



# Report of Development Application

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

### APPLICATION DETAILS

Application No.:	DA20/0239
Modification No.:	N/A
Council File No.:	D/2020/0239
Date of Lodgement:	28/05/2020
Applicant:	NM Seymour 64 Murray St WAGGA WAGGA NSW 2650

Proposal:	shed
Description of Modification:	N/A
Development Cost:	\$80000
Assessment Officer:	Sam Robins
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil

Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	19/6/20 - 3/7/20
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The site, being Lot 268 DP 757249, 74 Narrung Street Wagga Wagga, is located on the southern side of the street in a small cluster of lots within an E2 Zone.

### SITE DETAILS

Subject Land:	74 Narrung St WAGGA WAGGA NSW 2650 Lot 268 DP 757249
Owner:	NM Seymour

### DESCRIPTION OF DEVELOPMENT

This application is for the construction of a shed consisting of 20m x 8m enclosed area with attached 16m x 5m wide awning. The shed will be 6m high at the pitch. The shed is proposed to have a mezzanine level with a balcony.

The building is proposed to be located to the rear of the existing dwelling 3.1m from the

western side boundary.

### **THE SITE & LOCALITY**

The site, being Lot 268 DP 757249, 74 Narrung Street Wagga Wagga, is located on the southern side of the street in a small cluster of lots within an E2 Zone.

The lot measures 1.15ha and contains a dwelling located at the front of the lot. The front portion of the lot where the dwelling is located and the shed will be located is slightly raised from the rear of the lot. The site contains sporadic vegetation.

It should be noted here that whether the dwelling is legal for habitation has not been established nor does it form part of this assessment.

The shed is proposed to be located in close proximity to the existing structures on site.

The subject site is not mapped as bush fire prone and an assessment has confirmed that the site and immediate surroundings would be considered 'managed land' for 140m from the proposed building location. No further bushfire assessment is therefore required.

The land is considered flood prone.

A site visit was undertaken on 2/06/20 by the assessing officer.

### **EASEMENTS AND COVENANTS**

The site has no restrictive easements.

### **PREVIOUS DEVELOPMENT CONSENTS**

BA384/87 - additions to dwelling

No original consent for the dwelling could be located. However, Council is satisfied the site has existing use rights for a dwelling. Whether these have been abandoned due to the lack of use for a continuous period of 12 months has not been tested and as mentioned, does not form a relevant part of this assessment.

### **SUMMARY OF MAIN ISSUES**

Flooding impact

Context and setting concerns

### **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 E2 - Environmental Conservation

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

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To provide for recreational activities that promote enjoyment and appreciation of*

*the natural environment, consistent with the protection of these values*

Under the LEP 2010 the proposal would be considered a shed associated with the everyday recreational use of the land. The shed will be used for the storage of items associated with the management of the land and the private recreational use of the land. The LEP provisions would not prohibit a shed used for this purpose.

## **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 shed on flat land. No fill is required.

### **7.2 Flood Planning**

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

*(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*

*(c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to:*

- (a) *land that is shown as “Flood planning area” on the Flood Planning Map, and*
- (b) *other land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the NSW Government’s Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.*

(5) *In this clause:*

*flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.*

*Flood Planning Map means the Wagga Wagga Local Environmental Plan 2010 Flood Planning Map.*

The site is considered flood prone land in a 1:100yr event. This clause therefore applies. The proposed structure and use can be reasonably considered on flood prone land if engineered appropriately with regard to flood impacts. Council can address this issue by way of conditions of consent. A shed of this size in this location would not significantly adversely affect flood behaviours, cause avoidable impacts on the environment or cause unsustainable social and economic cost to the community. The proposal would not be inconsistent with the objectives of this clause of the LEP.

### 7.3 - Biodiversity

This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map. The shed would be subject to assessment under this clause.

(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 of the proposed development on any of the following:*
  - (i) *a native vegetation community,*
  - (ii) *the habitat of any threatened species, population or ecological community,*

- (iii) *a regionally significant species of plant, animal or habitat,*
    - (iv) *a habitat corridor,*
    - (v) *a wetland,*
    - (vi) *the biodiversity values within a reserve, including a road reserve or a stock route,*
  - (b) *any proposed measures to be undertaken to ameliorate any such 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 residual adverse impact through the restoration of any existing disturbed or modified area on the site.*

The location of the shed is on heavily grazed land clear of any substantial vegetation and well setback from the river bank. The shed will not have an unreasonable impact on any of the issues listed above.

#### 7.6 Groundwater Vulnerability

As the application site is identified as 'Groundwater' on the Water Resource Map, the works would be subject to assessment under this clause.

Given the use is not development specified under this clause no considerations are relevant.

#### 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 shed associated with the everyday private use of the land. The building 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. Agricultural land is considered potentially contaminated land. However, there was no indication from the site visit that the location of the building was on a part of the site that had been used for an activity that would be considered potentially contaminating such as sheep dips or fuel storage.

The land is identified on Councils register of potentially contaminated sites given its close proximity to the sewerage works to the west. However, given there was no evidence of contamination on site and the proposal is for a shed and not changing the use of the land, Council is satisfied that it is not necessary to request any investigation reports on the subject site and the site would be considered suitable for the proposed development.

**(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 vehicle access and movements to and from the shed will be from within the existing boundaries and have no impact on the existing public road network. The proposal raises no issues.

**2.2 Off-street parking**

Not relevant for a proposal of this nature.

**2.3 Landscaping**

The proposed shed will not remove or impact upon any existing vegetation (with the exception of ground cover). The proposal does not require additional landscaping given its location, design and use.

**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 design of the shed 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

Conditions of consent will ensure that appropriate control measures are put in place during any construction.

## Section 4 Environmental Hazards and Management

As mentioned, the site is considered flood prone land and therefore this section of the DCP applies. The site is considered to be within the rural floodplain in a high risk area. The table relevant to this section of the DCP contains the following points for consideration:

- *Farm sheds can be constructed at ground level.*
- *New development is to be consistent with flood hazard and evacuation needs*
- *Chemicals and materials to be stored above 100yr ARI flood level plus freeboard*
- *Engineers report to certify that any new structure can withstand the forces of floodwaters, debris and buoyancy up to and including the 100yr ARI*
- *Engineers report or suitable certification required to certify that the development will not increase flood affectation elsewhere*
- *Applications for non-habitable developments are to demonstrate that area is available to store goods above the 100yr ARI flood level, plus freeboard*
- *No external storage of materials below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood*
- *Parts of the building below the 100yr flood level, plus freeboard to be constructed from flood compatible materials.*

Conditions of consent will ensure the structure is structurally sound in its location. Given the shed has a mezzanine level it has adequate storage above the 1% level. It is considered unreasonable to request an engineers report for flood affectation given the location of the structure and separation from neighbouring properties. The materials proposed to be used would be considered acceptable.

The proposal would be generally consistent with these controls once conditions of consent have been met.

## Section 5 Natural Resource and Landscape Management

### 5.4 Environmentally sensitive land

#### Land zoned E2 Environmental Conservation

- C1 *Development is to be consistent with any Conservation Management Plan prepared for land in the E2 zone.*

There is no conservation management plan for this land.

*Environmentally sensitive land - biodiversity (outside biocertified area)*

For clarity, whilst the site is covered by the biocertification map it is not land listed within the text of the Biocertification Order and is therefore considered to be outside the biocertified area.

The issues covered by C1 of this section repeat that already addressed under 7.3 of the LEP above. Refer to 7.3 for discussion on the potential impacts.

The issues covered by C12 relating to the impacts on groundwater have been addressed under 7.6 of the LEP above. No concerns are raised.

**(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 proposed shed is located on an appropriately zoned and sized lot. The building is simple in its design and well located in close proximity to existing dwelling. The character of the area is small rural style lots with outbuildings and this proposal would be consistent with that existing character. The proposal would be considered in keeping with the context and setting of the area.

**Access, transport and traffic**

As mentioned above the access to the site will not be altered.

**Noise and vibration**

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

**Natural Hazards**

As mentioned above the site is considered flood prone. This issue has been discussed above.

**Water**

The site is serviced by town water

**Soils**

No issues raised.

**Air and microclimate**

Conditions of consent will minimise impacts during construction. No adverse impacts are expected

**Safety, security and crime prevention**

The proposed shed raises no safety, security or crime prevention issues.

**Social/economic impacts**

There are no obvious social benefits to the development but the construction provides employment to local trades and businesses.



### **Heritage**

The site is not within a Conservation Area, has no listed items located on it or in close proximity. No issues are raised.

### **Waste**

Conditions of consent will ensure that the site is kept in an appropriate state during construction.

### **Services/Utilities**

Due to the proximity of Council's sewerage system a sewer connection will be required and the existing services on site will be required to be connected. Conditions of consent will be imposed.

### **Flora and fauna**

No vegetation, with the exception of ground cover, is proposed to be removed or impacted by this application.

### **Site Design**

The shed raises no issues in terms of its location on the site, it's in relatively close proximity to existing buildings and has negligible impact on the operations of adjoining properties.

## **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 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 environmental conservation and contains a dwelling. The site is considered suitable for a shed associated with the everyday private recreational use of the land. 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

##### **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 for a period of 14 days between 19/6/20 and 3/7/20. One public submission was received.

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

Riverina Water:

- Riverina Water Plumbing Certificate required prior to Occupation Certificate

Public submission:

**Issue:** The submission relates to potential illegal works that have taken place on site with regard tree removal, water connection and location of boundary fencing. The submission also discusses the behaviour of the owner of the land.

**Comment:** None of the issues raised in the submission are relevant for consideration when determining the development application.

#### **(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)**

As mentioned above, the site is an Environmental Conservation Zone on land that is not bio-certified. In accordance with the above listed legislation there are a number of tests to determine whether the proposal triggers the NSW Biodiversity Offsets Scheme under the NSW Biodiversity Conservation Act 2016 and the need for further assessments or offsets.

1. Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?

No

2. Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.

The subject site has an area of 1.19ha. The threshold for a lot of this size is 0.5h. given the shed is only 260m<sup>2</sup>, the majority of which is over domestic garden (so not removing any native vegetation), the threshold has not been exceeded.

3. Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

Given the scale of the development and the fact that it does not remove any native vegetation (with the exception of a small area of grasses) and the absence of any recorded endangered flora or fauna on site the proposed development is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme and no further evidence is required regarding the proposed vegetation removal.

### **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 has been completed and appropriate conditions applied.

### **Bush Fire Risk Assessment**

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment has been completed and as per the assessment no additional conditions are required.

### **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**

The site is located outside of the DSP areas and therefore no Section 64 Sewer or Stormwater contributions are required.

The cost of the works is under \$100,000 therefore no Section 7.12 contribution applies.

### **Other Approvals**

Nil

## 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 DA20/0239 for shed 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	Sewell Design	1	9/6/20
20056 - 01	Site Plan	Sewell Design	B	Received 16/6/20
20056 - 02	Mezzanine Floor Plan	Sewell Design	B	Received 16/6/20

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 a Construction Certificate can be issued**

- C.2 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

(a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA) Volume 2, including:

- Section 1 - General Requirements
- Section 2 - Performance Provisions
- Section 3 - Acceptable Construction

Note: Documents to accompany application for construction certificate are set out in Part 3 of Schedule 1 of the Regulations 2000.

- C.3 Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority.

The compliance certificate shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

**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 The site requires an E1 Pressure Sewer System and connection to Council's pressure sewer of the dwelling and proposed shed. A Section 68 (PUBLIC) Approval must be obtained from Council prior to sewer works being carried out on the site. All works involved are at full cost to the developer as per Council's Fees and Charges. Prior to commencement of works relevant fees relating to the E1 system including provision and installation of the E1 system must be paid to Council. Contact Council's Sewer and Stormwater Maintenance section for a breakdown of the costs.

The works shall be carried out by an approved licensed Council Plumbing contractor. The contractor 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.

- C.9 A Section 68 Approval must be obtained from Council prior to any 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.10 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.11 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.12 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.13 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.14 All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to:
  - a) the existing roofwater drainage system or
  - g) an appropriately sized and sited on-site disposal area,
 in accordance with AS/NZS 3500.3.2003 'Stormwater Drainage'.
 

Stormwater disposal drains must be connected to all roof gutter downpipes within fourteen (14) days of installation of the downpipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.
- 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 Excavated soil to be removed from the site must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
- C.17 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.18 The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.
- C.19 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

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

- C.20 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.21 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.22 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.23 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.24 The shed shall only be used for the purposes of:
- Non-commercial private storage.
  - Storage and maintenance works that are associated with everyday recreational use and maintenance of the land described as 74 Narrung Street (Lot 268 757249).

NOTE: The building must not be used as a dwelling or domicile without Council's consent.

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

N/A

**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><b>Report Prepared &amp; approved by:</b></p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 23/7/20</p>	<p><b>Report Reviewed by:</b></p>  <p>Cameron Collins Development Assessment Coordinator</p> <p>Date: 23/7/2020</p>
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