



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

APPLICATION DETAILS

Application No.:	DA19/0649
Modification No.:	N/A
Council File No.:	D/2019/0649
Date of Lodgement:	18/12/2019
Applicant:	Matt Jenkins Homes Po Box 8757 WAGGA WAGGA NSW 2650
Proposal:	Concept development application to subdivide land into 37 residential lots. Detailed (Stage 1) proposal for 31 residential lots and associated infrastructure, demolition of existing dwelling and outbuildings, earthworks and proposed exhibition home
Description of Modification:	N/A
Development Cost:	\$1,589,400
Assessment Officer:	Amanda Gray
Determination Body:	Council - More than ten submissions have been received in objection to the development; As a concept application the proposed development is also seeking a variation of controls and the adoption of modified controls for all future development applications on the subject site.
Other Approvals	Nil
Type of Application:	Concept Development Application
Concurrence Required:	No
Referrals:	Internal Essential Energy
Adjoining Owners Notification:	21 July to 4 August 2020
Advertising:	21 July to 4 August 2020
Owner's Consent Provided:	yes
Location:	Land on the north-western corner of the junction of Brindabella Drive and Plumpton Road.

SITE DETAILS

Subject Land:	52 Plumpton Rd TATTON NSW 2650 Lot 336 DP 1247818
Owner:	Matt Jenkins Builder Pty Ltd

REPORT

Description of Development

The proposal is for a Concept Development Application pursuant to section 4.4 of the *Environmental Planning and Assessment Act 1979*. The intent of a concept development application is to provide an overarching development scenario for a site. This provides a clear indication of the future development outcomes and may include parameters to guide future urban development on that site.

The concept development application as submitted provides a masterplan for the whole site supported by urban design principles for future detailed development to be assessed against.

The application seeks concept approval for an overall subdivision providing 37 lots across the whole site and detailed stage 1 approval for a 31 lot torrens subdivision and an exhibition home.

The detailed works in Stage 1 that are subject to approval under this application include:

- Demolition of the existing dwelling and associated outbuildings
- Subdivision of 31 residential lots ranging in size from 333sq.m to 953sq.m
- Two new public roads to serve the subdivision.
- Exhibition Home to Lot 15
- Tree removal
- Earthworks associated with subdivision and infrastructure works.

The remaining development for which concept approval is sought includes:

- Community subdivision of the land to the east of the site with six lots to be accessed via a communal driveway.
- Larger residential lots ranging in size from 1080sq.m to 2385sq.m

The concept development relies upon some existing standards and controls to be varied to accommodate the overall development. An urban design statement was prepared in support of the application that seeks to provide an increased density of development to accommodate the city's growing population. Some of the key principles from this document are noted below:

The Lake Albert Recreation precinct and Country Club provides a magnificent backdrop to development. Connecting the development to the golf course is an important element of the design. The development embraces the site's existing natural features proposes to retain the rural feel along Plumpton Road. This is done through the built form, the retention of significant on-site vegetation and the embellishment of the landscape around the existing drainage basin.

The provision of a wide range of housing typologies will set this development apart from other developments in the area. From larger rural lots to standard lots and medium density town house products, Plumpton Road will deliver greater choice that will appeal to a wider demographic and diversify the local community.

A combination of strong linkages to Tatton's natural and recreational areas and on-site amenities will make the new homes attractive for down sizers and life-style driven buyers.

The concept relies upon smaller sized lots than those that exist within the surrounding suburb of Tatton. The concept is also seeking the ability for front set-backs to dwellings to be reduced to 4metres enabling the site layout to accommodate sufficient private open space and off-street parking areas. Finally the concept seeks a reduction in road width from the adopted standard of 9 metres to 6 metres.

A range of new controls have been developed as part of this application that will replace the existing DCP controls for future development applications across the subdivision. The details of the controls are discussed in more detail within this report but are generally based upon existing controls within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Part 3 Housing Code. Any future development applications for dwellings on any of the residential lots will be subject to a separate development application that must adhere to the parameters set out in this concept development application.

The proposed exhibition home is a four-bedroom property with double garage, this property is proposed to be used as an exhibition home and will be on Lot 15 when the subdivision is developed and registered.

The subdivision will include earthworks to facilitate the new roads and level sites for future dwellings. Minor cut and fill is proposed that follows the existing contours of the site that slopes up from Plumpton Road towards the rear. The larger blocks to the west of the site will be the highest parcels of land. The application proposes that the existing basin in the south-eastern corner of the site be dedicated to Council for continuing stormwater management.

Conceptual house typologies demonstrate the ability for single storey detached dwellings with double garages to be built on the lots numbered 3-29, the concept also includes house typologies for two storey linked town houses on lots 1 and 2 and single storey attached dwellings on lots 30 and 31 with a single garage. Approval for these designs is not sought as part of this application however controls that support such house typologies are included within the guidance document of new development controls. The idea of adopting these controls at concept stage is to allow for future development applications that comply to only be subject to a very simple approval process.

The Site and Locality

The site is legally identified as Lot 336 DP 1247818 and is known as 52 Plumpton Road. The site is on the north-western corner of the junction of Brindabella Drive and Plumpton Road. The site extends to an area of 4.1ha and also includes two additional access lots, one that fronts onto Brindabella Drive and one that fronts onto Argyle Court. These lots are both approximately 6 metres in width and were originally intended as driveways into the subject site as there was no other access apart from off Plumpton Road. Both areas are currently concreted in the appearance of a laneway.

There is an existing dwelling and outbuildings sited towards the rear of the site, the lot rises gently from Plumpton Road towards the rear where the existing dwelling is located. There is an access driveway from Plumpton Road and there are trees planted along this driveway.

There is a dam in the south-eastern corner of the block that functions as a stormwater basin for the wider Tatton neighbourhood and includes easements for Council maintenance. A footpath runs alongside the northern boundary of the subject site connecting Plumpton Road to the Tatton neighbourhood and overhead power lines cross the site from north to south.

There are residential properties to the north, south and west of the subject site within the suburb of Tatton. To the east on the opposite side of Plumpton Road is the Wagga Wagga Country Club. Also to the north of the site directly adjacent to Plumpton Road is land within the E2 (Environmental Conservation) zone.

Easements and Covenants

There is a TransGrid easement of 45.72 metres in width that traverses the site from north to south. The easement is for the existing overhead powerlines and restricts development beneath them.

There are existing sewer easements alongside the dam to the north and parallel to Plumpton Road.

There are a number of stormwater easements associated with the dam including for maintenance purposes.

Previous Development Consents

DA18/0027 - Boundary Adjustment. Approved 20 March 2018. This application created the subject site and resulted in the amended lot having frontage to Brindabella Drive.

LEP18/0005 - (PP_2019_WAGGA_002_00) - Planning proposal to rezone land at Tatton from E2 Environmental Conservation to R1 General Residential and R5 Large Lot Residential. Approved 10 January 2020.

The planning proposal stated:

The E2 Environmental Conservation zoning on the subject land is considered inappropriate. The proposed rezoning to R1 General Residential and R5 Large Lot Residential is consistent with the amenity of the Tatton neighbourhood and will assist in maximising the development opportunities on the site which in turn will contribute to a mix housing of types to accommodate the city's growth forecasts. The change in zoning and new lot size provision will increase the development yield of the site to approximately 40 lots. The proposed minimum lot size requirement along Plumpton Road aligns with the lot sizes proposed in the concept subdivision plan and will ensure that future subdivision will be reflective of the existing rural residential environment along Plumpton Road and to the south of Brindabella Drive. The development of the land for residential purposes would not have an adverse impact on biodiversity values present in the locality.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the land is zoned partly R1 General Residential and partly R5 Large Lot Residential. The objectives of the R1 Zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of the residents.*
- To ensure co-ordinated and cost effective provision of physical, social and cultural infrastructure in new residential areas.*

The objectives of the R5 Zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.*

The proposal is for a residential subdivision and therefore directly furthers the residential objectives of the two zones. The detailed approval sought under the subject application is all within the R1 zoned land and will offer a range of housing types and densities. The layout of the subdivision will enable high quality development to occur across the site.

There will be no clearing of native vegetation within the R5 zone as that land is not subject to any detailed works under this application.

Part 2 Permitted or prohibited development Land Use

The development is for residential subdivision and one single dwelling house. The use of the land for dwellings is permitted with consent.

Clause 2.6 of the plan requires that subdivisions such as that proposed require the consent of Council. By lodging this application this clause has been met.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

The objectives of this clause are as follows:

- (a) to protect the productive capacity of agricultural land,*
- (b) to maintain viable farm sizes to promote continuing agricultural production,*
- (c) to ensure that rural residential development does not prejudice future urban development,*
- (d) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area, and will not lead to fragmentation of natural areas.*

The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Within the R5 zoned land the minimum lot size shown on the Lot Size Map is 0.2ha. The concept plan identifies the two lots within the R5 area as greater than 0.2ha. The creation of these lots will be the subject of a future development application but in principle the subdivision of these lots is consistent with this clause.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions that apply to this application.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1A Earthworks

Earthworks are proposed in association with the construction of roads, the installation of essential infrastructure and land shaping to accommodate dwellings on each of the lots. The earthworks are an ancillary and necessary part of the subdivision.

The layout of the development responds to the topography of the land and consequently, the drainage strategy generally follows the existing natural drainage paths. Stormwater design across the site will be subject to detailed engineering design prior to the subdivision works commencing.

The use of fill material across the site will be minimal. Existing stockpiles of clean material have been placed on the subject site for use during site works as required. Evidence of the source of this material has been provided with the application and is satisfactory.

7.2 Flood Planning

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment.

The subject land is not impacted by the 100yr ARI riverine flood event but part of the land is mapped as subject to overland flow flooding during high rainfall events. A flood impact assessment including modelling of the 100yr ARI event was provided in support of the planning proposal to re-zone the land.

The flood impact report has demonstrated that the site is classified as low hazard, excepting one small area within proposed Lot 32 which is part of stage 2. The area within proposed Lot 32 is most affected, with an overland flow depth of up to 0.75 metres under existing conditions. The remainder of the affected area is predominantly inundated by less than 0.25 metres. By way of the hazard categorisation the land is classed as low hazard and can be considered for residential development subject to certain design measures.

It is anticipated that a maximum enclosed building area would be applied to Lots 32-37 in consideration of overland flow flooding impacts, together with the use of pier footings for proposed lots 32 and 33 to ensure that overland flow paths are not obstructed; however, this would be determined with a detailed future development application for those lots.

With regards to the subdivision of stage 1 any of the lots identified as being impacted by overland flow will be subject to an 88B restriction that sets the floor levels of future dwellings at the 1% AEP flood level plus 0.5 m freeboard, and this will be secured by condition. The MOFFs analysis indicates the maximum on-site impact of the proposed development is 0.03 metres within the retention basin.

The maximum off-site impact to adjacent properties is up to 0.05 metres on the western side of the basin, at 108 Brindabella Drive. This area is currently affected by overland flow and the minimal increase is not within the area of the site where the dwelling is located and will not impact access to and from the property. Accordingly, the development is not considered to have a significant adverse effect on flood behaviour.

The proposed stormwater management measures for the development would further assist in mitigating and managing the potential increased overland flows that would occur as a result of the development of the land.

7.3 Biodiversity

A small part of the subject site is covered by the biodiversity layer and as such this clause is applicable. The layer consists of one area towards the west of the site. The layer is consistent with a cluster of trees within proximity to the existing dwelling house.

Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered any potential adverse impact of the proposed development on a native vegetation community, the habitat of any threatened species, population or ecological community, a regionally significant species of plant, animal or habitat, a habitat corridor or a wetland, together with any proposed measures to be undertaken to ameliorate any such potential adverse impact.

The existing trees within proximity of the house are proposed to be removed, the trees are a mix of native and exotic trees. This part of the site (original R1 zone) is the bio-certified part of the site and as such any Development Application located within the certified area is taken to be development that is not likely to significantly affect any threatened species, population or ecological community, or its habitat.

The clause is therefore satisfied.

7.9 - Primacy of Zone B3 Commercial Core

Clause 7.9 states that development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga. The development is for residential subdivision in a residential zone and will not detrimentally impact upon the primacy of the CBD.

State Environmental Planning Policies (SEPPs)

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 states that:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is on land that has recently been re-zoned for residential purposes and the risk of contamination was addressed as part of the planning proposal concluding that “*it is considered that the potential impacts of Land Contamination are low*”.

The site has historically been used for a residential purpose or agriculture. Whilst agriculture is listed as a land use that has the potential to lead to contamination the historical agricultural practices on site have been grazing and arable cultivation. There is no evidence on site of contamination and the land is considered to be in a suitable state for the proposed development. The land is not identified as potentially contaminated land on Council’s mapping system and it is not considered necessary to request any investigation reports on the subject site prior to determination of the application.

No further consideration of the SEPP is required as part of the subdivision application or future dwelling applications.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of the SEPP relates to the determination of a development application which has the potential to affect an electricity transmission line. Before determining a development application which meets the relevant criteria provided by Clause 45, the consent authority must first notify the relevant electricity supply authority and give consideration to any comments made by this authority within 21 days of the notice.

There are overhead transmission lines that traverse the site and the relevant authorities have been notified. No objection to the development has been received. Standard conditions of consent that reference works within the proximity of overhead transmission lines and electricity infrastructure are recommended.

The required consultation has occurred in accordance with the SEPP. There are no other aspects of SEPP Infrastructure relevant to this development.

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

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work and have no impact on the assessment of this application.

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

Wagga Wagga Development Control Plan 2010

Section 1 - General

1.6 Relationship to other plans

The following provisions of the Wagga Wagga Development Control Plan 2005, as in force immediately prior to 16 July 2010, are incorporated by reference in this plan and apply to the land to which this plan applies (other than that from time to time referred to in clause 1.3A (1A) of Wagga Wagga Local Environmental Plan 2010) in addition to the other provisions of this plan as follows:

b. Controls relating to the layout and details of subdivision - Chapter 31 South Tatton.

The details of this chapter are discussed in greater detail below under section 7.

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 21 July to 4 August 2020 in accordance with the provisions of the DCP. Twelve submissions were received in response to the notification, the details of the submissions are discussed in section (d) of the report.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but only limited to certain developments. The limitations are that adequate justification must be provided by the applicant for the number of controls being varied, the variation must not relate to multi dwelling housing and no objections shall have been received in relation to any numerical control that is being varied by greater than 10%.

The application is a concept DA and proposes variations to existing standards and controls that allow the subject site to proceed with a greater density than the surrounding area. Variations are proposed to both adopted DCP controls and engineering guidelines and it is therefore appropriate that the application is reported to Council. Furthermore the application seeks approval for varied controls to be used for future applications.

The variations proposed are as follows:

1. A reduction in the road width from 9 metres to 7.5 metres. The application sought consent for a 6 metre wide road which is not supported, a compromise of 7.5m is recommended.
2. Lot sizes and overall density of development. The South Tatton DCP (2005) which is applicable to this development references a density of ten dwellings per residential hectare and minimum lot sizes of 375 m² where building envelopes and privacy provisions are incorporated in subdivision plans. Default minimum lot size of 600 m² where design criteria is not met; The 2010 DCP has a minimum lot size provision of 400sq.m for single dwellings, and 375sq.m for multi-dwelling developments.

When assessing the site as a whole the proposed subdivision has a density of 10 dwellings per hectare (assuming 41 dwellings across the 4.1ha site.) The density provision is therefore satisfied.

Only two of the lots (30 and 31) are less than the minimum lot size for a single dwelling. House designs have been prepared for these lots that satisfy key criteria such as parking and private open space provision set within the DCP 2010. Within the context of the site these two lots are considered acceptable. Lots 1 and 2 are identified on the plans as having the potential for three multi-dwelling units on each lot; both lots have less than the required minimum lot size for such a development.

Lot 1 - 936sq.m - requires 1125sq.m - shortfall of 189sq.m

Lot 2 - 953sq.m - requires 1125sq.m - shortfall of 172 sq.m

The house typologies prepared for these lots are three linked townhouses with four bedrooms and a single garage, they are sited within 0.9metres of the side boundary. Two storey developments such as those identified on the larger lots do have the potential to result in increased impacts above and beyond those created by a single storey development such as loss of privacy and overshadowing. It is therefore recommended that as part of this application Lots 1 and 2 are created as proposed but that further controls for multi-dwelling housing are included within the guidance document to guide future development applications on these lots. It is suggested that increased side setbacks and increased parking provision are two controls that require further review together with clarity about building heights and relative rear set-backs and this is secured by condition.

3. Front setbacks for dwellings on the proposed lots are to be reduced to 4 metres. The South Tatton DCP stipulates a front setback of 5.5 metres and the current DCP seeks a primary setback of 6 metres.

Within some of the new urban release areas setbacks of 4.5 metres are commonly seen as this is the criteria for a complying development certificate. A further reduction of this setback to 4 metres is proposed to allow each dwelling to be afforded sufficient private open space. Controls stipulate that the garage to each dwelling will be set back by 5.5 metres allowing for the parking of a vehicle clear of the road and footpath. The development offers a compact form of development, the housing typologies that have been prepared demonstrate the ability of the lots to accommodate a reduced setback and still offer residential accommodation that has suitable solar access, private open space, off street parking and general level of amenity. Within the context of this specific development a reduced set-back can be supported.

The DCP requires that the following criteria must be considered in determining whether a departure from the DCP is warranted:

- *Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.*
- *The nature and magnitude of the departure.*
- *The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.*
- *The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.*
- *Priorities identified in a site analysis being of greater importance than what is being departed from.*
- *Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.*
- *of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application.*

A new guidance document has been prepared that effectively creates a new suite of DCP controls that will apply to all future development applications on the proposed lots. This document includes the justification for varying controls and is largely based upon existing criteria and controls within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Part 3 Housing Code.

Whilst DAs will be required for all future dwellings if they are compliant with the criteria included in the guidance document the assessment process will be simplified and not require public notification.

As noted above the concept application does identify Lots 1 and 2 as multi-dwelling lots. Both lots are less than the required minimum lot size and additional controls about height, side setbacks and parking (as a minimum) are needed within the guidance document.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.

The site has frontage to both Plumpton Road and Brindabella Drive. It is proposed to access the subdivision via a new road linked to Brindabella Drive which is a non-arterial road.

The existing driveway onto Plumpton Road that accesses one single dwelling will be used in the short term to provide a temporary access to the exhibition home. On completion of the subdivision and new roads this access will be closed to prevent vehicle movements to and from Plumpton Road into the new subdivision, which is in accordance with existing controls. The driveway will not be used by vehicles associated with construction activities, all movements to and from the site associated with construction activities will be from Brindabella Drive and this will be secured by condition.

The width of the road is proposed as 6 metres which is less than the adopted engineering guidelines standard of 9 metres. The applicant has justified the reduced width as follows:-

- The example dwelling layouts provided in support of the application indicate that at least one parking space per dwelling would be provided. It is likely that two parking spaces per dwelling would be provided for most dwellings. This is consistent with Council's off-street parking requirements. No on-street parking would be necessary. It is noted that future dwellings would be subject to further consideration in separate development applications.*
- The site is not bushfire prone.*
- The site is subject to overland flow flooding; however, the FIA indicates the egress route to be categorised as H1 hazard level, being the lowest risk.*
- The site is intended as a low-speed walkable environment for residents. The road width allows for two 3-metre-wide lanes, which is suitable for such an environment. Council has previously supported other existing cul-de-sacs that exceed 10 lots, including Cowan Place, Dobell Place, and Kalmia Place.*
- Poor quality road connections to the site, and the prevention of direct access to Plumpton Road, necessitate an alternative internal road arrangement.*
- It is considered the proposed departure in width would be suitable for the subject development, as it responds to site features and would allow intensive infill development as supported by Councils Strategic Planning section.*

It is considered that 6 metres is too narrow to allow for on-street visitor parking and the safe movement of all vehicles to and from 31 residential lots as well as servicing vehicles. The width of a cul-de-sac is allowed as 7.5 metres but generally for not more than 10 dwellings. As the development is proposed as a slow speed environment with pedestrian footpath and will not be subject to external traffic movements it is appropriate and supported by engineering to allow a variation of the road width to 7.5 metres. The submitted plans identified a 4 metre wide nature strip whereas 3.5 metres is the requirement, the overall change to residential lot sizes as a result of the wider road is therefore of minimal impact. The revised road width still allows appropriate room for a footpath on one side of the street.

C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.

A traffic impact assessment was prepared for the planning proposal that rezoned the land for residential purposes. The traffic impact assessment was based upon a redevelopment for 38 lots and whilst the final layout differs slightly from that included within the TIA the findings remain applicable to the subject application.

The development would result in a theoretical increase of 228 vehicles per day, that equates to an average weekday peak of 24 vehicles per hour. The findings of the assessment were that the proposed subdivision will have a minimal impact on the existing road network and that the existing intersection of Plumpton Road and Brindabella Drive will continue to operate within capacity at a Level-of-Service of A at 2027 with the addition of forecast and generated subdivisional traffic.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

A new road is proposed in and out of the subdivision that allows for any vehicle to enter and leave the site in a forward direction. The future applications for dwellings are not subject to the same limitation as reversing out of a driveway onto the road is an acceptable outcome.

C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.

The road and future driveways for dwellings will provide suitable space for loading and unloading of goods to and from dwelling houses. The delivery of goods and materials to and from the site during construction works will be subject to a detailed construction management plan that is to be secured by condition.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

C6 Ensure adequate sight lines for proposed driveways.

The subdivision does not include driveways, a new road is proposed that will connect with Brindabella Drive.

The centre line of the proposed new intersection is located approximately 53m to the west of the existing T-junction intersection of Brindabella Drive and Belmore Place. A minimum stagger distance of 30m is usually required between T-junction intersections to allow for the deceleration and storage of turning vehicles. Given that the traffic generated from the proposed subdivision will be very low (24vph), it is anticipated that there will be no future impacts on turning traffic at these intersections.

The existing speed limit for Brindabella Drive along the frontage of the proposed development is 50km/h. The minimum safe intersection sight distance (SISD) as set out in the *Austrroads Guide to Road Design* is 97m for a reaction time of 2.0 seconds. This criteria is satisfied at the new access T-junction intersection has sight distances of over 150m in both directions.

2.2 Off-street parking

The proposed development includes one new dwelling to be used initially as an exhibition home on proposed Lot 15. In accordance with this section of the DCP the proposed dwelling is required to be supported by one parking space. The plans for the dwelling include a double garage and therefore this clause is satisfied.

Future dwellings proposed on the remainder of the residential lots would be subject to further consideration in separate, future development applications. Example, house typologies are provided in support of this concept application, which indicate, that at least one parking space per dwelling can be easily provided. Suggested car-parking standards in the revised controls are 1 car-parking space per dwelling/dual-occupancy or multi-dwelling unit as a minimum. No controls relating to visitor parking are proposed.

Given the limited lot sizes and narrow road width the control of one space for multi-dwelling housing is not supported and it is recommended that the guidance document be updated to amend this control to two spaces per multi-dwelling unit.

2.3 Landscaping

Generally the controls in this section are not relevant to subdivisions. Landscaping of individual residential lots is not subject to detailed approval.

The road design will include nature strips that incorporate footpaths and street trees and the detailed design of this will be secured by condition.

The landscape amenity afforded to the subject site by the existing trees that border the dam to the eastern side of the site is important and therefore these trees are to be retained. This vegetation will assist in softening the impacts of the subdivision works across stage 1. A detailed assessment of the remaining trees will occur as part of any future development application across stage 2 to determine the retention value of the trees that have the potential to be protected by building envelopes on the applicable lots.

2.4 Signage

No signage is proposed as part of this application.

2.5 Safety and security

The subdivision results in new residential lots that will present to a new cul-de-sac. Dwellings on these lots will offer natural surveillance across the subdivision and will benefit from the development being an enclosed cul-de-sac with no additional traffic entering the area. It is recommended that an additional control be included within the guidance document that requires habitable windows to the front elevation facing the street to both allow for an active articulation to the dwellings and increase safety within the cul-de-sac.

Public footpaths through the subdivision connecting to existing footpaths and walkways will further allow for increased pedestrian activity throughout the day.

2.6 Erosion and Sediment Control Principles

It is recommended that standard conditions of consent relating to sediment and erosion control during construction be imposed.

2.7 Development adjoining open space

The development does not adjoin public open space.

Section 3 - Heritage Conservation

The subject site is not within the heritage conservation area and there are no listed heritage items within proximity of the site.

Section 4 - Environmental Hazards and Management

The land is identified as being prone to overland flooding and the details of this have been addressed under section 7.2 of the LEP earlier in the report. As noted the site is suitable for residential development based on predicted overland flow and hazard levels, the required upgrades to stormwater infrastructure are likely to have a positive impact as overland flow is further captured and discharged appropriately.

It is recommended that the 88B instrument include a restriction on those lots that are impacted by overland flooding to be constructed with minimum finished floor level of 500mm above the 1% AEP overland flow flood level.

The land is not identified as prone to bushfire.

Section 5 - Natural Resource and Landscape Management

5.2 Preservation of Trees

The application seeks consent to remove all trees across the site that are greater than 8 metres in height. The removal of trees that are less than 8m in height does not require development consent.

A detailed assessment of all of the trees has not been provided in support of their removal. The trees alongside the existing driveway that enters the site from Plumpton Road offer amenity value when viewed from Plumpton Road and these trees are within stage 2 of the development site. At this point in time the removal of these trees is not supported as part of this application given the value that they currently offer. There are no approved works within this part of the site and the driveway is to be closed to Plumpton Road which allows for the trees to be retained until at least an application for stage 2 works is proposed and a detailed assessment of these trees can be completed.

Section 6 - Villages

Section 6 is not applicable to this development.

Section 7 - Subdivision

The development proposes a residential subdivision across the subject site with detailed approval sought for stage 1, being proposed lots 1-31. A subsequent assessment for the subdivision of land in stage 2 will form the subject of a later development application.

Chapter 31 of the WWDCP 2005 details the design requirements for the area of South Tatton as detailed below. Whilst the subject site is within the South Tatton area the land was not subject to the overall master planning for the area.

Part 2.1 Lot Size and Density

Section 2.1 outlines the densities for the South Tatton neighbourhood as being 10 dwellings per residential hectare and minimum lot sizes of 375 m² where building envelopes and privacy provisions are incorporated in subdivision plans. There is a default minimum lot size of 600 m² where design criteria is not met.

Not all design criteria is met therefore the default lot size under this DCP is 600sq.m. All of the lots apart from lots 1 and 2 are less than 600sq.m. This variation is partly supported by the fact that the current DCP controls require a minimum land area per dwelling of 400sq.m and only two of the lots are less than this. Furthermore the overall intent of the concept application is to introduce a development that increases densities, offers alternative housing types and styles and assists in meeting the increased demands for housing in accordance with Council's Spatial Plan.

In principle the concept of this cul-de-sac development is one that can be supported subject to detailed design. The applicant has considered and prepared a range of housing typologies in support of the development application and demonstrated that each of the lots has the potential to accommodate 3-4 bedroom dwellings with double garages and private open space.

The ability for this development to offer a range of housing opportunities within an established residential suburb is consistent with the zone objectives and considered appropriate in this locality.

Part 2.2 - Energy efficiency

This Part references the desire to achieve a 5 star rating, which is a criteria that is no longer used when assessing development applications for dwelling houses.

Controls are included within the guidance document about solar access and as the lots all have a north-south orientation the design of the dwellings will be critical to complying with these controls. In addition the dwellings will need to demonstrate compliance with BASIX requirements at development application stage.

Part 2.3 - Building Envelopes and Building Design

Building envelopes will be required on those lots affected by the overhead transmission lines.

The development offers a compact form of development, the housing typologies that have been prepared demonstrate the ability of the lots to accommodate a reduced setback and still offer residential accommodation that has suitable solar access, private open space, off street parking and general level of amenity

Part 2.4 - Road and Street Design

As noted the masterplan originally contained no detail for this land other than connections to the site from local roads.

The subdivision proposes a 6 metre wide road that is inconsistent with the adopted guideline of 9 metres. It is considered that 6 metres is too narrow to allow for on-street visitor parking and the safe movement of all vehicles to and from 31 residential lots plus servicing vehicles. The width of a cul-de-sac is allowed as 7.5 metres but generally for not more than 10 dwellings. As the development is proposed as a slow speed environment with pedestrian footpath and will not be subject to external traffic movements it is appropriate to allow a variation of the road width to 7.5 metres. The submitted plans identified a 4 metres wide nature strip whereas 3.5 metres is the requirement, the overall change to residential lot sizes is therefore of minimal impact. The revised road width still allows appropriate room for a footpath on one side of the street to the benefit of the overall subdivision layout.

Part 2.5 - Vehicular Access and Parking

Parking will be provided for each of the residential properties as part of subsequent Development Applications for the individual dwellings. Access is available to each of the lots from the new road the details of which have been discussed throughout the report.

The subdivision complies with the following specific controls of this section:-

No private vehicular access shall be permitted directly to Plumpton Road. Existing vehicular access points along Plumpton Road shall be physically eliminated prior to the release of the survey plan for the relevant stage of subdivision.

Part 2.6 - Pedestrian Access

The developer shall provide footpaths along the collector routes and to the main open space areas generally in accordance with the South Tatton Neighbourhood Design Guideline.

Although the proposed cul-de-sac is not classed as a collector road a footpath is proposed within the nature strip alongside the northern side of the road. The footpath will connect to an existing public pathway on the northern boundary of the site providing connectivity through the suburb. An existing laneway to the western boundary of the site will provide further connectivity as a condition requires the dedication of this to Council allowing for a further pedestrian only connection.

Part 2.7 - Stormwater

Upgrades to stormwater drainage are required and engineered designs will be subject to approval prior to any subdivision works commencing on site. This includes any required re-design or capacity increase to the existing basin on site to accommodate the increased flows from this development.

Part 2.8 - Services and Amenities

Services will be extended to serve each of the lots in accordance with service provider requirements. This will be secured as part of the subdivision certificate.

Part 2.9 - Tree Cover

This section seeks the conservation of existing native vegetation and the establishment of new native vegetation in the R5 areas. An assessment of the proposed tree removal has been included earlier in this report. There will be no tree removal from the R5 zoned areas or any of the land that forms stage 2 of the development.

Part 2.10 - Management of Environmental Protection Zone

Not applicable to this subdivision as none of the land subject to this application is zoned as E2.

Overall the subdivision does propose a development that is not characteristic of the adjoining land parcels or the surrounding area generally. However there is an overriding objective to provide a variety of housing types and densities within the R1 zone and this development achieves that outcome. The impacts associated with the development have been assessed as acceptable subject to appropriate conditions and restrictions on future developments.

Section 8 - Rural Development

Section 8 is not applicable to this development.

Section 9 - Residential Development

The only residential development to be approved under this application is the dwelling on Lot 15 that is initially to be used as an exhibition home.

The dwelling is to be built with regard to the subsequent subdivision. The lot is oriented north-south and has the main living area located on the northern side of the dwelling allowing for direct solar access. The dwelling complies with the DCP controls in terms of solar access, site layout, parking and private open-space provision.

The house typologies presented for the remainder of the single dwelling lots have demonstrated that they will comply with private open space provision, solar access, site cover and other applicable controls. These will all be subject to further development applications.

The example typology of three multi-dwelling town-houses on each of Lot 1 and Lot 2 is considered to result in a development that has the potential to result in adverse impacts to adjoining land parcels and the subdivision character overall. It is recommended that additional controls be included in the guidance document requiring increased side set-backs of 1.5metres (currently 0.9m) and parking provision is to be increased to two spaces per multi-dwelling. In addition height parameters need to be confirmed together with rear set-backs that are relative to heights. With these extra controls to guide future developments on these lots the outcomes are likely to be more appropriate and with lesser impacts than identified on the current typology example.

There are no applicable controls within chapters 10, 11, 12, 13, 14, 15 or 16 of the DCP2010.

Section 4.15(1)(a)(iiia) - Planning Agreements

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

There are no applicable matters prescribed by the regulations.

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

The proposed development will substantially change the character and amenity of the locality by altering the site from a large single dwelling site to a new subdivision of 37 lots with two new roads to be accessed from Brindabella Drive. The proposal allows for an intensification of the existing residential land use by providing a varied mix of smaller lot sizes within an established residential suburb.

The impacts associated with the development upon the existing context and setting are not considered to be unreasonable and fall within what could be expected in a residential neighbourhood. Where impacts are not considered appropriate amendments to controls for future developments have been proposed and will be secured by condition.

Streetscape

The development has been designed to ensure that all dwellings face the new road that is to be built as part of the subdivision, apart from Lot 16 that is to the rear of Lot 17. The key change to the Brindabella Drive streetscape is the introduction of a new road to the west of the existing dam. The new road is off-set from the recently developed road on the southern side of Brindabella Drive known as Belmore Place.

The housing typologies suggest a consistent scale, rhythm and form will present to the streetscape as a cohesive design across the subdivision. An additional control is recommended for the guidance document that each front elevation must include a habitable room window. This ensures an active streetscape and increases the sense of safety for users within this environment. The impact of the replacement dwelling on the streetscape would be consistent with existing conditions, whereby it would not be overly visible from the public domain. No front fences are proposed to the streetscape.

The interface between Lots 16/7 and future lot 32 is important as a public footway will traverse this area. A restriction requiring open rural fencing only in this location will ensure a safe, open environment is maintained for users of this footpath.

Access, transport and traffic

The subdivision will be served by two new roads that will be accessed from Brindabella Drive. The detail of the road has been discussed throughout the report and whilst the adopted standard for a cul-de-sac of greater than 10 dwellings is 9 metres in this instance it has been agreed that a variation can be supported to a width of 7.5 metres.

The proposed subdivision will increase traffic within the locality, however, the impacts of this traffic have been assessed and concluded that the impact on the local road network is acceptable and that the Brindabella Drive/Plumpton Road junction will continue to operate well within capacity at Service Level A.

The lots are large enough to accommodate off street parking in accordance with the suggested control of one parking space per dwelling as a minimum. Additional parking is to be provided

for multi-dwelling developments and this will be included in the guidance document.

Services

The lots in this development can be fully serviced. Standard conditions of consent will be imposed requiring the sign off from relevant authorities. Detailed engineering plans and details are required to demonstrate adequate stormwater management arrangements are in place. The applicant has included the dedication of the basin to Council as part of the development. Any dedication will be subject to the stormwater management strategy being prepared and implemented.

Heritage

The site covered by the development application is not within a heritage conservation area and contains no heritage items.

Natural Hazards

The site is subject to overland flooding. This is discussed in detail earlier in the report. The land is not identified as bush fire prone.

Man-Made Hazards

The site is not subject to any known man-made hazards that would prevent the development going ahead.

Economic Impact in the Locality

It is considered that the development will provide wider community benefits to the city including employment generation and growth in the building and service industries. The proposal is not considered to displace any existing residences, or employment jobs, rather it is considered to provide and promote additional residential housing opportunities in a desirable location and employment opportunities for local builders.

The proposal will not result in any detrimental economic impacts.

Social Impact in the Locality

The introduction of additional residential lots within an established neighbourhood offers increased community development as the resident population increases. The subdivision will allow for additional residential housing opportunities in a desirable location and will not create any social displacement.

Pollution and off-site environmental effects

During construction appropriate measures will need to be implemented to ensure soil erosion and degradation does not occur. It is recommended that a condition of consent be imposed to this end.

Flora and fauna

As noted in the report all of the existing trees will be removed across the stage 1 area to allow for the residential subdivision. Trees that are sited to the east of the site on the stage 2 area are not required to be removed at this stage of development and their removal is therefore not supported.

The trees within stage 2 are adjacent to the existing driveway that will become closed as part of the subdivision works and they provide a back-drop to the dam. The urban design report notes that the *development embraces the site's existing natural features and proposes to retain the rural feel along Plumpton Road by the retention of significant on-site vegetation and the embellishment of the landscape around the existing drainage basin.*

The trees to be removed as part of stage 1 are predominantly clustered around the existing dwelling and are a mix of native and exotic trees.

Noise and Vibration

There will be the potential for noise and vibration disturbance during demolition and construction works associated with the subdivision and subsequently for the future dwellings. This will be short term and subject to an hours of construction condition.

The additional dwellings will result in noise from increased comings and goings of cars and pedestrians as well as noise associated with the use of a house. This impact is to be expected in a residential neighbourhood and is not anticipated to have a detrimental impact on existing levels of amenity.

Site Design and internal design

The whole site design has been considered as part of this application and consists of compact residential lots concentrated at the west of the site and larger residential lots to the east. Two of the larger lots to the east are within the R5 zoned land adjacent to Plumpton Road and the continuation of larger lots within this area to the east of the transmission easement is entirely consistent with other recent subdivisions approved further to the south.

Construction

There will likely be an increase in noise and dust during construction of the proposed subdivision. In addition there will be potential for other construction related impacts such as erosion. It is recommended that standard conditions of consent be imposed to manage these construction related impacts.

The Principles of Ecologically Sustainable Development

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

The proposed development will not result in any anticipated irreversible environmental damage, as the proposal utilises an existing urban site for redevelopment. The removal of both native and exotic trees on site is not considered to impact on biological diversity or ecological integrity and the biodiversity assessment has not identified any significant impacts upon threatened species.

The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly the principles of ESD are considered to have been followed.

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

The subject site is suitable for residential subdivision and residential redevelopment. The proposal is consistent with existing controls is permissible with consent.

The subject site has recently been re-zoned to R1/R5 land for residential purpose and the planning proposal documentation showed a clear direction of the manner in which the future redevelopment of the site to an increased density was proposed.

The future subdivision and associated built form will clearly impact on the appearance of the area however this is a residential neighbourhood and through successful design of each of the lots is suitable in this location.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Referrals

The application was referred to relevant internal referral groups. Recommended conditions of consent have been included.

Advertising

The application was advertised between 21 July and 4 August 2020.

Notification

The application was notified to surrounding properties between 21 July and 4 August 2020. Twelve submissions were received as a result of the notification.

Of the twelve submissions received five included a comment that there was no objection to the overall subdivision but more specific issues of concern such as the proposed two storey townhouses. The grounds of submission can be summarised as follows:-

1. New road onto Brindabella Drive is directly opposite private windows which will be impacted by additional vehicles and head lights throughout the day and night.

Comment: The new road is not directly aligned with dwellings on Brindabella Drive. Whilst the increased number of vehicle movements to and from properties on the opposite side of the road may be more apparent the line of headlights will be more towards private garden space than habitable windows. Such an arrangement is not unusual and can be seen throughout most residential suburbs where dwellings are opposite road intersections.

2. Open style fences to rural residential properties along Brindabella Drive - impact upon the privacy levels of these dwellings as solid fences are not permitted.

Comment: Brindabella Drive is already a busy thoroughfare with many vehicles passing the rural residential properties with open fences. These are generally new properties that overtime are likely to benefit from maturing landscaping along the front boundaries that will assist in

increasing privacy levels. An increase in the number of vehicles driving along this road is not considered to have a significant detrimental impact upon privacy.

3. Two storey dwellings or town houses will reduce views and have significant privacy issues with overlooking into rear gardens.

Comment: The guidance document includes controls that will prevent overlooking to adjacent land parcels; additional controls are recommended for inclusion in relation to side and rear set-backs that will lessen the impact of adjacent two storey developments.

4. Loss of sunlight from multi-level housing and associated natural warming of dwellings.

Comment: As noted under point 3 above there are additional controls proposed for any future multi-dwelling applications that will assist in minimising impacts such as loss of sunlight. Shadow diagrams indicate over-shadowing will occur in the morning but by the afternoon there is no over-shadowing and this would therefore comply with the requirement to maintain 3 hours of sunlight to neighbouring properties.

5. Impact on gardens - lawns and vegetable patches as natural sunlight is lost to damp overshadowed conditions

Comment: See comments under point 4 above.

6. Loss of value to premises if multi-level housing is allowed to the rear.

Comment: The impact of development upon house or land values is not a matter that can be considered under existing planning legislation.

7. Out of character with the area, town houses on small blocks are not appropriate for this suburb.

Comment: The nature of the development being a subdivision that seeks variations to existing DCP controls has resulted in the application being presented as a concept application. This allows for the development to be understood as a whole and assessed on its merits. Whilst surrounding lot sizes are larger the principle of the more compact subdivision design has been discussed throughout the report and is considered acceptable. The development achieves targets laid out in Council's Spatial Plan to increase infill development and limit further development of urban fringe areas.

8. Use of driveway onto Argyle Court, if it is a walkway how will this be controlled will it become a short cut for visitors who may park in Argyle Court instead. If it is a private driveway for one house how will the use be controlled. Maybe they should be dedicated to Council as walkways only with bollards at both ends.

Comment: The report recommends that the laneway on Argyle Court is dedicated as a public footpath, bollards at either end would limit the use to pedestrians only. The path would connect to Plumpton Road following the new footpaths through the subdivision and connecting to an existing pathway on the northern boundary.

9. Extra traffic using the driveway from Argyle Court will be a hazard for residents in this cul-de-sac and there is no room for additional parking for visitors.

Comment: There are no parking restrictions on Argyle Court, however the use of this cul-de-sac for persons visiting the new subdivision is unlikely to become a standard practice. The proposed lots are large enough to accommodate sufficient off-street parking together with a driveway that can accommodate a visitor. Short term on street parking is a common practice and the road width allows for this.

10. Walkways can be used for anti-social behaviour and this is a concern and should be considered here.

Comment: There are two walkways that form part of the subject site, one is to be included as part of Lot 21 and its use and development will be subject to future development applications. The other one to Argyle Court is to be a walkway to provide a link through the subdivision for all residents to benefit from a safe footpath towards the lake. This is an existing concrete strip that was created to allow access to the subject site, it is not considered that this will become an area for anti-social behaviour.

11. Why can there not be a new exit straight onto Plumpton Road instead of a new road onto Brindabella Drive creating increased traffic.

Comment: The development of the Tatton neighbourhood was subject to a specific DCP that included controls that no additional entry points onto Plumpton Road are to be allowed and where possible existing drives are to be closed. The development complies with this existing control and the closure of the Plumpton Road driveway will be secured by condition.

12. Lot sizes should be larger and more comparable to nearby subdivisions.

Comment: The most recent subdivisions within proximity to this site are to the south along Plumpton Road. These subdivisions have been on land that is zoned R5 Large Lot Residential and therefore by their nature are larger land parcels consistent with the land zoning. The subject site is zoned as R1 General Residential.

13. Proximity of the town houses to the boundary, the house types indicate that future developments can be built very close to existing dwellings and this should be reviewed.

Comment: Whilst there are town houses being approved under this application the ability for lots 1 and 2 has been considered and appropriate controls have been included within the revised controls for the site. These include setbacks from the side and rear boundary.

14. Increased traffic will result in noise disturbance, safety risk to the many pedestrians and cyclists in this area

Comment: The development includes footpath links that will allow for a safer environment for pedestrians and cyclists using the locality especially between Tatton and Lake Albert. The increased number of residential properties has the potential to increase noise levels associated with vehicle movements and various activities associated with private dwelling houses. However such noise levels are to be expected in a residential area and it is not anticipated that this noise will be significant.

15. The speed limit along Plumpton Road in this area needs to be reviewed and reduced to 60kph from the existing 80kph limit.

Comment: The control of speed limits on all roads is a matter for Transport for NSW to assess. The application includes a condition that requires the closure of the existing driveway to vehicles, this assists by removing an existing driveway within proximity of the junction of Plumpton Road and Brindabella Drive. The traffic assessment concluded that this junction will continue to operate within capacity after the subdivision is complete.

16. Loss of trees and associated loss of habitat for wildlife

Comment: As discussed in the report the trees to be removed are not assessed as having a significant impact upon any threatened species across the site.

17. Use of the dam by various wildlife species

Comment: The dam will remain as will the trees along the northern side of the dam, any required engineering works to the dam to support increased capacity or safety measures are not considered to have any detrimental impact upon the existing wildlife species in this area. As noted in the report the biodiversity report prepared in support of the application found that there would be no significant harm to flora and fauna across the site.

18. A large easement crosses the site and all local dwellings have had to follow strict rules building near this, does this subdivision comply

Comment: The electricity easement is 45 metres in width and traverses part of the dam, the new access road and one of the new lots in Stage 2 of the development. There will be no structures permitted within this easement as has been in the case across any other affected lots nearby.

19. Need for higher fences to protect privacy of new residents from existing properties.

Comment: Standard boundary fences will be constructed on rear boundaries.

20. Increased run-off and associated impacts

Comment: A stormwater management strategy is required to manage stormwater from the development. Any works identified within this plan will be completed as part of the subdivision works to the satisfaction of Council.

21. Shadow diagrams

Comment: Shadow diagrams were provided with the application and were part of the exhibition documents. The diagrams were prepared using the house typologies provided with the application. The shadow diagrams showed that during the winter there is shadow in the morning but by the afternoon there is none which is compliant with the applicable controls of the DCP.

22. Cut and fill will result in the proposed townhouse sites being raised and placed on higher ground, should there not be more cut in this area to lessen the impact

Comment: The earthworks do not result in a significant change of levels across the site, the site rises to the rear and the location where possible townhouses are identified is already higher. Impacts of any such developments will be minimised by controls in the guidance document such as side setbacks.

23. The road does not comply with the engineering guidelines and should not be supported for a subdivision of this size

Comment: As noted in the report the road design is one of the overall matters to be assessed and determined as part of the subject development application that presents a concept for the whole site. Part of that concept is a reduced road width to facilitate a higher density of development. Whilst the application was presented with a 6 metre road width it has been agreed that this be increased to 7.5 metres which is still less than the adopted 9 metre wide road but one that has been justified in this locality for this development.

24. Review of intersection between Brindabella Drive and Plumpton Road needs to be considered

Comment: The capacity of this intersection was reviewed as part of the traffic impact assessment. The report found that the increased traffic from the subdivision will not adversely impact the operation of this intersection and that it will continue to operate at Service Level A.

25. Loss of Environmental Conservation Land (E2) and native vegetation destroys the whole aesthetics and character of the open rural buffer that this land has.

Comment: The land is predominantly zoned as R1 with land adjacent to Plumpton Road zoned as R5. This land was rezoned under a planning proposal that was notified and exhibited and approved in January 2020. The planning proposal determination found that the E2 zoning was not appropriate for the land. The retention of the dam and vegetation within proximity of the dam assists in maintaining the open character particularly adjacent to the intersection.

26. Concern about damage to existing dwelling from demolition and earthworks on the block

Comment: Demolition is required to be undertaken in accordance with specific regulatory standards. If any damage were to occur to properties off-site as a result of demolition works the applicant would be responsible.

27. Use of the dam - this is a stormwater basin and management of overland flow as part of this subdivision is critical due to the flood affected nature of the land.

Comment: It is proposed to dedicate the dam to Council for stormwater management purposes. A condition of consent is proposed that requires detailed stormwater plans to be prepared and any works identified to upgrade the dam will be at full cost to the developer.

28. The density of development is inconsistent with the Tatton neighbourhood plan and should not be viewed in isolation

Comment: As previously noted the application presents a future concept for the whole site to facilitate an increased density of development. The lot sizes proposed are less than those that have been created under the controls of the South Tatton DCP in the surrounding locality. This has been justified by the desire to offer smaller parcels of land for those down-sizing and in an area that is within close proximity to recreational activities such as the Lake Albert walking track and the golf club.

Section 4.15(e) - the public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

The concept application seeks variations to the adopted planning controls and has justified those controls in supporting documentation. The increased density of development offers alternative lot sizes within a desirable residential suburb that is considered to be in the public interest. The subdivision pattern is contained within a cul-de-sac and will be an enclosed low speed environment with a footpath provided to facilitate a safe pedestrian environment.

The provision of land for residential accommodation as outlined above is considered to be in the public interest. The naming of the roads continues the theme of road naming for Tatton being Australian landmarks which is also in the public interest. The road names will be as follows:

Road 1 : Cradle Court - after Cradle Mountain in Tasmania

Road 2 : Paroo Place - after the Paroo River, one of the major northern tributaries of the Darling River.

Other Legislative Requirements

Section 1.7 of the EPA Act 1979 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The part of the subject site that was zoned R1 in 2016 is subject to the Biodiversity Certification Order but the land that was zoned is E2 is defined as excluded land in the Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, no further consideration of these matters is required for the land that was zoned as R1.

The land that was originally zoned as E2 is subject to assessment under the Act to determine whether the development is likely to significantly affect threatened species. Three key tests are required as follows:-

1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?

The site is not identified on the map.

2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.

The threshold area is not exceeded.

3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

A detailed biodiversity assessment including tests of significance has been completed to determine the presence of ecological communities on site and assess the likely impacts of development.

There are potential impacts to a range of threatened species due to impacts on potential habitat including foraging habitat. Assessments of Significance were conducted for these species under the BC Act and EPBC Act to determine if the impacts are likely to be significant.

The assessments concluded that there is unlikely to be a significant impact to these species, given that:

- the amount of habitat to be removed or disturbed by the proposal is relatively small in the local context;
- no fragmentation or isolation of habitat would occur;
- no substantial contribution to any key threatening process would be expected;
- mitigation measures would be implemented to prevent disruptions to the life cycle or harm to individual animals of these species;

These matters were also addressed as part of the planning proposal with no significant detrimental impacts identified.

Mitigation measures are suggested to be implemented during vegetation removal and these will be included within the construction management plan.

Council Policies

None

Development Contributions - Section 7.11/7.12 Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

The development is subject to 7.11 contributions that are calculated on a per lot basis as outlined in the above plan. The rate for the subject site is \$10,012 plus CPI 117.4/115.1 = \$10,212.06 per lot.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The development is subject to s64 (sewer) contributions that are calculated on a per lot basis as outlined in the above plan. The rate across the LGA is \$3538 per ET, each residential lot is calculated as 1ET plus CPI 117.1/100.5 = \$4122.38 per lot.

The development is subject to s64 (stormwater) contributions that are calculated on a per lot basis as outlined in the above plan. The contribution rate for "Urban east of Willans Hill) is \$1721 plus CPI 117.1/100.5 = \$2292.71 per lot.

A credit for the existing dwelling will be allowed for when contributions are calculated at subdivision stage.

Conclusion

The development proposes the redevelopment and intensification of land that has recently been re-zoned for residential purposes. The redevelopment of this land allows for the optimal use of existing urban land and reduces the environmental impacts associated with developing land on the urban fringes.

The subdivision does seek variations to existing controls within this area and justification for these has been outlined within the assessment report. Controls for future applications for dwellings on the proposed lots have been prepared based on existing controls and criteria contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies.

RECOMMENDATION

It is recommended that application number DA19/0649 for Concept development application to subdivide land into 37 residential lots including detailed (Stage 1) proposal for 31 residential lots and associated infrastructure, demolition of existing dwelling and outbuildings, earthworks and proposed exhibition home be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA19/0649

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/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
A02	Site Plan	Matt Jenkins Homes	13	13.7.2020
A03	Tree Removal	Matt Jenkins Homes	13	13.7.2020
A04	Site Demolition	Matt Jenkins Homes	13	13.7.2020
A05.1	Private Open Space	Matt Jenkins Homes	13	13.7.2020
A05.2	Site Shadowing	Matt Jenkins Homes	13	13.7.2020
A05.3	Traffic Flow	Matt Jenkins Homes	13	13.7.2020
A05.4	Site Cut and Fill	Matt Jenkins Homes	13	13.7.2020
A05.5	Cut and Fill Sections	Matt Jenkins Homes	13	13.7.2020
A01	Floor Plan	Matt Jenkins Homes	A	6.12.2019

A01.2	Slab Plan	Matt Jenkins Homes	A	6.12.2019
A02	Elevations	Matt Jenkins Homes	A	6.12.2019
A03	Section and Schedules	Matt Jenkins Homes	A	6.12.2019
A04	Site Analysis	Matt Jenkins Homes	A	6.12.2019
A05.1	Site Plan	Matt Jenkins Homes	A	6.12.2019
A05.2	Site Services	Matt Jenkins Homes	A	6.12.2019
1058519S	BASIX Certificate	Matt Jenkins Homes		21.11.19
160158	Stormwater and sewer plan	Xeros Piccolo	H	3.7.2020
	Statement of Environmental Effects	NGH		June 2020
	Guidance Document	NGH		June 2020
	Additional Information	NGH		11.6. 2020
	Biodiversity Assessment	NGH		June 2020
	Traffic Impact Assessment	Peter Meredith Consulting	A	September 2017
	Flood Impact Assessment	WMA Water		21.2.2018
	Written correspondence	Matt Jenkins Homes		no date

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 Consent is only granted for detailed Stage 1 works including 31 Lot residential subdivision and associated infrastructure, demolition of existing dwelling, construction and operation of an exhibition home, tree removal within stage 1 area only and overall concept approval. This consent does not authorise the carrying out of development on any part of the site, other than the part of the site subject to Stage 1 works.

Development on other parts of the site is subject to the submission and approval of a further Development Application and shall be consistent with the concept approval granted under this consent.

Requirements before a Construction Certificate can be issued

- C.3 Prior to the issue of the Construction Certificate for building works, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) Volume 2, including:

- Section 1 - General Requirements
- Section 2 - Performance Provisions
- Section 3 - Acceptable Construction

Note: Documents to accompany the application for construction certificate are set out in Part 3 of Schedule 1 of the Regulations 2000.

- C.4 Prior to issue of Construction Certificate for the exhibition home the following details shall be provided to the satisfaction of the General Manager or delegate:
- Details of an all-weather temporary access driveway to the exhibition home from Plumpton Road that is separated from all other on-site construction activities by secure fencing.
 - Details of how the exhibition home will be serviced (prior to the subdivision certificate being issued).
 - Details of any temporary signage to be installed in association with the exhibition home including location, numbers and sizes.
 - Operational hours of the exhibition home.

The approved details must be adhered to at all times that the exhibition home is in operation.

- C.5 Prior to the issue of a Subdivision Works Certificate road design plans shall be submitted showing road reserve widths in accordance with Council's Engineering Guidelines For Subdivisions And Development Standards as follows:-
- a) Carriageway widths to be 7.5m on all roads.
 - b) Verge (Nature-strip) widths to be 3.5m.
 - c) Cul-de-sac heads with minimum 9.5m radius
 - d) Street Trees in accordance with the plan approved under condition C10.
 - e) Footpath paving with minimum 1.5m width located on the northern side only of the internal cul-de-sac road marked as Road 2 connecting to the walkway onto Argyle Court and to the eastern side of the access way adjacent to Lot 16 connecting to the existing pathway along the northern boundary.
- C.6 Prior to the issue of a Subdivision Works Certificate a Stormwater Management report shall be prepared by a qualified Stormwater Engineer to the satisfaction of the General Manager or delegate. The report shall detail how stormwater is be managed from the development for storm events up to and including the 1% AEP. 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 1% AEP. Full plan details of the proposed On-Site Detention (OSD) system and overland flow paths with supporting hydrological and hydraulic calculations shall be provided.
- The report shall certify that the stormwater design meets the requirements of this condition and Council's Engineering Guidelines For Subdivisions And Development Standards.
- C.7 Prior to the issue of a Subdivision Works Certificate the applicant shall contact Council's Design Drafting Officer to obtain C & K numbers for inclusion onto the plans.
- C.8 Prior to the issue of a Subdivision Works Certificate a pavement design report prepared by a qualified Geotechnical Engineer must be submitted to Council for approval.
- C.9 Prior to the issue of a Subdivision Works Certificate, two (2) copies of engineering plans, specifications and calculations in relation to the development together with

payment of any relevant fees must be submitted to Council. The works are to comply with Council's Engineering Guidelines for Subdivision and Developments.

- C.10 Prior to the release of the Subdivision Works Certificate, a Street Tree masterplan showing the location of all proposed street trees within the development shall be submitted for approval by the General Manager or delegate.
- C.11 Prior to the release of a Subdivision Works Certificate amended plans showing the retention of all trees within stage 2 must be submitted to Council to the satisfaction of the General Manager or delegate.
- 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 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

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

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

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case

of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

- C.15 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind-blown. The enclosure must be approved by Council and must be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and machinery to be used in association with the construction works must not be stored or stacked on Council's footpath, nature strip, reserve or roadway. No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

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

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

All reasonable steps must be taken to ensure that dust from the construction and demolition activities on site is kept to a minimum. This includes wetting down disturbed soils and providing adequate cover.

Note: Wagga Wagga City Council's Gregadoo Waste Facility is the EPA licensed facility within the Local Government Area to accept waste material.

- C.16 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

A plan illustrating these measures shall be submitted to, and approved by, Council. The approved erosion and sediment control measures must be in place prior to earthworks commencing.

All vehicles involved with the construction and/or demolition process departing the property with demolition material, spoil, debris and loose material must have their loads covered before entering the public road. Suitable measures shall be in place to ensure that sediment is not tracked onto the roadway by vehicles leaving the site. This may require the installation of an all-weather temporary driveway for all construction vehicles accessing and leaving the site.

It is an offence to allow, permit or cause materials to pollute waters.

- C.17 Prior to any works commencing on site, a Construction Management Plan shall be prepared and submitted for approval by the General Manager or delegate. The approved plan shall be implemented during all site works. The plan shall include, but not be limited to:
- Construction Traffic Management including access and egress arrangements for all construction related vehicles to and from the site, deliveries of materials and parking arrangements for contractors.
 - Site layout during construction including storage of materials, plant and equipment, site office and amenities, hoardings and any proposed traffic control devices.
 - Details of the separation of the exhibition home from all construction activities including temporary access arrangements.
 - Waste management plan including the type and location of waste storage containers onsite, proposed method of removal and disposal of all waste types.
 - Dust Management, including control of dust from stockpiled sites.
 - Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing.
 - Security Management including details of relevant project manager and/or site foreman contact details.
 - The mitigation measures listed within Part 6 of the Biodiversity Assessment prepared by NGH dated June 2020.
- C.18 In accordance with the amended plan approved under condition C11 the existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works. All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development.
- A Tree Protection Zone (TPZ) must be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.
- Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.
- Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.
- If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.
- C.19 A Subdivision Works Certificate must be obtained, from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivisions and Developments prior to any subdivision works commencing.

- NOTE 1: No building, engineering or excavation work must be carried out in relation to this development until the necessary Subdivision Works Certificate or relevant certificates of approval have been obtained.
- NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE SUBDIVISION WORKS CERTIFICATE, even if you made an application for a Subdivision Works Certificate, at the same time as you lodged the Development Application.
- NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work, and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
- C.20 A Section 68 Approval Private must be obtained from Council prior to any sewer or stormwater work being carried out on the individual allotment.
- 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.
- C.21 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.
- C.22 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.
- C.23 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 or telephone on 1100 before excavating or erecting structures.

Requirements during construction or site works

- C.24 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.25 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.26 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:
- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
 - b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.
Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
 - c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
 - d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.
- C.27 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

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

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

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

- NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.
- NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.
- C.28 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.29 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.30 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. Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's Engineering Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.
- C.31 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.
- C.32 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.
- C.33 All vehicle movements associated with demolition, construction and on-site works must enter the site via Brindabella Drive in accordance with the details approved in the Construction Management Plan (condition C16). No vehicle access is to be taken to or from the site from Plumpton Road or Argyle Court.
- C.34 All construction works 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 Electricity Infrastructure as well as understanding safety responsibilities when working around powerlines as per SafeWork NSW. A copy of this guideline can be located at https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements_0.pdf
- C.35 All works must be carried out in accordance with NSW WorkCover ‘Working near overhead powerlines’ Code of Practice 2006; All fencing (including temporary fencing) must comply with TransGrid’s Fencing Guidelines; No mounds of earth or other

materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines. <https://www.transgrid.com.au/being-responsible/public-safety/Living-and-working-with-electricity-transmission-lines/Documents/Easement%20Guidelines.pdf>

- C.36 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.37 Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.
- C.38 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.39 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.40 Inspections are to be carried out on the approved road works in accordance with Council's Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of road works shall be inspected at the required hold points:
- (a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.
 - (b) Subgrade proof roll. Survey levels and compaction results.
 - (c) Subbase proof roll. Compaction results.
 - (d) Basecourse proof roll. Survey levels and compaction results.
 - (e) Prior to sealing
 - (f) Sewer works, prior to backfilling of trenches.
 - (g) Stormwater works, prior to backfilling of trenches.
 - (h) Concrete works prior to pouring.
 - (i) Into Maintenance inspection.
 - (j) Out Of Maintenance inspection at expiry of the maintenance period.

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

- C.41 Trees indicated on the amended plan required under condition C11 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.

Mitigation measures contained within part 6 of the Biodiversity Assessment shall be adhered to at all times.

- C.42 A Compliance Certificate for the plumbing and drainage work, associated with the exhibition home, identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

Requirements before a Subdivision Certificate can be issued

- C.43 The applicant shall pay a maintenance bond equal to 5% of the total cost of civil works. The bond shall be held for the duration of the maintenance period until the works are accepted Out of Maintenance.
- C.44 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 unless, before the time due for payment, the applicant and the Council enter into a legally binding agreement for the applicant to provide works-in-kind or any other material public benefit(s) to the Council in part or full satisfaction of the monetary contribution.

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.

A credit exists for one (existing) residential lot which will be accounted for in the calculations at Subdivision Certificate stage.

Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	\$10,012 per lot
---	------------------

Adopted CPI indexation applied at date of determination (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	117.4/115.1
Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)	\$10,212.06 per lot

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.

C.45 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.

NOTE 1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Subdivision Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$3538 per lot. A credit exists for one (existing) residential lot which will be accounted for in the calculations at Subdivision Certificate stage.

The Section 64 Sewer contribution (updated by the CPI 117.1/100.5) required to be paid is \$4122.38 per lot.

NOTE 6: The Section 64 Stormwater base figure is \$1721 per lot. A credit exists for one (existing) residential lot which will be accounted for in the calculations at Subdivision Certificate stage.

The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is \$2292.71 per lot.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

- C.46 Prior to release of the Subdivision Certificate Council's sewer/stormwater pipelines within the subdivision development are to be inspected using Closed Circuit Television (CCTV) at the conclusion of all construction activities onsite (into maintenance inspection). The CCTV footage is to be presented to Council on DVD for assessment if using a private contractor. CCTV can be carried out by Council (fees will be charged in accordance with Council's standard fees and charges schedule) or a private contractor. Should any damage to Council's infrastructure be evident, the developer shall repair/reinstate damaged infrastructure at their cost.
- C.47 Prior to the issue of Subdivision Certificate a schedule of quantities and asset value for each component of Council assets created as part of the development shall be provided to Council.
- C.48 Prior to the issue of Subdivision Certificate vehicular access directly to the carriageway of Plumpton Road must be denied. Physical measures are to be installed and maintained to deny vehicular access to and from Plumpton Road to the satisfaction of the General Manager or delegate.
- C.49 Prior to the issue of Subdivision Certificate the Guidance Document incorporating future development provisions for development across the subdivision shall be updated to address:
- (i) Increased side setbacks to multi-dwelling developments - 1.5m required
 - (ii) Increased car-parking for multi-dwelling developments - 2 spaces required
 - (iii) Height parameters for multi-dwelling developments and associated rear setback dimensions relative to height of buildings.
 - (iv) A need for habitable windows to the front elevation of all dwellings
 - (v) Removal of all reference to development on lots 32-37; controls for these lots will be subject to further assessment when an application for the subdivision of the stage 2 land is received.

The required updates must be to the satisfaction of the General Manager or delegate.

C.50 Prior to the issue of Subdivision Certificate, Works-As-Executed (WAE) plans must be submitted to Council and shall detail the works as approved by the Subdivision Works Certificate and 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. The WAE plans shall be submitted in the following formats:

- one A1 set of plans
- an electronic copy PDF
- CAD file of Road, Sewer and Stormwater assets

C.51 The establishment of street tree/s in accordance with the approved plan referred to in condition C10 shall be carried out at full cost to the applicant.

NOTE 1: 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.

NOTE 2: If the applicant chooses to engage WWCC, they are to pay to Council a fee of \$575.00 per street tree proposed for installation prior to the release of the Subdivision Certificate.

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

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

C.52 As street trees will become an asset of 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 Subdivision 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 \$575 per street tree is required to be paid to Council prior to the release of the Subdivision 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.

- C.53 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.

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

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

- C.54 Prior to the issue of a Subdivision Certificate and pursuant to Section 88B of the Conveyancing Act 1919, restriction as to user shall be created, with Council empowered to uplift, as follows:

- (i) Development applications for all forms of residential development on Lots numbered 1 -31 must be in accordance with and consistent with the controls outlined in the document titled 'Guidance Document' prepared by NGH and dated June 2020 or any subsequent approved amended versions of this document, including those amendments required under Condition C49 of DA19/0649.
- (ii) Building envelopes are to be identified on lots 16, 17, 30 and 31 that are consistent with the existing overhead transmission easement.
- (iii) Fencing to the eastern boundary of the access way between lots 16/17 and 32 must be of an open rural style fence only.
- (iv) Any future dwellings to be erected on proposed Lots 15, 16, 17, 26, 27, 28, 29, 30 & 31 must be constructed with a minimum finished floor level of 500mm above the 1% AEP overland flow flood level.

- C.55 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.56 Prior to the release of the Subdivision Certificate certification from an appropriately qualified Lighting Designer shall be provided .

Lighting shall be designed and constructed to comply with the Australian standard and shall include the following:

- All Roads shall have lighting designed to a PR4 category.
- Any required upgrade of lighting at the intersection of Brindabella Drive and the new road serving the development.

- C.57 Prior to the issue of a Subdivision Certificate a lot classification report shall be submitted to Council. The report shall be prepared by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. Each lot, whether filled or not, shall be classified in terms of the Australian

Standard for Residential Slabs and Footings (AS2870-2011). A classification of E or P is unacceptable.

- C.58 Prior to release of Subdivision Certificate an “into maintenance inspection” must be carried out of the completed works. The maintenance period will last for the period as specified in Council’s Engineering Guidelines For Subdivisions and Development, upon which time an “out of maintenance inspection” will be required to ensure the works are acceptable to Council.
- C.59 The final Survey Plan must show a right of footway 1.5 metres wide within lot 16 connecting to the existing pathway on the northern boundary of the subject site and an easement for pedestrian access across the existing 6.14 metres wide concrete strip linkage to Argyle Court at the western end of the development.
- C.60 Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-
- i) Essential Energy: Notice 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.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.61 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.62 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the building, 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.

C.63 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

C.64 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.65 The proposed roads shall be named as follows:

Road 1 : Cradle Court - after Cradle Mountain in Tasmania

Road 2 : Paroo Place - after the Paroo River, one of the major northern tributaries of the Darling River.

This is in accordance with Council's street naming policy for Tatton being Australian landmarks.

C.66 Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.

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