



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.	DA10/0515
Modification No.	N/A
Council File No.	D/2010/0515
Date of Lodgement	22/10/2010
Applicant	Esler & Associates- Albury PO Box 3055 ALBURY NSW 2640 Trustees RC Church Diocese of Wagga
Proposal	41 Lot Subdivision
Description of Modification	N/A
BCA Classification	-
Development Cost	\$1800000
Other Approvals	Nil
Concurrence Required	No
Referrals	Internal Mayor and General Manager (development cost >\$1 million) Manager Strategic Planning Manager Infrastructure Planning Manager Council Business GIS Section (Street Numbering) External Roads and Traffic Authority Country Energy Riverina Water
Determination Body	Development Assessment Team

Reason	Clause 5, Development Assessment Team Policy (POL032)
Meeting Date	24/02/11
Assessment Officer:	Steven Cook

SITE DETAILS

Subject Land	6 Cooramin St BOOROOMA NSW 2650 Lot 1 DP 855047, Lot 1 DP 258276, Lot 2 DP 258276, Lot 1 DP 805848, Lot 2 DP 805848
Owner	Roman Catholic Church
Owner's Consent Provided	22/10/10
Location	The southern side of Cooramin Street, the eastern side of Boorooma Street, and northern side of the Olympic Highway, approximately 4 km north of the Wagga Wagga Central Business District.

STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument	Wagga Wagga Local Environmental Plan 2010
Zoning	Under the Wagga Wagga Local Environmental Plan, 2010 - R1 General Residential, B1 Neighbourhood Centre, E4 Environmental Living and RE1 Public Recreation
Land Use Definition	Subdivision for residential dwellings
Statement of Permissibility	Permissible with Consent

REPORT

DESCRIPTION OF DEVELOPMENT

The proposal is for a 37 lot residential, business and educational subdivision. The proposal will also create 4 new public roads, modify an existing road, and create a number of additional allotments to be dedicated as public recreation, open space or for drainage purposes.

The development is generally in accordance with the Boorooma Master Plan, however some variations have been proposed. The variations include:

1. Retaining access for the seminary only off Boorooma Street via a small stub of Cooramin Street (but still closing Cooramin Street as a through road to Boorooma Street).
2. Including allotments for business uses in the south-western corner of the site (and associated rearrangement of the road network, including the deletion of one road, and the conversion of a relocated cul-de-sac to a through road (see below).
3. Creating an additional intersection with Boorooma Street south of the Avocet Drive/Boorooma Street intersection.
4. Deletion of residential allotments on the northern and western sides of Messenger Avenue.
5. Replacement of single dwelling allotments backing onto Olympic Highway with multi-dwelling sites.
6. Conversion of the eastern cul-de-sac to a through road.

The proposed allotments will be split between uses as follows:

1. Three business allotments in the south-western corner of the site.
2. A single special uses/educational allotment in the north-western corner of the site, housing the existing seminary and including a private primary school site.
3. 10 multi-dwelling sites backing onto the Olympic Highway.
4. 22 single dwelling residential allotments, varying in size from 500m² to 900m².
5. A single environmental living, residential allotment of 2774m².
6. Two parcels of land to be dedicated as public recreation, a drainage reserve, a 20 metre wide buffer reserve to the Olympic Highway, and a 5 metre buffer reserve to Boorooma Street.

The proposal includes a number of allotments which encroach onto the wide Cooramin Street road reserve, as well as upgrading/reforming Cooramin Street to a residential road standard. Parts of Cooramin Street will also be closed by this development, removing through access. These proposals are all in accordance with the Boorooma Master Plan.

The proposal also includes land currently in Council ownership which fronts Boorooma Street (which was dedicated to Council by the owner for road widening).

A dwelling currently stands on the land roughly opposite the Avocet Drive/Boorooma Street intersection. This dwelling is proposed to be demolished. Another dwelling formerly associated with the land has been previously excised from the land and is not associated with this application. This dwelling fronts Cooramin Street in the north-eastern corner of the site.

THE SITE & LOCALITY

The site, being Lot 1 DP 855047, Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848 and the Cooramin Street road reserve is a large triangular area of land situated on the

southern side of Cooramin Street, the eastern side of Boorooma Street, and northern side of the Olympic Highway, approximately 4 km north of the Wagga Wagga Central Business District.

The site contains an existing dwelling, and seminary (including library), and Council stormwater infrastructure. Only sparse vegetation is present across the site. The site generally falls to the south and to the east towards the Murrumbidgee River floodplain.

The site is part of a developing residential area, with a mixture of residential and rural residential type developments in the locality. Immediately to the south of the site is the Murrumbidgee River floodplain.

SUMMARY OF MAIN ISSUES

Road construction

Road closures

Access to Boorooma Street

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan (WWLEP) 2010

Under the provisions of the WWLEP 2010 the land is zoned R1 General Residential, B1 Neighbourhood Centre, E4 Environmental Living and RE1 Public Recreation. The objectives of the R1 zone are as follows:

- *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 residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The parts of the proposal for multi-dwelling and single dwelling allotments are considered consistent with the housing orientated objectives. The seminary/school allotment and some reserves will also be situated in the R1 zone. These uses are considered to be consistent with these objectives, as they help to meet the day to day religious and educational needs of residents in the locality.

Due to a mapping error, a narrow strip of R1 zoned land exists between Boorooma Street and the B1 zoned land. Another isolated parcel of R1 land also exists to the south of the

B1 zone. The proposed business allotments encroach onto these R1 areas. This is discussed further below.

The objectives of the B1 zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

The scale and nature of future business developments will be determined by the nature of applications submitted. It is considered that the sites proposed will permit development that is in accordance with this objective.

As above, due to a mapping error a narrow strip of the proposed multi-dwelling sites fronting road number 2 encroach slightly into the B1 zone. This is also discussed further below

The objectives of the E4 zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for development that can assist in the enhancement, management and restoration of those values.*

The proposed environmental living allotment meets these objectives by providing a single large allotment, which provides opportunities for a low impact dwelling site.

The objectives of the RE1 zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and enhance the natural environment generally and to assist in ensuring that areas of high ecological, scientific, cultural or aesthetic values are maintained or improved.*

The land zoned RE1 is proposed to be dedicated as open space and thus the proposal is considered consistent with the objectives of the zone.

Clause 2.6 of the plan requires that subdivisions such as that proposed require the consent of Council.

Clause 4.1 sets a minimum allotment size for part of the site (being the part of the site zoned E4). The minimum lot size set by this clause is 2000m². The proposed allotment in this zone is 2774m² and thus complies.

Clause 5.3 relates to development near zone boundaries and states:

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

As stated above the proposed residential uses slightly encroach on the B1 zone and the proposed business uses encroach slightly on the R1 zoned land. This proposal is considered consistent with this clause as the proposed development, whilst not necessarily being consistent with the objectives of both zones, are not inconsistent. Further, the development is considered desirable as, in the case of the business development, the development makes use of an isolated section of R1 zoned land which could not be practically used for residential purposes, whilst the residential development in the B1 zone balances out this 'lost' R1.

Clause 5.9 of the WWLEP 2010 essentially replaces Council's Tree Preservation Order, and requires that consent be obtained for tree removal.

Clause 7.3 - 'Environmentally sensitive land-biodiversity' requires that the consent authority take into account a number of matters relating to biodiversity before granting consent. However, the WWLEP 2010 has since been bio-certified for the urban area 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.

Clause 7.4 - 'Environmentally sensitive land-land' applies to land that is identified as a "Sensitive Area-Land" on the 'Natural Resources Sensitivity Map-Land' map and requires that the consent authority take into account the impact of the development on the following land:

- (a) land with a slope greater than 25%,*
- (b) land with a high proportion of rock outcropping,*
- (c) land subject to high erosion potential,*
- (d) land subject to soil salinity or impeded drainage,*
- (e) land subject to regular or permanent inundation.*

The land does not have a slope greater than 25%, a high proportion of rock outcropping, nor is subject to regular or permanent inundation. Given its location in the landscape it is unlikely that the site is subject to soil salinity nor is there any evidence that the land is subject to high erosion potential. However, as definitive information has not been provided, it is recommended that a condition of consent be imposed requiring that prior to the release of the Construction Certificate, a report shall be submitted to Council, prepared by a suitably qualified person, that outlines both the erosion potential of the land and whether

the land is subject to soil salinity. If this report finds that the land has high erosion potential or is subject to soil salinity, the report shall make recommendations as to how the impact of the development on these matters can be minimised and these recommendations shall be implemented.

Clause 7.4 also requires that the consent authority must be satisfied that the development is consistent with the objectives of the clause and that:

(a) the development is:

(i) designed, sited and managed to avoid any potential adverse impact on the land, and

(ii) unlikely to affect the rate, volume and quality of water leaving the land, or

(b) if a potential adverse impact cannot be avoided, that the development:

(i) is designed and sited so as to have minimum adverse impact, and

(ii) incorporates effective measures to remedy or mitigate any adverse impact, and

(iii) provides for the rehabilitation of areas to maintain landscape stability, such as revegetation of areas subject to soil salinity and high erosion potential.

It is considered that the development has been designed so as to not likely affect the rate, volume and quality of water leaving the land. With regards to the objectives and point (a)(i), it is considered that the report recommended above will satisfy these matters.

Clause 7.5 - 'Environmentally sensitive land-groundwater' does not apply to this development, despite part of the land being shown as a "Sensitive Area-Groundwater" on the 'Natural Resources Sensitivity Map - Water' map. This is because the proposed landuse is not a landuse to which this clause applies.

There are no other provisions of the WWLEP 2010 relevant to this application.

State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to this application.

(a)(ii) - The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments relevant to this application.

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan (WWDCP) 2010

Clause 1.6 of the WWDCP 2010 adopts some of the provisions of the DCP which it replaced - the WWDCP 2005. Relevant to this application, the WWDCP 2010 adopts "controls relating to the layout and details of subdivision" from "Chapter 41 Boorooma". These clauses are addressed below.

Wagga Wagga Development Control Plan 2005 - Chapter 41

Clause 41.1.7 of the WWDCP 2005 requires that development occur generally in accordance with the Boorooma Master Plan. The proposal largely complies with the adopted master plan, however, as detailed in the description of the development, there are some departures from the masterplan.

Whilst the Land and Environment Court has found that a DCP should form a focal point for assessing a Development Application, Council does still have the power to approve Development Applications that do not strictly comply with a DCP. Apart from the proposed additional road access to Boorooma Street south of Avocet Drive (discussed below), the remainder of the variations are considered acceptable. The overall structure remains substantially the same. Some lots have been added and removed, and the internal road layout changed slightly, however, all external connection points to other stages and the general intent of the subdivision retained. It is considered that the main purpose of the master plan is to ensure appropriate connectivity and access between stages and this has been retained in the proposal.

Further, some changes have been driven by the inclusion of the B1 zone, which did not exist when the masterplan was developed (the masterplan background study did, however, envisage potential business development in the south-western corner of the site, and thus it was considered in the drafting in the masterplan). It is noted the inclusion of the B1 zone was via the WWLEP 2010, which both overrides the provisions of the WWDCP 2010 where there is an inconsistency and which was widely publically exhibited prior to adoption.

To comply with the masterplan, parts of the existing Cooramin Street will need to be closed to through traffic. However, access will need to be retained until such time that the Subdivision Certificate for the proposed subdivision is released, as legal access over the new roads constructed by this subdivision will not be available until this time. Arrangements (including bonds) to secure the closure of Cooramin Street, within 6 months of the release of the Subdivision Certificate should be included as conditions of consent. Such arrangements may include temporary interim works, such as temporary kerb returns to Cooramin Street on the eastern side of Messenger Avenue until this intersection is reformed as a T intersection.

Clause 41.2.1 relates to lot sizes and densities. The clause requires that the Boorooma subdivision achieves at least 7.3 dwellings per hectare (excluding the Vianney College (seminary) land) increasing to at least 8.4 dwellings per hectare with the provision of unit sites.

The subject site excluding the seminary land is approximately 14.7ha in size. 22 single dwelling allotments and 1 environmental living allotment are proposed. A further 10 multi-dwelling sites are proposed which have the capacity to house a further 82 dwellings (under the provisions of the WWDCP 2010) Therefore 7.14 dwellings per hectare can be achieved. This falls short of the 8.4 dwellings per hectare required by the WWDCP, however, if the proposed business sites are excluded the dwelling density increases to approximately 9 dwellings per hectare and thus the proposal complies with Clause 41.2.1. This is considered acceptable.

A standard minimum lot size of 600m² is also set by Clause 41.2.1 of the WWDCP 2005 which is met by all but 6 of the proposed allotments. These 6 allotments are all around 500m² in area except one which is 580m². Clause 41.2.1 also allows allotments down to

375m² where “building envelopes and privacy provisions are incorporated in subdivision plans”. Building envelopes have been indicated on the plans for these allotments, however, it is considered that the concept of building envelopes is now somewhat redundant, with the controls in the WWDCP 2010 sufficient to ensure quality development on small allotments.

Clause 41.2.2 calls up clause 31.2.2 of the WWDCP 2005. Clause 31.2.2 requires that an energy audit be undertaken of all allotments less than 1000m² with regards to the opportunities they present for good solar access. Ratings (out of 5) are attributed based on the length and orientation of allotment boundaries. The DCP requires that at least 80% of allotments achieve a 5 star rating. The audit taken indicates that 20 of the 22 allotments under 1000m² achieve this rating, with the remaining two receiving a 4 star rating. This represents 90% of allotments achieving a 5 star rating.

Clause 41.2.2 also requires that all ‘properties’ be set back 20 metres from Boorooma Street. It is likely that this control was intended to apply to dwellings, of which there are nil proposed to back onto Boorooma Street.

With regards to Clause 41.2.3 - Road and Street Design, as discussed above the proposal does not fully comply with the Boorooma Road Master Plan, however this non compliance is considered acceptable.

Clause 41.2.3 also requires that a common fence line be established for blocks backing onto Boorooma Street, however, as no residential properties are proposed to back onto Boorooma Street this control is unlikely to be relevant. It is considered any future business uses would be unlikely to erect fencing to Boorooma Street. This control, however, is likely to be relevant to properties backing onto the Olympic Highway. To achieve the intent of the control all land would need to be in common ownership at the time of the fence being erected. Therefore it is recommended that a condition be imposed requiring that all fencing to these roads be of the same style in terms of material, colour and height, and that the fencing to the Olympic Highway be erected prior to the release of the subdivision certificate.

Further, Clause 41.2.3 requires that all existing dwellings fronting Boorooma Street utilise the internal Boorooma Roads when they become available. Whilst no dwelling is proposed to front Boorooma Street, this can be conditioned for the business sites.

Road widths do not fully comply with the standards set in 41.2.3 of the WWDCP 2005, however, these widths have been previously varied at earlier stages and generally comply with Council’s Engineering Guidelines. The reduced road width for roads 4 and 5 is considered desirable to discourage people using these roads as shortcuts through the subdivision. It is recommended, however, that road 2 (as modified by other conditions of consent) be conditioned to be 13 metres wide (with a 24 metre wide road reserve). This is considered necessary as the road services the proposed business sites, and is likely to experience a large volume of vehicles and trucks.

The proposal also shows sections of Cooramin Street being reformed as being half urban road standard on the southern side of the road, and half rural construction on the north. Such construction has been approved previously at Boorooma, and approval of these proposed half roads would be consistent with these previous decisions. It is recommended that appropriate conditions of consent be imposed regarding this.

Clause 41.2.5 of the WWDCP 2005 requires that pedestrian footpaths are constructed along collector roads within Boorooma. This requirement should be conditioned.

A 5 metre vegetated buffer is required to the rear of each property fronting Boorooma Street by Clause 41.2.6. This buffer is required to be planted out by the developer and dedicated to the public. It is recommended that a condition be included on any consent requiring the establishment and dedication of this buffer strip prior to the release of the Subdivision Certificate.

Clause 41.2.6 also relates to open space, and the need for open space to comply with the Boorooma Neighbourhood Plan. The proposed development supplies open space in accordance with the Boorooma Neighbourhood Plan.

Clause 41.2.7 relates to commercial development in Boorooma. These clauses have been superseded by the LEP process under which the land gained its B1 zoning.

Clause 41.2.8 and 41.2.9 outline stormwater and other servicing requirements. Compliance with the requirements of these clauses can be conditioned.

Clause 41.2.10 requires a noise buffer along the Olympic Way. The clause suggests that this buffer will contain noise reduction measures such as acoustic fencing or planting, setbacks or building envelopes. A noise report was provided with the Development Application which indicated that there was no need to provide acoustic specification on the design of the proposed villas fronting the Olympic Highway. A 20 metre buffer to the Olympic Highway is proposed. This buffer is primarily for electricity transmission lines, however, it will have the dual effect of helping to attenuate noise. Further, a plantation buffer could also be conditioned in this electricity reserve between the multi-dwelling sites and the highway. This plantation buffer would serve the dual purpose of noise attention whilst helping to screen the rear fences to the Olympic highway. Any buffer would, however, have to take into account the height of any proposed plants so as to not impact upon future electricity lines.

41.2.11 of the WWDCP 2005 relates to flora and fauna. A 7-part test for the entire Boorooma neighbourhood has previously been undertaken which found residential development would have minimal impact on flora and fauna. Further, the area has now been bio-certified and these matters require no further consideration.

There are no known previous uses of the land that raise concerns in relation to potential land contamination (clause 41.2.12).

Finally, clause 41.2.13 of the WWDCP 2005 requires that subdivision within Boorooma only occur in sequence with the approved staging plan for the locality unless the applicant can “demonstrate how infrastructure can be provided, without increased burden on Council or negative impact upon the community”. The proposed subdivision is the recommended first stage of the Boorooma subdivision.

Wagga Wagga Development Control Plan 2010

Section 7 - Subdivision, of the WWDCP 2010 states:

“The controls of this section do not apply to the release areas that are subject to Part E of the DCP, or to land within the following areas where the controls as listed from Wagga Wagga Development Control Plan 2005 (the DCP 2005)

...

Boorooma Chapter 41"

Therefore the section does not apply to this development.

There are no other sections of the WWDCP 2010 relevant to this application.

(a)(iiiia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreements have been entered into in relation to the subject land.

(a)(iv) - any matters prescribed by the regulations

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

(b) - The likely impacts of the development

The majority of the impacts likely to arise as a result of the development have been considered in conjunction with the provisions of the WWDCP 2010.

Context and setting

The proposal is for a residential subdivision within a developing residential area. It is considered that from a long term sense the proposal will be entirely consistent with the character of the area and entirely compatible with adjacent land uses. However, during transition from a rural residential area to a residential area there will be some potential for conflict and inconsistencies in character. These short term effects are unavoidable during these transitional stages, however, a strategic decision has been made for the conversion of the locality to intensive residential uses, and are therefore considered acceptable.

Access, transport and traffic

As discussed earlier the proposed development proposes to retain an access to the seminary off Boorooma Street (via a retained stub of Cooramin Street), and a new intersection with Boorooma Street south of Avocet Drive.

In relation to the seminary access, the proposal was referred to the Traffic Committee who advised that the proposal is acceptable. It is recommended that a number of conditions be imposed in relation to this proposal to be implemented at the time of the decommissioning of Cooramin Street as a through road. These include the construction of bollards, the construction of the full elbow of the future Durack Circuit, the removal of Cooramin Street signage, and the erection of no through road signage.

Regarding the latter proposal, the Roads and Traffic Authority have advised that the relevant section of Boorooma Street to which this access is proposed is a 'Controlled Access Road' and that they will not be concurring to the proposal. Therefore it is recommended that a condition of consent be imposed requiring that amended plans be submitted to Council prior to the release of the Construction Certificate showing Road 2 with no access to Boorooma Street.

The Boorooma Master Plan shows a round-a-bout at the Road 1/Boorooma Street intersection. The construction of this round-a-bout should be conditioned to occur prior to the release of the Subdivision Certificate. The developer will be required to liaise with Council to facilitate the construction of the round-a-bout.

A number of new roads are proposed in conjunction with this development. As discussed above, the retained sections of Cooramin Street are proposed as a half rural / half urban roads. In addition to other conditions relating to the construction of the half urban / rural road, a condition of consent should be imposed requiring that if the northern side of Cooramin Street is constructed to an urban standard first or simultaneously with the southern side of Cooramin Street, that the road shall be constructed or upgraded so that it is an urban road standard for its full width.

Services

The Development Application submitted proposes to service all allotments. This servicing can be achieved. A drainage reserve is shown between proposed lots 7 and 8. Council's consultant carrying out design work for Boorooma drainage has advised that the proposed reserve is too far to the east, and needs to be relocated so that the sewer main indicated on plan is only 1 metre from the eastern boundary of the reserve. This should be conditioned.

Heritage

No items of environmental heritage are known to stand or exist on the site.

Natural Hazards

There are no known natural hazards impacting the site

Man-Made Hazards

There are no known previous uses of the land that are likely to have caused contamination of the site

Economic Impact in the Locality

It is considered that the development will result in a positive economic impact in the locality by releasing land for residential and business development.

Social Impact in the Locality

The development will be providing sites for a school and for community shopping facilities, and will be situated in close to a university. Good links will exist between residential land and these facilities.

Other Land Resources

Given the increasing residential development in the area, and the residential zoning of the site, it is considered that the site has limited value from a land resource perspective.

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

Flora and fauna matters were addressed in part (a)(iii) of this report.

Noise and Vibration

Noise in the locality is likely to increase as a result of residential subdivision of the land. Such a noise increase is unavoidable where an intensification of residential and other uses is desired.

Energy Impacts

The proposed allotments have been designed to maximise solar access, thus helping to reduce energy needs.

Site Design and internal design

Lots 11, 12 to 16 and 34 are situated so that they are partially within the existing Cooramin Street road reserve. These allotments cannot be created until such time as the relevant parts of the road reserve are closed and transferred into the same ownership as the subject allotment. This requirement should be conditioned.

Further allotments (34 to 37) are proposed over land formerly dedicated to Council for road widening. Council and the developer will need to come to agreement over the future of this land prior to the development proceeding.

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

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

(c) - The suitability of the site for the development

The proposal is for a residential/business and special uses subdivision. The subject site is within an area earmarked for more intensive development. It is therefore considered that the site is entirely suitable for the proposed development. In addition there are no known specific site constraints that would render site unsuitable.

Referrals

Apart from standard internal referrals, the development was referred to the General Manager and Mayor, Council's Manager of Strategic Planning, Council's Manager of Infrastructure Planning, Manager of Council Business and GIS Section, as well as the Roads and Traffic Authority, Country Energy and Riverina Water.

Notification

In accordance with the requirements of the WWDCP 2010, the application was notified to adjoining owners from 2 December 2010 to 20 January 2011.

Advertising

In accordance with the requirements of the WWDCP 2010, the application was advertised from 2 December 2010 to 20 January 2011.

Public Submissions and those from public authorities

Two submissions were received in relation to this Development Application, one being from the RTA and the other being by way of objection from a resident.

The RTA submission covered a range of matters and these are discussed below:

Objection to the Road 2/Boorooma Street intersection .

This matter is discussed above.

Concerns regarding the inclusion of a "motel site" on plan

Whilst a motel site has been indicated on the plan of subdivision, this application neither seeks nor grants consent of the use of this site for the purpose of a motel. The site could be used for any purpose permissible in the B1 zone and separate application would be required for any such use. Impacts of any future use would be assessed at this time. The words "motel site" are superfluous information and should be ignored.

Need for noise buffer along Olympic Highway

This matter is discussed above.

General comments regarding future development of proposed lots 35 and 36 and the Boorooma area more generally

These comments are noted.

The RTA also requested the imposition of a number of conditions. It is recommended that these conditions be included on any consent granted (or incorporated into other conditions where appropriate). It is noted that the RTA has requested a 10 metre high vegetative buffer to the Olympic Highway. This may not be possible given the buffer's co-use as an electricity easement.

The resident objection related to storm water runoff. The objector stated that previous developments in Boorooma have increased storm water runoff onto their property downstream of Boorooma on the Murrumbidgee River floodplain. The objection stated that

between March 2010 and the time of the objection (20th December 2010) the objector's paddocks had been covered in water.

With regards to this objection, it is noted that Wagga Wagga received its highest ever annual rainfall in 2010, and that this wet year followed 10 years of drought. It is likely that a substantial amount of the increased water observed by the objector on his paddocks was as a result of increased runoff due to increased rainfall, rather than as a result of residential development in the catchment. It is considered that flooding and receiving runoff are to be expected by residents living on a floodplain at the bottom of a catchment, especially in very wet years such as 2010.

(e) - the public interest

The provision of land for residential, business and special uses purposes is considered to be in the public interest and as such this proposal is also considered to be in the public interest.

It is considered to be in the public interest to have consistent street naming themes for residential subdivisions. The adopted theme for Boorooma is 'Notable Australian Sporting Identities'. With regards to this it is recommended that the proposed road be named as follows:

Road 2 - 'Phar Lap Place', after race horse, and member of the Australian Racing Hall of Fame (with Legend Status), Phar Lap.

Road 4 - 'Kellerman Crescent' after swimmer Annette Kellerman.

Road 5 - 'Gibson Street', after Rugby League player and coach Jack Gibson OAM.

Further, Road 1 is the extension of an existing named road, being Messenger Avenue, and should be named as such.

It is also noted that Cooramin Street is currently in the process of being renamed and the developer should consult with Council to determine the current name for Cooramin Street prior to the lodgement of the Subdivision Certificate.

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species) and Section 79B(3)

The subject site is within the bio-certified area of the Wagga Wagga Local Environmental Plan 2010 and therefore these matters do not need to be considered.

Council Policies

No additional Council policies apply to this development.

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

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

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

A Section 94 contribution will be payable.

Other Approvals

No other approvals have been sought.

Conclusion

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

RECOMMENDATION

It is recommended that the Development Assessment Team approve Development Application DA10/0515 for 41 Lot Subdivision, 6 Cooramin St BOOROOMA NSW 2650, Lot 1 DP 855047, Lot 1 DP 258276, Lot 2 DP 258276, Lot 1 DP 805848, Lot 2 DP 805848 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans.

The Development Application has been determined by the granting of consent subject to the plans/specifications detailed below:

Plan/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
100004	Planning Report (including attached noise assessment)	Esler and Associates (noise assessment prepared by Audiometric & Acoustic Services)	2	24 Nov 2010
00070366	Untitled (Plan of Subdivision)	Esler and Associates	7	Jun 2010

As modified by the conditions of consent as follows.

Note: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

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

Prior to release of Construction Certificate

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

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. The proposed boundaries between Lots 7 and 8 and the drainage reserve shall be adjusted if required to suit the 1:100 storm event flows. Prior to the issue of the Construction Certificate, details shall be provided to Council for approval, demonstrating that the 1:100 storm can enter and flow down the drainage reserve without impacting on adjacent lots.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 4. The engineering design plans shall include minimum finished floor levels for development proposed on Lots 4, 5, 6, 7, 8 and 9. Lots 7 and 8 details shall also include potential flooding from the 1:100 storm event ponding in road No 1 and anticipated levels within the drainage reserve.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 5. Prior to the issue of the Construction Certificate, the applicant shall provide Council with details for approval that the septic tank and transpiration beds servicing Lot 5 DP258276 are within the lot they serve, or alternatively, they have been appropriately decommissioned and all reinstatement has occurred to Council's satisfaction.**

NOTE: This allotment will be required to connect to sewer upon completion of this subdivision.

REASON: It is in the public interest to ensure services are within the lot they serve. Section 79C (1)(e) of the Environmental Planning and Assessment Act.

- 6. The engineering drawings shall include a detailed drainage strategy for Council approval.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 7. The existing dams shall be accurately located and shown on the engineering drawings prior to the release of the Construction Certificate.**

REASON: To ensure that the land is suitable for future development. Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

8. Prior to the release of the Construction Certificate, details and plans of the proposed works associated with the closure of Cooramin Street outlined in Condition 55 shall be supplied to Council for approval. These plans should also include any temporary or interim arrangements to be implemented between the release of the Subdivision Certificate and the works detailed in Condition 55.

REASON: To ensure that development is carried out in accordance with the provisions of the Wagga Wagga Development Control Plan 2010. Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended.

9. Prior to the release of the Construction Certificate, a report shall be submitted to Council, to the satisfaction of the Director of Planning or delegate, and prepared by a suitably qualified person, that outlines both the erosion potential of the land and whether the land is subject to soil salinity. If this report finds that the land has high erosion potential or is subject to soil salinity, the report shall make recommendations as to how the impact of the development on these matters can be minimised and these recommendations shall be implemented.

REASON: To ensure that development is carried out in accordance with the provisions of the Wagga Wagga Local Environmental Plan 2010. Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended.

10. Prior to the release of Construction Certificate, a revegetation plan is to be prepared and approved by Council for the following areas:

- 20m wide reserve along Olympic Highway
- Reserve between Lot 7 and 8
- Reserve between Lot 9 and 10
- Public Recreation Reserve east of Lot 11
- 5m Plantation Buffer along Boorooma St

Revegetation in these areas (excluding the 5m Plantation Buffer) is to occur at the rate of 1 tree or shrub per 10m². Revegetation planting is to occur in clumps. Existing exotic vegetation located in these proposed clumps is to be removed prior to planting using physical or chemical methods, and are to be mulched to a depth of 100mm with Leaf Mulch.

The proposed location of these clumps is to be clearly shown on the revegetation plan. The revegetation plan is to allow for the provision of a future 2.5m cycleway (by Council) along the 20m setback along Olympic Highway, with allowance for links to Road 1,2 and 4 through reserves. Consultation shall occur with the Manager of Parks and Recreation or their approved delegate in the development of these plans.

Locations of service easements such as electrical easements are to be shown on the plan, with species and height adjusted so as to ensure no impact on infrastructure.

Revegetation along the 5m Plantation buffer is to be at the following rates:

- Trees: Plant 5 metres to 10 metres apart
- Shrubs- Plant 1 to 2 metres apart.

- **Grasses/Groundcovers/Small shrubs- Plant 1-2 per square metre**

Existing exotic vegetation located in the 5m Plantation Buffer is to be removed prior to planting using physical or chemical methods, and is to be mulched to a depth of 100mm with Leaf Mulch.

All revegetation planting is to be in accordance with the revegetation approved under this condition and is to occur within eight months of the release of the subdivision certificate to enhance the survival rates of the planting. Following the installation of the planting, the works are to be inspected by the Manager of Parks and Recreation or their approved delegate for approval to enter into the maintenance period.

The reserve areas not revegetated are to be seeded in accordance with the approved revegetation plan. This seeding is to occur within eight months of the release of the subdivision certificate to enhance the survival rates.

Prior to the release of the Construction Certificate, the developer is to lodge a bond for 110% of the value of the revegetation and seeding works. The bond will be refunded following the successful completion of the maintenance period.

The maintenance period is to run for 12 months with the developer responsible for the maintenance of the revegetation planting. Maintenance is to include weed removal, mowing, replacement of failed planting, rubbish removal and other landscape maintenance as required.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 11. A Protection Fencing Plan shall be supplied to Council prior to the release of the Construction Certificate for each stage. The Protection Fencing Plan is to show the location of protective fencing around the subdivision to limit the traffic of construction or other vehicles into surrounding areas as the subdivision is constructed. Protective fencing is to be of sturdy post and wire strand construction to Australian Standard AS 2423-2002 Coated steel wire fencing products for terrestrial, aquatic and general use. Protection Fencing is to remain until other fencing or vehicle impediments exist as per inspection and assessment undertaken by Wagga Wagga City Council. Protection fencing is to be located within 3 metres of proposed subdivision boundaries.**

REASON: To limit the damage caused to surrounding land by vehicles during the construction of dwellings as the subdivision development proceeds. To limit the amount of sediment brought onto road networks and subsequently into the stormwater drainage system during the construction phase of the subdivision.

- 12. Prior to the release of the Construction Certificate, an amended plan of subdivision shall be submitted to Council for assessment and approval, showing proposed road 2 with no access to Boorooma Street. This amended plan shall also make proposed road 2 a 13 metre wide carriageway (with a 24 metre wide road reserve). Once approved, this amended plan shall become the approved layout plan for the subdivision.**

REASON: To ensure development is carried out in accordance with the requirements of the RTA submission made to Council in relation to this development and in a manner which allows for efficient traffic movements. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

- 13. A construction management plan to address demolition and construction activity access and parking is to be prepared to ensure that suitable provision is made on site for all construction vehicles to alleviate any need to park within, or load/unload from, the surrounding public road network. No construction activity is to access the site from the Olympic Highway or Boorooma Street. Appropriate signage and fencing is to be installed and maintained to effect this requirement. This construction management plan shall be submitted to Council, for approval, prior to the release of the Construction Certificate.**

REASON: To ensure the development complies with the requirements of the Roads and Traffic Authority. Section 79C(1)(d) Environmental Planning and Assessment Act 1979, as amended.

- 14. One (1) copy of engineering plans, specifications and calculations in relation to Condition 2 must be submitted to Council. Further, the works are to comply with Council's Guidelines for Subdivision and Developments.**

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 15. The developer is to submit a soil and water management plan for the site in accordance with Wagga Wagga Council's 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 certifying that the plan is in accordance with Council's Guidelines for Subdivision and Developments, Development Control Plan Appendix 28 and Soils and Construction Volume 1, Managing Urban Stormwater. 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 Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

- 16. Prior to the issue of a Construction Certificate Telstra must be contacted to determine if a CMUX cabinet is required, in this stage of development. Provision for the cabinet must be provided within an easement behind the front boundary, if appropriate.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

- 17. 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) Erosion and Sediment Control Guidelines for Building Sites; and
- b) Soils and Construction, Volume 1, Managing Urban Stormwater

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

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

- 18. The existing Street trees fronting the property shall be retained and protected from the proposed development. These trees shall not be impacted upon in any way without the consent of Council's Division of Parks, Recreation & Building Services.**

A Tree Protection Zone (TPZ) shall be constructed for all existing trees fronting the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained of Australian Standards web site.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, 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.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 19. The subject land is covered by Council's Tree Management Controls "Preservation of Trees" as set out in the Wagga Wagga Development Control Plan 2010. Trees impacting on the development shall not be removed from the site without first obtaining approval. Enquiries are to be made to Council's Tree Management Officer by telephoning 1300 292442.**

REASON: To ensure that any trees, on or near to the subject land, are not damaged or removed unnecessarily. Section 79C(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

- 20. 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 from damage. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall 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.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained of Australian Standards web site.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, 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 Tree Management Officer to determine what remedial action should be taken,

An Arboricultural company with membership of a professional association as the National Arborists Association of Australia should be engaged to carry out any works associated with the protected trees in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

21. The work involves joining onto an existing trafficable road and this work will require approval under Section 138 of the Roads Act 1993. This will entail a written submission on your part and necessitate you or your consultant or the contractor producing 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 then only in accordance with the submitted TTP.

REASON: It is in the public interest that temporary traffic management is provided in association with the subject development, and to ensure compliance with the terms and conditions of the Roads Act 1993. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

During works

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

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

23. The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 8.00am to 1.00pm, excepting public holidays.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, and to comply with the Environmental Noise Control Manual, Chapter 171.

- 24. All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable enclosure, approved by Council, at all times prior to disposal at Council's Waste Management Centre. The container must be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: All 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 Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 25. The developer must construct inter-allotment drainage 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 Guidelines for Subdivision and Developments.**

REASON: The character of the subdivision is such that warrants storm water drainage of this type. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 26. Appropriate sized sewer and drainage spurs shall be extended to the proposed multi-dwelling allotments (i.e. lots 1 to 10).**

REASON: It is in the public interest that the land is serviced by a reticulated sewer, requirements. Section 79C(1) (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 27. Cooramin Street shall be designed and constructed so the stormwater overland flow follows the roadway to the drainage reserve.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. Sewer mains shall be extended to service the existing developments on land subject to this Development Application that are currently either on a pumping system or septic tank and transpiration system.**

REASON: To ensure that the development is serviced by a reticulated sewerage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 29. Any public utility services located within the area of Cooramin Street proposed to be closed shall be relocated at full cost to the developer.**

REASON: It is in the public interest to ensure all services are situated within road reserves or protected by easement. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 30. All dams on the site shall be desilted and backfilled to appropriate standards.**

REASON: To ensure that the land is suitable for future development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. During construction, access shall be maintained for all properties which use Cooramin Street for access (either directly or indirectly).**

REASON: To ensure adequate means of vehicular access are retained for surrounding developments. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 32. A Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, must be obtained from either Council or an accredited certifying authority, certifying that engineering work required by condition 2 has been constructed in accordance with approved plans and Council's Guidelines for Subdivision and Developments.**

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

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Survey Certificate

- 33. Pursuant to s94 of the Environmental Planning and Assessment Act 1979, and the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, prior to the release of the Plan of Subdivision, the applicant must pay to Council a monetary contribution of \$14,121.05/lot towards the cost of Contributions Plan preparation and management, Civic, Community and Cultural - Future, Civic, Community and Cultural - Recoupment, Roads and Traffic Management - Future, Open Space and Recreation - Recoupment, Open Space and Recreation - Future (without land and dedication), Open Space and Recreation - Future (with land dedication) to meet the development. The amount payable under this condition must be indexed in accordance with Clause 2.12 of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

REASON: Having considered the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, Council is satisfied

that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

- 34. Pursuant to s64 of the Local Government Act 1993, and Division 10 of Part 2 of Chapter 6 of the Water Management Act 2000, prior to the release of Plan of Subdivision a Compliance Certificate must be obtained for water management works (as defined in s283 of the Water Management Act 2000) relating to the development.**

Alternatively, this condition is satisfied by virtue of payment of the figure nominated within this condition. Evidence of payment receipt shall be provided to Council at subdivision application stage.

DSP Sewer contribution: \$2,097.57/lot

DSP Stormwater contribution: \$1,872.33/lot

NOTE: The total Section 64 contribution required is \$3,969.90/lot

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

- 35. Prior to the release of the Subdivision Certificate, a round-a-bout shall be constructed at the intersection of Avocet Drive and Road 1 (Messenger Avenue) with Boorooma Street.**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010 and to ensure traffic safety. Section 79C(1)(a)(iii) and (b) Environmental Planning and Assessment Act 1979, as amended.

- 36. Lighting shall be designed and constructed to comply with the Australian standard. Certification from an appropriate qualified person is required prior to the release of the plan of subdivision. Proposed Road 1 (Messenger Avenue) shall have a P3 level. All other roads shall have a P4 level.**

REASON: It is in the public interest that the road system is designed and constructed in accordance with Council's Engineering Guidelines for Subdivisions and Developments. Section 79C (1)(b) of the Environmental Planning and Assessment Act.

- 37. Cooramin Street shall be constructed to a half width residential kerb and gutter road standard on the south side of the centre line (unless the northern side of Cooramin Street is either constructed prior to, or simultaneously with, these works, in which case the southern side of the road shall be constructed or upgraded to residential kerb and gutter standard), and a half width sealed rural road on the north side of the centre line, at full cost to the developer, prior to the release of the plan of subdivision. These works are not required to be carried out for the section of Cooramin Street proposed to be utilised as the Seminary access road from Boorooma Street, and the section of Cooramin Street to be dedicated as public reserve east of Messenger Avenue and west of Road 5, but are required to be carried out for road adjacent to Lot 5 DP 258276.**

REASON: It is in the public interest that the road system is designed and constructed in accordance with Council's Engineering Guidelines for Subdivisions and Developments. Section 79C (1)(b) of the Environmental Planning and Assessment

Act.

- 38. Prior to the release of the Subdivision Certificate, the existing septic tank and transpiration bed (and all associated infrastructure) servicing the existing dwelling on the western boundary of the site, and any other septic tanks and transpiration beds on the site, shall be decommissioned and removed and the relevant areas of the site reinstated, to the satisfaction of the Director of Planning or delegate. A plan showing the location of all such septic tanks and transpiration beds and compaction details shall also be submitted to Council prior to the release of the Subdivision Certificate.**

REASON: It is in the public interest that septic systems are decommissioned and removed. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 39. The survey plan shall dedicate an easement for sewer 2.0m wide over all the proposed sewer carrier mains.**

REASON: It is in the public interest that the easement or right referred to in the condition must be obtained in order to enable the development to be carried out. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 40. Prior to the issue of the Subdivision Certificate, N.A.T.A certification shall be provided to Council that the dams have been reinstated to appropriate standards capable of residential development.**

REASON: To ensure that the land is suitable for future development. Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 41. Prior to the release of the Subdivision Certificate, evidence shall be supplied to Council that the relevant sections of Cooramin Street on which this subdivision encroaches have been closed and are in the same ownership as the remaining subject allotments.**

REASON: To ensure that development occurs in accordance with the Wagga Wagga Development Control Plan 2010. Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979.

- 42. Prior to the release of the Subdivision Certificate, a bond to the value of 110% of the cost of the works necessary to comply with Condition 55 shall be lodged with Council. The bond will be refunded upon completion of all works necessary to comply with Condition 55. If the works detailed in Condition 55 are not carried out within the time frame specified in that condition, then the bond deposited under this condition will be used to carry out the works and will not be refunded.**

REASON: To ensure that development occurs in accordance with the Wagga Wagga Development Control Plan 2010. Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979.

- 43. Prior to the release of the Survey Certificate for each stage, consistent fencing (in terms of colour, style and material), shall be erected on the rear of allotments 1 and 4 to 10. The fencing shall be 1.8 metre high sheet metal type fencing, with all fence cladding erected so that any fence frame or support structures are not visible from the Olympic Highway. The fencing shall also**

comply with the requirements of State Environmental Planning Policy (Exempt and Comply Development Codes) 2008 for fencing of its type.

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979, as amended.

- 44. Pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift, shall be written and shown on the submitted survey plans over proposed lots 1 and 4 to 10, that has the effect of requiring that all rear fencing on these allotments facing the Olympic Highway remains consistent (including but not limited to colour, style, material and height) with the fencing erected in accordance with condition 43. The 'restriction as to user' shall also prohibit the creation or installation or presence of any gates or access ways within this fencing.**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2005. Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979, as amended.

- 45. Pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift, shall be written and shown on the submitted survey plans over proposed lots 11, that has the effect of prohibiting the erection of any fencing, other than open style fencing, on the northern, eastern or southern boundaries of this allotment.**

REASON: To ensure the allotment is developed in accordance with the special environmental characteristics of the land. Section 79C(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 46. Pursuant to Section 88B of the Conveyancing Act 1919, a 'restriction as to user', with Council empowered to uplift (or the Roads and Traffic Authority when the adjacent road is a controlled access road), shall be written and shown on the submitted survey plans over proposed lots 1 to 11 and 22, 18 and 19, that has the effect of prohibiting access to/from these allotments to/from Boorooma Street and/or the Olympic Highway (as relevant).**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2005 and the requirements of the Roads and Traffic Authority. Section 79C(1)(a)(iii) and (d) Environmental Planning and Assessment Act 1979, as amended.

- 47. Prior to the release of the Subdivision Certificate, a Street Tree Masterplan showing the location of all proposed street trees within the subdivision shall be submitted to Council for approval by the Director of Planning or their delegate. Consultation with the Street Tree Strategy Project Team is required to ensure the Street Trees species and locations are satisfactory. Generally, one tree per lot is to be provided. The Street Tree Masterplan shall be prepared by a qualified Landscape Architect, Landscape Designer, or Horticulturist.**

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 48. All parks and public recreation areas shall be dedicated to Council in the final survey plan as public recreation. Land for drainage purposes which are proposed to be dedicated to Council shall be dedicated as drainage reserve.**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) Environmental Planning and Assessment Act 1979, as amended.

- 49. Prior to the release of the Subdivision Certificate, Boorooma Street, south of Avocet Drive, shall have a no stopping restriction implemented for the full frontage of the subject site.**

REASON: To ensure the development complies with the requirements of the Roads and Traffic Authority. Section 79C(1)(d) Environmental Planning and Assessment Act 1979, as amended.

- 50. An electronic copy and one set of transparent film copies of the works as executed plans for the works required by Condition 2 must be submitted to Council. Each sheet must include a north point, bar scale or scales adjacent to the title block showing the scale (the works as executed plan must be scaled at 1:500) and each sheet must be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Council's Guidelines for Subdivision and Developments.**

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

- 51. 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.

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

- 52. The requirements of other public utility authorities, being Country Energy (electricity and gas) and Riverina Water must be satisfied, prior to Council issuing a Survey Certificate and releasing of the Plan of Subdivision.**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

General

53. Should asbestos material be found, it shall be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW Work Cover.

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

REASON: It is in the public interest that asbestos be removed and disposed of in accordance with appropriate standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

54. No approval is granted for the use of proposed lots 35, 36, or 37 for any specific business or commercial development. Any proposed use will be subject to a separate Development Application

REASON: To clarify the extent of development for which consent has been granted. Section 79C(1)(e) Environmental Planning and Assessment Act 1979, as amended.

55. Not before, but within 6 months of the release of the Subdivision Certificate, necessary works to deny through access on Cooramin Street in accordance with the Boorooma Master Plan, and to co-ordinate traffic through the revised road network, shall be carried out. These works shall include (but are not necessarily limited to):

- Removal of road surface and installation of bollards between the proposed seminary access road and the retained section of Cooramin Street (i.e. the future Durack Circuit).
- Construction of the kerb for the elbow at the western most end of the retained section of Cooramin Street (i.e. the future Durack Circuit) from the southern side of Cooramin Street, across the whole carriageway, to the northern side of Cooramin Street.
- Extension of the eastern kerb of Messenger Avenue from its existing location on the northern side of Cooramin Street to the new section of Messenger Avenue proposed in this development (i.e. Road 1) on the southern side of Cooramin Street.
- Removal of the road surface in the proposed park area between Messenger Avenue and Road 5.
- The installation of physical barriers within the park opposite the new Cooramin Street / Messenger Avenue t-intersection to prevent vehicles continuing along Cooramin Street, and clearly indicating that the road ends at this point.
- Construction of the kerb for the elbow at Cooramin Street / Road 5 intersection from the southern side of Cooramin Street, across the whole carriageway, to the northern side of Cooramin Street.

- The installation of physical barriers within the park at the new Cooramin Street / Road 5 elbow to prevent vehicles continuing along Cooramin Street, and clearly indicating that Cooramin Street as a through road ends at this point.
- The installation of a “No Through Road” sign facing east on Cooramin Street near the Cooramin Street / Messenger Avenue intersection.
- The installation of a “No Through Road” sign facing west on the section of Cooramin Street retained for access to the seminary.
- The installation of a sign on Boorooma Street south of Avocet Drive advising “Access to Boorooma via Messenger Avenue. No Access to Boorooma via Cooramin Street”.
- The removal of the Boorooma Street and Cooramin Street signs from opposite the Boorooma Street / Cooramin Street intersection, and installation of a sign stating “Seminary Access Only”.

These works shall not deny access between the retained eastern section of Cooramin Street and Amundsen Street.

REASON: To ensure development is carried out in accordance with the Wagga Wagga Development Control Plan 2010, and to minimise traffic related impacts. Section 79C(1)(a)(iii) and (b), Environmental Planning and Assessment Act 1979, as amended.

56. The establishment of street tree/s in accordance with the Masterplan referred to in condition 47 shall be carried out at full cost to the developer.

Works shall be carried out by Wagga Wagga City Council or a contractor approved by Wagga Wagga City Council. Wagga Wagga City Council is to be notified of any contractor prior to the commencement of any works.

As street trees will become an asset of Council, specification for the supply of quality tree stock shall be submitted to Council for approval by the Director of Planning or their delegate prior to the release of the plan of subdivision. Tree stock shall be purchased in accordance with the NATSPEC GUIDE for Purchasing Landscape Trees (Ross Clark 1996).

A Plant Schedule shall be provided to Council for street trees indicating Rootball container volume (Litres), Height of species (Metres), Calliper (mm) and the Nursery supplying tree stock, as part of the Street Tree Masterplan. Street trees shall be of advanced size to provide greater impact to the road reserve and the development.

Prior to the establishment of street trees within the road reserve contact shall be made with Council’s Division of Parks, Recreation & Building Services to ensure appropriate planting locations are defined.

Two years maintenance and establishment period shall comply apply to the proposed street tree planting. During this period, the developer will be responsible for the ongoing establishment and maintenance to ensure a 100% survival rate.

Council will undertake two progress inspections during this period to identify any necessary maintenance and/or tree replacement. Any identified works shall be actioned by the developer, at full cost to the developer.

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 57. Street tree planting for each stage shall not occur until 12 months after the release of the plan of subdivision for the stage, and within 24 months after the release of the plan of subdivision for the stage. The developer shall lodge a bond to the value of 110% of the initial establishment cost of the street trees in the relevant stage prior to the release of the plan of subdivision for that stage. The bond may be withdrawn following the completion of the maintenance period and compliance with the survival rates as stated in condition 56.**

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 58. Proposed side entry drainage pits shall not be constructed to align with the future garage access.**

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 59. Footpaths shall be provided along the full length of Road No. 1 on its eastern/southern side and for the full length of proposed lot 35 on its northern side, and along both sides of Road No. 2 for its full length. Footpaths shall be constructed to Council's Engineering Guidelines for Subdivisions and Developments at full cost to the developer. The footpaths relevant to each stage shall be constructed by the developer, following the construction of all dwellings within that stage of subdivision which front the footpath, or within two years of subdivision approval, whichever is sooner.**

REASON: To ensure the development complies with the requirements of the Wagga Wagga Development Control Plan 2010 and to ensure footpaths are provided in areas likely to experience high volumes of pedestrian traffic. Section 79C(1)(a)(iii) and (b) Environmental Planning and Assessment Act 1979, as amended.

- 60. Rollback kerbs shall be provided on all proposed roads with a road carriageway width of less than 9 metres (such as the 7.5 metre wide roads).**

REASON: To ensure the efficient movement of vehicles within the development. Section 79C(1)(b) Environmental Planning and Assessment Act 1979, as amended.

- 61. Stormwater run-off from the subject site onto the adjoining road reserve of the Olympic Highway as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site.**

REASON: To ensure the development complies with the requirements of the Roads and Traffic Authority. Section 79C(1)(d) Environmental Planning and Assessment Act 1979, as amended.

- 62. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents. It should be noted that any works within the road reserve will require RTA's concurrence under section 138 of the Roads Act 1993 prior to commencement of any works.**

REASON: To ensure the development complies with the requirements of the Roads and Traffic Authority. Section 79C(1)(d) Environmental Planning and Assessment Act 1979, as amended.

- 63. Any works associated with the proposed development shall be at no cost to the RTA.**

REASON: To ensure the development complies with the requirements of the Roads and Traffic Authority. Section 79C(1)(d) Environmental Planning and Assessment Act 1979, as amended.

- 64. The proposed roads shall be named as follows (as per the road numbering on the plan of subdivision, Sheet 1 of 2, A1 Amendment 7):**

- Road 1 - 'Messenger Avenue', after Herbert 'Dally' Messenger.
- Road 2 (as amended) - 'Phar Lap Place', after race horse Phar Lap.
- Road 4 - 'Kellerman Crescent' after swimmer Annette Kellerman.
- Road 5 - 'Gibson Street', after Rugby League player and coach Jack Gibson OAM

This is in accordance with Council's street naming policy for the Boorooma.

NOTE: Council is currently in the process of renaming the parts of Cooramin Street adjacent to the subject site. Prior to preparing any Subdivision Certificates Council should be consulted to establish the progress of this road renaming and verify the correct name for this road.

REASON: Because it is in the public interest that the road naming within new residential areas follows the approved theme. Section 79C(1)(e) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

Report by: Steven Cook Planner/Building Surveyor Date:	Report Approved by: Colby Farmer Manager Development Services Date:
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