

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA20/0101
Applicant:	Peter Fitzpatrick Property And Land Developments PO Box 5668 WAGGA WAGGA BC NSW 2650
Land to be Developed:	2 Phar Lap PI BOOROOMA NSW 2650 Lot 53 DP 1179795, Lot 54 DP 1179795, Lot 36 DP 1179795, Lot 37 DP 1179795
Description	Staged Subdivision (Stage 1 - 2 Lot Torrens Title Subdivision, Stage 2 - 5 Lot Community Title Subdivision), Earthworks, Retaining Walls, Landscaping and Service Connection
Determination:	Approved subject to Conditions
Date of Determination:	13/07/2020
Consent to Operate from:	13/07/2020
Consent to Lapse on:	13/07/2025
Other Approvals:	Nil

On behalf of the Council



Steven Cook
Senior Town Planner

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 12 months from the date the decision is notified or registered on the NSW planning portal

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA20/0101

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 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
	Planning Report & Statement of Environmental Effects (excluding Appendix D)	Blueprint Planning	1	28/2/20
	Subdivision Plan Stage 1	Eslers Land Consulting	1	17/3/20
	Subdivision Plan Stage 2	Eslers Land Consulting	1	17/3/20
	Retaining Wall Plan - Wall Heights (retaining walls only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	1	17/3/20

	Retaining Wall Plan - Section Plan Views (section lines only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Retaining Wall Plan - Section Views - Sheet 6 of 13 (retaining walls and cut and fill only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Retaining Wall Plan - Section Views - Sheet 7 of 13 (retaining walls, and cut and fill only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Retaining Wall Plan - Section Views - Sheet 8 of 13 (retaining walls and cut and fill only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Retaining Wall Plan - Section Views - Sheet 9 of 13 (retaining walls and cut and fill only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Reticulated Service and Infrastructure Plan (service details only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	Eslers Land Consulting	I	17/3/20
	Landscape Plan (boundary plantings and bulk landscape area only and excluding all other elements on plan including buildings, structures, car parking areas, vehicles movement areas and internal landscaping)	Eslers Land Consulting	I	17/3/20
	Landscape Concept Plan: Indicative Sections and Elevations (landscaping, retaining walls and cut and fill only and excluding all other elements on plan including buildings, structures, car parking areas, and vehicles movement areas)	FSLA	A	1/4/20

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.

- C.2 Approval is granted for subdivision, earthworks, retaining walls, works associated with service provision, vegetation removal and boundary landscaping works only. No consent, concept approval, pre-approval or otherwise, is granted to any other work, use or development on the site, including landscaping within the site. No approval is granted to any indicative plans, layouts, access, or delivery arrangements illustrated on any plans or any provision of the Traffic Impact Assessment. Approval of this development does not provide any endorsement of these other matters.

Any future development will be subject to a separate Development Application, and will be assessed fully against all relevant matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Proceeding with the works approved under this consent does not necessarily mean any future proposal will be approved on the site.

- C.3 The approval is for a development to be undertaken in two stages, namely:

- Stage 1 - Two lot Torrens Title subdivision and the installation and connection of services for these lots.
- Stage 2 - Five lot Community Title Subdivision of Lot 2 (created in Stage 1), tree removal, earthworks, construction of retaining walls, and installation and connection of services for these lots.

In accordance with the approved plans. Stage 2 cannot be carried out prior to Stage 1, however, both stages may be carried out simultaneously.

Requirements before a Subdivision Works Certificate can be issued

- C.4 Prior to the issue of Subdivision Works Certificate the applicant must lodge a bond with Council of:-

\$2000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Council's fees and charges.

NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold and ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

C.5 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$3677 must be paid to Council, prior to the issuing of the Subdivision Works Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

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

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

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

C.6 Prior to release of the Subdivision Works Certificate, a Construction Management Plan (CMP) shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The plan shall detail:

- Site access,
- Parking areas,
- Storage areas,
- Measures for dust suppression,
- Sediment and erosion control,
- Register of source and certification (in accordance with standards set out in this consent) of fill imported onto the site.

No construction traffic is to enter the site directly from Boorooma Street or the Olympic Highway. 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.

- C.7 Prior to the release of the Subdivision Works Certificate, amended plans addressing the following shall be submitted to and approved by Council, to the satisfaction of the General Manager or Delegate:
- Provision of a landscape strip at ground level between the edge of the road reserve and the retaining walls, where the walls are retaining fill above street level, along the Messenger Avenue and Phar Lap Place elevations of the site. This strip shall be a minimum 1 metre wide.
 - Amended retaining wall locations to accommodate the above requirement.
 - Provision of dedicated pedestrian access to the site, separated from vehicle entry points, for pedestrians approaching the site from the north and north-east.
 - Full plan set removing all buildings, car parks, vehicle movement areas, landscaping areas and any other elements not approved under this consent.
- C.8 Prior to the release of the Subdivision Works Certificate, details of retaining wall finishes, including materials and colours, shall be submitted to and approved by Council, to the satisfaction of the General Manager or Delegate.
- C.9 Prior to the release of the Subdivision Works Certificate, details of how stormwater runoff is to be managed during and after completion of construction on site shall be provided.
- C.10 Prior to the issue of Subdivision Works Certificate the 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. Full detail of the proposed retaining walls, associated drainage, earthworks and sediment and erosion measures are to be provided. The design of the retaining walls shall be certified by a practising qualified Structural Engineer. The works are to comply with Council's Engineering Guidelines for Subdivision and Developments.
- C.11 A revised and detailed landscape plan and legend for boundary retaining wall landscaping (including the "bulk landscape area") shall be submitted and approved prior to the release of the Subdivision Works 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.
 - (3) The landscaping plan shall incorporate the additional landscaped areas as required by this consent, and shall ensure substantial screening of retaining walls retaining fill above street level on the Phar Lap Place and Messenger Avenue elevations of the site.

- (4) No approval is granted for internal landscaping works within the site. Approval is only granted for landscaping works associated with the “bulk landscape area”, boundary retaining walls, and additional areas as required under this consent forward of retaining walls.

NOTE: The provision of landscaping at this time does not necessarily mean that further landscaping will not be required in future development on the site.

- C.12 Prior to the issue of a Subdivision Works 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.

Requirements before the commencement of any works

- C.13 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.

- C.14 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.

C.15 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.16 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 Stage 2 Subdivision Works Commencing (including any earthworks or retaining walls).

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.

C.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.

C.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.

Requirements during construction or site works

- C.19 Any proposed site fill must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, or Excavated Natural Material (ENM), as defined by the Excavated Natural Material Order 2014, 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.

- C.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.
- C.21 All excavation and backfilling associated with the development must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.22 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 NSW Environment, Energy and Science Guidelines.
- C.23 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.
- C.24 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.
- C.25 During works, construction vehicles shall access the site as per the approved Construction Management Plan.

- C.26 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.

- C.27 Any excavated material removed from the site must only be taken to a site approved for the receipt of such material.
- C.28 All disturbed development areas shall be progressively stabilised and/or revegetated so that no development areas remain exposed to potential erosion damage for a period of greater than 14 days.
- C.29 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.
- C.30 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.
- C.31 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.32 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. Heritage NSW 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 Heritage NSW.
- C.33 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.

Requirements before a Subdivision Certificate can be issued

- C.34 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 \$0
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$0

NOTE 6: The Section 64 Stormwater base figure is \$0
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0

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.

- C.35 Prior to the release of the Subdivision Certificate for Stage 2, all landscaping on the boundaries of the site, either within or forward of the retaining walls, or within the "bulk landscape area" shall be established on the site.

NOTE: The provision of landscaping at this time does not necessarily mean that further landscaping will not be required in future development on the site.

- C.36 Prior to the release of the Subdivision Certificate for Stage 2, a comprehensive lighting plan shall be developed for public spaces adjoining the site, particularly those footpath areas adjacent to retaining walls, as well as access points to the site, to the satisfaction of the General Manager or delegate. This lighting plan shall form part of the documentation associated with the Community Title Scheme (with a requirement that future development ensures its delivery).

- C.37 Prior to the release of the Subdivision Certificate for Stage 1 and 2 (as relevant), pursuant to Section 88B and 88E (as relevant), the following restrictions as to user, covenants and positive covenants (as relevant), with Council empowered to uplift, shall be written and shown on the submitted Plan of Subdivision over all relevant lots that has the effect of:

- Prohibiting access to and from Boorooma Street and Colin Knott Drive from Lot 1 in Stage 1,
- Prohibiting access to and from Boorooma Street from Lot 2 in Stage 1,
- Prohibiting access to and from Boorooma Street from Lots 4 and 5 in Stage 2,
- For lots created in Stage 2, requiring that all landscaping on the boundaries of the site, either within or forward of the retaining walls, or within the "bulk landscape area" are maintained throughout the life of the development, including the replacement of plants as they die, removal of weeds, and that all plants are pruned and kept well-manicured (where relevant),
- For lots created in Stage 2, permitting access, when further developed in future, across vehicle movement and car parking areas of each and every lot, for purposes including parking, access (vehicular and pedestrian) and deliveries.

- C.38 Prior to the issue of a Subdivision Certificate for Stage 2, certification from a practising qualified Structural Engineer shall be provided to Council, certifying that the retaining walls and associated works have been constructed in accordance with the approved plans.

- C.39 Prior to the issue of a Subdivision Certificate for Stage 2, certification of site fill and compaction results of earthworks shall be provided.

- C.40 Prior to the issue of ant 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 Subdivision Works Certificate and shall reflect the approved Subdivision Works Certificate plans. The information on the Works-As-Executed plans shall be as specified in Council's Engineering Guidelines for Subdivision and Developments.

- C.41 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.

- C.42 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.
- C.43 Prior to the issue of the Subdivision Certificate for each stage, 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 (to be made to the Contestable Works Section at Essential Energy)
 - ii) APA Gas: Certificate of Acceptance
 - iii) Riverina Water: Certificate of Compliance
 - iv) Certification from an approved telecommunications provider

General requirements

- C.44 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).
- C.45 All landscaping on the boundaries of the site, either within or forward of the retaining walls, or within the "bulk landscape area" are maintained throughout the life of the development, including the replacement of plants as they die, removal of weeds, and pruned and kept well-manicured (where relevant).

- C.46 Any future development on the land must ensure that vehicles can enter and exit the site in a forward direction, and that adequate arrangements are in place to ensure delivery vehicles do not conflict with pedestrians and customer vehicles within the site.
- C.47 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 Council's 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.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act 1979.

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)
- The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)
- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
 - (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,

- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A