



City of Wagga Wagga

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION DA19/0478 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.

Application Number:	DA19/0478
Applicant:	GP Bannon Po Box 5516 WAGGA WAGGA NSW 2650
Land to be Developed:	12 Wentworth St EAST WAGGA WAGGA NSW 2650 Lot 5 DP 258690
Description	Construction of 32 self-storage Units to the rear of the existing warehouse
Determination:	Approved Subject to Conditions
Date of Determination:	23/10/2019
Consent to Operate from:	23/10/2019
Consent to Lapse on:	23/10/2024
Other Approvals:	Nil

On behalf of the Council

Amanda Gray
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. DA19/0478

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
	Statement of Environmental Effects	BCM Design Centre Pty Ltd		6.09.2019
19123-1	General Details	BCM Design Centre Pty Ltd		5.09.2019
19123-2	General Details	BCM Design Centre Pty Ltd		5.09.2019
19123-3	General Details	BCM Design Centre Pty Ltd		5.09.2019

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 release of Construction Certificate

2. Pursuant to s7.12 of the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034*, a monetary contribution of \$868 must be paid to Council, prior to the issuing of the Construction Certificate. 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.

NOTE 1: Clause 3.2 of the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034* provides for Section 7.12

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.

NOTE 2: The monetary 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.

REASON: Having considered the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public amenities and public services within the area.

3. **Prior to the release of Construction Certificate 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.**

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: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, 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 5: The Section 64 Sewer base figure is NIL

The Section 64 Sewer contribution (updated by the 115.2/100.5) required to be paid is NIL

NOTE 6: The Section 64 Stormwater base figure is \$2,130.70

The Section 64 Stormwater contribution (updated by the 115.2/87.9) required to be paid is \$2,792.45

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: 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.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

4. **Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.**

(a) **Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including:**

- **Structural Provision - Section B1;**
- **Fire resistance - Section C (Parts C1, C2, C3);**
- **Provision for escape (access and egress) - Part D1,**
- **Construction of exits - Part D2;**
- **Access for people with disability - Part D3**
- **Fire fighting equipment - Part E1;**
- **Emergency lighting, exit signs and warning systems - Part E4;**
- **Health and Amenity - Section F**
- **Energy Efficiency - Section J**

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 4.15 (1) (a) (iv) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **No part of the development, including cut, fill, or footings is to encroach the easement. Prior to the release of the Construction Certificate the applicant is required to submit plans that show that the footings address the angle of influence taking into account the depth of existing sewer and stormwater mains in the easement.**

REASON: To ensure the integrity of infrastructure within the easement is retained. Section 4.15 (1) (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

6. **Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority.**

The compliance certificate 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.

REASON: To reduce the likelihood of damage from flood waters. Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

During works

13. **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.

14. **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.

15. **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.

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

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. **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.**

REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

18. **The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.**

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

19. **The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.**

REASON: To reduce the likelihood of damage from flood waters. Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. **A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2015 and Plumbing Code of Australia.

21. **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 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

22. **Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.**

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. **Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. **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.

General

25. **The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement and that the building is provided with an adequate level of fire protection. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended and Part 9 of the *Environmental Planning Regulation 2000*.

26. **(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.