



Report of Development Application

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

APPLICATION DETAILS

Application No:	DA20/0056
Council File No:	D/2020/0056
Date of Lodgement:	10/02/2020
Applicant:	JP Heffernan, TD Heffernan 630 Gelston Park Rd GELSTON PARK NSW 2650
Proposal:	Exhibition Home - 24 Months
Development Cost	\$412000
Description of Modification:	N/A
Other Approvals:	AA20/0076 PartB4 - Sewer / PartB5 Stormwater (Private)
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Buddhika Perera

SITE DETAILS

Subject Land:	55 Deakin Ave LLOYD NSW 2650 Lot 758 DP 1242827
Owner:	TD Heffernan & JP Heffernan

REPORT

DESCRIPTION OF DEVELOPMENT

The applicant seeks approval for the construction of 4-bedroom exhibition home with attached double garage/office, swimming pool and 10mx6m shed/office.
Double garage and proposed shed will be used as part of the office space during the operation of the exhibition home and will be converted back to the garage and shed when display home ceased the operations.

The Display Home proposed to be open from:
Monday to Friday 9am - 5pm

Saturdays and Sundays 10am - 4pm.

The proposal also includes the erection of a flagpole sign associated with the exhibition home, with dimensions of 3.030m in height and 0.760 in width. This will be removed when the building is converted back to a dwelling after 24 months.

THE SITE & LOCALITY

Location: 55 Deakin Avenue Lloyd

Area: 888.30m²

Occupations: Vacant lot with no significant vegetation

Constraints and restrictions

The site is not encumbered by easements or restrictive covenants.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

Zoning of land (cl 2.2): R1 General Residential Zone

The development is permissible in the zone (cl. 2.3(1))

The development is consistent with the following objectives of the zone (cl. 2.3(2)):

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is to construct an exhibition home in the urban release area in Lloyd. The proposal can be considered as a land use that provide facilities or services to meet the day to day needs of residents and the wider community of the LGA. After 24 months the exhibition home will be converted back to a dwelling and will contribute to the housing supply of the region.

The development is compliant with the relevant provisions of the LEP 2010. The following provisions have been identified for further discussion:

State Environmental Planning Policy No 64 - Advertising and Signage

The proposal includes flagpole sign measuring 760mm wide x 3030mm high to be located at the front of the display home, setback from the street for the duration of the exhibition home (24 months).

The policy applies to this development application and provides a series of objectives and assessment criteria against which signage must be assessed. The State Environmental Planning Policy prevails over the Wagga Wagga Development Control Plan 2010 and consent

only to be granted if the development is consistent with aims, objectives and assessment criteria specified under this policy.

The proposed signage is a temporary structure for 24 months and will be appropriately located within the site boundaries.

The proposed dimensions and colours are acceptable and considered compatible with the amenity and visual character of the area. Therefore, the proposal is generally consistent with the aims and objectives of this policy.

The application was assessed against the assessment criteria specified under this policy and found to be consistent.

Schedule 1 - Assessment criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- Does the proposal screen unsightliness?*
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- Does the proposal require ongoing vegetation management?*

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- Does the proposal respect important features of the site or building, or both?*
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The sign is simple, well located and temporary and will therefore have negligible amenity and visual impacts. The proposal is therefore considered acceptable with minimal impacts.

State Environmental Planning Policy No. 55

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.

State Environmental Planning Policy (BASIX) 2004

A valid certificate has been lodged with the application (981574S) dated 7th February and assessed as compliant.

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) - any development control plan

Wagga Wagga Development Control Plan 2010

The development is compliant with the relevant provisions of the DCP 2010. The following

provisions have been identified for further discussion:

7.1A Earthworks

The objective of this clause is to allow earth works of minor nature and 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.

Approximately 750mm site cut from the southern side and 1000mm fill to the northern side of the lot will be required to level the building platform to 1500RL. The proposed site cut and fill will be contained by 500mm-1m high retaining walls built adjacent the east, south and west elevation of the proposed dwelling and control rock batter built to the north-western and north-eastern sides of the lot.

Further new retaining wall with a maximum height of 1000mm will be built to the western, southern and part of the eastern boundaries to engineers' specifications. The site plan indicates that the retaining walls are located inside the property boundary and heights will vary from 500mm to 1000mm.

The earth works are ancillary to the proposed development and does not require separate consent. Any significant impacts on existing drainage patterns and/or any amenity impacts on adjoining properties can be managed with appropriate conditions.

1.10 Notification of a Development Application

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified to surrounding properties for 14 days with submissions due on 30 March 2020. No submissions have been received during the notification period.

2.1 Vehicle access and movements

The objective of this section is to ensure the safety and efficiency of urban and rural roads.

The driveway is located off Deakin Avenue and conditions of consent will ensure it is constructed to Council and Australian Standards.

Adequate sightlines have been maintained and considered satisfactory.

Once the operational period of the exhibition home come to an end after 24 months the property will be converted back to a single dwelling and the proposed drive-in- reverse-out arrangements are considered acceptable.

2.2 Off-street Parking

Site Plan indicates 2 off-street parking spaces fronting sales office. When the display home ceases operation the sales office area will be converted to a double garage and will satisfy the DCP requirement for carparking as follows.

- 1 spaces/3 bedroom house or larger.

2.4 Signage

The proposed advertising sign is 3.030mx0.760m teardrop flagpole sign with stand and will

be located at the front of the lot adjacent the nature strip.

Control C45 states that signs are generally not supported within residential areas, however, a pole or pylon sign may be permitted in the following circumstances:

- (a) The proposed sign is for advertising of an existing approved business
- (b) The proposed sign (in the opinion of Council) will not cause any adverse visual impact upon the streetscape character or amenity of the residential locality and /or view loss to key views or vistas, and
- (c) The maximum advertising area of the sign does not exceed 0.75m² and the maximum height of the sign is 2m above ground level.

As mentioned, the proposed signage is 3.030m x 0.760m flagpole sign whilst this would not comply with the abovementioned control, in this instance the signage is considered appropriate to approve due to the following reasons:

The sign relates to the proposed temporary use (display home) of the site and will be removed after the 24 months.

The sign will not be illuminated and unlikely to have an adverse visual impacts upon the streetscape character or amenity of the residential locality and /or view loss to key views or vistas.

General conditions of consent will cover the structural adequacy and will address safety and security issues.

The proposal is generally consistent with the objectives and other controls of this section and acceptable with minimal impacts.

9.4.6 Changing the landform - cut and fill

The site has a fall of approximately 1.5m from its southwest corner to northeast corner. Approximately 750mm site cut from southern side of the lot and 1000mm fill from northern and eastern side of the lot will be required to level the building platform to RL1500. The proposed earth works are within the control limits of the WWDCP2010 as follows.

- C1 Excavation is not to exceed a maximum depth measured from ground level (existing) as follows:*
- (a) If located no more than 1m from boundary - 1.5m, and*
 - (b) If located more than 1m but not more than 1.5m from any boundary - 2m, and*
 - (c) If located more than 1.5m from any boundary - 3m.*

Any depths and/or setbacks outside of the above may only be considered where there is no unreasonable or unacceptable impact on the amenity of the adjoining properties (direct overlooking and loss of privacy, overshadowing to areas of principal private open space and living areas).

The proposed maximum site cut from the southern and south-western part of the lot is 750mm and retained by 500mm-1000mm high retaining walls built adjacent to western, southern and eastern elevations of the proposed dwelling. The proposed site cut is within the control limits of the DCP.

C2 *Fill is not to exceed:*

(a) 1.5m above ground level (existing), and

(b) Must be contained by either:

(i) A retaining wall or other form of structural support that does not extend more than 1.5m from the closest external wall of the dwelling house, or

(ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.

Variations to the above setbacks can be considered where the applicant can demonstrate that there is an acceptable impact on the amenity of the adjoining properties (privacy, overshadowing).

The plans indicate that the proposed fill is approximately 1m and contained by a maximum 1000mm high retaining walls built adjacent to part of western and eastern elevations of the proposed dwelling and controlled rock batters built to the north-western and north-eastern sides of the lot. The proposed fill is within the control limits of the DCP.

C3 *Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that:*

(a) has been certified by a professional engineer, and

(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and

(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is:

(i) more than 1.5m in height and within 1m from a side or rear boundary, or

(ii) more than 3m in height at any other location.

Site Plan indicates that maximum 1m high retaining wall has been proposed inside the property adjacent to the eastern, western and southern boundaries. The length of the proposed retaining wall is 32m and 20m long in western and southern boundaries and 8m long along the part of western boundary.

Also, there are two retaining walls with maximum 1m height have been proposed adjacent the eastern, southern and western elevations of the dwelling and extend towards the swimming pool area to retain site cut and fill. A condition will be attached to the consent to provide engineers certification for retaining walls greater than 1m high and more than 600mm above or below ground (existing) and within 1m of the boundary.

C4 *Retaining walls are not to be located within the easement. The retaining wall shall be located outside the easements zone of influence.*

The site is not encumbered by easements.

C5 *No cut or fill to take place within easements.*

The site is not encumbered by easements.

C6 *To encourage site responsive development, excavation and retaining walls greater than that specified in C1 to C3 above can be considered where the design responds to the slope (or incorporates split levels). The additional retaining wall height is to facilitate basements, garages or the like at the lower level. The excavation is to be adequately retained and drained, in accordance with approved engineering details.*

The design responds to the site constraints and engineering conditions will be attached to the

consent to overcome potential drainage and sedimentation issues.

C7 *Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to minimise the impact on the amenity of the adjoining properties.*

The impacts of the cut and fill is considered acceptable and therefore can be supported subject to conditions.

C8 *All retained material is to have a gradient of at least 5%.*

This will be covered under the conditions of consent.

C9 *Fill material is to be substantially from the site only. Imported fill material is not encouraged.*

No imported fill is proposed as part of the application.

C10 *Cut and fill outside the building envelope is not to exceed 600mm.*

The site does not contain a building envelope

C11 *Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.*

Recommended conditions of consent will control this.

C12 *Earthworks should not be carried out within the angle of repose of adjoining property. Unless such works are supported by certified structural engineer reports and do not impact on neighbouring property.*

Recommended conditions of consent will control this. Adequate setbacks are maintained from adjoining property boundaries raise no issues.

15.2.2 Salinity Management

The proposed development is located within the Lloyd urban release area and therefore following controls will apply.

C2 Development on land zoned R1 General Residential within the Lloyd Urban Release Area must conform with the 80:20 impervious to pervious development ratio (see Appendix 2 map)

The subject lot (Lot 758) is located in the Deakin Avenue and total 80:20 area is 1188m². The Maximum pervious area allowed according to 80-20 calculation plan is 238m². The applicant has provided a landscape plan with a total pervious area of 237m² and considered satisfactory.

C5 All impervious areas on individual house lots must be drained into the internal stormwater system and directed to the piped stormwater system.

The applicant has provided drainage plan with the locations of stormwater pits to drain all the impervious areas to internal stormwater system and then to Council stormwater system and considered acceptable.

Section 4.15(1)(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

No related planning agreement has been entered into under section 7.4.

Section 4.15(1)(a)(iv) - the regulation

Matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied, including the addition of prescribed conditions.

Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The likely impacts of the development have been considered and are deemed satisfactory.

Section 4.15(1)(c) - The suitability of the site for the development

Matters relating to the suitability of the site for this development have been considered and the site is deemed suitable for the development.

Section 4.15(1)(d) - any submissions made in accordance with this Act or the Regulations

No submissions received at the time of this report.

Section 4.15(1)(e) - the public interest

It is considered that this application will not have a detrimental effect 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)

The development is in a residential zone and not removing any vegetation; the development will have minimal impact and not impact on any threatened species in the vicinity. No further assessment is required under this section.

Council Policies

Policy 046 - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.

No declaration has been made that would require action under this policy.

Comments from Internal Referrals

No other comments have been received from internal referrals undertaken other than the imposition of standard conditions.

Development Contributions

Contributions were paid at subdivision stage for a single dwelling on this block, therefore no further contributions are required.

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.

Recommendation

It is recommended that application number DA20/0056 for Exhibition Home - 24 Months be approved, subject to the following conditions:-

CONDITIONS

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		07/02/2020
981574S	BASIX Certificate	Stroud Homes		07/02/2020
	Sign Details	Stroud Homes		Scanned 01/04/2020
2of 9	Site, Drainage, Landscaping, carparking and 80:20 Plan	Stroud Homes	13	22/06/2020
2of 9	Drainage Plan	Stroud Homes	9	05/02/2020
3 of 9	Ground Floor Plan	Stroud Homes	13	22/06/2020
4 of 9	Elevations	Stroud Homes	13	22/06/2020
5 of 9	Section XX	Stroud Homes	13	22/06/2020
	Shed /Temporary Office - Floor Plan	Stroud Homes		07/06/2019

	Shed /Temporary Office -Elevations	Stroud Homes		07/06/2019
	Pool Plan	Stroud Homes		05/02/2020

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 a Construction Certificate can be issued

- C.2 Prior to the release of the Construction Certificate Engineers Certification is required for all retaining walls over 1m in height or over 600mm and within 1m of the boundary. Retaining wall detail to include suitable subsoil drainage measures with granular backfill. Two (2) copies of the details, plans and or specifications for the proposed retaining walls shall be submitted to and approved by Council.
- C.3 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$1000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Councils fees and charges.

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number (BKG 0534). This ongoing bond will be attached to this development to act as a security deposit on the kerb and gutter and footpath. No further payment under this condition is required.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold and ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

Requirements before the commencement of any works

C.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.

C.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.

- C.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.

- C.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.

- C.8 If it is required or intended to excavate below the level of the base of the footings of a building or structure on the adjoining allotment, including a public place, the person causing the excavation must:

- (a) Preserve and protect the building from damage;
- (b) Take into consideration any cut and fill design works that are proposed for any adjoining site(s) in the design of works to the site with the benefit of this consent;
- (c) If necessary, underpin and support the building or structure in an approved manner. Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence; and

- (d) Give at least 7 days notice together with details to the owner(s) of the adjoining allotment of the intention to excavate below the base of the footings;
- (e) Subject to the agreement of the owner(s) of the adjoining allotment, a dilapidation report must be prepared by a qualified structural engineer, for the building or structure on that property, at the expense of the person acting on the consent, and presented to the owner(s) of that property.

Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence.

C.9 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

Requirements during construction or site works

- C.10 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.11 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.12 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.13 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:
 - a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
 - b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

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

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

C.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.

C.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.

C.16 The builder is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

C.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.
Final	Prior to occupation of the building or structure.

C.18 If the Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia and the Swimming Pool Act 1992, for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings / Coping	When the pool is in position and all reinforcement has been placed in position.
Fencing	When the pool and all fencing, gates and locks have been completed and prior to water being placed in the pool.

NOTE 1: A final Occupation Certificate in relation to the work cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued or registered with Council.

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

C.19 All work is to comply with the Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2008. In this regard the following minimum requirements will apply:

- a) a minimum 1.2 metre high child resistant barrier is to be provided to enclose the swimming pool,
- b) gate/s leading into the pool area is to be fitted with an outward opening, self closing and latching gate,
- c) pool latches are to be located 1.5 metres high above the ground level,
- d) a resuscitation poster is to be affixed within the pool area.

NOTE: Prior to the issue of an occupation certificate, the owner of the property shall supply Council with documentary evidence that the completed swimming pool has been registered at www.swimmingpoolregister.nsw.gov.au <<http://www.swimmingpoolregister.nsw.gov.au>> as required by the amended Swimming Pool Act. In sewerred areas, the swimming pool backwash pipe must be connected to the house sewer drainage system in accordance with Clause 10.9 and Figure 10.2 of AS/NZS 3500.2.2003 Sanitary Plumbing and Sanitary Drainage. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

C.20 If alterations to the existing house drainage lines are required, a Compliance Certificate must be obtained pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 from Council or an accredited certifying authority at the stages of construction listed in Column 1 certifying compliance with AS/NZS 3500.2003. For the purpose of obtaining the Compliance Certificate the works must be inspected by Council or an accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
External Drainage Alterations	When all external plumbing work is installed and prior to concealment.
Final	At the completion of the installation of the pool.

C.21 A 1.8 metre high boundary fence (as measured from the inside of the fence) is required where the property boundary fence is used as a part of the swimming pool barrier. This is to have a 900 mm non climbable zone on the inside face of the fence to comply with AS1926.2012 Swimming Pool Safety Standards.

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

- C.22 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.23 All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.
- C.24 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 1×10^{-7} m/s.
- C.25 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.26 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.27 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.28 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.29 The approved use must only be conducted on
- Monday to Friday - 9am - 5pm
- Saturday and Sunday - 10am - 4.00 pm.
- C.30 The exhibition home must cease operation and be reinstated as a dwelling (including the conversion of the sales office to a usable garage and removal of all signage) within 24 months of the date of the Occupation Certificate (including any interim Occupation Certificate).
- C.31 After the cease the operation of the exhibition home, the shed must only be used for domestic storage purposes and must not be used for human habitation or as a domicile.
- C.32 A crane permit will be required for the operation of a crane on a public road.
- C.33 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.34 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.35 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.36 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.37 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.38 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.39 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.40 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.41 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.

C.42 The entire area of all road reserves (including the nature strip) shall be maintained so that it is impervious.

C.43 All backwash water or water discharged from the pool during emptying must be discharged into Council's sewer in accordance with the requirements of AS/NZS 3500 and the Plumbing Code of Australia. Under no circumstances must water be discharged to the street.

NOTE: Discharge from Pools in unsewered areas will be in a method approved by Council.

C.44 The proposed filter and pump must be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.

NOTE 1: The swimming pool water, together with the treatment processes and facilities must comply with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

In this regards -

- pH needs to be between 7.2 and 7.8
- Alkalinity needs to be between 80mg/L and 200mg/L
- Free chlorine needs to be between 3mg/L and 10mg/L
- Combined chlorine needs to be less than 1mg/L
- Cyanuric acid (if used) must be between 30mg/L and 100mg/L

NOTE 2: For all pools in "septic areas", the applicant must ensure that water discharged from the pool does not enter the septic tank or adversely impact on the septic disposal area or enter a drainage line.

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

D.1 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.2 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.
- D.3 No works are to be undertaken on the site prior to the issue of a Construction Certificate or Complying Development Certificate. Details of the approved Construction Certificate or Complying Development Certificate are to be submitted with the required "Notice of Works" and approved by Council prior to the commencement of work.
- D.4 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.5 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.

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

<p>Report Prepared by:</p>  <p>Buddhika Perera Town Planner</p> <p>Date: 02/07/2020</p>	<p>Report Approved by:</p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 2/7/20</p>
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