

1 December 2015

Development Application Number: 2015/017

Mr Edwin Anthony Bird  
C/- Doherty Smith & Associates  
PO Box 87  
WELLINGTON NSW 2820

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**  
*Issued under the Environmental Planning and Assessment Act 1979 section 81(1)*

**DESCRIPTION OF DEVELOPMENT**

Land to be developed: LOT: 1 DP: 130724, LOT: 11 DP: 844379  
15 Mitchell Highway MONTEFIORES 2820  
Proposed Development: Subdivision

**DETERMINATION**

Date on which the determination was made: 25/11/2015  
Date from which the consent operates: 25/11/2015 *see note 1*  
Date on which the consent expires: 24/11/2020 *see note 2*

Consent is granted subject to the compliance with the conditions listed below and adherence to the requirements of the Environmental Planning and Assessment Act 1979 and Regulation thereunder.

A public inquiry into this application under section 119 of the Environmental Planning and Assessment Act 1979 has not been held.

**CONDITIONS**

(including section 94 conditions and relevant prescribed conditions) *see note 3*  
*see note 4*

Please read the following conditions carefully as failure to comply with these conditions may result in orders or notices being served upon you for any non compliance.

**PART A: CONDITIONS THAT MUST BE SATISFIED BEFORE THIS CONSENT CAN OPERATE:**

1. A detailed stormwater management strategy is approved by Council that achieves the following:
  - a) full allowance ( including grades and easements) to direct all stormwater runoff from lot 11 DP 844379, Lot 1 DP 130724 and Lot 22 DP 658633, Lots 1&2 DP 1115930 and the Mitchell Highway to the proposed detention basin on Lots 1&2 DP 1115930 , including proof of adequate grades in the subdivision road system.
  - b) Design to address all requirements of Condition 23.
  - c) A strategy for interim management of overflows up to 1%AEP estimated stormwater events from the detention basin and via the existing easement 18 wide for drainage, to safely discharge into the developed stormwater drainage system in Melaleuca Drive.

- d) Resolution of a Planning Agreement between Council and the benefiting owners as to the proportion of contributions payable for the design and development of the drainage scheme.
- e) All necessary easements identified within the strategy to ensure legal and practical maintenance access for Council.
- f) A detailed plan of the lot filling proposals to ensure a lot arrangement that drains to the street pattern.
- g) Adequate arrangements for ensuring a safe discharge of stormwater from Jasmine Place to the Macquarie River.
- h) A staging plan of works to address the elements of the strategy to be implemented at each of the 3 stages of the development approved in DA 2015/016.
- i) The Stormwater Strategy to be prepared at the Developer's full cost.

*Reason: To ensure a proper drainage scheme can be provided for the estate.*

2. Written evidence of the agreement of the owners of Lots 1 & 2 DP 1115930, Lot 11 DP 844379, Lot 1 DP 130724 and Lot 22 DP 658633 to the road closures proposed in the application DA 2015/016.

*Reason: This consent would require road closures for the drainage scheme to work and Council needs to see evidence the consenting parties to closure are supportive.*

3. A sewer strategy for the subdivision that demonstrates all Council's technical requirements can be met to drain sewage to an acceptable point in the existing network. Such Strategy to be prepared at the developer's full cost and include agreement from any other owner required to provide easements to drain Sewage.

*Reason: Further information is required to establish there is a workable sewer strategy for the estate and that legal agreements are in place to provide easements over land not in the ownership of this developer.*

4. A detailed layout is required for reticulated water including arrangements for relocation of the existing water main through the site, at the developers full cost and must include written agreement from any other owner required to provide easements for water main to access the subject land.

*Reason: Further information is required to establish there is a workable water reticulation strategy for the estate and legal agreements to provide necessary easements.*

5. Resolution of a Planning Agreement with Council and benefiting owners to proportion the access road development costs.

*Reason: The proposal requires the sharing of access and/or services across several ownerships and Council needs to be assured costs can be proportioned across the benefiting parties.*

6. A detailed cost report in accordance with Councils adopted S94A plan is to be submitted and approved by Council.

*Reason: A requirement of Councils S94A plan and the EPA Act.*

#### **PART B: ON COMPLIANCE WITH PART A, THE FOLLOWING CONDITIONS SHALL APPLY**

##### **Planning Conditions:**

#### **7. DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION**

Development is to take place in accordance with the attached certified plans, the documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

NOTE: Any alterations to the approved development application plans must be clearly identified WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.

*Reason: Statutory requirement and Public interest*

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**8. CONFORM WITH APPROVED PLANS AMENDED BY COUNCIL**

Any alterations or additions marked by Council in red on the approved plans and/or the specifications shall be carried into effect.

*Reason: Statutory requirement*

**9. CONSTRUCTION CERTIFICATE**

Prior to commencement of any works, a Construction Certificate is to be obtained and where Council is not the Principal Certifying Authority (PCA), a copy is submitted to council.

*Reason: Statutory requirement*

**10. COMMENCEMENT OF WORK & APPOINTMENT OF PCA**

(Prior to any work on site)

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority.

*Reason: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**11. HOURS OF CONSTRUCTION OR DEMOLITION**

Construction or demolition that is audible in any dwelling on an adjoining lot may only be carried out between 7.00 am and 7.00 pm on Monday to Saturday. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

*Reason: Statutory requirement and Public interest*

**12. CONTRIBUTIONS UNDER SECTION 94A**

Prior to the release of the Subdivision Certificate, the developer will pay the levy specified in Council's S94A plan applicable to the value of the relevant stage as resolved from Condition 6. The value determined in Condition 6 will be subject to annual indexation by the CPI to be applied as at 1 July each year from the date of approval of the detailed cost report in Condition 6.

*Reason: To provide a contribution towards the cost of Council's provision of services to the Community.*

**13. CONTRIBUTIONS FOR SEWER AND WATER HEADWORKS**

In accordance with Council's Developer Services Plan the following contributions will be paid in full to Council before release of any Subdivision certificate:

Sewer \$ 1729.00 per allotment created by the stage

Water \$ 4916.00 per allotment created by the stage

*Note: These contributions are to be indexed annually from the date of determination.*

*Reason: To provide an appropriate contribution to the cost of sewer and water headwork's servicing the development.*

**14. STREET TREES**

Prior to release of the Subdivision Certificate, the developer will install two street trees in the footpath per allotment frontage. Prior approval of Council is to be obtained to the type of trees and to the location and planting standard.

*Reason: To ensure reasonable amenity for the proposed development.*

**15. STREET LIGHTING**

The developer is to obtain Council's approval to a street lighting plan and place all approved street lighting relevant to the particular stage at the developers full cost prior to the release of a subdivision certificate.

*Reason: To ensure adequate street lighting for the development.*

**16. ROAD NAMING AND ROAD SIGNS**

Prior to issue of a subdivision certificate, the developer will submit potential road names to Council for consideration. Council will determine an appropriate name following consideration of the developer's submission. Once road names have been approved, the developer will meet Council's cost of placement of appropriate road name signs.

*Reason: To ensure identification of the roads and appropriate names.*

**17. DUST SUPPRESSION**

Should dust become an issue at any point of construction, the developer will maintain the surfaces are adequately watered so dust is not a nuisance to adjoining residents.

*Reason: To protect residential amenity for existing residents.*

**Engineering Conditions:****18. COMMENCEMENT OF WORK AND APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY**

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of subdivision works and Appointment of Principal Certifying Authority.

*Reason: Public interest*

**19. ENGINEERING PLANS**

(Prior to any work on site)

As part of the application for a Construction Certificate, the applicant is to submit three (3) copies of engineering plans, & an electronic copy of specifications and calculations in relation to Condition(s) 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 37, 41 & 43. Further, the works are to comply with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

**20. COMPLIANCE CERTIFICATE – ENGINEERING WORKS**

(During Construction)

The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from the Principal Certifying Authority, certifying that the engineering work required by all relevant conditions have been constructed in accordance with the approved plans and Council's Development Construction Specification.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

*Reason: Because it is in the public interest that compliance certificates be issued for these components of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**21. EROSION AND SEDIMENT CONTROL – SUBMITTED**

(During construction)

The site shall be protected from erosion and sediment loss during the construction works in accordance with the approved erosion and sediment control plan (ESCP) plan. All work is to comply with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

Note: All erosion and sediment control measures must be in place prior to and maintained during the construction works.

*Reason: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**22. EROSION AND SEDIMENT CONTROL – TO BE SUBMITTED**

(During construction)

An erosion and sediment control plan (ESCP), must be submitted to and approved by Council prior to the release of a Construction Certificate. All work is to comply with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**23. STORMWATER PROTECTION – On Site Detention (OSD)**

PRIOR TO COMMENCEMENT

Prior to the issue of a Construction Certificate the development's stormwater design shall be approved by Wellington Councils Technical Services Directorate & shall include the incorporation of stormwater retention within the development designed to limit peak outflows from the land to the pre-existing natural outflows up to the 1% AEP. Sufficient allowance shall be provided in the outflow spillway or pipe system for the design capacity to safely pass flows of higher probability (that is, a rarer event) without damage to downstream developments.

The design of the retention storage is to be undertaken using an industry recognised hydrologic/hydraulic software model capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows.

A report is to be submitted to the Certifying Authority detailing the results of the analysis including:

- A catchment plan showing any sub-catchments under existing and developed conditions.
- A schematic diagram of the catchment model showing sub areas and linkages.
- Details of the model used and the basis for the calculations.
- Tabulation detailing the elevation, depth & invert of the retention storage, storage volume, and discharge relationships for the retention storage.
- A tabulation for the range of frequencies analysed detailing the inflows, outflows and peak storage levels for both existing and developed conditions.

This report together with engineering design plans & electronic copies of the required drainage system are to be approved by the Wellington Council's Technical Services Directorate & be in accordance with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: Statutory requirement and Public interest*

**24. PONDING TO NEIGHBOURS**

(During construction)

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

*Reason: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

## 25. INTERALLOTMENT DRAINAGE

(During construction)

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a minimum 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of Australian Standard 3500, & the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: Because the character of the subdivision is such as to warrant storm water drainage of this type. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

## 26. RETICULATION – SUBDIVISION

(During construction)

The design and construction of water and sewerage reticulation to serve each business lot and, where required, each open space lot, must be done in accordance with Council's Development Construction Specification (AUS-SPEC #1), & the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: Because these utilities are necessary to serve the subdivision. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

## 27. SEWER CONNECTION

(During construction)

The construction of sewer mains such that there is a separate and distinct sewer connection wholly within the boundary of each proposed business lot, in accordance with the Local Government (Approvals) Regulation 1999, and done in accordance with Council's Development Construction Specification (AUS-SPEC #1), & the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

All connection points are to be inspected by the Principal Certifying Authority prior to filling of trenches.

*Reason: Because that utility is required to serve the development. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

## 28. WATER CONNECTION

(During Construction)

Prior to the release of the Subdivision Certificate the construction of water mains such that there is a separate and distinct water main connection wholly within the boundary of each proposed business lot, in accordance with the Local Government (Approvals) Regulation 1999 and done in accordance with Council's Development Construction Specification (AUS-SPEC #1), & the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council. This service will be at the full cost to the developer.

*Reason: Because that utility is required to serve the development. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

## 29. ENGINEERING INSPECTIONS

(During construction)

During construction the applicant is to arrange an inspection of the development and/or subdivision works by the Principal Certifying Authority at the following stages of the development. If Council is to effect the inspections, each inspection is to be charged at the fee according to the Wellington Councils current Fees & Charges. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	a) Following site regrading, and prior to installation of footway services; b) Excavation and trimming of subgrade; c) After compaction of subbase; d) After compaction of base, and prior to sealing; e) Establishment of line and level for kerb and gutter placement; f) Subsoil Drainage; g) Road pavement surfacing; h) Pavement test results (compaction, strength).
B	Drainage	After laying of pipes and prior to backfill; Pits after rendering openings and installation of step irons.
C	Water	After laying of mains and prior to backfill; After laying of services and prior to backfill; Pressure testing.
D	Sewerage	a) After laying of pipes and prior to backfill; b) Main - air pressure testing; c) Manhole - water test for infiltration, exfiltration.
E	Concrete Footway Crossings	After placing of formwork and reinforcement, and prior to concrete placement;
F	Erosion and Sediment Control	Prior to the installation of erosion measures.
G	All Development & or Subdivision Works	Practical completion.
H	Road Openings	Upon completion of works.

*Reason: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**30. DESIGN NEW ROAD TO ENGINEERING**

(Prior to any work on site)

The proposed Road adjacent to proposed Lots 1, 2, 3 & 4, (on drawing 13027, Revision A, Sheet 1-1, dated 3/3/15), is to be designed as an Industrial Collector road 20m wide, with a 13m carriageway width and with upright kerb & gutter.

All works are to be approved by the Principal Certifying Authority and are to be in accordance with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: To ensure the proposed road system has the capacity to cater for predicted traffic flows in the locality. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**31. INTERSECTION REQUIREMENTS OF ROADS AND MARITIME SERVICES**

The intersection with the Mitchell Highway will be constructed in accordance with the conditions specified in the RMS conditional approval as contained in that Authority's letter dated 28 August 2015 which forms an attachment to this consent.

*Reason: To comply with the requirements of SEPP Infrastructure and the Roads Act 1993.*

**32. FLOOD IMPACT ASSESSMENT - DEFERRED COMMENCEMENT**

(Prior to issue of Construction Certificate)

Prior to issue of Construction Certificate the developer is to arrange and finance a Flood Impact Assessment of the property detailing the effect of the proposed development on the 1%, 2% and 5% Annual Exceedance Probability (AEP) flood level at neighbouring properties. No works are to commence until the Flood Impact Assessment has been completed, and has been assessed against guidelines as having a negligible impact on the flood velocity and depth at all other properties within the model extent.

See the Wellington Flood Mitigation Guidelines.

Note: The developer may elect to engage a private consultant with appropriate engineering qualifications and demonstrated hydraulic modelling expertise to undertake a study done in accordance with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

*Reason: To ensure neighbouring properties will not be adversely affected in a 1% AEP flood event as a consequence of this development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**33. SOIL AND WATER SENSITIVE DESIGN MANAGEMENT PLAN – (SWSDMP)**

(Prior to any work on site)

Prior to any work on site the developer is to submit a Soil and Water Sensitive Design Management Plan (SWSDMP), for the site in accordance with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009 Version 4, & Aus-Spec as modified by Wellington Council.

Note: 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 that the plan submitted has been endorsed by a Principal Certifying Authority in accordance with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.

*Reason: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Environment Protection Authority. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.*

**34. COUNTRY / ESSENTIAL ENERGY AND TELSTRA – BUILDING**

(Prior to issue of Construction Certificate)

Prior to issue of Construction Certificate & prior to the commencement of construction, arrangements, satisfactory to the electrical authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.

The developer is to furnish documentary evidence that arrangements, satisfactory to the electrical authority and the relevant telecommunications authority, for the provision of underground electrical power and telephone lines respectively, to fully serve the development, have been made, prior to the issuing of a construction certificate by the Principal Certifying Authority.

*Reason: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**35. RELOCATE UTILITY SERVICES**

(During construction) During construction the developer is to relocate, the existing 200mm watermain traversing Lot 2 DP 1115930 & the road 18 wide & variable, to a location approved by Wellington Council, at the developer's cost.

*Reason: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*



### 36. CLEARANCE FROM POWER LINES

(Prior to any work on site or During construction)

During and after construction, minimum distances from powerlines are to be maintained in accordance with the electrical authority's requirements.

Prior to the commencement of construction, the developer is to provide to Council a letter from the electrical authority indicating that satisfactory clearances from power lines will be maintained.

*Reason: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.*

### 37. SITE FILLING

(Prior to issue of Construction Certificate)

Prior to issue of Construction Certificate a plan detailing any proposed site cut & filling is to be approved by Wellington Council. The plan is required to show the detailed proposed site levels & show that each lot will drain to the adjacent roadway.

The site filling is to be clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. All such works are to comply with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4 & Aus-Spec as modified by Wellington Council.

Note: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required prior to the issue of any construction certificate for the erection of a building or the issue of a subdivision certificate.

*Reason: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

### 38. WORKS AS EXECUTED

(Prior to occupation/subdivision certificate)

The applicant is to submit to Council one set of transparent film copies & an electronic copy of the works as executed plans for the works required by Condition(s) 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 37, 41 & 43. Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with the WBC Strategic Alliance Guidelines for Engineering Works, August 2009, Version 4, & Aus-Spec as modified by Wellington Council.

Note: The provision of a table on the works as executed plan which details: the distance from the centre of the downstream manhole to each sideline, house connection, and dead end; the depths to invert; and the length of such sidelines.

*Reason: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**39. SECURITY DEPOSIT BOND**

Written approval must be obtained from Wellington Council in regard to the bonding of any uncompleted subdivision works prior to the issue of a Subdivision Certificate. If Wellington Council consents to the bonding of any uncompleted works, prior agreement must have been reached between Wellington Council and the developer as to the amount of bond to be collected, the timeframe for the completion of outstanding works and the period within which Wellington Council will retain the bond against potential defects and other matters as deemed necessary.

*Reason: Because it is in the public interest that work is carried out in accordance with the approved plans and the conditions of consent. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**40. SUBDIVISION CERTIFICATE REQUIRED**

(Prior to occupation/subdivision certificate)

The applicant is to obtain a subdivision certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council. The final survey plan and two paper copies are to be submitted to Council along with the application for the subdivision certificate prior to its lodgement with the Lands Titles Office.

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

*Reason: Because it is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

**41. EASEMENTS FOR DRAINAGE ON SURVEY PLAN**

The final plan of survey is to show easements to drain within any lots where the drainage scheme approved in Condition 1 demonstrates a need for such easement with the width to be as approved in the drainage scheme. Such easement is to be in favour of Council.

*Reason: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**42. EASEMENT FOR SEWER**

(Prior to occupation/subdivision certificate)

Prior to subdivision certificate the final plan of survey is to show an easement for sewer over all land affected and in favour of Council, complying with the following:

- a) for sewer mains of 150mm diameter, the easement is to be 3 metres wide with the main centrally located;
- b) for sewer mains of 225mm diameter, the easement is to be 4.5 metres wide with the main centrally located;
- c) for sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

*Reason: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

**43. EASEMENT FOR WATER**

(Prior to occupation/subdivision certificate)

Prior to subdivision certificate the final plan of survey is to show an easement for water service one

(1) metre wide within all land containing water mains and in favour of Council.

Note: The water meter is to be centrally located within the easement.

*Reason: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

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**OTHER APPROVALS**

Local Government Act 1993 approvals granted under section 78A(5):

General terms of other approvals integrated as part of the consent:

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**ENDORSEMENT**

*For this notice to be valid, it must be signed by Wellington Council.*



Karen Roberts

**ACTING GENERAL MANAGER**

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**NOTES**

- (1) Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.
- (2) Such consent will not lapse once the proposed development is physically commenced before the date the consent would otherwise lapse, except where a specific condition of consent limits the duration of consent.
- (3) Clause 101 of the Environmental Planning and Assessment Regulation 2000 contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed
- (4) Only those conditions prescribed in Part 6 of the Environmental Planning and Assessment Regulation 2000 that relate to the development for which consent has been granted are to be attached to this form.
- (5) **Right of Review**: Section 82A of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy. *Note*: Pursuant to section 82A(4) a Council is not obligated to accede to a request for review.
- (6) **Right of Appeal**: If you are dissatisfied with this decision section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. However section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.
- (7) Approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act to which builders/developers are specifically referred.
- (8) A Construction Certificate may be issued once the development conditions have been satisfied.

## ADDENDUM TO DEVELOPMENT CONSENT

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Environmental Planning and Assessment Regulation 2000

Under the

Environmental Planning and Assessment Act 1979

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***Clause 98 - Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989.***

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

***Clause 98A - Erection of signs***

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) 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
- (3) 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
- (4) This clause 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.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

*Note Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

***Clause 98B - Notification of Home Building Act 1989 requirements***

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

- (2) 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 the Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws

**Clause 162A - Critical stage inspections required by section 109E (3) (d)**

- (1) For the purposes of section 109E (3) (d) of the Act, the occasions on which building work must be inspected are as set out in this clause.

*Note. These inspections are the critical stage inspections.*

- (2) Except as provided by subclause (3), the critical stage inspections may be carried out by the principal certifying authority or, if the principal certifying authority agrees, by another certifying authority.
- (3) The last critical stage inspection required to be carried out for the class of building concerned must be carried out by the principal certifying authority.
- (4) In the case of a class 1 or 10 building, the development site must be inspected on and after 1 July 2004:
  - (a) at the commencement of the building work, and
  - (b) after excavation for, and prior to the placement of, any footings, and
  - (c) prior to pouring any in-situ reinforced concrete building element, and
  - (d) prior to covering of the framework for any floor, wall, roof or other building element, and
  - (e) prior to covering waterproofing in any wet areas, and
  - (f) prior to covering any stormwater drainage connections, and
  - (g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (5) In the case of a class 2, 3 or 4 building, the development site must be inspected:
  - (a) at the commencement of the building work, and
  - (b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
  - (c) prior to covering any stormwater drainage connections, and
  - (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (6) In the case of a class 5, 6, 7, 8 or 9 building, the development site must be inspected on and after 1 July 2004:
  - (a) at the commencement of the building work, and
  - (b) prior to covering any stormwater drainage connections, and
  - (c) after the building has been completed and prior to any occupation certificate being issued in relation to the building.
- (7) Any inspection required by this clause to be carried out at the commencement of building work may be carried out at the same time as the earlier of the next occasion prescribed by subclause (4) (b), (5) (b) or (6) (b) for an inspection of a building of the class concerned or the next inspection (if any) required by the

principal certifying authority under section 109E (3) (d) of the Act, but only if the principal certifying authority agrees.

**Clause 163 - Notice to allow inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.

**Clause 227A - Signs on development sites**

- (1) This clause applies if there is a person who is the principal certifying authority or the principal contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate.
- (2) Each such person must ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site:
  - (a) is erected in a prominent position on the site before the commencement of the work, and
  - (b) is maintained on the site at all times while this clause applies until the work has been carried out.Maximum penalty: 10 penalty units.
- (3) In this clause, the *identifying particulars* for a person means:
  - (a) the name, address and telephone number of the person, and
  - (b) in the case of a principal contractor, a telephone number on which the principal contractor may be contacted at any time for business purposes.
- (4) Nothing in this clause requires the erection of more than one sign on a site or prevents the use of an appropriate sign that has already been erected on a site.
- (5) This clause does not require a sign to be erected or maintained on a site before 1 July 2004.

*Note. See clauses 98A and 136B which require such a sign on a site as a condition of development consent or complying development certificate.*