

Integrity Projex V Pty Limited  
C/- Mitchel Hanlon Consulting Pty Ltd  
PO Box 1568  
TAMWORTH NSW 2340

Dear Sir/Madam

**MODIFICATION TO DEVELOPMENT APPLICATION NO. MOD2018-0128 FOR MODIFIED STAGING PLAN & AN ADDITIONAL FOUR ALLOTMENTS ON LOT 105 DP 755333 & LOT 12 DP 1203287, MARATHON STREET, WESTDALE**

I refer to the subject development application and advise that Council has completed its assessment of the application to modify the conditions of development consent in the following manner:-

- **Add condition 5a requiring details of any retaining walls to submitted prior to release of a construction certificate;**
- **Amend condition 14 to reflect the updated plans;**
- **Add condition 47d requiring an identification survey to confirm retaining walls (including footings) are sited in accordance with the approved plans and do not encroach within adjoining properties;**
- **Add condition 47e requiring a Restriction of User be placed on Lot 19 prohibiting access to Goonan Street;**
- **Add 47f requiring all lots in stages 4 & 5 to be located above the 1 in 100 year flood planning level prior to the release of a subdivision certificate; and**
- **Add Advisory Note 1 regarding possible future stormwater works within the area.**

Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, Council has approved the application to amend conditions. In this regard, conditions of the development consent now comprise –

**Prior to Commencement of Work**

- 1) In accordance with section 81A of the Environmental Planning and Assessment Act 1979, subdivision work must not commence until:
  - a) Construction certificate for the subdivision work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - b) The person having the benefit of the development consent has appointed a principal certifying authority for the subdivision work, and
  - c) The principal certifying authority has, no later than 2 days before the subdivision work commences:
    - i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and
  - d) The person having the benefit of the development consent has given at least 2 days' notice to the council, and the principal certifying authority if that is not the council, of the person's intention to commence the subdivision work.
- 2) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 3) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater - Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any works.
- 4) Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3 (as amended) and the current version of the RMS "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.

#### **Prior to Issue of Construction Certificate for Subdivision Works**

- 5) Certification being provided in accordance with Annexure A of Council's current version of the Engineering Design Guidelines for Subdivisions and Developments.
- 5a) Retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.
- 6) Engineering design plans, reports and calculations prepared in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments are required for stormwater drainage, roads, footpaths and erosion control during construction. Completed 'Information to be shown on drawings' and 'Checklists' contained within Council's current version of the Engineering Design Guidelines for Subdivisions and Developments for each asset category shall be submitted as confirmation that all works are designed in accordance with recognised and accepted guidelines.
- 7) A landscaping plan that complies with the requirements of Section 6 of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be submitted to Council for approval.
- 8) An Inspection Test Plan (ITP) for the construction of roads and stormwater drainage infrastructure required for the development shall be submitted to Council's Manager Transport and Assets for approval to ensure the quality of construction meets the design criteria.
- 9) A Traffic Management Plan (TMP) detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network and pedestrian thoroughfares shall be submitted to Council for approval.

- 10) Electrical reticulation construction plans stamped and approved by Essential Energy shall be provided to ensure the following:-
- a) Satisfactory arrangements have been made for the provision of electricity to all lots;
  - b) No Lots are burdened by existing overhead power lines; and
  - c) Street lighting designed in accordance with AS1158 (as amended) and the current version of Council's Engineering Design Guidelines for Subdivisions and Developments.
- 11) A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of a Subdivision Certificate. Council requires the following works to be completed prior to issue of a Compliance Certificate. The following information shall be submitted for the approval of Council prior to issue of a Construction Certificate:

*Water*

- a) A satisfactory Water Servicing Strategy for the development, including any staging shall be submitted prior to preparation of the engineering drawings and application for a Construction Certificate.
- b) Engineering design drawings for the extension of water supply required by condition 40 shall be prepared in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be submitted to, and approved by Council prior to issue of a Construction Certificate

*Sewer*

- c) A satisfactory Sewer Servicing Strategy for the development, including any staging is to be submitted prior to preparation of the engineering drawings and application for a Construction Certificate.
- d) Engineering design drawings prepared in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments for the extension of the sewer system required by condition 40 shall be submitted to and approved by Council prior to issue of a Construction Certificate

**General**

- 12) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 13) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
- 14) To confirm and clarify Council's terms of approval, the subdivision shall be carried out in accordance with the Servicing and Staging Layout Plans prepared by Mitchel Hanlon Consulting dated 5 July 2018.
- 14a) Staging of the development is permitted provided that continuity in the installation of utility services and any civil infrastructure required is not compromised by the staging.
- 15) The development is to comply with Council's Engineering Design Guidelines for Subdivisions and Developments.

- 16) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

### **During Construction**

#### *General*

- 17) Erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times to avoid damage to and/or pollution of the environment during construction.
- 18) The Traffic Management Plan (TMP) and Traffic Control Plans (TCP), where applicable, shall be maintained and adhered to at all times. Any changes to the approved TMP shall be submitted to Council for subsequent approval or otherwise.
- 19) Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-  
Monday to Friday - 7.00am to 5.00pm;  
Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;  
No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
- 20) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
- 21) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the Developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 22) If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Manager Transport and Assets is required.
- 23) Any damage caused to Council infrastructure during construction in, on or under the road reserves or within private property shall be rectified by the owner or builder to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure
- 24) If any potentially hazardous materials are found during the development of the site all work should cease immediately and Council's Environmental Health Officers will need to be notified so that the appropriate remedial action can be undertaken.

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*Allotment Filling*

- 25) Any allotment filling shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

NOTE: Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.

*Street Lighting*

- 26) Street lighting shall be provided along the Marathon Street and Goonan Street frontages as well as the new internal road in accordance with the requirements of AS/NZS1158.0 to the following classifications:

a) Minor – Local P4

NOTE: No electricity lines shall impinge any residential allotment.

*Footpath*

- 27) A 1.5m wide (Marathon Street) and 1.2m wide (New Road) 100mm thick boundary line non-slip reinforced concrete footpath jointed in accordance with Council’s Standard Drawing 11448 shall be constructed along the entire frontage of Marathon Street and the new road.

*Internal Roads*

- 28) Full width road construction that satisfies Road Design Standard 1 (RDS1) of Council’s current version of the Engineering Design Guidelines for Subdivisions and Developments is required for the full frontage of all lots to ensure that public facilities are established at an appropriate standard having regards to the traffic generated by the propose development.
- 29) The preferred street name for the new internal road shall be submitted for Council’s consideration and approval with the engineering drawings to ensure streets are named in accordance with the adopted guidelines.

29a) *Deleted*

29b) *Deleted*

*Marathon Street*

- 30) The Marathon Street pavement shall widened and kerb and guttered to form a 3.5 metre verge along the boundary with proposed Lots 1 to 21.
- 31) The Marathon Street pavement shall widened and kerb and guttered to form a 3.5 metre verge along the boundary with proposed Lots 55 to 58.

*Goonan Street*

- 32) The Goonan Street pavement shall widened and kerb and guttered to form a 3.5 metre verge along the boundary with proposed Lots 58 to 63.
- 33) A 5 metre by 5 metre splay at the corner of Marathon Street and Goonan Street shall be dedicated to Council as road reserve.

*Stormwater*

- 34) The stormwater drainage system for the subdivision shall be designed to comply with Drainage Standard 2 (DDS2) of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments.
- 35) The existing swale drain capacity adjacent to the rail corridor shall be confirmed and reshaped where required to cater for the Q100 flows from the development. This swale shall follow the Northern side of the Goonan Street road reserve and terminate at the 4 cell 900 diameter hell-core pipe culvert under the rail line.
- 36) Inter-allotment stormwater drainage systems shall be designed in accordance with Council's current version of the Engineering Guidelines for Subdivisions and Developments to provide adequate drainage facilities for each Lot.

<b>Prior to the release of a Subdivision Certificate</b>
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- 37) a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

<b>Description</b>	<b>Contribution (\$) per lot</b>
Roads	\$ 1486.00
Open Space and Recreation	\$ 457.00
Plan Preparation and Administration	\$ 40.00
<b>TOTAL</b>	<b>\$ 1984.00 per lot</b>

- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\frac{\$C_{PY}}{\$C_{DC} \times \frac{CPI_{PY}}{CPI_{DC}}}$$

Where:

<b>\$<sub>PY</sub></b>	Is the amount of the contribution at the date of Payment
<b>\$C<sub>DC</sub></b>	Is the amount of the contribution as set out in this development consent
<b>PI<sub>PY</sub></b>	Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
<b>CPI<sub>DC</sub></b>	Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council prior to the issue of the Subdivision Certificate where development is for subdivision; or

**It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

Council's Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

- 40) A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of a Subdivision Certificate. Council requires the following works to be completed and/or payments received prior to issue of a Compliance Certificate. Design information to be submitted prior to issue of a Construction Certificate.

*Water*

- a) Council's water reticulation system shall be extended to provide adequate service to the development;
- b) A single water service shall be provided to each lot;
- c) Work shall be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments; and
- d) Work on live water mains shall be undertaken by Council at full cost to the developer.

*Sewer*

- e) Council's sewerage system shall be extended to provide adequate service to the development;
- f) A single sewer service shall be provided to each lot;
- g) Work on live sewer mains shall be undertaken by Council at full cost to the developer; and
- h) Sewer easements of minimum 3.0 metres width are to be provided over all sewer mains within private property.

*Headworks*

- i) Water headworks charges: \$4,626 per lot
- j) Sewer headworks charges: \$1,927 per lot

NOTE: The above headworks contributions have been adopted under the 2014/2015 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years

- 41) A Maintenance Bond in accordance with Section 1.5.3 of the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be paid to Council.
- 42) Approved construction drawings shall be amended to show "Work-as-Executed" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.

One A1 hard copy, a scanned electronic 'PDF version and an AutoCad 'dwg' version of the signed "Work-as-Executed" plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.

For developments where allotment filling has been carried out, the "Work-As-Executed" plans shall indicate the contours prior to and after filling and the associated compaction test results.

For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification of compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be submitted to Council.

- 43) Certification being provided that each lot is serviced with electricity in accordance with the approved electrical reticulation construction plans.
- 44) The existing overhead powerlines that terminate in Lot 105 DP 755333 must be removed from the subdivision so as not to impinge on proposed lots.

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- 45) Certification being provided that street lighting installation complies with the approved electrical reticulation construction plans.
- 46) Certification shall be provided by a Telecommunications Service Provider that each Lot is serviced with telecommunications infrastructure in accordance with recognised standards. Where certification is not able to be obtained from a Telecommunications Service Provider in a reasonable time frame the development may, with consent of Council, place a covenant on the title of any affected lot to warn prospective purchasers that connection to a Telecommunication Service is not available to the burdened lot.
- 47) Easements for utilities and services, including stormwater and sewer, in favour of the Lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property.
- 47a) *Deleted*
- 47b) *Deleted*
- 47c) Prior to the release of the Subdivision Certificate for Stage 3A the easement for the Right of Carrieway shall be created in accordance with the approved plans.
- 47d) An Identification Survey prepared by a Registered Surveyor shall be submitted, prior to the release of a subdivision certificate, to confirm any retaining walls (including footings) are sited in accordance with the approved plans and do not encroach within adjoining properties.
- 47e) A Restriction of User pursuant to Section 88 of the Conveyancing Act 1919 shall be created with registration of the plan of subdivision prohibiting access to Lot 19 from Goonan Street prior to the release of a subdivision certificate for stage 5.
- 47f) It shall be demonstrated that all lots in stages 4 & 5 are located above the 1 in 100 year flood planning level prior to the release of a subdivision certificate for each stage.

**Advisory Note**

Advisory Note 1: If stormwater drainage infrastructure located under the railway adjacent to the development is upgraded, prior to the release of a Construction Certificate for stage 5 of the development, the developer shall consult with Council to facilitate discharge to the west along Goonan Street.

Please note that this approval remains effective from the original date of consent 17 November 2014.

Under the provisions of Section 8.7 of the Act you may (within six (6) months from the date of this development consent) appeal to the Land and Environment Court against conditions imposed should you feel they are unreasonable.



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We are progressively introducing new e-planning tools which will transform the way we deliver our services. The first steps completed have made more information available to you online, including access to an electronic copy of this development consent. Visit Council's Application Tracking Portal at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) to view your documentation.

Yours faithfully



Sam Lobsey  
**Acting Manager Development & Approvals**

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*Reference: SL/mg/MOD2018-0128 & DA0090/2015*

28 August 2018