



# City of Wagga Wagga

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION DA19/0476 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18 of the Environmental Planning & Assessment Act, 1979.

<b>Application Number:</b>	DA19/0476
<b>Applicant:</b>	PS Dorsett, KM Dorsett 55 Fitzroy St TATTON NSW 2650
<b>Land to be Developed:</b>	55 Fitzroy St TATTON NSW 2650 Lot 10 DP 1061134
<b>Description</b>	Carport
<b>Determination:</b>	Approved Subject to Conditions
<b>Date of Determination:</b>	15/10/2019
<b>Consent to Operate from:</b>	15/10/2019
<b>Consent to Lapse on:</b>	15/10/2024
<b>Other Approvals:</b>	Nil

On behalf of the Council

Steven Cook  
Senior Town Planner

### Review of Determination

Where Council is the consent authority, Section 8.2 of the Environmental Planning and Assessment Act 1979, provides that the applicant may request the Council to review the determination. A request for review cannot be made after the period within which any appeal may be made to the Court has expired if no appeal was made. There is no right to review a determination of a complying development certificate, designated development, or Crown Development.

## Right of Appeal

Where an applicant is dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 provides a right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal or after the date of deemed refusal under section 8.11.

### CONDITIONS OF CONSENT FOR APPLICATION NO. DA19/0476

#### Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Block Plan	Lifestyle Patios	-	Lodged 09/09/19
-	Plan View	Lifestyle Patios	-	Lodged 09/09/19
-	Elevations	Lifestyle Patios	-	Lodged 09/09/19
-	Statement of Environmental Effects	Lifestyle Patios	-	05/09/19

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.

**REASON:** It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### Prior to Commencement of Works

2. 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.

**REASON:** To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

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

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

**NOTE 3:** It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

**REASON:** To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **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.**

- NOTE 1:** No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.
- NOTE 2:** Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.
- NOTE 3:** The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

**REASON:** To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **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**

**Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.**

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

**REASON:** To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. **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.

**REASON:** It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**7. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**

- a) in the case of work done by a licensee under the Act:**
  - i) has been informed in writing of the licensee's name and contractor license number, and**
  - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) in the case of work to be done by any other person:**
  - i) has been informed in writing of the person's name and owner-builder permit number, or**
  - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

**and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).**

**NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.**

**REASON:** To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

**8. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) stating that unauthorised entry to the site is prohibited, and**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

**Any sign must be removed when the work has been completed.**

**NOTE: This condition does not apply to:**

- a) building work carried out inside an existing building, or**

- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 9. At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### **During works**

- 10. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Footings</b>	<b>When the footings have been excavated and all steel reinforcement has been placed in position.</b>
<b>Slab</b>	<b>When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.</b>
<b>Wall frame</b>	<b>When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.</b>
<b>Roof frame</b>	<b>When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.</b>
<b>Drainage</b>	<b>When the stormwater and roof water drainage system has been completed.</b>
<b>Final</b>	<b>Required prior to occupation of the building</b>

**NOTE 1:** A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form

attached to the Council issued Construction Certificate 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 2:** The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

**NOTE 3:** Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

11. **The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.**

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. **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.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. **The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

**Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.**

- c) **Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.**
- d) **A durable notice must be permanently fixed to the building in the electricity meter box indicating:**
  - i) **The method of protection**
  - ii) **The date of installation of the system**
  - iii) **Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.**
  - iv) **The need to maintain and inspect the system on a regular basis.**

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. **The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### **Prior to release of Occupation Certificate / Prior to Operation**

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

**In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments -**



failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

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

**REASON:** It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. **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.

**REASON:** To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

18. **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.

**REASON:** To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

## General

19. **Any earthworks (including any structural support or other related structure for the purposes of the development):**
- (a) **must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and**
  - (b) **must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and**
  - (c) **retained material must have a gradient of at least 5%, and**
  - (d) **must be constructed in accordance with the approved plans for such work(s).**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

20. **(1) For the purposes of Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**
- (a) **protect and support the adjoining premises from possible damage from the excavation, and**
  - (b) **where necessary, underpin the adjoining premises to prevent any such damage.**
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.