



# Report of Development Application

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

### APPLICATION DETAILS

Application No.:	DA20/0043
Modification No.:	N/A
Council File No.:	D/2020/0043
Date of Lodgement:	03/02/2020
Applicant:	MA Tasker, JP Tasker 33 Indigo Dr SPRINGVALE NSW 2650
Proposal:	Secondary dwelling (transportable)
Description of Modification:	N/A
Development Cost:	\$180000
Assessment Officer:	Sam Robins
Determination Body:	Officer Delegation 7.39
Other Approvals	AA20/0052 - Part B4 and B5 Sewer and Stormwater works AA20/0053 - Part A1 install a movable dwelling
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	21/2/20 - 6/3/20
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The subject site is located on the western side of the road two lots north of the junction with Robinia Place

### SITE DETAILS

Subject Land:	33 Indigo Dr SPRINGVALE NSW 2650 Lot 5 DP 1100372
Owner:	JP Tasker & MA Tasker

### DESCRIPTION OF DEVELOPMENT

This application is for the construction of a secondary dwelling. The secondary dwelling is proposed to be located 20m to the rear of the existing dwelling. The secondary dwelling will be a transportable building measuring 8.48m x 14.7m.

### **THE SITE & LOCALITY**

The site, being Lot 5 DP 1100372, 33 Indigo Drive, Springvale, is located on the western side of the road two lots north of the junction with Robinia Place.

The site measures 1.24ha and currently contains a detached dwelling with inground pool to the rear and small shed to the south.

The lot is relatively flat and contains a building envelope which the secondary dwelling has been located within. The site contains scattered vegetation, however the location of the secondary dwelling will not impact on any vegetation. The site has a sewer easement along the front boundary, well clear of the location of the secondary dwelling.

The locality is an established large lot residential area. The surrounding lots are similar in terms of size, buildings and established vegetation.

The site is not considered flood or bush fire prone land.

A site visit was undertaken on 21/2/20 by the assessing officer.

### **COVENANTS**

The site contains a number of covenants.

The council imposed covenants on the original subdivision that are relevant to this application relate to compliance with the property management plan, ensuring building is within the Building Envelope and implementation of the native vegetation plantings under the development control plan relevant at the time of approval of the subdivision.

The proposed secondary dwelling does not impact on the requirements of any of these covenants.

The developer imposed covenants that would be considered relevant state that only one single occupancy dwelling can be erected on the lot.

As the application is for a secondary dwelling it would not comply with this covenant. However, the following section of the LEP applies:

#### ***1.9A Suspension of covenants, agreements and instruments***

*(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

The development can therefore be approved regardless of this covenant if considered appropriate against the provisions below.

### **PREVIOUS DEVELOPMENT CONSENTS**

DA05/0341 - subdivision

DA07/0315 - dwelling

DA07/0315 - in ground pool and shed

### **SUMMARY OF MAIN ISSUES**

Compliance with Councils Development Control Plan 2010

Impact on character of the area

Impact on amenity of adjoining properties.

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**MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)**

*For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.*

**(a)(i) - The provisions of any environmental planning instrument (EPI)**

**Local Environmental Plan**

**Wagga Wagga Local Environmental Plan 2010 (LEP 2010)**

The following provisions of the LEP 2010 apply:

**Land Use Table**

Under the LEP the site is zoned R5 - Large Lot Residential

The objectives of the R5 zone that would be considered relevant are;

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.*

Under section 3 of Zone R5 Secondary Dwellings are considered permissible with consent.

The secondary dwelling provides residential housing in a large lot residential setting without impacting on the environment to an unacceptable degree. The secondary dwelling therefore meets objective 1 and is consistent with the zone.

The definition is as follows:

***secondary dwelling*** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

**Part 4 Principal development standards**

**Clause 4.2A**

*(1) The objectives of this clause are as follows:*

- a) to minimise unplanned rural residential development,*
- b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in residential, rural and environmental protection zones.*

*(2) This clause applies to land in the following zones:*

- a) Zone RU1 Primary Production,
- b) Zone RU2 Rural Landscape,
- c) Zone RU4 Primary Production Small Lots,
- d) Zone RU6 Transition,
- e) **Zone R5 Large Lot Residential,**
- f) Zone E4 Environmental Living.

Given the site contains a lawful dwelling there are no other relevant provisions of this section of the LEP. The proposed secondary dwelling must therefore simply meet the objectives. A simple Transportable Secondary Dwelling does not compromise the two objectives listed above and therefore complies with this section of the LEP.

## Part 5 Miscellaneous Provisions

### 5.4 Controls relating to miscellaneous permissible uses

#### (9) Secondary dwellings

*If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

The secondary dwelling would measure 101.94m<sup>2</sup>. The existing dwelling measures 310.9m<sup>2</sup> 33% of which is 102.34m<sup>2</sup>. The proposal therefore complies with the control.

#### 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones.

Given the land is zoned R5 and the application is for a dwelling this clause applies. The following are matters that must be considered under this clause.

#### (4) The following matters are to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

Given the proposal is for a secondary dwelling in a large lot residential zone the use would be considered compatible with the character of the area and the expected use of the land. The impacts of the development have been discussed below with no major concerns raised.

## Part 7 - Additional Local Provisions

### 7.1A Earthworks

*(1) The objectives of this clause are as follows:*

*(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless:*

*(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the work is ancillary to other development for which development consent has been given.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

*(b) the effect of the proposed development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Earthworks will be minimal given the application is for a transportable. No fill is required.

### 7.3 - Biodiversity

As the application site falls within this zone as identified as Biodiversity on the Terrestrial Biodiversity Map, the proposal would be subject to assessment under this clause.

The subject site is within a developed large lot residential subdivision. The site of the works are void of vegetation and the proposed development would not have an adverse impact on those areas listed under section 3 of this clause. Council is satisfied that the secondary dwelling has been designed and sited to have minimal adverse impact.

The subject site is within the biocertified area and does not involve the removal of any vegetation. No impacts are expected and therefore the proposal complies with this section of the LEP 2010.

### 7.5 - Riparian land and Waterways

The site is mapped as "Water" on the 'Water Resource Map' of the WWLEP 2010 and as such clause also 7.5 applies. The following sections apply:

*(3) Development consent must not be granted to development on land to which this clause*

*applies unless the consent authority has considered the following matters:*

- (a) any potential adverse impact on any of the following:*
  - (i) water quality within the waterway,*
  - (ii) aquatic and riparian habitats and ecosystems,*
  - (iii) stability of the bed, shore and banks of the waterway,*
  - (iv) the free passage of fish and other aquatic organisms within or along the waterway,*
  - (v) habitat of any threatened species, population or ecological community,*
- (b) whether or not it is likely that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,*
- (c) proposed measures to ameliorate any potential adverse impact.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:*
  - (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or*
  - (b) if a potential adverse impact cannot be avoided, the development:*
    - (i) is designed and sited so as to have minimum adverse impact, and*
    - (ii) incorporates effective measures so as to have minimal adverse impact, and*
    - (iii) mitigates any adverse impact through the restoration of any existing disturbed area on the land.*

The proposed works are minimal and standard residential type works. The proposed works will have negligible impact on water quality, habitats and the stability of any bed or banks. The impacts are considered acceptable.

#### Clause 7.9 - Primacy of Zone B3 Commercial Core

*Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.*

The development is for a secondary dwelling in an R5 zone. The use is not of a type that would be appropriate or could be reasonably housed in the CBD. Therefore, it is considered that the development is unlikely to impact on the primacy of the B3 Commercial Core zone of the city.

#### State Environmental Planning Policies

##### *State Environmental Planning Policy No. 55*

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. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore the land is not identified on Councils register of contaminated sites. Accordingly it is not considered necessary to request any investigation reports on the subject site.



*State Environmental Planning Policy (BASIX).*

BASIX Certificates are not required for transportable buildings.

**(a)(ii) - The provisions of any draft environmental planning instrument**

**Draft local environmental plans**

N/A

**Draft state environmental planning instruments**

*Draft State Environmental Planning Policy - Remediation of Land*

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

**(a)(iii) - Any development control plan**

**Wagga Wagga Development Control Plan 2010**

The relevant controls of the DCP have been addressed below.

**2.1 Vehicle access and movements**

The secondary dwelling will have negligible impact on the current vehicle movements that are considered more than adequate given the size of the site. No separate driveway access has been proposed.

**2.2 Off-street parking**

Secondary dwellings have no specific parking requirements. The proposal will not alter the current arrangements, which are more than adequate given the size of the lot.

**2.3 Landscaping**

No landscaping is proposed to be removed and no further plantings are required for works of this nature. The secondary dwelling will have no impact on the plantings required under the original subdivision and dwelling applications.

**2.5 Safety and security**

The objectives and controls of this section that are relevant for this development are as follows:

*Objectives*

- O3** *Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

*Controls*

- C1** *Use good site planning to clearly define public, semi-public and private areas.*
- C2** *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*
- C3** *Minimise blank walls along street frontages.*
- C4** *Avoid areas of potential concealment and 'blind' corners.*
- C5** *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*

**C6     *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.***

The secondary dwelling raises no safety or security concerns. The proposal is considered generally compliant with the controls and would meet the relevant objective of this section of the DCP.

**2.6     Erosion and Sediment Control Principles**

Given the location of the proposed works minimal impacts are expected from construction. However, recommended conditions of consent will ensure appropriate measures are put in place during the construction phase. Given the building is a transportable this is expected to be very minor.

**Section 5 Natural Resource and Landscape Management**

**5.3     Native Vegetation Cover**

This section applies to R5 land, however any requirements would have been placed on the properties under the original subdivision or application for the dwelling. No further assessment is necessary. The application does not remove any vegetation or compromise the location of any approved plantings.

**5.4     Environmentally sensitive land**

This issue has been addressed under Clauses 7.3 and 7.5 of the LEP above, given the minor nature of the works and the existing structures on site negligible issues are expected.

**Section 9 Residential Development**

The relevant parts of this section have been discussed below:

**9.2.1   Site layout**

The site layout raises little concern with the secondary dwelling well located to the rear of the dwelling and within the building envelope.

**9.2.2   Streetscape**

As mentioned, the secondary dwelling has been well located to the rear of the existing dwelling. Given its location, small scale and the vegetation on site the impact on the streetscape will be negligible.

**9.2.4   Sloping sites**

The site is generally flat and therefore no specific design is required.

**9.3.4   Solar access**

The living area of the secondary dwelling has a dual aspect, both east and west, and will receive the required solar access.

The Secondary Dwelling's location on the site means it will not impact on the solar access of the existing dwelling and will have negligible impacts on any neighbouring properties.

**9.3.5   Private open space**

The secondary dwelling has more than adequate private open space to meet the requirements of this section.

**9.3.6   Front setbacks**

The following controls of this section are relevant:



- C3 *For residential accommodation with a site area greater than 2000m<sup>2</sup> building setbacks from the property boundary fronting a road shall be 10m and maximum front setback shall be 50m.*

The existing dwelling on site complies with this control. It would be considered unreasonable and unnecessary to require the secondary dwelling to meet the same control. The objectives of this section have been addressed by the location of the primary dwelling.

#### 9.3.7 Side and rear setbacks

The required setback in the R5 zone is 2m, the proposed setback is 15m to the northern boundary which is the closest boundary. The proposal therefore complies.

#### 9.4.1 Building elements

The relevant controls of this section are as follows;

- C5 *Secondary dwellings are to appear as a single occupancy from the public domain*

As mentioned above, the secondary dwelling has been proposed to be located 20m to the rear of the primary dwelling. Whilst the secondary dwelling would be visible from the street, its setback along with the simple small scale design and dominance on the lot of the primary dwelling would mean that it would not be seen as a second occupancy on the lot and would comply with the intent of this control.

#### 9.4.2 Materials and finishes

The materials and finishes would not raise any issues.

#### 9.4.3 Privacy

The secondary dwelling would be located 15m from the northern boundary. Whilst this is closer than the existing dwelling on site and therefore increases the potential privacy impacts the setback remain substantial enough for the impact to be considered negligible.

#### 9.4.5 Site facilities

The design of the building raises no issues with site facilities, conditions of consent will ensure all requirements are met.

#### 9.4.6 Changing the landform - cut and fill

No site cut is required.

**(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

No planning agreement has been entered into under section 7.4.

**(a)(iv) - any matters prescribed by the regulations**

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

**(b) - The likely impacts of the development**

**Context and setting**

The secondary dwelling raises no issues in terms of context and setting given the location on a large lot residential block.

**Access, transport and traffic**

As mentioned above the access to the dwelling would not be altered and therefore raises no concerns.

### **Noise and vibration**

Minimal impact during construction and will be controlled by conditions of any consent granted.

### **Natural Hazards**

The site is not considered bush fire or flood prone.

### **Services/Utilities**

All services exist on site. The secondary dwelling will be required to connect to Council's sewer network. Stormwater will be discharged in accordance with the relevant standards. Council's Plumbing inspector will ensure that the discharge point is well clear of the boundaries with the neighbouring properties to ensure runoff has negligible impact.

The secondary dwelling is well clear of the sewer easement at the front of the lot.

### **Flora and fauna**

The proposal will not involve the removal of any vegetation

### **Public domain**

No issues raised

### **Other land resources**

The land is zoned large lot residential and all relevant assessments were undertaken at subdivision stage. No issues.

### **Water**

The site is serviced by water and has appropriate stormwater facilities.

### **Safety, security and crime prevention**

The secondary dwelling raises no issues in a large lot residential zone.

### **Site Design**

Given its location and negligible impacts it would be considered acceptable.

Overall the development would be considered acceptable on a merits based assessment for the site.

## **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 development is for a secondary dwelling associated with a dwelling located within the large lot residential zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

### **(c) - The suitability of the site for the development**

#### **Suitability of the site in terms of the likely impacts identified under (b)**

The site is currently zoned large lot residential and contains a detached dwelling and outbuildings and is surrounded by residential developments. The site is considered suitable for the secondary dwelling. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

### **(d) - any submissions made in accordance with this Act or the Regulations**

#### **Referrals**

Internal only

#### **Notification and advertising**

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCCP the application was notified and advertised for a period of 14 days on the following dates 21/2/20 to 6/3/20 and referred surrounding tenancies. No submissions were received.

### **Public Submissions and those from public authorities**

Nil.

### **(e) - the public interest**

#### **Federal, state and local government interests and general community interests**

It is considered that this application will not have a detrimental affect on the public interest.

### **Other Legislative Requirements**

**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)**

On 21<sup>st</sup> November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

*An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.*

*A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.*

Therefore, no further consideration of these matters is required.

### **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. Where required, 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 development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the site is not considered flood prone land.

### **Bush Fire Risk Assessment**

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the development is not mapped as being on Bushfire Prone Land.

### **Local Government Act 1993 and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

All relevant matters under Section 89 of the *Local Government Act 1993* have been considered, including the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, the principles of ecologically sustainable development, protection of the environment, public health, safety and convenience as well as any items of cultural and heritage significance. These have been assessed as being acceptable. It is recommended that the Section 68 approval be granted, subject to standard conditions of consent.

### **Council Policies**

N/A

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### **Comments by Council's Officers**

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

### Development Contributions

Contributions were paid at subdivision stage. There are no additional charges for a secondary dwelling on this lot.

### Other Approvals

AA20/0052 - Part B4 and B5 sewer and stormwater works

AA20/0053 - Part A1 Movable dwelling

## Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. No objections to the proposal were received.

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## RECOMMENDATION

It is recommended that application number DA20/0043 for Secondary dwelling (transportable) be approved, subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO.

### A. SCHEDULE A – Reasons for Conditions

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

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

### B. SCHEDULE B – Deferred Commencement Conditions

N/A

## C. SCHEDULE C – Conditions

### Approved Plans and Documentation

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

Plan/DocNo	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Applicant	-	Received 31/1/20
1 of 1	Site Plan	Lloyds Transportable Homes	-	28/1/20
1 of 1	Floor Plans and Elevations	Lloyds Transportable Homes	-	18/2/20
6523	Site Classification Report	McMahon Earth Science	1	27/11/19
-	Building Specifications	-	-	Received 31/1/20
-	Engineers Certification	Peter Kennard Consulting	-	3/2/20

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.

### Requirements before the commencement of any works

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

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

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

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



- C.3 Prior to the installation of the transportable home, 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 Council's 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: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to the final inspection.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until a Final Certificate is issued for the development.

- C.4 Prior to the installation of the transportable home 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 2.8 and Appendix 2)
- (b) Erosion and Sediment Control Guidelines for Building Sites; and
- (c) Soils and Construction Volume 1, Managing Urban Stormwater

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

### **Requirements during construction or site works**

- C.5 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.6 The concrete piers 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.
- C.7 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.
- C.8 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.
- C.9 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.                                   |
- C.10 The applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.
- | COLUMN 1 | COLUMN 2  |
|----------|---|
| Footings | After excavation for, and prior to the placement of any footings, to view foundation material (after digging of piers). |
| Final    | Prior to operation.   |
- C.11 The applicant must take all reasonable steps to minimise dust and noise generation during the installation process. No offensive noise must be emitted during this process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays.

### Requirements prior to operation

- C.12 Prior to the use of the transportable dwelling 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 Occupation 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 CPI) required to be paid is Nil
- NOTE 6: The Section 64 Stormwater base figure is Nil
- The Section 64 Stormwater contribution (updated by the CPI) required to be paid is Nil
- 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.
- C.13 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed

Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.14 Prior to the occupation of the transportable dwelling 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.

### General requirements

- C.15 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).

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

- D.1 The relocatable home (and any 'associated structure', as defined by the Local Government Act 1993) must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133-136 excepted) of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 ("the Regulation") (as modified in interpretation by Section 81(3) of the Regulation).

Prior to the installation of the relocatable home or associated structure or any associated works, a certificate from a practicing structural engineer is required to be submitted to Council, to the satisfaction of the General Manager, or delegate. This certificate shall certify that the relocatable home complies with all standards, codes, requirements and specifications as outlined in Division 4 (clauses 133-136 excepted) of Part 3 of the Regulation (as modified in interpretation by Section 81(3) of the Regulation).

- D.2 The plumbing work/s listed must be inspected as indicated below in accordance with AS/NZS 3500 and Plumbing Code of Australia.

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing 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.

- D.3 Sewerage and stormwater drainage work must comply with AS3500 and the Plumbing Code of Australia except where otherwise provided in the Local Government Act 1993 or the Local Government (General) Regulation 2005. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.

A copy of the document entitled - Contractor's Copy shall be provided to the nominated plumbing contractor prior to the commencement of works.

- D.4 Council requires a "Notice of Works" to be submitted and approved by Council prior to the commencement of work. A "Certificate of Compliance" and "Works as Executed Diagram" are to be submitted and approved by Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.
- D.5 The applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.

COLUMN 1	COLUMN 2
Footings	After excavation for, and prior to the placement of any footings, to view foundation material (after digging of piers).
Final	Prior to operation.

## E. SCHEDULE E – Prescribed Conditions

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

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.

- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

### E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.



NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)



If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition 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.

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

N/A

Report Prepared & approved by:	Report Reviewed by:
 <p>Sam Robins Senior Town Planner</p> <p>Date: 19/3/20</p>	 <p>Steven Cook Senior Town Planner</p> <p>Date: 18/3/20</p>