59. Prior to the release of each Subdivision Certificate the applicant shall submit to Council the information required under Section 5.3 Native Vegetation Cover of the Wagga Wagga Development Control Plan 2010 for that stage. The information supplied shall be to the satisfaction of the General Manager or delegate.**

Reason: To ensure appropriate planting takes place on each lot. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 60. The applicant shall comply with the provisions of Section 5.3 Native Vegetation Cover of the Wagga Wagga Development Control Plan 2010. Note that the applicant shall, for lots in the R5 zoned land, prior to release of each relevant Subdivision Certificate:**

- a) Fence out any areas of existing Native Vegetation greater than 1 hectare and,**
- b) Submit the trust payment or undertake the required revegetation works (including fencing) in accordance with details explained in this Section.**

Reason: To ensure appropriate planting takes place on each lot. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 61. Prior to the issue of a Subdivision Certificate, a Property Management Plan for all lots within the R5 zone shall be submitted to Council and approved by the General Manager or delegate. This plan shall address:**
- the requirements of Section 5.3 (Native Vegetation Cover) of Wagga Wagga Development Control Plan 2010;
 - the requirements of Section 5.4 (Environmentally Sensitive Land) of Wagga Wagga Development Control Plan 2010;
 - vegetation management on the site (including restrictions on clearing);
 - controls on the keeping of livestock and other animals;
 - the control and management of noxious plants and pest animals; and
 - fencing and access restrictions (in accordance with the requirements of this consent);

This management plan may be amended from time to time with the agreement of the General Manager or delegate.

REASON: To ensure the development is carried out with minimal impact on the environment. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

62. DELETED

63. DELETED

- 64. The buffer strip indicated on the approved plans, shall be dedicated as open space in the Stage 9 Plan of Subdivision.**

REASON: To ensure that land indicated for dedication to Council is appropriately dedicated. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 65. Prior to the release of the Stage 6 Subdivision Certificate, any outstanding offset plantings required under DA15/0332 (as amended) shall be carried out, to the satisfaction of the General Manager or delegate.**

REASON: To ensure that outstanding offset plantings required are carried out. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 66. Prior to the issue of each Subdivision Certificate one A1 set of plans and an electronic copy of the Works-As-Executed plans must be submitted to Council and must detail the works as approved by the Construction Certificate and shall reflect the approved Construction Certificate plans. The information on the Works-As-Executed plans shall be as specified in Council's Engineering Guidelines for Subdivision and Developments.**

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 67. The establishment of street tree/s in accordance with the approved plan referred to in condition 16 shall be carried out at full cost to the applicant.**

Works shall be carried out by Council or a contractor approved by Council. Works include the supply, planting and two years maintenance for each street tree. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

If the applicant chooses to engage Council, they are to pay to Council a fee of \$500.00 per street tree proposed for installation prior to the release of the Subdivision Certificate.

Using this fee Council will undertake the supply and installation of containerised stock, and will maintain them for a period of two years following installation. Installation will occur during the next available planting season (generally May-August each year).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 68. A Subdivision Certificate, pursuant to Section 6.4 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 the Environmental Planning and Assessment Act 1979, as amended. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 69. A fee applies for each quality control inspection as per the approved checklist. The monies are payable at completion of works or prior to the release of the plan of subdivision. Fees will be charged in accordance with Council's current Fees and Charges Schedule.**

REASON: It is in the public interest that such fees are paid in accordance with Council Management Plan, Section 4.15 (l) (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 70. Lighting shall be designed and constructed to comply with the Australian standard. Certification from an appropriately qualified person shall be provided prior to the release of each Subdivision Certificate. All roads shall have P4 level lighting provided.**

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 4.15(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 71. Prior to the issue of each Subdivision Certificate a lot classification report shall be submitted to Council. The report shall be prepared by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. Each lot, whether filled or not, shall be classified in terms of the Australian Standard for Residential Slabs and Footings (AS2870-2011). A classification of E or P is unacceptable.**

NOTE: Lot Classification Reports are not required for any of the large lots created on the R5 zoned land.

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

- 72. Prior to release of each Subdivision Certificate an “into maintenance inspection” must be carried out of the completed works. The maintenance period will last for the period as specified in Council’s Engineering Guidelines For Subdivisions and Development, upon which time an “out of maintenance inspection” will be required to ensure the works are acceptable to Council.**

REASON: It is in the public interest to ensure that subdivision works are carried out in accordance with relevant legislations, standards and codes.

- 73. The final Plan of Subdivision for each stage must show a right of carriageway created over all temporary turning heads associated with the subdivision in favour of Council.**

REASON: It is in the public interest that a legal means of access be created to service the development and that such access be created in a manner that reduces associated adverse amenity impacts. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 74. 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.

General

- 75. 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.

- 76. Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.**

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 77. Proposed side entry drainage pits shall be constructed to not align with the future garage access and to not obstruct the location of light poles.**

NOTE: Variations to this condition can be considered where conflict is unavoidable, and where the variation is agreed to by Council prior to the carrying out of the works.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 78. The development shall be carried out in stages, as per the approved staging plan. All stages shall be carried out in order.**

REASON: To ensure that the development is carried out in an economic and orderly manner. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 79. The proposed roads shall be named as follows (adopting the road numbering from the approved plan):**

- **Road No. 8 as 'Dallas Avenue' after the parish of Dallas in the Carrathool Local Government Area (as named under DA15/0332, as amended).**
- **Road No. 9 as 'Valencia Drive' after the parish of Valencia in the Carrathool Local Government Area (as named under DA18/0298, as amended).**
- **Road No. 10 as 'Bondi Crescent' after the parish of Bondi in the Leeton Local Government Area.**

This is in accordance with Council's street naming policy for the Gobbagombalin of 'Riverina Parish Names'.

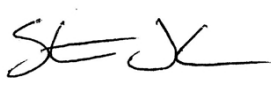

REASON: Because it is in the public interest that the road naming within new residential areas follows the approved theme. Section 4.15(1)(e) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 80. The landscape/revegetation plan approved under Condition 50 may be amended from time to time with the agreement of the General Manager or delegate.**

REASON: To ensure the development is carried out with minimal impact on the environment. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 81. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.**

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Report Prepared & approved by:  Steven Cook Senior Town Planner Date: 28/5/20	Report Reviewed by:  Sam Robins Senior Town Planner Date: 28/5/20
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