



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

ApplicationNo:	DA19/0353
Council File No:	D/2019/0353
Date of Lodgement:	17/07/2019
Applicant:	Wagga Wagga City Council PO Box 20 WAGGA WAGGA NSW 2650
Proposal:	Construction of Emergency Service Facility for NSW Rural Fire Service
Development Cost:	\$163500
Description of Modification:	N/A
Other Approvals:	Nil
Determination Body & Reason:	Delegation
Assessment Officer:	Buddhika Perera

SITE DETAILS

Subject Land:	1275 Humula Rd TARCUTTA NSW 2652 023/HUMULA RD
Owner:	Rural Fire Service

REPORT

Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	14 days closed on 19 th August 2019
Advertising:	Yes
Owner's Consent Provided:	Yes
Location:	On the western side of Old Humula road, adjoining Wattle Vale Road.

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument:	WWLEP 2010
Zoning:	RU1 Primary Production
Land Use Definition:	Emergency Service Facility(RFS Shed)
Statement of Permissibility:	Permissible with consent

Description of Development

The applicant seeks approval for a 12m x 5.4m and 4.2m high Rural Fire Service (RFS) shed near the intersection of Humula Road and Wattle Vale Road at Umbango.

The proposal also includes a new 100m long gravel access road from Wattle vale road, an internal waterless toilet, solar panels and two water tanks.

No new access will be provided via Humula Road.

The Site and Locality

The proposed site is located half way between Tarcutta and Humula, at the intersection of Humula Rd and Wattle Vale Road and is essentially the road reserve for Humula Road. The site has a gentle slope towards the north and currently being used for storage of road construction materials. Surrounding the site are predominantly farm lands and rural dwellings.

Easements and Covenants

The site is not encumbered by easements or restrictive covenants.

Previous Development Consents

No development consents issued for the property.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the *WWLEP2010*, the subject site is within the RU1 Primary Production zone.

The development for ***emergency services facility*** (RFS Shed) is permissible with consent.

Emergency Services Facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

Emergency Services Organisation means any of the following:

- a) Ambulance Service of New South Wales,
- b) Fire and Rescue NSW,
- c) NSW Rural Fire Service,
- d) NSW Police Force,
- e) State Emergency Service,
- f) New South Wales Volunteer Rescue Association Incorporated,
- g) New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001 <<https://www.legislation.nsw.gov.au/>>,
- h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989 <<https://www.legislation.nsw.gov.au/>>.

Part 2 Permitted or prohibited development Land Use

Objectives of the zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To foster strong, sustainable rural community lifestyles.*
- *To maintain the rural landscape character of the land.*
- *To allow tourist and visitor accommodation only where it is in association with agricultural activities.*

Comment: The proposed development for the Rural Fire Shed is not inconsistent with the objectives for the zone. The infrastructure will provide a vital service to the grater area, including a vast area of Rural Land.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

No development standards are applicable to this development.

Part 5 Miscellaneous provisions

No miscellaneous provisions are applicable to the subject development.

Part 6 Urban Release Areas

Not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1A Earthworks

The development will require earthworks to create a level surface for the construction of the shed and construction of gravel access driveway. Standard conditions of consent will be imposed to ensure that suitable erosion and sediment controls measures are in place during construction to ensure there are no adverse impacts to the subject site or adjoining allotments.

7.3 Biodiversity

Part of the subject site is identified as 'biodiversity' on the Terrestrial Biodiversity Map under WWLEP2010. Pursuant to this clause, the consent authority (Council) must not grant development consent unless consideration has been given to the potential adverse impacts that the development may have upon native vegetation, habitats of threatened species, significant vegetation or the like.

The proposed development of a shed for the Rural Fire Service will not involve the removal of any native vegetation (with the site previously being cleared for the depot). The development will not have an adverse impact upon any issues that are subject to this clause.

7.4 Vulnerable land

Part of the subject land (road reserve) is mapped as vulnerable land on the Vulnerable Land Map. However, the proposed building footprint of the shed is located outside the area mapped as Vulnerable lands.

No further assessment is required under this section.

7.6 Groundwater Vulnerability

The subject site is identified as 'Groundwater' on the Water Resource Map under WWLEP2010. Pursuant to this clause, the consent authority (Council) must not grant development consent for a purpose the subject of this clause, unless the authority is satisfied that the development would not adversely affect the sources or quality of groundwater. The proposed development is not of a type of development subject of this clause.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy 55(remediation of land)

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

The subject site is a road reserve of Humula road and has historically been utilised for temporary storage of road construction materials such as aggregates and parking of construction vehicles, however this is temporary in nature and unlikely to cause contamination.

This use is not uncommon for most road reserve lands and use of land for storage of construction materials and parking of vehicles is limited to the construction period.

Considering the previous temporary uses of the site and proposed use (RFS shed) it is not necessary to request any investigation reports.

The land is not identified on Council's register of contaminated sites nor is it known to have been used for any potentially contaminating land uses.

Therefore, no further assessment is required under this section and Council can be satisfied that the site is suitable in its current state for the proposed development.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. With the exception of the following, none of these are applicable to this application.

Remediation of Land SEPP and repeal of State Environmental Planning Policy 55

The draft SEPP will not impact on the assessment of this application under SEPP 55 with regard to the potential contamination of this site and its suitability for the proposed

development.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

Proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of Development Applications.

The development application was notified to adjoining land owners for a period of 14 days, closing 18/08/2019. During this time, no submissions were received.

Section 2 - Controls that Apply to All Development

2.1- Vehicle Access and Movement.

Access to the site will be via 100m long single gravel access road off Wattle Vale Road. No driveway access is proposed off Humula Road. The site will accommodate sufficient room for vehicles (including fire trucks) to be able to enter and leave in a forward direction. All vehicle movement and parking areas are proposed to be a gravel hardstand.

2.2- Off-Street Parking.

There are no parking requirements under WWDCP2010 for the proposed emergency services facility. The application does not detail the number of on site car parks to be constructed, however there will be ample room within the site for the parking, and movement of vehicles without prejudicing the access or movement of Fire Trucks.

2.3 Landscaping

The site is not currently landscaped aside from existing trees. No additional landscaping is proposed as part of this application, nor is it deemed warranted.

2.4 - Signage

No signage is proposed as part of this application.

2.5 - Safety and Security

The proposed development will not adversely impact the safety and/or security of the area and it is considered to meet the outcomes sought under the provisions of CPTD.

2.6 - Erosion and Sediment Control Principles

A condition of consent will be imposed to ensure adequate erosion and sediment controls will be in place during construction works.

2.7 - Development adjoining open space

The proposed development does not adjoin any public open space.

Section 4 Environmental Hazards and Management

4.1 Bushfire

The subject land is located within the area prone to bushfire hazards and therefore the objectives and controls of this section will apply.

Objectives

O1 Minimise risk to life, property and the environment from bush fire.

O2 Ensure compliance with statutory obligations for development in bush fire prone areas.

Controls

- C1 *Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.*
- C2 *Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006*

The proposal is for a Class 10a building which is located in RU1 zone and the primary vegetation in the vicinity would be considered a mix of grasslands and woodlands. Given the site is currently unmanaged land adjoins grass lands, the site would be considered as BAL 12.5.

However, according to Planning for Bushfire protection 2006 no additional construction requirements will apply for Class 10a buildings located more than 10m from existing dwellings.

There are no dwellings located within close proximity and therefore the proposal generally complies with clause 4.3.6(f) of the Planning for Bushfire Protection 2006 and the objectives and controls of clause 4.1 of WWDCP2010.

Following performance criteria were considered as part of the assessment and the development is considered acceptable.

- **APZ**
No APZ requirements will be applicable for class 10 and 10a buildings if located more than 10m from class 1 building(dwellings).
- **Siting and design**
The proposed building footprint is appropriately sited with gravel hardstand area allowing adequate separation from existing trees.
- **Construction Standards**
Conditions of consent will ensure the building is constructed to relevant standards according to BCA.
- **Access requirements**
From the entrance to the lot to the shed is relatively flat land with minimal vegetation. The proposed internal gravel access single driveway is approximately 100m long and comply with access requirements.
- **Water and Utilities**
The site will have two 30,000lt water tank for internal use and Fire Fighting purposes. No other services will be available to the site.
- **Landscaping**

No Landscaping is proposed as part of the application.

The subject shed will be a steel frame Colourbond construction and located more than 10m away from dwellings and the proposed building foot print will be in gravel hardstand area which will act as a defendable space between the building and vegetation. Therefore, risk to life and property from bushfire event is considered negligible.

Section 8 - Rural Development

The subject site is within the RU1 Primary Production Zone, and the proposed development is permissible in the zone with consent. However, there are no controls under this Section relevant to the proposed development.

Objectives

1. ***Ensure that rural developments are compatible with site context.***

The proposed development is not for a rural development; however, the subject site is suitable for the proposed development given its proximity to the township of Humulla, access to Humulla road, and its location away from potential environmental hazards.

2. ***Minimise potential for conflicts between traditional and productive agricultural uses and non-agricultural uses.***

The proposed development is for a non-agricultural use. The subject site has not been used for agricultural purposes in recent times, with the most recent land use being a temporary storage or road construction materials for road works on of the Humula Road. The proposed Fire Shed will not adversely impact upon the future potential use of the lands in the vicinity of the subject land for agricultural purposes.

3. ***Ensure that adequate buffers are provided so that dwellings do not interfere with the right to farm adjoining or adjacent land.***

The proposed development would not interfere with the right to farm on adjoining allotments. No buffer is necessary in this instance.

4. ***Ensure safe and adequate servicing and access arrangements.***

Access to the site will be from Wattle Vale Road and two water tanks have been proposed for the internal use and firefighting purposes.

Section 4.15(1)(a)(iia) - Planning Agreements

No planning agreements have been entered into.

Section 4.15(1)(b) - likely impacts of that development				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed fire shed is appropriately sited, constructed and considered suitable within the existing context and setting.
Streetscape	x			The shed will have negligible adverse impact upon the existing streetscape. The shed will appear as a large double

				garage/farm shed, and is consistent with other Rural Fire Sheds around the state.
Traffic, access and parking	x			Access to the site is from Wattle Vale Road, a new gravel access road will be constructed to council standards. Car parking will be catered for on site, with ample space available. The shed will not generate large volumes of traffic, except for emergency situations.
Public Domain	x			A new gravel access way will be constructed off Wattle Vale Road to the subject site.
Utilities	x			The shed will have a septic tank connected and will be provided with water by water tanks.
Heritage			x	Not applicable.
Other land Resources	x			None identified.
Water Quality & Stormwater	x			General condition of consent related to stormwater management will cover this.
Soils, soil erosion	x			The development will require minor earth works to accommodate the slab of the shed and driveway. The proposed earth works are within the controls of WWDCP 2010.
Air and microclimate	x			No impacts identified.
Flora and Fauna Trees	x			Tree removal for emergency service facility is exempt from development approval.
Waste	x			A condition will be attached to the consent to manage construction waste.
Energy			x	No impacts identified.
Noise & vibration	x			This is unavoidable during the construction period. General condition of consent will limit the construction hours to minimise any noise impacts on adjoining rural dwellings.
Hours of operation			x	Not applicable
Natural hazards - Flooding - Bushfire Prone Area Map			x	The proposal is for a Class 10a building which is located more than 10m from dwellings. Therefore, no additional construction requirements will apply. The proposal generally complies with the objectives of clause 4.1 of WWDCP2010. The subject shed will be a steel and Colourbond construction and located more than 10m away from dwellings. Therefore, risk to life and property from bushfire event is considered negligible.
Technological Hazards				None identified

Safety, security and crime prevention				Considered satisfactory
Social impact in locality				Provides a vital emergency service for the Humula Area.
Economic Impact in Locality				Provides additional construction work for the area.
Site design and internal design				The shed has been designed to provide storage of truck, room for storage and a meeting room with ancillary amenities.
Overlooking - overshadowing			x	Not applicable.
Landscaping			x	Not applicable.
Construction			x	To comply with BCA requirements.
Private open space			x	Not applicable.
Cumulative Impacts			x	Considered acceptable
Disabled access			x	Not applicable
Signage			x	Not applicable.
Setbacks, Building Envelopes			x	Adequate setbacks have been maintained from Humula street and Wattle Vale road boundaries and considered satisfactory.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development would result in development of much needed Emergency Service Facility in a RU1 Primary Production Zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

Section 4.15(c) - the suitability of the site for the development

The subject land located at the south west of the intersection of Humula Road and Wattle Vale road, Humula is considered to be suitable for the proposed development because it is rural land being developed to facilitate the provision of an emergency services facility generally in accordance with Council's controls.

Section 4.15(d) - any submissions made in accordance with the Act or the Public Submissions and those from public authorities

Nil submissions have been received at the time of this report.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

The proposal generally complies with the relevant provisions of WWLEP and relevant controls of WWDCP and the application was notified to adjoining neighbours for comment. Construction of Emergency Service Facility(FRS Shed) in a RU1 zone with high level of bushfire vulnerability will have a positive public interest.

Other Legislative Requirements

Section 733 of the Local Government Act 1993

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire have been considered. A risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The land is free from flood vulnerability as it is located outside the 1:100 ARI.
No data is available on overland flooding.

Bush Fire Risk Assessment

The land is located within the area considered potentially bushfire prone. No dwellings are located within the clause proximity. According to *Planning for bushfire Protection 2006*, there are no bushfire protection requirements for Class 10a and 10b structures located more than 10m from a dwelling in bushfire prone area.

Further the proposed building foot print will be in gravel hard stand area which will act as an asset protection zone between the building and vegetation. Therefore, risk to life and property from bushfire event is considered negligible and the proposal is generally complying with the objectives and controls of section 4.1 of the WWDGP2010.

Section 5AA and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.

The development is for an Emergency Service Facility in Ru1 Zone and will have negligible impacts on existing vegetation. The development will have minimal impact and not impact on any threatened species in the vicinity. Further the land is within the biodiversity certified area and no further assessment is required under this section.

Development Contributions - Section 7.12 Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.12 of the EPA Act, 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

The proposed emergency facility is a type of public infrastructure and therefore no S7.12 contributions will be payable per section 1.7 of the Contributions Plan.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure.

The proposed development will not increase the demand upon Councils Sewer infrastructure (given that it will not be connected to the town sewer), therefore no sewer contributions are payable.

The subject site is outside of the Development Service Plan for stormwater, and therefore no stormwater contributions are payable.

REFERRALS:

Building: No issues raised, standard conditions imposed.

Plumbing: No issues raised, standard conditions imposed.

Engineering: No issues raised, standard conditions imposed.

Health: No issues raised, standard conditions imposed.

Other Approvals

Nil

CONCLUSION:

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

It is recommended that DA19/0353 for RFS - Construction of a new Emergency Service Facility be approved, subject to the following conditions: -

Conditions

Approved Plans and Documentation

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
	Statement of Environmental Effects	Applicant		Scanned 09/06/2019
B140 -001	Proposed Site Plan	A. Inglis	1	01/05/2019
B140 -002	Floor Plan	A. Inglis	1	01/05/2019
B140 -003	Elevations	A. Inglis	1	01/05/2019

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. Prior to the issue of a Construction Certificate, it must be demonstrated that the On-Site Sewage Management System and its associated disposal area situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.

REASON: To comply with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Environmental and Health Protection Guideline for Onsite Sewage management for Single Households, 1998. To ensure that no nuisance is created by the disposal of wastewater. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005.

NOTE: A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

REASON: As the development cannot be connected to the Council's reticulated sewerage system, and because it is in the public interest to comply with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005 Section 4.15 (1)(b) and (e) of the *Environmental Planning Assessment Act 1979*, as amended.

Prior to Commencement of Works

4. **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.

5. **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.

- 6. 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.

- 7. 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.

8. **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.

9. **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.

10. **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.

11. **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) 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.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

- 12. 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.**

COLUMN 1	COLUMN 2
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	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.
Bearers and joists	Prior to the laying of the floor.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

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.

- 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. 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 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.

- 16. 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.

17. **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.
Stack Work	When all 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.

18. **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

19. **At the completion of works all disturbed areas within the road reserve shall reinstated and any construction rubbish or excess excavation spoil shall be removed from site.**

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the Roads Act 1993. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

20. **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.

- 21. 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.

- 22. Prior to the release of the Occupation Certificate, the waterless toilet is to have a current Certificate of Accreditation issued by the Secretary of the NSW Ministry of Health pursuant to Clause 41(1) of the Local Government (General) Regulation 2005.**

REASON: To comply with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Environmental and Health Protection Guideline for Onsite Sewage management for Single Households, 1998. To ensure that no nuisance is created by the disposal of wastewater. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

- 23. (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.

Report Prepared by:  Buddhika Perera Town Planner Date: 24/10/2019	Report Approved by:  Steven Cook Senior Town Planner Date: 24/10/2019
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