



Report of Development Application

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

APPLICATION DETAILS

Modification No:	DA18/0460.01
Council File No:	D/2018/0460
Date of Lodgement:	27/02/2020
Applicant:	TJ Hinchcliffe & Associates Pty Ltd Po Box 5497 WAGGA WAGGA NSW 2650
Proposal:	21 Lot Community Residential Subdivision
Development Cost	\$5000
Description of Modification:	Change to required floor level freeboard for stormwater inundation (amendment to condition 5). Deletion of Condition 33 requiring inspection of roadworks. Deletion of condition 52 requiring creation of already existing stormwater easement. Amendment to Condition 1 (approved plans/documentation).
Other Approvals:	Nil
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Cameron Collins

SITE DETAILS

Subject Land:	51 Spring St WAGGA WAGGA NSW 2650 Lot 30 DP 1027765
Owner:	Kullaroo Holdings Pty Ltd

REPORT

Description of Development

This application for residential subdivision under community title to create 21 lots was originally approved by Council at its 16 December 2019 meeting (consent issued on 19 December 2019). The applicant has now lodged an application to modify the consent under Section 4.55(1A) of the Environmental Planning and

Assessment Act 1979.

The application seeks the following modifications:

Deletion of Condition 52

*52. The final Survey Plan must show an easement to drain stormwater over the existing drainage line within proposed Lots 1, 2, 16, 17 and 18. The easement width will be calculated based on the depth of the pipe or a minimum 2.5m wide easement, whichever is greater.
The final Survey Plan must show an easement for overland flow within proposed Lot 1.*

Comment: The applicant has identified that this easement already exists (created in dealings AN213492) and can therefore be deleted. This has been confirmed and it is recommended that the condition be deleted as part of any modified consent.

Deletion of Condition 33

33. 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) ...*
- (b) ...*

Comment: As the road will be a private road under community title, Council's Development Engineer has confirmed that there is no requirement for any of the nominated inspections under this condition. It is recommended that the condition be deleted as part of any modified consent.

Amendment to freeboard requirement in of Condition 5 to 300mm

5. Prior to the release of the Construction Certificate, a plan detailing finished floor levels for each allotment, so as to protect future dwellings against a 1% AEP overland flood event, plus 500mm freeboard, shall be submitted to Council, for approval.

Comments:

The original application was supported by a flood impact assessment (prepared by consultants WMA Water) and the application was supported based on the findings of the assessment with regard to flooding impacts. Whilst the study identified a pre and post 1% AEP flood level of 177.72 AHD across the site, the assessment did not examine appropriate floor levels and freeboards for the development. The subject condition was therefore imposed requiring floor levels with a 500mm freeboard. This decision was made primarily because of:

- Council having no policy for freeboards relating to MOFFS areas.

- Council's policy of adopting a 500mm freeboard in riverine flood areas.
- A previous decision of the Council to adopt a 500mm freeboard for the adjacent Staunton development.

Xeros Piccolo Consulting Engineers have prepared a supplementary report examining the original flood impact assessment and providing the following justification with regard to adopting a 300mm freeboard.

3 FREEBOARD AND FLOOR LEVEL REQUIREMENTS

Freeboard above flood levels typically allows for uncertainty with respect to actual flood levels, wave action, and localised hydraulic behaviour. WWCC has no controls in the current DCP for overland flow flooding with regards to freeboard and required floor levels. As such, each development must be considered on its merits in determining a suitable freeboard and finished floor levels.

Typically, freeboard requirements vary from 300mm to 500mm above the flood level being considered. The Building Codes Queensland *Guideline for construction of buildings in flood hazard areas* (2012) indicates that minimum freeboards of 300mm may be applicable, subject to the local flood management authority's approval and to site specific effects such as localised hydraulic behaviour and wave action. This position is similar to that of Melbourne Water as outlined in their *Guidelines for Development in Flood-prone Areas*, and the Australian Building Codes Board in their *Construction of Buildings in Flood Hazard Areas*.

It is noted that in the Wagga Wagga DCP, floor level requirements for developments (except Utilities) within the Wagga CBD area that are protected by the levee (Section 4.2, Table 4.2.1) are 225mm above the ground level. This development will consist of residential dwellings.

As shown in Section 2 above, the flood hazard levels on this site are low, and in particular, flood velocities are close to stationary. This would indicate a slow rising flood water, reflective of a backwater condition, and wave action and localised deeper waters are unlikely to occur or be of high significance.

As such, it is proposed that the freeboard for this development be 300mm above the 1% AEP flood level; therefore, minimum floor levels would be 178.02m AHD for habitable areas.

The applicant's submission has been reviewed by Council's Development Engineer. The Development Engineer has noted that it has been Council's practice to consistently adopt a 500mm freeboard for MOFFs in new subdivision areas. This was to be consistent with freeboards applied to riverine flooding and on the basis that there is an absence of Council policy in this regard.

Whilst there is a concern in establishing a precedent by lowering the freeboard to 300mm, the Development Engineer is not opposed to this providing that appropriate justification can be provided on a case by case basis. With regard to the applicant's submission, the Development Engineer is satisfied that the justification provided for the change in freeboard is sound and that the 300mm freeboard will be adequate.

It is recommended that the condition be modified to require a 300mm freeboard.

The Site and Locality

The subject land is known as 51 Spring Street, Lot 30 DP 1027765. It is on the northern side of Spring Street at its western end. The land is irregular in shape and has an area of 8110 square metres.

The site is bound by Spring Street to the south and residential properties to the north and east. Rosebank Lane adjoins the western boundary of the site. To the west of Rosebank Lane is the Olympic Highway approximately 50 metres to the west of the site boundary. Surrounding residential land uses include the emerging Staunton Oval residential area to the south and a mix of detached and semi-detached single-story dwellings to the north and east.

There is an easement (3.05m wide) for stormwater running along the northern boundary of the site. There is also an easement (3m wide) for stormwater along the eastern boundary of the site that is the subject site. This easement is the subject of this modification (requested deletion of condition 52 - see earlier discussion).

Previous Development Consents

There are no development consents registered.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55(1A)

(1A) Modifications involving minimal environmental impact 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 the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment - It is satisfied that the modifications will result in minimal environmental impact. Issues surrounding the impacts of stormwater on the site and the imposition of appropriate floor levels and freeboard for dwelling have been discussed earlier in this report.

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment - It is satisfied that the modified development is substantially the same.

- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment - The application is not required to be notified under the provisions of the

DCP 2010.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment - no submissions have been received.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010 (WWLEP2010)

As per original assessment, with the exception of the following comments.

The original assessment under Clause 7.2 (Flood Planning) contained commentary in relation to stormwater flooding on the site which is relevant to the applicant's current request to alter the required freeboard for the development under condition 5. Discussion modification and its potential impacts is addressed earlier in this report.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 - Remediation of Land

As per original assessment.

State Environmental Planning Policy (Infrastructure) 2007

As per original assessment.

Section 4.15(1)(a)(ii) - any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

As per original assessment.

Section 4.15(1)(a)(iii) - any development control plan

Wagga Wagga Development Control Plan 2010

As per original assessment, with the exception of the following comments.

The original assessment under Section 4.2 (Flooding) contained commentary in relation to stormwater flooding on the site which is relevant to the applicant's current request to alter the required freeboard for the development under condition 5. Discussion about the modification and its potential impacts is addressed earlier in this report.

Section 4.15(1)(a)(iiia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has

offered to enter into under section 7.4

No related planning agreement has been entered into under section 7.4.

Section 4.15(1)(a)(iv) - the regulation

It is considered that the matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied.

Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As per original assessment, noting that the impacts associated with the proposed modification in relation to stormwater inundation have been addressed earlier in this report.

Section 4.15(1)(c) - The suitability of the site for the development

As per original assessment.

Section 4.15(1)(d) - any submissions made in accordance with this Act or the Regulations

The modification was not required to be notified or advertised. No submissions were received.

The modification was referred internally to Council's Development Engineer. Comments received have been discussed earlier in this report.

There was no requirement to refer the modification to either Riverina Water or Essential Energy. The original comments/conditions received from these authorities remain relevant and are not affected by the proposed modification.

Section 4.15(1)(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

Developer Contributions Plans

As per original assessment.

REFERRALS:

Building Surveyor: N/A

Subdivision Engineer: Yes - comments discussed earlier in this report.

Environment: N/A

Health: N/A

Parks/Trees:- N/A

Other Approvals

Nil

Council Policies

Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.

No declaration has been made that would require action under this policy.

CONCLUSION:

This modified proposal, for subdivision at 51 Spring Street, Wagga Wagga, is consistent with the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) as it will involve minimal environmental impact and remains substantially the same development as the development for which consent was originally granted. This modified application has also been assessed having regard to the provisions of the Heads of Consideration under Section 4.15 of the Act, the provisions of Wagga Wagga Local Environmental Plan 2010 and all relevant Council DCPs, Codes and Policies. Having regard for the information contained in this report it is recommended DA18/0460.01 be approved and conditions modified as recommended.

Recommendation

It is recommended that application number DA18/0460.01 to modify Development Consent DA18/0460 for 21 Lot Community Residential Subdivision be approved subject to the following conditions:-

CONDITIONS

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
18291	Subdivision Layout	T J Hinchcliffe & Associates	-	23/7/19
18020	Site Survey	T J Hinchcliffe & Associates	-	7/2/18
18404 - C1	Site Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C2	Depth Contour Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C3	Concept Sewer and Stormwater Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C4	Sewer and Stormwater Main Extension Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C5	Sewer and Stormwater Main Extension Long Sections	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C6	Overland Flow Path Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
18404 - C8	Service Vehicle Turning Path Plan	Xeros Piccolo Consulting Engineers	C	2/8/19
-	Statement of Environmental Effects	T J Hinchcliffe & Associates	-	Undated
Ref. 18219	Correspondence - DA18/0460 51 Spring Street, Wagga Wagga	T J Hinchcliffe & Associates	-	16/8/19
118100\A dmin\	51 Spring Street - Flood impact Assessment	WMA Water	-	19/3/19
-	Aborigiculture Impact Assessment - 51 Spring Street Wagga Wagga NSW - 2019	Wade Ryan Contracting	-	4/7/19
Ref. 18219	Correspondence - Application to Modify Consent for DA18/0460 for Subdivision	T J Hinchcliffe & Associates	-	26/2/2020
180404	Flood Assessment Report	Xeros Piccolo Consulting Engineers	B	2/8/2019

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. Consent is granted for the development to be completed in 2 stages described as follows:
 - Stage 1 - Lots 1 to 8 and construction of all services and community infrastructure.
 - Stage 2 - Lots 9 to 21.

No approval is granted for any development on the residue lot created in Stage 1 prior to the completion of Stage 2 of the development.

No approval is granted for any of the indicative dwelling plans provided as part of the Development Application

REASON: So that the development proceeds in a planned manner in accordance with the approved plans. Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Construction Certificate

3. The proposed vehicular access points must be located to comply with the required Safe InterSection Sight Distance (SISD) in either direction in accordance with the Road and Maritime Services Road Design Guide for the prevailing speed limit. Compliance with this requirement must be certified by an appropriately qualified person prior to the release of Construction Certificate.

REASON: It is in the public interest that the development makes provision for adequate safe inter-section sight distances. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

4. Prior to the issue of a Construction Certificate stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.

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.

5. Prior to the release of the Construction Certificate, a plan detailing finished floor levels for each allotment, so as to protect future dwellings against a 1% AEP overland flood event, plus 300mm freeboard, shall be submitted to Council, for approval.

REASON: To minimise the potential for flooding impacts. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. Prior to the issue of Construction 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.

7. A detailed or revised landscape plan and legend shall be submitted and approved for the proposed community lot (Lot 1) prior to the release of the Construction Certificate.

- (1) Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.
- (2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

REASON: To ensure that landscaping will be provided on the subject land. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

8. Prior to the release of the Construction Certificate, a Street Tree masterplan showing the location of street trees in Spring Street 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.

9. As street trees will become an asset Council, if the applicant chooses to engage a contractor the following information is to be supplied for review and approval by Council's Supervisor of Tree Planning and Management prior to the release of the Construction Certificate:

- (1) Company trading name
- (2) Contractor's license number
- (3) Relevant experience of company
- (4) Relevant qualifications of key staff undertaking the works

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$500 per street tree is required to be paid to Council prior to the release of the Construction Certificate. Installation can only occur during the next available planting season (May-August).

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.

10. Prior to the issue of a Construction Certificate, 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.

11. Prior to the issue of a Construction Certificate the relevant telecommunications authority must be contacted to determine if a CMUX/FDH cabinet is required, in this stage of development. Provision for the infrastructure must be provided within an easement behind the front boundary, if appropriate. Written evidence from the relevant authority of the requirement must be provided to Council.

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.

Prior to Commencement of Works

12. Prior to the planting of any street trees by the contractor each tree is to be inspected by the General Manager or their delegate to ensure that trees have been grown in accordance with relevant Natspec guidelines. Trees that have been rejected by the General Manager or their delegate are not to be planted.

Council will provide planting installation details to the contractor to ensure street trees are planted in accordance with Australian and WWCC standards.

The General Manager or their delegate will undertake an inspection following the installation of the street trees. Any street trees that have been planted incorrectly will be required to be replanted within one week of the inspection. If replanting does not occur WWCC will utilise the \$500 bond per tree for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

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.

13. A Construction Certificate must be obtained pursuant to Section 109C 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 Construction Certificate or relevant certificates of approval have 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 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.

OPTIONAL NOTE: Dangerous Goods

The Construction Certificate plans and specifications will need to be approved by the Dangerous Goods Branch, Department of Industrial Relations, prior to the commencement of any work.

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.

14. 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.

15. 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.

16. A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or

vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 4.15 (1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

17. 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.

18. 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

19. Any proposed site fill must be of clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

20. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <<https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath>> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.

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.

21. 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.

22. 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.

23. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.

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.

24. 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.

25. Sewer mains 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.

26. The design and testing for pipelines as well as manholes and other associated components normally associated with sewerage main installations are to conform to the standards prescribed in the Council's Engineering Guidelines for Subdivision & Development part 6 Guidelines for testing. Testing carried out can range from air pressure testing to hydrostatic testing. All equipment required will be at the cost and the responsibility of the developer. Should any pipeline, manhole fail any test defects should be detected and repaired and the test repeated until deemed satisfactory.

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.

27. Activities within proximity of the electricity infrastructure at this location 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.

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.

28. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

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.

29. It is the responsibility of the person/s completing any works around the powerlines at this location to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<http://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 Underground Assets.

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.

30. 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.

31. 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.

32. 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.

33. DELETED

34. A Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, must be obtained from either Council or an accredited certifying authority, certifying that engineering work required by condition 6 has/have been constructed in accordance with approved plans and Council's Engineering Guidelines for Subdivision and Developments.

NOTE: Where Council is the Certifying Authority in relation to Subdivision and Development fees will be payable in accordance with Council's Revenue Policy.

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.

35. Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.

Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

REASON: Because it is considered that the subject trees are prejudicial the successful implementation of the development. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

36. 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
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.

Prior to release of Subdivision Certificate

37. 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 for Stages 1 and 2. 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)	\$10,012.00 per residential 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)	\$10,012.00 per residential lot (see Note 2)

Contributions for residential lots 2 - 8 are payable prior to the release of the Subdivision Certificate for Stage 1. A 1-lot credit shall be deducted from the total contribution amount required for Stage 1 having regard to the credit that exists for the original allotment. Contributions for residential lots 9 - 21 are payable prior to the release of the Subdivision certificate for Stage 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.

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.

38. 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 \$3,538.00 per residential lot.

The Section 64 Sewer contribution (updated by the CPI 115.2/100.5) required to be paid is \$4,055.50 per residential lot.

Contributions for residential lots 2 - 8 are payable prior to the release of the Subdivision Certificate for Stage 1. A 1-lot credit shall be deducted from the total contribution amount required for Stage 1 having regard to the credit that exists for the original allotment. Contributions for residential lots 9 - 21 are payable prior to the release of the Subdivision certificate for Stage 2.

NOTE 6: The Section 64 Stormwater base figure is \$3,007.00 per residential lot.

The Section 64 Stormwater contribution (updated by the CPI 115.2/87.9) required to be paid is \$3,940.91 per residential lot.

Contributions for residential lots 2 - 8 are payable prior to the release of the Subdivision Certificate for Stage 1. A 1-lot credit shall be deducted from the total contribution amount required for Stage 1 having regard to the credit that exists for the original allotment. Contributions for residential lots 9 - 21 are payable prior to the release of the Subdivision certificate for Stage 2.

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.

39. Prior to release of the Subdivision Certificate for Stage 1, 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 Council's 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 Council's requirements. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

40. Prior to the issue of a Subdivision Certificate for the relevant stage and Pursuant to Section 88B of the Conveyancing Act 1919, restriction as to user shall be created, with Council empowered to uplift, as follows:
- Over proposed lots 8 (Stage 1) and 9 (Stage 2) requiring that any future dwelling is designed, constructed and maintained so that the following internal noise objectives for all habitable rooms under ventilated conditions comply with the requirements of the BCA:
 1. All sleeping rooms: 35 dB(A) Leq(9hr)
 2. All other habitable rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr).
 - Over Lots 2 to 8 (Stage 1) requiring that the building setback of any future dwelling on these lots shall be not less than 3.5 metres and no greater than 4.5 metres from the Spring Street boundary adjoining Lot 1 (the community lot).
 - Over all lots (Stages 1 and 2) (other than Lot 1 - community lot), requiring that the finished floor level of any dwelling on that allotment is at least the level set for that allotment in the plan approved under condition 5.

REASON: To ensure that development is carried out consistently with the approved plans. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

41. Prior to the issue of the subdivision certificate for Stage 1, signs must be erected and line marking must be provided on site that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land and the one-way operation of the internal roadway.

REASON: To ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

42. Prior to the issue of the subdivision certificate for Stage 1, the carparking spaces within the community lot (Lot 1) must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.

REASON: To adequately provide for the parking of vehicles within the development. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

43. 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 the Subdivision Certificate for Stage 1. Spring Street shall have P4.

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.

44. The construction of a 1.2 metre wide, 100 mm thick concrete footpath shall be constructed within the footway on the northern side of Spring Street for the full frontage of the subject land to the public road in accordance with Council's Engineering Guidelines for Subdivision and Developments. The path shall be completed prior to the release of the Subdivision Certificate for Stage 1

REASON: The subdivision warrants a concrete footpath in this location. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

45. The landscape works detailed in the approved landscape plan under Condition 7. shall be completed prior to the release of the Subdivision Certificate for Stage 2.

REASON: To ensure that landscaping will be provided on the subject land. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

46. Prior to the issue of the Subdivision Certificate for Stage 1, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to Council. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.

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.

47. Prior to the issue of the Subdivision Certificate for Stage 2, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

48. Prior to the issue of Subdivision Certificate for Stage 1, 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.

49. The establishment of street tree/s in accordance with the approved plan referred to in condition 7 of this consent shall be carried out at full cost to the applicant.

Works shall be carried out by Council or a contractor approved by WWCC. 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 WWCC, 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 for Stage 1.

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.

50. A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained for each stage of the development 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.

51. Prior to release of Subdivision Certificate for Stage 1 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.

52. DELETED

53. Prior to the issue of Subdivision Certificate for each stage of the development, documentary evidence that arrangements, satisfactory to Essential Energy and the appropriate telecommunications authority, for the provision of street and pathway lighting and for the provision of underground electrical power and telephone lines, respectively, to serve each lot, have been made shall be provided to Council.

REASON: To ensure electrical power and telephone lines are available to service the subdivision. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

54. Prior to the issue of the Subdivision Certificate for each stage of the development, 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
- iv) Certificate of Compliance from a telecommunications provider

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.

55. 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.

General

56. Once street trees have been planted, inspected and approved by Council the two years maintenance period will commence. Ongoing establishment and maintenance is to occur during this period to ensure a 100% survival rate of street trees. Any trees lost during this period due to death, disease, vandalism etc will require replacement by the organisation that installed the trees (be it WWCC or the applicant).

If planting is undertaken by a contractor, at the end of the two years maintenance period the General Manager or their delegate will undertake an inspection of the street trees. Council will utilise the collected bond paid for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.

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.

<p>Report Prepared & approved by:</p>  <p>Cameron Collins Development Assessment Coordinator</p> <p>Date: 4/6/2020</p>	<p>Report Reviewed by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 3.6.2020</p>
---	--