

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.16 of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA20/0129
Applicant:	N Ryan 13 Marylands Way BOURKELANDS NSW 2650
Land to be Developed:	Residue Lot Deakin Ave LLOYD NSW 2650 Lot 700 DP 1242827
Description	Dwelling with attached garage and alfresco
Determination:	Approved Subject to Conditions
Date of Determination:	01/07/2020
Consent to Operate from:	Deferred Commencement
Consent to Lapse on:	N/A
Other Approvals:	Nil

On behalf of the Council



Emma Molloy
Town Planner

Review of Determination

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

Right of Appeal

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

CONDITIONS OF CONSENT FOR APPLICATION NO. DA20/0129

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

- B.1 This is a 'Deferred Commencement Consent' under Section 80(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the requirements listed in Schedule 'B' of this consent have been satisfied. All issues shall be satisfactorily resolved within a period of 12 months from the 'Determination Date', that is shown on this consent.

Upon compliance with the requirements/conditions listed under Schedule 'B', and written confirmation from Council to that effect, the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'C' and any additional conditions arising from the requirements of Schedule 'B'.

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

- (1) Written evidence shall be provided to the satisfaction of Council demonstrating that the Certificate of Title for the subject land (i.e. proposed Lot 8912 in the subdivision of Lot 700 DP1242827 as approved by Development Consent DA17/0051.01 issued on 24 August 2018) has been registered with NSW Land and Property Information.
- (2) Documentary evidence shall be provided to the satisfaction of Council demonstrating that all approved plans are consistent with the registered plan of subdivision with regard to all dimensions, areas and boundary configurations of the allotment and with regard to any easements and restrictions that may exist over the allotment.

NOTE 1: where it is not possible to demonstrate those matters required under condition 2 above, the applicant may seek to modify the consent under the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

- (3) Where the approved BASIX certificate references the original (or 'parent') allotment, the applicant shall provide an amended BASIX certificate for the registered allotment.

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	Chris Kendall		5.03.2020
1083976S	BASIX	Chris Kendall		6.03.2020
A01	Site Analysis Plan	Chris Kendall	B	6.03.2020
A02	Landscape Plan	Chris Kendall	B	25.05.2020
A03	Floor Plan	Chris Kendall	C	21.04.2020
A04	Elevations	Chris Kendall	B	6.03.2020
A05	Section/East Elevation	Chris Kendall	B	6.03.2020

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 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.

- C.3 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.

- C.4 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.

- C.5 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.

Requirements during construction or site works

- C.6 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.7 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.8 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:
- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
 - b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.
- Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
 - d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.
- C.9 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.10 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.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.11 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.12 The impervious area of the lot that is included in the 80% impervious ratio, shall be made impervious through compaction of the gravel sub-surface, if not through the use of a concrete slab. A compaction report shall be provided to Council prior to the issue of an occupation certificate demonstrating the area has permeability no greater than 1 x 10⁻⁷ m/s.
- C.13 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.

- C.14 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.15 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

- C.16 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).
- C.17 All gardens and landscaping are to be constructed and maintained in accordance with the landscaping and garden design guidelines approved as part of the development consent for this allotment.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.18 Any cat (*Felis catus*) living on this allotment and under the ownership or control of a resident of this allotment shall be controlled in such a way so as to prevent them to roam freely outdoors between sunset and sunrise.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.19 At all times all impervious areas included in the 20:80 ratio as approved in the development consent for this allotment, shall be drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.
- C.20 The residential allotment must be developed and maintained at all times after an Occupation Certificate is issued for all development on the land so that a pervious to impervious ratio for surface area treatments of 20:80 is maintained. The land area to be included in calculating the 20:80 ratio shall include the entire allotment and the area of the road reserve immediately adjacent to the allotment. The area of road reserve adjacent to the allotment to be included shall be measured as follows:

The area of road reserve between a line drawn as a continuation of the side boundaries of the allotment (where they meet the front boundary) to the centreline of the road (being a line along the centre of the road equidistant from the front boundaries of the allotments adjacent to it). No area of road reserve shall be apportioned to more than one allotment for the purposes of this calculation. For corner allotments the road reserve to be included in calculations will extend around the corner.

For the purposes of this condition, allotments that are further subdivided under a community title or strata subdivision arrangement, shall be calculated on the underlying Torrens Title allotment.

The plans approved in the subdivision consent for this allotment that illustrate the land area calculation above are adopted for the purpose of interpreting this condition. Land area calculations for the purpose of this condition shall be in accordance with these plans.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.21 The owner or occupier shall not alter the existing impervious nature or the finished surface of the road reserve immediately adjacent to their allotment from their property boundary to the kerb of the road (being that area defined by the lateral extent of a line drawn as a continuation of the side boundaries of the allotment where they meet the front boundary) unless it is done in accordance with the standards set out in the 'Road Reserve Treatment Standard' and the approved Street Tree Masterplan. There shall be compliance at all times on all future owners with Council's Policy 008 "Road Reserve Policy", as amended from time to time, including acknowledgement and responsibility for the liability implications of using an approved finish on Council's road reserve. All establishment and maintenance works of any alterations shall be at the cost of the land owner.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.22 The Road Reserve shall be maintained in accordance with the 'Road Reserve Treatment Standard' document approved as part of the subdivision consent for this allotment.
- C.23 No fixed irrigation systems are to be installed between the building line and the road alignment.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.24 No grey water reuse system shall be installed on any dwelling erected in this subdivision.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

- C.25 All Developments within the Lloyd Master Plan Area shall comply with the requirements of the Wagga Wagga Development Control Plan Section 15 -Lloyd Urban Release Area 2010.

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

N/A

E. SCHEDULE E – Prescribed Conditions

N/A

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

N/A