

DATE OF DETERMINATION	5 May 2026
DATE OF PANEL DECISION	4 May 2026
DATE OF PANEL BRIEFING	21 April 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon
APOLOGIES	None
DECLARATIONS OF INTEREST	Amelia Parkins disclosed previous interactions with Manuel Donebus. Based on the information provided, the Chair determined that there was no conflict of interest.

Papers circulated electronically on 15 April 2026.

MATTER DETERMINED

PPSSTH-342 – WAGGA WAGGA - DA24/0075 at 185-187 and 66-72 Murray Street, Wagga Wagga NSW 2650 (Lot 1 DP 550746, Lot 1 DP 203835 and Lots 1-4 DP 20847) – Mixed Use Development Including a 9 Storey Building, with Ground Floor Commercial Development, and 8 levels of Residential Apartments (Shop Top Housing), a 7 Storey Building, with Ground Floor Commercial Development, and 6 levels of Residential Apartments (Shop Top Housing), 8 x 3 Storey Attached Multi Dwelling Housing Dwellings, and Two Levels of Shared Basement Carparking (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Wagga Wagga LEP 2010, and other applicable environmental planning instruments.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent.

- Key issues had been thoroughly addressed, including but not limited to:
 - Character: The built form outcome would be compatible with the higher density outcomes expected within the area.
 - ADG: The development, which is largely consistent with the ADG, is of good design and will set the tone for the revitalisation of the area.
 - Flooding: The flood-related impacts are minor and considered acceptable when balanced against the benefits of delivering well-designed housing in this location.
 - The development will not have an unacceptable impact on the local or regional road network and will accommodate sufficient off-street.
- The proposal is consistent with local, regional, state and national housing policies, and will deliver diverse housing and improved public domain outcomes in a well-located area adjacent to the Wagga Wagga CBD.

CONDITIONS

Following the Panel determination meeting for DA24/0075 of 21 April 2026, the Panel requested that the Council review the draft recommended instrument of consent:

- taking into consideration the Applicant's correspondence dated 17 April 2026; and
- matters raised by the Panel during the determination meeting.

The Panel further requested that, following the review, the Council prepare a covering letter outlining any changes made to the instrument before uploading the letter and amended draft (where relevant) to the Planning Portal.

The Council uploaded the results of its review and covering letter to the Planning Portal on 24 April 2026. As outlined in its correspondence of 24 April 2026, the Council made the following changes to the recommended conditions:

- A range of administrative changes that do not alter the intent of the relevant conditions.
- The amendment of several conditions to enable the Principal Certifying Authority to sign off on certain design elements instead of the Council.
- Condition C.3 was amended to enable flexibility in the delivery of the loading bay.
- Condition C.5 was amended to enable 7.11 contributions to be paid prior to the issue of each relevant OC, as opposed to prior to the issue of each relevant CC.
- Condition C.6 was similarly amended to enable S64 contributions to be paid prior to the issue of each relevant OC.
- Condition C.25 was retained but amended to clarify landscape species, requirements for the setback areas and the plaza, and to provide specificity regarding works within the road reserve.
- Condition C.63 (2) was amended to ensure the Council is satisfied that the proposed 'right of way' satisfies the Council's requirements before being signed off by the PCA.
- Condition C.63(3) has been amended to ensure consistency with Condition C.12.
- Condition C.64 (2) has been deleted as requested.
- Condition 64 (3) has been amended to remove the requirement for an easement over 66-72 Murray Street, as off-street parking is not required.

The Panel supports the Council's amendments, subject to additional amendments as follows:



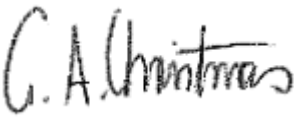
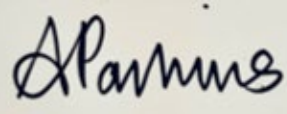

- Conditions 68 and 70 have been deleted. The Panel's view is that they are onerous and unnecessary.
- However, to ensure ongoing compliance with the requirements of the approved Landscaping and Building Maintenance Plan required by Condition C.67, Condition C.83 has been included as an operational requirement. It also complements Condition C.82, which requires operational compliance with the approved Loading, Deliveries and Waste Collection Plan.

The final Instrument of Consent is attached at Schedule 2.

The development application was approved subject to the recommended conditions of consent as amended by the Council and the Panel.

CONSIDERATION OF COMMUNITY VIEWS

In reaching its decision, the Panel considered written submissions made during the public exhibition of the development application. The Panel notes that the following issues were of concern: Impacts on stormwater and flooding, overshadowing, privacy, and concerns about future stages of development. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Amelia Parkins
 Jenny McKinnon	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-342 – WAGGA WAGGA - DA24/0075
2	PROPOSED DEVELOPMENT	Mixed Use Development Including a 9 Storey Building, with Ground Floor Commercial Development, and 8 levels of Residential Apartments (Shop Top Housing), a 7 Storey Building, with Ground Floor Commercial Development, and 6 levels of Residential Apartments (Shop Top Housing), 8 x 3 Storey Attached Multi Dwelling Housing Dwellings, and Two Levels of Shared Basement Carparking.
3	STREET ADDRESS	185-187 and 66-72 Murray Street, Wagga Wagga NSW 2650 (Lot 1 DP 550746, Lot 1 DP 203835 and Lots 1-4 DP 20847)
4	APPLICANT OWNER	The Trustee for The Donebus Family Trust Damasa Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ Wagga Wagga Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wagga Wagga Development Control Plan 2010 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 15 April 2026 • The Applicant’s response to the draft recommended conditions of consent dated 17 April 2026 • Council’s review of the draft recommended conditions of consent and covering letter dated 24 April 2026 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 26 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Amelia Parkins, Michael Henderson ○ <u>Council assessment staff</u>: Steven Cook, Kellie Stevens ○ <u>Applicant representatives</u>: Manuel Donebus (The Trustee for The Donebus Family Trust), Daniel Donebus (The Trustee for The Donebus Family Trust), Glen Ollerton (Morrison Design Partnership), Amir Safaei (Morrison Design Partnership), Daniel Traficante (Morrison Design Partnership), Patrice McMullen (Salvestro Planning) ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett, Lillian Charlesworth

		<ul style="list-style-type: none"> • Briefing: 24 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Michael Henderson ○ <u>Council assessment staff</u>: Steven Cook, Kellie Stevens, Scott Button (Council Consultant Flood Engineer) ○ <u>Applicant representatives</u>: Manuel Donebus (The Trustee for The Donebus Family Trust), Daniel Donebus (The Trustee for The Donebus Family Trust), Glen Ollerton (Morrison Design Partnership), Amir Safaei (Morrison Design Partnership), Daniel Traficante (Morrison Design Partnership), Patrice McMullen (Salvestro Planning) ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett • Site inspection: 23 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Grant Christmas, Amelia Parkins, Michael Henderson ○ <u>Council assessment staff</u>: Steven Cook, Rebecca Fox • Site inspection: 8 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant ○ <u>Council assessment staff</u>: Steven Cook • Final briefing to discuss council’s recommendation: 21 April 2026 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon ○ <u>Council assessment staff</u>: Steven Cook, Amanda Gray, Alyssa Cronk, Scott Button (Council Consultant Flood Engineer) ○ <u>Applicant representatives</u>: Manuel Donebus (Director, The Trustee for The Donebus Family Trust), Daniel Donebus (Director, The Trustee for The Donebus Family Trust), Glen Ollerton (Director, Morrison Design Partnership), Angela Wang (Associate, Morrison Design Partnership), David Hunter (Planner, Habitat Planning), Patrice McMullen (Planner, Habitat Planning), Kathleen Bolger (Associate, Habitat Planning), Angus Brien (Flood Engineer, Northrop) ○ <u>DPHI</u>: Riki Mey, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

CONDITIONS OF CONSENT FOR APPLICATION NO. DA24/0075

A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
DA040	Existing/Demolition Plan	MDP Architecture	DA2	16/10/24
DA050	Proposed Site Plan	MDP Architecture	DA2	16/10/24
DA060	Proposed Site Ground Plan	MDP Architecture	DA2	16/10/24
DA071	Stage 3 Construction Staging	MDP Architecture	DA1	02/04/26
DA080	3D Rendered Views	MDP Architecture	DA2	16/10/24
DA101	Basement 02 Floor Plan	MDP Architecture	DA2	16/10/24
DA102	Basement 01 Floor Plan	MDP Architecture	DA2	16/10/24
DA103	Ground Floor Plan	MDP Architecture	DA2	16/10/24
DA104	Level 01 Floor Plan	MDP Architecture	DA2	16/10/24
DA105	Level 02 Floor Plan	MDP Architecture	DA2	16/10/24
DA106	Level 03 Floor Plan	MDP Architecture	DA2	16/10/24

DA107	Level 04 Floor Plan	MDP Architecture	DA2	16/10/24
DA108	Level 05 Floor Plan	MDP Architecture	DA2	16/10/24
DA109	Level 06 Floor Plan	MDP Architecture	DA2	16/10/24
DA110	Level 07 Floor Plan	MDP Architecture	DA2	16/10/24
DA111	Level 08 Floor Plan	MDP Architecture	DA2	16/10/24
DA112	Roof Floor Plan 3A	MDP Architecture	DA2	16/10/24
DA113	Roof Plan 3A	MDP Architecture	DA2	16/10/24
DA201	East and West Site Elevations	MDP Architecture	DA3	13/04/26
DA202	North and South Site Elevations	MDP Architecture	DA3	13/04/26
DA203	Stage 3A Elevations	MDP Architecture	DA3	13/04/26
DA204	Stage 3B Elevations	MDP Architecture	DA3	13/04/26
DA205	Stage 3C Elevations	MDP Architecture	DA3	13/04/26
DA301	East West Site Section	MDP Architecture	DA3	13/04/26
DA302	Stage 3A Sections	MDP Architecture	DA3	13/04/26
DA303	Stage 3B Sections	MDP Architecture	DA3	13/04/26
DA304	Stage 3C Sections	MDP Architecture	DA3	13/04/26
DA401	Area Plans and ADG Compliance - 3A	MDP Architecture	DA3	13/04/26
DA402	Area Plans and ADG Compliance - 3B	MDP Architecture	DA3	13/04/26
DA403	Area Plans and ADG Compliance - 3C	MDP Architecture	DA2	16/10/24
DA404	3A/3B Apartment Design Guide Compliance and 3C GFA	MDP Architecture	DA3	13/04/26
DA601	Shadow Diagram - 9am, Existing/Proposed - 22 June	MDP Architecture	DA2	16/10/24
DA602	Shadow Diagram - 12pm, Existing/Proposed - 22 June	MDP Architecture	DA2	16/10/24
DA603	Shadow Diagram - 3pm, Existing/Proposed - 22 June	MDP Architecture	DA2	16/10/24
DA604	Solar Access 22 June	MDP Architecture	DA2	16/10/24

LA01	Landscaping - Site Plan	TaylorBrammer	B	24/10/24
LA02	Planting Plan - Ground Level	TaylorBrammer	B	24/10/24
LA03	Planting Plan - Roof Level	TaylorBrammer	B	24/10/24
LA04	Detail Plan and Section - Water Play and Plaza	TaylorBrammer	P2	24/10/24
LA05	Typical Detail Plan and Section - Townhouse	TaylorBrammer	B	24/10/24
LA06	Landscape Sections - Roof Level	TaylorBrammer	B	24/10/24
LA07	Planting Character and Schedule	TaylorBrammer	A	24/10/24
	Statement of Environmental Effects	Salvestro Planning	3.0	4/11/24
	Flood Impact Assessment (as amended by the letter of 17/4/25 and as amended by letter of 27/11/25)	Northrop	B	18/10/24
	Letter - Response to RFI	Angus Brien, Northrop		17/04/25
	Letter - Submission of Additional Information (excluding Attachment B)	David Hunter, Habitat Planning		27/11/25
	Loading and Operational Waste Management Plan	MDP Architecture	V3	23/10/24
	Arborist Report	Mark D McCrone Landscape Architect		Feb 2024
	Annexure E to the Traffic and Parking Impact Assessment	McLaren Traffic Engineering and Road Safety Consultants	D	25/10/24

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

C.2 Consent is not granted under this consent for:

- (a) the car park works on Lot 1 DP 203835 (187 Morgan Street). Any car parking works on Lot 1 DP 203835 shall be carried out under DA23/0340, as modified by the notice required under this consent
- (b) any subdivision of land

(c) any signage (other than signage that may be erected as Exempt Development under State Environmental Planning Policy (Exempt and Complying Development) 2008)

C.3 The development shall be constructed over two stages, the first stage being Stage 3C, and the second stage being Stage 3A/3B, as set out below:

Stage 3C:

- Demolition of dwellings, outbuilding and infrastructure and tree removal at 66-72 Murray Street
- Construction of Building 3C:
- Associated fencing and landscaping works.
- Rear access for townhouses.
- Loading bay for Building 3B.
- Turning bay.

Stage 3A/3B:

- Demolition of buildings and infrastructure and tree removal at 185 Morgan Street.
- Construction of Building 3A including basement carparking shared with Building 3B.
- Construction of Building 3B.
- Associated landscaping.
- Access and service road.
- 5 at-grade parking spaces.
- Modification of service road access off Morgan Street.

Notwithstanding Plan DA071, the loading bay for Building 3B may be deferred to Stage 3A/3B.

Stage 3C shall be completed prior to, or concurrently with Stage 3A/3B.

Requirements before a Construction Certificate can be issued

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

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

Plus a non-refundable administration fee as per Council's Fees and Charges.

NOTE 1: Applicants will be required to complete the Kerb Guttering and Footpath bond form and return to Council to arrange a bond (BKG) number. This must be done PRIOR to making payment at Council's Customer Service desk. The form can be found at <https://wagga.nsw.gov.au/__data/assets/pdf_file/0011/84188/Kerb-Guttering-and-Footpath-Bond-Form-Interactive.pdf>.

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

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

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

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

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage

to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

C.5 DELETED

C.6 Prior to the release of Construction Certificate for each stage a compliance certificate under s306 of the Water Management Act 2000 for water supply related requirements must be obtained from Riverina Water in respect of the development relating to water management works that may be required in connection with the relevant stage of the development. A copy of the compliance certificate shall be provided to the Principal Certifying Authority prior to the release of each Construction Certificate.

C.7 Prior to the release of the Construction Certificate for Stage 3A/3B, a Pedestrian Access and Mobility Plan (PAMP) showing a pedestrian access strategy to/from and within the site, shall be submitted to Council, to the satisfaction of the General Manager or delegate. The PAMP shall ensure that pedestrian linkages to/from Morgan St, car parking areas (including within the service road and on adjoining land) and the Active Travel network are included in the development and that these linkages provide clearly defined and easily accessible access for all users. Consideration should be given to any measures required in relation to the underground car park access, loading bays, and turning bays to improve pedestrian safety.

NOTE: The pedestrian crossing indicated on the plans may not meet warrants in this location and alternative treatments should be considered to facilitate pedestrian movements across the Morgan St service road.

C.8 Prior to the release of the Construction Certificate for each stage, detailed plans of all works in the road reserve proposed to be carried out in conjunction with the stage shall be submitted to Council, for approval, to the satisfaction of the General Manager or delegate. This shall include:

- (a) Any signage, linemarking and works including for any on street loading bays and turning bays.
- (b) In Stage 3A/3B signage to prohibit right turns from the Morgan Street service road to Morgan Street via the new access point between the two roadways, and to restrict vehicle movements at this access point to exit only.
- (c) In Stage 3A/3B signage to control and direct the direction of traffic within the service road.
- (d) In Stage 3A/3B, any measures in the approved PAMP.

NOTE: Any plan which includes a Traffic Control Device, subject to delegations, may require referral to, and approval by the Local Transport Forum (LTF) prior to installation. Other signage or linemarking may require notification to the LTF after installation. Council will advise, which matters, if any need to be reported to the LTF in the sign off of this condition.

The LTF meet approximately every six weeks. Therefore to avoid delays in the event that a referral to the Local Transport Forum is required, the timing of meetings should be taken into consideration in preparing your works schedule.

C.9 Prior to the release of the Construction Certificate for each stage, a Construction Management Plan (CMP), shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The CMP shall include details for parking of trades/workers/construction vehicles, material storage areas, site access arrangements (including site access control), delivery arrangements, noise and vibration management, dust and mud mitigation, site security, and complaint management (including methods for residents to raise concerns directly with the site manager).

The CMP shall be a document prepared exclusively for the purpose of this condition, addressing the matters highlighted in this condition, and shall not form part of a more extensive document that

includes matters beyond the scope of Council, such as workplace safety.

- C.10 Prior to the issue of a Construction Certificate for each stage, a pre-construction dilapidation report shall be prepared by a suitably qualified person. The report shall include clear photos and descriptions of all existing public infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and shall be approved by Council, to the satisfaction of the General Manager or delegate.
- C.11 Prior to the issue of a Construction Certificate for stage 3A/3B:
- (a) Amended plans shall be submitted to the Principal Certifying Authority (with a copy forwarded to Council for Council's records), extending the shop front glazing on Building 3B along the Morgan Street frontage of the building, consistent with the shop front glazing to Morgan Street provided on Building 3A.
 - (b) Plans shall be submitted to the Principal Certifying Authority (with a copy forwarded to Council for Council's records), demonstrating compliance with the minimum ceiling height requirements of 4C1 of the Apartment Design Guide.
 - (c) Amended plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, demonstrating direct vehicular access to the residential waste room in Building 3B, or alternatively, submission, to the satisfaction of the General Manager or delegate, detailing how waste collection from the residential waste room in Building 3B will occur.
 - (d) Plans and details shall be submitted to Council, to the satisfaction of the General Manager or delegate, of signage (such as TfNSW sign R5-33) to be placed on the site to restrict access to the two service lanes to the maximum sized vehicles for which swept paths have been demonstrated.
 - (e) A Flood Emergency Response Plan (FERP) for the development shall be submitted to Council, to the satisfaction of the General Manager or delegate. The FERP shall (as a minimum):
 - Set out protocols and procedures for the site in the event of both riverine and local catchment flooding to minimise the risk to occupants of the land, including persons moving onto and off the site;
 - Set out protocols to prevent entry into the basement car park during a flood event (both riverine and local catchment), from both within the buildings, and from offsite, up to and including a PMF event; and
 - Cover all development on the site (Stage 3A/3B) and shall include measures to ensure occupants (including any short stay occupants) are aware of these arrangements.
 - (f) An amended plan and details demonstrating:
 - i. Electric circuitry to accommodate 'Level 2' or higher standard electric vehicle charging points to ensure that 100% of car spaces can install electric vehicle charging points in the future. This must include:
 - A. Ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the electric vehicle charging point system; and
 - B. Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space.
 - ii. Provision of an EV distribution board or boards of sufficient size to allow connection of all EV Ready connections.
 - iii. Locating EV distribution boards so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.
 - iv. Demonstrating the future installation location of the cable trays from the EV distribution board to the car spaces allocated to each dwelling. Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services.

- v. 3 non-private (i.e. shared) parking spaces with a 'Level 2' or higher standard electric vehicle charging point.

These plans and details shall be certified by a suitably qualified person (such as an electrical engineer) and be submitted to the Principal Certifying Authority (with a copy forwarded to Council for Council's records).

NOTE: "EV Ready" involves ensuring the installation of appropriate electrical circuitry to allow for future electric vehicle charging points, by pre-wiring. This does not require the installation of a charging point.

C.12 Prior to the release of the Construction Certificate for Stage 3C:

- (a) Amended plans, shall be submitted to and approved by the Principal Certifying Authority (with a copy forwarded to Council for Council's records), showing the front fences of the townhouse to Murray Street and the side fence to Morgan Street, no greater than 1800mm in height.
- (b) Details of the front fence panels, including aperture and overall openness percentage (no less than 50% open), to the satisfaction of the General Manager or delegate, shall be submitted to Council for approval.
- (c) Amended plans, shall be submitted to and approved by the Principal Certifying Authority (with a copy forwarded to Council for Council's records), showing the dividing walls between each townhouse, in the front setback area, no greater than 1800mm in height. Note, the wall may rise generally with the level of the adjacent steps, so that it tapers up and retains 1800mm in height at the front face of the dwellings.

C.13 On completion of demolition of existing buildings, concrete slabs and associated structures in each stage (both Stage 3C and Stage 3A/3B) but prior to any construction works, or the release of a Construction Certificate for each stage, further site contamination investigation which includes soil sampling, must be undertaken to address the uncertainty identified in the Detailed Site Investigation. The further investigation must take the form of a Supplementary Detailed Site Investigation and must be prepared by an environmental consultant certified under a NSW EPA recognised scheme.

The investigation and report must be undertaken in accordance with relevant NSW EPA Guidelines including, but not limited to "Consultants reporting on contaminated land: Contaminated land guidelines." The investigation must also meet the requirements of the National Environment Protection Measure - Assessment of Site Contamination (NEPM).

The Supplementary Detailed Site Investigation must include an assessment of the suitability of the land for the proposed land use and outline remedial measures that may be required to ensure the site is suitable for the proposed use. The Supplementary Detailed Site Investigation Report must be submitted to Council, to the satisfaction of the General Manager or delegate, prior to the commencement of any works beyond demolition, and prior to the release of the Construction Certificate for each stage.

C.14 Following the completion and reporting of the Supplementary Detailed Site Investigation in each stage, if the Supplementary Detailed Site Investigation identifies the need for remediation works, or in the opinion of the General Manager or delegate, remediation works are required, a Remedial Action Plan must be prepared by an environmental consultant certified under a NSW EPA recognised scheme to address the results and outcomes of the supplementary detailed investigation.

The Remedial Action Plan, must be submitted to Council, to the satisfaction of the General Manager or delegate, prior to construction and issue of any Construction Certificate for both Stage 3C and 3A/3B.

C.15 If remediation works are required, the site must be remediated in each stage in accordance with the Remedial Action Plan developed for each stage.

On completion of remedial works in each stage, a Validation Report must be prepared by an

appropriately qualified, experienced and certified environmental consultant in accordance with relevant NSW EPA guidelines including, but not limited to, the NSW EPA Guidelines “Consultants reporting on contaminated land: Contaminated land guidelines.”

The certified environmental consultant must be certified under a NSW EPA recognised scheme.

The Validation Report must verify that the site (as it relates to that stage) has been remediated in accordance with the Remedial Action Plan and also verify that the site is suitable for the proposed development.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a Section A1 Site Audit Statement provided, verifying that the site is suitable for commercial and residential use. The Validation Report and Site Audit Statement must be provided to Council, within 60 days of the completion of the remediation works and prior to Construction and issue of the Construction Certificate for the relevant stage.

- C.16 Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Condition C.1 of DA23/0340 shall be modified to amend the approved plans so the car park layout on Lot 1 DP 203835 (187 Morgan Street) is consistent with the plans submitted under this Development Application.
- (1) Plans, to the satisfaction of the General Manager or delegate, shall be submitted to Council, to supersede drawing DA0110 “Car Park Proposed” and drawing DA0120 “Car Park Details” approved under C.1 of DA23/0340, with replacement drawings showing the same detail, altering the layout for Lot 1 DP 203835 (187 Morgan Street) is consistent with the details and plans submitted under this Development Application.
 - (2) Following advice of the satisfaction of part (1) of this condition, submission of a clearly identified draft notice, to the satisfaction of the General Manager or delegate, prepared in accordance with Clause 67 of the Environmental Planning and Assessment Regulation 2021.
 - (3) Following advice of the satisfaction of part (2) of this condition, submission of a notice (consistent with the draft in part (2), as amended as per any advice from Council), to the satisfaction of the General Manager or delegate, prepared in accordance with Clause 67 of the Environmental Planning and Assessment Regulation 2021.
- C.17 Prior to the issue of each Construction Certificate, the plan relevant to that stage must clearly identify the structural pavement design for any internal driveway/vehicular accessway within the development site, and any works proposed in the Morgan Street service road and carpark. The Construction Certificate plans must specify that the pavement to be constructed as a concrete or asphalt sealed pavement accompanied by a Pavement Design Report, prepared and certified by a suitably qualified Civil/Geotechnical engineer demonstrating compliance with Council’s Engineering Guidelines for Development & Subdivision and AUSTROADS standards and taking into account existing site subgrade conditions for approval as part of the Construction Certificate documentation. The plans shall be submitted to Council for approval, to the satisfaction of the General Manager or delegate.
- C.18 Prior to the issue of each Construction Certificate sewer plans shall be submitted to Council for approval. The plans shall detail extension of sewer mains to service the development. Any upgrade or augmentation of existing sewer mains to cater for the increased load generated from the development shall be taken into account in the design.
- C.19 Prior to the issue of each Construction Certificate stormwater plans shall be submitted to Council for approval. Stormwater mains shall be designed in accordance with Council’s Engineering Guidelines for Development & Subdivision. Overland flow paths shall be indicated on the plans for storm events which exceed the capacity of the stormwater system.
- C.20 Prior to the issue of each Construction Certificate, the plans must clearly identify vehicle crossovers within the road reserve to be constructed in accordance with Council’s standard drawing for an industrial/commercial vehicular crossing (Drawing EDS 02.09) contained within the Engineering Guidelines for Subdivisions and Development Standards.

- C.21 Prior to the issue of each Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate.
- The certification shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.
- C.22 Prior to the release of each Construction Certificate, plans shall be submitted with the Construction Certificate shall identify a minimum finished floor level for the habitable components of the buildings and dwellings of 300mm above the 1% Annual Exceedance Probability flood event, given in metres AHD. The relevant level is 179.50m AHD.
- The plans shall also certify the building will be of flood resilient design in accordance with the NSW Reconstruction Authorities Flood Resilient Design Guide.
- C.23 Prior to the release of the Construction Certificate for Stage 3A/3B, plans submitted to Council, to the satisfaction of the General Manager or delegate, showing the underground car park protected from inundation in a 1% Annual Exceedance Probability flood event (plus 300mm). The relevant level of protection required to be achieved is 179.50m AHD.
- C.24 Prior to the release of the Construction Certificate for Stage 3C, a Street Tree masterplan showing the location of all proposed street trees, and the stage they are proposed to be delivered in, shall be submitted for approval by the General Manager or delegate.
- C.25 Prior to the release of the Construction Certificate for each stage, an amended landscape plan for the stage shall be submitted to Council, to the satisfaction of the General Manager or delegate. The plan shall include:
- (a) Amended species selection, generally consistent with Council's Landscape Guidelines.
 - (b) Where plaza and front setback works are proposed in Stage 3A/3B, details of proposed furniture, seating and final surface treatments within the front setback areas and plaza.
 - (c) Where works are proposed within the road reserve, the works shall comply with Council's document "Landscaping of Nature Strips".

Requirements before the commencement of any works

- C.26 If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

C.27 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.28 Prior to the commencement of works for each stage, a Construction Certificate must be obtained, pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended, from Council or an Accredited Certifier.

Demolition works to facilitate Detailed Site Investigations and remediation works can commence in the absence of a Construction Certificate, subject to a Construction Management Plan under Condition C.9 being approved, and all prior to commencement of works conditions being complied with.

C.29 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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.

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

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

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

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

C.30 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

A plan illustrating these measures shall be submitted to, and approved by, the Principal Certifying

Authority. The approved erosion and sediment control measures must be in place prior to earthworks commencing.

- C.30A All vehicles involved with the construction and/or demolition process and departing the property with demolition material, spoil, debris and loose material must have their loads covered before entering the public road. Suitable measures shall be in place to ensure that sediment is not tracked onto the roadway by vehicles leaving the site. This may require the installation of an all-weather temporary driveway for all construction vehicles accessing and leaving the site.

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

- C.31 No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

- C.32 Prior to works commencing in the Road Reserve a pre-start meeting shall be held with Council's Development Engineer. Contact Council's Development Engineer on 1300 292 442.

- C.33 Prior to works commencing on site:

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

- C.34 Prior to the issue of any Complying Certificate for the concrete floor slab for each building approved under this consent, the Principal Certifying Authority shall receive documentation from a registered surveyor certifying that the floor of each building's habitable rooms (and in the case of Building 3A, in addition, any berm or embankment protecting the underground car park) will have a finished floor level (or in the case of any car park protection, a finished level) that is 300mm above the inundation level caused by the 1:100 ARI flood event at the location of the development. The required floor level is 179.50m AHD.

NOTE: It is recommended that prior to commencement of any works, a registered surveyor establish an appropriate benchmark on the site from which construction levels can be conveyed. The surveyor should then confirm the floor level once formwork is in place and ready for the pouring of the floor slabs.

- C.35 Required pruning maintenance to Council street trees shall be carried out by Council or an approved contractor of Council at full cost to the applicant. Council is to be notified of any contractor prior to the commencement of works.

Pruning shall be carried out in accordance with Australian Standards AS 4373-2007 Pruning of Amenity Trees.

- C.36 Tree removal works shall be carried out by an approved contractor at full cost to the person carrying out the development. Council is to be notified of contractor details prior to the commencement of works.

Tree removal consent only applies to this proposed development. If the development is not commenced the subject street tree/s shall be retained on the road reserve.

Tree stump/s shall be removed below ground level to a depth of 300mm and surface area reinstated to prevent potential injury. Dial before you dig shall be undertaken before the removal of tree/s stumps to prevent damage to underground services.

- C.37 No trees shall be removed from the site unless they have been clearly identified and marked on the approved plans for removal, or approval has otherwise been granted by Council.
- C.38 A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development (including the English Elm adjacent to the site at 80 Murray St), as relevant to the stage of construction, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zones shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Tree Protection Zone fencing shall not be relocated or disrupted once established. TPZ fences shall remain in place until the end of construction.

- C.39 All street trees in proximity to works being carried, and that are to be retained, are to be isolated from the work site. Prior to the commencement of works in each stage, temporary fencing, with a minimum height of 1.8 metres, shall be installed to surround the entire tree. The fencing shall not extend beyond the kerb or footpath, with these areas are to remain obstruction free for the duration of works.
- C.40 Prior to the commencement of works , an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works, where that work is proposed to be carried out on private or Council owned land. Works that require a Section 68 (PUBLIC) approval include:
- i) Extension and connection of stormwater pipes serving the development to Councils stormwater system
 - ii) Extension of sewer mains to service the development. Any upgrade or augmentation of sewer mains to cater for the increased load generated from the development shall be at full cost to the developer.
 - iii) Provision of a sewer spur to each townhouse in Stage 3C, and any redundant spurs decommissioned

NOTE 1: Works carried out under an approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

NOTE 2: Prior to the commencement of works a bond may be required to be lodged with Council for public infrastructure works. Refer to Council's Section 68 Activity Approval Application Guide for detail.

- C.41 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.
- The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

- C.42 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) and submission of engineering plans for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

Requirements during construction or site works

- C.43 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council.
- C.44 If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved method, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.
- NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.
- C.45 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.46 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2025: The Demolition of Structures.
- Within fourteen (14) days of completion of demolition, the following information shall be submitted to the Principal Certifying Authority:
- a) an asbestos clearance certificate prepared by a competent person; and
 - b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.
- NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
- NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.
- NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.
- C.47 The permitted construction hours are Monday to Friday 7:00am to 6:00pm and Saturday 7:00am to 5:00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and

construction noise is to be managed in accordance with the NSW Environment and Heritage Guidelines.

- C.48 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that stormwater impacts on adjoining properties are no greater than the impacts identified in the Flood Impact Assessment, Revision B, and prepared by Northrop, and dated 18/10/24.
- C.49 No fill shall be imported to the site. Any excavated material removed from the site shall be classified and must only be taken to a site approved for the receipt of such material.
- C.50 The following requirements of Essential Energy must be complied with:
1. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
 2. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 'ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure'. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
 3. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the 'Code of Practice - Work near Overhead Power Lines' and 'Code of Practice - Work near Underground Assets'.
- C.51 If unexpected soil and/or groundwater contamination is encountered during any works, all work associated with that task must cease and the situation must be promptly evaluated by a suitably qualified environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the supervising environmental consultant, in accordance with the Unexpected Finds Protocol provided in the Remedial Action Plan and relevant NSW Environment Protection Authority (EPA) guidelines.

Prior to recommencement of works, if unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines. The verification documentation must be provided to the satisfaction of the NSW EPA accredited site auditor, prior to the recommencement of any works.

- C.52 Prior to the carrying out of any works that require pre-approval from the Local Transport Forum (LTF) (as advised by Council in the approval of Condition C.8), the applicant must notify Council's Local Transport Forum (LTF) representative of the proposed works, and obtain the approval of the LTF to carry out the works.

NOTE: The LTF meet approximately every six weeks. Contact with Council's Senior Traffic Operations Engineer can be made by phoning 1300 292442 during normal business hours.

- C.53 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.54 A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The temporary security fence shall not be erected in the Council road reserve without an approved Section 138 Permit.
- C.55 Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.
- C.56 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.57 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. NSW Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by NSW Environment and Heritage.
- C.58 Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Further consent is not required for removal of the subject trees in conjunction with this development.

The approved works shall be executed so as to comply with 'Safework NSW Tree work (arboriculture)'

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

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

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

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

- C.59 Prior to issue of each Occupation Certificate the redundant kerb laybacks in Murray and Morgan Streets relevant to that stage shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.
- C.60 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.61 Prior to the issue of each Occupation Certificate, a maintenance bond equal to 5% of the total cost of civil works shall be paid. The bond shall be held for the duration of the maintenance period until the works are accepted Out of Maintenance.
- C.62 Street trees shall be planted by Council following the payment of the fee under this condition.

Alternatively, street trees, consistent with the plan approved under Condition C.24 shall be planted by a Council approved contractor.

Prior to the release of the Occupation Certificate for each stage:

- (1) Payment of the relevant fee per tree, as set out in Council's Fees and Charges, shall be paid to Council, for street tree planting works to be carried out by Council; or
- (2) Payment of a bond, to be held by Council for two years, equivalent to the fee that would be

payable under part (1), shall be paid to Council, for street tree works carried out by a Council approved contractor.

If trees are to be planted by a Council approved contractor the following information is to be submitted to Council for approval, to the satisfaction of the General Manager or delegate, prior to the release of the Occupation Certificate:

- (a) Company trading name
- (b) Contractor's license number
- (c) Relevant experience of company
- (d) Relevant qualifications of key staff undertaking the works

Planting by a contractor can only occur during the next available planting season (May-August).

C.63 Prior to the release of any Occupation Certificate for Stage 3C:

1. Lots 1-4 DP 20847 (66-72 Murray Street) shall be consolidated (with evidence of the registration of the Plan of Consolidation with NSW Land Registry Services submitted to the Principal Certifying Authority).

Alternatively, if an alternate consolidation/subdivision of the land has been approved by Council, that in the opinion of the General Manager or delegate satisfactorily addresses any land tenure issues (as advised in writing), evidence of the registration of that plan, shall be submitted to the Principal Certifying Authority.

2. A right of way in favour of Lot 1 DP 550746 (185 Morgan Street), and with Council empowered to uplift, shall be registered over the entirety of the service driveway to the rear of the townhouses. Details of the right of way shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to registration. Evidence of the registration of the right of way shall be submitted to the Principal Certifying Authority.

Alternatively, if in the opinion of the General Manager or delegate, suitable alternative arrangements have been approved and are in place, which ensure enduring access for Buildings 3A and 3B over the driveway, the General Manager or delegate may advise in writing that compliance with this condition is not required.

3. A restriction as to user, requiring that the front fence panels maintain a minimum openness of at least 50%, unless agreed to in writing by the General Manager or delegate. Details of the restriction as to user shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to registration. Evidence of the registration of the restriction as to user shall be provided to the Principal Certifying Authority.

C.64 Prior to the release of any Occupation Certificate for Stage 3A/3B:

1. Reciprocal rights of way, burdening and in favour of, Lot 1 DP 550746 (185 Morgan Street) and Lot 1 DP 203835 (187 Morgan Street), with Council empowered to uplift, shall be registered over the entirety of the access route through the car park, and the service driveway west of Building 3A. Details of the rights of way shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to registration. Evidence of the registration of the right of way shall be submitted to the Principal Certifying Authority.

Alternatively, if in the opinion of the General Manager or delegate, suitable alternative arrangements have been approved and are in place (including the consolidation of the two subject lots), which ensure enduring access for Buildings 3A and 3B, and vehicles using the carpark, over both driveways, the General Manager or delegate may advise in writing that compliance with this condition is not required.

2. DELETED

3. An easement for parking, burdening Lot 1 DP 203835 (187 Morgan Street) and benefiting Lot 1 DP 550746 (185 Morgan Street), with Council empowered to uplift, shall be registered over all parking spaces in Lot 1 DP 203835 (187 Morgan Street). The easement shall require the car park is available for use by residents, tenants, visitors and customers of any premises on Lot 1 DP 550746 and that the availability of parking spaces is not reduced. Details of the easement shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to registration. Evidence of the registration of the easement shall be submitted to the Principal Certifying Authority.

Alternatively, if in the opinion of the General Manager or delegate, suitable alternative arrangements have been approved and are in place (including the consolidation of the subject lots), which ensures ongoing access to the car park for residents, tenants, visitors and customers of any premises in Buildings 3A or 3B the General Manager or delegate may advise in writing that compliance with this condition is not required.

- C.65 A post construction report, prepared by a suitably qualified person, shall be prepared at the completion of construction of each stage. This report is to ascertain whether the construction created any structural damage to adjoining infrastructure.

The report shall include a comparison with the pre-construction dilapidation report required by these conditions and have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure.

The report shall be submitted to and shall be approved by Council, to the satisfaction of the General Manager or delegate, prior to the release of the Occupation Certificate for each stage.

Unless the consent holder and the applicable authority agree otherwise, the Applicant must:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- b) relocate, or pay the full costs associated with relocating any infrastructure needs to be relocated as a result of the development.

- C.66 Prior to the issue of each Occupation Certificate, all works external to the site and relevant to that stage (in the opinion of the General Manager or delegate), including any works including any works in the road reserve to facilitate access to the site for pedestrians and vehicles, including:

- any turning or loading bays,
- any works approved under the PAMP,
- Signage to direct and control the movement of vehicles (including any loading bay, no entry and no right turn signage)

Shall be completed or installed, to the satisfaction of the General Manager or delegate.

For any works that require notification to the Local Transport Forum (as advised by Council in the approval of Condition C.8) at the completion of the works, the applicant must notify Council's LTF representative that the works have been completed in accordance with the requirements of the approved plans. The notification must occur as soon as practicable after the works have been completed as there is a requirement to report all works to the LTF no later than three months after completion.

NOTE: The LTF meet approximately every six weeks and require copies of the approved plans and evidence of completion. Contact with Council's Senior Traffic Operations Engineer can be made by phoning 1300 292442 during normal business hours.

- C.67 Prior to the issue of the Occupation Certificate for Stage 3A/3B, an 'Ongoing Landscape and Building Maintenance Plan' shall be submitted to Council, to the satisfaction of the General Manager or delegate. The ongoing maintenance plan shall make enforceable

commitments regarding the maintenance/cleaning of the building, landscaping and public and semi-public areas, including:

- a. routine cleaning and litter collection,
- b. sweeping,
- c. graffiti removal,
- d. replacement and repair of broken furniture/equipment/facilities in plaza areas,
- e. the cleaning and maintenance of the water play area,
- f. the pruning, weeding and general maintenance of landscape areas,
- g. the replacement of dead plants, and
- h. the general clean and tidy maintenance and keeping in good condition all public spaces and external facades.

The plan shall detail minimum standards for maintenance contracts and shall specify that such a contract is in place at all times for the maintenance of external facades and landscaping, or otherwise, clearly state who is responsible for maintenance.

Maintenance of the external facades of the building and publicly accessible areas shall occur in accordance with the measures set out in the approved 'Ongoing Landscape and Building Maintenance Plan' unless otherwise agreed to, in writing, by the General Manager or delegate. Furthermore, the plan may be amended from time-to-time, with the consent of the General Manager or delegate.

For the avoidance of doubt, the plan may be amended in future so that it is inconsistent with the requirements of (a), (b), (c), (d), (e), (f), (g) and/or (h), if in the opinion of the General Manager or delegate, circumstances have changed due to contemporary practices not envisaged at the time of this consent.

NOTE: This plan shall not seek to manage general building maintenance, building safety or upkeep, and only relates to the general cleanliness and presentation of external facades and landscaping.

C.68 DELETED

C.69 Prior to the release of the Occupation Certificate for Stage 3A/3B, an amended 'Loading and Operational Waste Management Plan' shall be submitted to Council for approval, to the satisfaction of the General Manager or delegate, for the entirety of the buildings (including commercial tenancies). The amended plan shall include provisions such as:

- a. Requiring an agreement be in place for the collection of skip bins, and that individual wheelie bin/kerb side collection will not occur.
- b. Requiring that general waste, recycling bins, and FOGO bins will be available for use by all residents and tenants (including facilities for sorting and collection in each apartment).
- c. A waste collection frequency consistent with waste storage capacity provided on site.
- d. The maximum sized vehicle to service any part of the development.
- e. General arrangements for deliveries, loading and unloading on the site and adjacent loading bays.

Waste collection, loading and deliveries shall occur in accordance with the measures set out in the approved 'Loading and Operational Waste Management Plan', unless otherwise agreed to, in writing, by the General Manager or delegate. Furthermore, the plan may be amended from time-to-time, with the consent of the General Manager or delegate.

For the avoidance of doubt, the plan may be amended in future so that it is inconsistent with the

requirements of (a) to (e), if in the opinion of the General Manager or delegate, circumstances have changed due to contemporary loading, delivery and waste management practices not envisaged at the time of this consent.

C.70 DELETED

C.71 Prior to the issue of the Occupation Certificate for Stage 3A/3B:

- (a) All landscaping works (including furniture, and the water play area) relevant to that stage shall be completed to the satisfaction of the Principal Certifying Authority.
- (b) Details of the division of basement storage between units, and associated compliance with 4G1 of the Apartment Design Guide for total storage space per unit, shall be submitted to Council, to the satisfaction of the General Manager or delegate.
- (c) Parking to service the development shall be available for use, including all linemarking and signposting, to the satisfaction of the Principal Certifying Authority.
- (d) Signage to restrict the vehicles beyond the maximum length for which swept paths have been prepared from entering the site, as approved under C.11(d) shall be installed within the site, to the satisfaction of the Principal Certifying Authority.
- (e) Confirmation (including certification where relevant, such as in relation to the design of lift systems), to the satisfaction of the Principal Certifying Authority, from an appropriately qualified person that all measures to restrict basement carpark access as set out in the Flood Emergency Response Plan have been implemented.
- (f) A plan shall be submitted to Council, to the satisfaction of the General Manager or delegate, identifying the allocation of the parking spaces for each unit, and appropriate signage/linemarking to give force to the arrangements. Tandem parking spaces shall only be allocated to a single unit as a pair.
- (g) The car park approved under DA23/0340 (as amended) on Lot 1 DP 203835 (187 Morgan Street) shall be constructed, to the satisfaction of the General Manager or delegate.
- (h) An Occupation Certificate shall be issued for the entirety of Stage 3C.

C.72 Prior to the issue of each Occupation Certificate, the Principal Certifier must be provided with documentary evidence demonstrating that

- All internal driveway and vehicular access areas and,
- Driveway crossover/s constructed within the road reserve (kerb to property boundary);

have been constructed in accordance with the approved Construction Certificate plans. Where the approved plans include an engineering pavement design, the documentary evidence must include certification from the engineer that the driveway has been constructed in accordance with the approved pavement design. The Principal Certifier must be satisfied that compliance with this condition has been demonstrated prior to issuing the Occupation Certificate.

C.73 Prior to the issue of any Occupation Certificate for Stage 3C the proposed townhouses are to be adequately serviced.

- i) A sewer junction and spur must be provided to each of the townhouses from Council's sewer main.
- ii) A stormwater spur from Council's stormwater main shall be provided to each townhouse

The works shall be at the full cost of the developer and must be carried out by a Council approved contractor. Works as Executed (WAE) plans shall be provided in accordance with Council's Guidelines for Subdivision and Developments.

NOTE: A Section 68 approval will be required for the works. The WAE plans shall show the location of the constructed mains/junctions and spurs to confirm they are servicing each townhouse.

- C.74 Prior to the issue of each Occupation Certificate for the completed development fees for Civil Works (including road works, stormwater, sewer, concrete works) inspections shall be paid in full. Inspections will be charged in accordance with Council's current Fees and Charges Schedule.
- C.75 Prior to release of each Occupation Certificate for the completed development an "into maintenance inspection" must be carried out of the completed works. The maintenance period will last for 6 months, upon which time an "out of maintenance inspection" will be required to ensure the works are acceptable to Council.
- C.76 Prior to the issue of each Occupation Certificate, the applicant shall provide to Council a copy of the certification from the registered surveyor required under Condition C.34 regarding the constructed floor level of the buildings, relevant to that stage.
- C.77 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of each building.

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

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

- C.78 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.79 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

- C.80 Prior to the issue of an Occupation Certificate for Stage 3A/3B, signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.
- C.80A Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution as identified in the table below must be paid to Council, prior to the issuing of the Occupation Certificate for each stage. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment. Evidence in writing from Council must be provided confirming the required contributions have been paid, to the satisfaction of the certifier.

<p>Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)</p>	<ul style="list-style-type: none"> • \$5,776 per one bedroom dwelling, • \$7,702 per two bedroom dwelling and • \$10,012 per three bedroom or larger dwelling. <p>The four existing dwellings each have a base credit of \$10,012 which is applicable in stage 3C. 185 Morgan Street has a base credit for 1 lot of \$10,012 which is applicable in Stage 3A/3B.</p>
<p>Adopted CPI indexation applied at date of determination (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)</p>	<p>140.9/115.1</p>
<p>Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)</p>	<ul style="list-style-type: none"> • \$7,071 per one bedroom dwelling, • \$9,428 per two bedroom dwelling and • \$12,256 per three bedroom or larger dwelling. <p>The credit for each existing dwelling/185 Morgan Street is \$12,256. (see Note 2)</p>

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.11 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics. Indexed developer contributions are adopted annually by Council for the financial year.

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

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

C.80B Prior to the issue of an Occupation Certificate for each stage a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development. Evidence in writing from Council must be provided confirming the required contributions have been paid, to the satisfaction of the certifier.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 3: Under s306 of the Water Management Act 2000, Council may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 4: The Section 64 Sewer base figure is:

- \$1,769 per one bedroom dwelling in the relevant stage,
- \$2,654 per two bedroom dwelling in the relevant stage,
- \$3,538 per three bedroom or larger dwelling in the relevant stage, and
- \$50,487 for the commercial floor area (payable in Stage 3A/3B only)

There is a base credit of \$3,538 per dwelling for the four existing dwellings applicable in Stage 3C.

There is a base credit of \$32,039 for the existing commercial space on the site applicable in Stage 3A/3B.

The Section 64 Sewer contribution (updated by the CPI of 139.7/100.5) required to be paid is:

- \$2,459 per one bedroom dwelling in the relevant stage,
- \$3,689 per two bedroom dwelling in the relevant stage
- \$4,918 per three bedroom dwelling in the relevant stage, and
- \$70,179 for the commercial floor area (payable in Stage 3A/3B only)

The current credit is \$4,918 per dwelling for the four existing dwellings applicable in Stage 3C.

The current credit for the existing commercial space on the site is \$44,536 applicable in Stage 3A/3B.

NOTE 5: The Section 64 Stormwater base figure is nil.

NOTE 6: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 7: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

General requirements

C.81 The approved hours of operation for the approved uses of the commercial premises are:

Monday to Saturday 7:00am to 10:00pm

Sundays and Public Holidays 8:00am to 10:00pm

Deliveries, waste collection, and loading is approved during the following hours:

Monday to Saturday 7:00am to 6:00pm

Sundays and Public Holidays 8:00am to 6:00pm

C.82 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: 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

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

C.83 Consent is granted for the use of the Commercial Premises in Building 3A and 3B for the following purposes (as defined by the Wagga Wagga Local Environmental Plan 2010, as relevant):

Office, business and retail premises other than premises that are:

- (i) food and drink premises,
- (ii) a funeral chapel,
- (iii) a funeral home,
- (iv) retail premises where firearms within the meaning of the Firearms Act 1996 are sold,
- (v) landscaping material supplies,
- (vi) a market,

- (vii) premises that are a beauty salon or hair dressing salon,
- (viii) premises where a skin penetration procedure within the meaning of the Public Health Act 2010 is carried out,
- (ix) restricted premises,
- (x) a roadside stall,
- (xi) sex services premises,
- (xii) vehicle sales or hire premises, and

- C.84 All loading, deliveries, and waste collection and management shall occur in accordance with the measures set out in the approved 'Loading and Operational Waste Management Plan', unless otherwise agreed to, in writing, by the General Manager or delegate.
- C.84A All landscaping and building maintenance on site shall occur in accordance with the measures set out in the approved 'Ongoing Landscape and Building Maintenance Plan' (as amended from time to time), unless otherwise agreed to, in writing, by the General Manager or delegate.
- C.85 All internal service roads shall be maintained to the satisfaction of the General Manager or delegate. If directed by the General Manager or delegate, the owner of the land on which an internal roads is located shall carry out repairs and maintenance to the satisfaction of the General Manager or delegate.
- C.86 No skip bins associated with Buildings 3A and 3B shall be stored external to the building or outside the designated waste rooms.
- C.87 The Flood Emergency Response Plan shall be complied with at all times. If any measures to prevent access to the basement become inoperative, all occupants shall be advised, and the measure immediately repaired.
- C.88 Parking allocation within the basement carpark shall be consistent with the plan approved under this consent.
- C.89 The following minimum number of car parking spaces must be made available on site, or on adjoining land with an appropriate easement, at all times:

Use	Parking Requirement
Shop Top Housing (Residential Apartments) in Building 3A and 3B	142
Ground Floor Commercial Premises in Building 3A and 3B	32
Townhouses	16
Total	190

The car parks and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2018 and AS/NZS2890.6.2022.

- C.90 Illumination of the car park must be in accordance with AS 1158.3.1.2020, as amended, lighting for roads and public spaces.
- C.91 Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-2015 "Bicycle parking facilities" is required.
- C.92 Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications

selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.

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

N/A

E. SCHEDULE E – Prescribed Conditions

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

E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
- (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -
relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E.2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a 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 certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
- (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
- (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E.3 Notification of Home Building Act 1989 requirements (clause 71 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following-
 - (a) for work that requires a principal contractor to be appointed-
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) for work to be carried out 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 Home Building Act 1989-the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

E.4 Shoring and adequacy of adjoining property (clause 74 EP&A Reg 2021)

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the

development consent must, at the person's own expense-

- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if-
- (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

E.5 Fulfilment of BASIX commitments (clause 75 EP&A Reg 2021)

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

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

N/A
