



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

APPLICATION DETAILS

Application No.:	DA20/0298
Modification No.:	N/A
Council File No.:	D/2020/0298
Date of Lodgement:	30/06/2020
Applicant:	P A Hurst Building Contractors Pty Ltd PO Box 5905 WAGGA WAGGA BC NSW 2650 Peter Hurst
Proposal:	Dual Occupancy and Community Title Subdivision
Description of Modification:	N/A
Development Cost:	\$360000
Assessment Officer:	Buddhika Perera
Determination Body:	Officer Delegation 7.39
Other Approvals	AA20/0372 Part B4 - Sewer / PartB5 Stormwater (Private)
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes 15/07/2020- 29/07/2020
Advertising:	No
Owner's Consent Provided:	Yes
Location:	Located on the south eastern corner of the Paradise Drive and Edgar Place

SITE DETAILS

Subject Land:	1 Edgar PI GOBBAGOMBALIN NSW 2650 Lot 334 DP 1253859
Owner:	P A Hurst Building Contractors Pty Ltd

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Description of Development

The applicant seeks approval for construction of a detached dual occupancy development consisting of 2 x 3-bedroom brick veneer units subdivided via community title subdivision.

Each dwelling will comprise of three bedrooms, an open plan family, dining and kitchen area,

main bathroom, ensuite, laundry and double garage. Each unit has an alfresco area and private garden space.

Unit 1 is oriented to Paradise Drive and unit 2 is oriented to Edgar Place and will have separate driveways. Unit 1 will present an acceptable frontage and landscaping to Paradise Drive while unit 2 provide acceptable front facade to Edgar Place. The two units will be separated by 1.8m high Colourbond panel fence.

The proposal includes a Community title subdivision, with Lot 1 being the communal lot with 19.9m², Lot 2 446.9m² containing unit 1 and Lot 3 360.1m² containing unit 2.

The Site and Locality

The subject land lot 334 DP 1253859 is known as 1 Edgar Place and is located on the south-western side of Edgar Place at the south-eastern corner with Paradise Drive. The site has a 1.5m fall from its northern corner to southern corner and extends to a total area of 826.90m² and is currently vacant. Surrounding the site there are new residential properties and vacant blocks within the same subdivision.

The land to the south west is the residue lot of the subdivision and currently vacant with no development approvals. Lot to the south east (86 Paradise Drive) is also vacant with no development approvals.

Single residential dwellings with attached double garages on the front elevation with 3m-6m front setbacks and single crossovers are dominating the existing streetscape of the Paradise Drive.

Easements and Covenants

The site is not encumbered by easements or restrictive covenants.

Previous Development Consents

The subject lot was created by the subdivision DA 14/0556. No development approvals have been issued for the property.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION

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

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the land is zoned R1 General Residential. The relevant objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

The development is consistent with the zone objectives of the R1 zone to provide for the housing needs of the community and to provide for a variety of housing types and densities. The development for a dual occupancy provides for low density, low maintenance living for

the community.

Part 2 Permitted or prohibited development Land Use

The development is defined as a dual occupancy as follows:-

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

The proposed development is permitted with consent in the R1 Zone.

2.6 Subdivision – Consent Requirements

According to clause 2.6 land can be subdivided with consent. The applicant is seeking consent for a 3-lot Community Title subdivision.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

4.3 Height of buildings

(1) The objectives of this clause are as follows-

(a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,

(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,

I to encourage mixed use development with residential components that have high residential amenity and active street frontages,

(d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings <<https://www.legislation.nsw.gov.au/>>

The development generally satisfies the objectives of this clause.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions that apply to the development.

Part 6 Urban Release Areas

The subject site is within the Gobbagombalin Urban Release Area and therefore this part applies.

Clause 6.2 of the WWLEP 2010 requires that:

- (4) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The site is fully serviced by public utility infrastructure.

Clause 6.3 of the WWLEP 2010 outlines that a Development Control Plan that includes certain matters be prepared for the land prior to the approval of a Development Application. A Development Control Plan that satisfies this clause has been prepared.

Part 7 Additional Local Provisions

7.1A Earthworks

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.

Minor earthworks will be required as part of the general site preparation for the construction of the dwellings. The earthworks are within the limits of WWDCP and will not have an adverse impact on the subject site or adjoining allotments. In addition, conditions of consent will be imposed in regards to erosion and sediment control to ensure the proposed development does not adversely impact the subject site or adjoining allotments.

Clause 7.9 Primacy of Zone B3 Commercial Core

The objective of this clause is to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres and to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.

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 proposed dual occupancy development within R1 General residential zone is permissible with consent and will not impact on primacy of B3 zone as a main business, retail and office hub. No further assessment is required under this section.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 – Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subdivision of the land was approved for residential purposes, at this time there was no historical information that indicated any previous contaminating uses of the land. The land is vacant and undeveloped, and is not identified on Councils register of potentially contaminated sites. It is not considered necessary to request any investigation reports on the subject site.

Council is satisfied that the requirements of SEPP55 have been appropriately completed.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has submitted 2 BASIX certificates (Certificate No.1109064S_02 – Unit1 and Certificate No. 1109066S_02 -Unit 1) for each dwelling and will need to comply with the relevant water, thermal, glazing and landscaping requirements. Standard conditions will apply.

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.

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.

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

Wagga Wagga Development Control Plan 2010

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

Section 1 – General

1.10 Notification of a Development Application

The application was notified to adjoining neighbours from 15th July to 29th July 2020 in accordance with the provisions of the WWDCP2010. No submissions have been received during the notification period.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications and Section 4.55 Applications should aim to satisfy all stated objectives and controls.

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance.

Council may consent to an application which departs from any control, whether a “numeric” or non-numeric control. In such cases, a written submission must be lodged with the Development Application.

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but limited to the following circumstances;

- Where adequate justification is provided by the applicant for the number of controls being varied and,*
- Any development, other than development that is for multi dwelling housing, where a variation to any numerical control by greater than 10% is proposed, and*
- Where no objections have been received in relation to any numerical control that is being varied by greater than 10%, and*
- Where the number of submissions in the form of objections received in response to an advertised or notified development application, is less than 10.*

The application proposes a variation to C1 of section 9.3.6 Front setbacks as follows.

C1 Minimum front setbacks for residential development (site area smaller than 2000m²):

Primary frontage to a main or arterial road 9m #

Primary street frontage (other roads) 6m #

Secondary frontage (corner site) 3m

The proposed front minimum setback to Paradise drive frontage from is 5.809 which is slightly below the minimum required 6m.

According to C4 Variations to the minimum setback can be considered Within Urban Release Areas where it can be demonstrated that the reduced setback will be generally consistent with the character of the area or likely or desired future character of the area consistent with those generally allowed under the SEPP (Exempt and Complying Code) 2008 or relevant Code at the time of lodgement of a development application.

The applicant has provided justification for the variation and issues surrounding the variation have been discussed in this report under DCP provisions.

Section 2 – Controls that Apply to All Development

2.1 Vehicle access and movements

Each Unit is provided with a separate vehicle crossover and present to the street as single dwellings, the proposed vehicle movements that consist of drive-in and reverse out are acceptable. The proposed driveways will be designed in accordance with Australian

Standards and will have adequate sightlines to the street. As such, the proposal is considered to be comply.

2.3 Landscaping

Landscape Plan has been provided as part of the application and considered satisfactory. Landscaping is proposed within the front setback areas particularly around the corner of the block to improve the streetscape. The landscaping is consistent with Councils landscape guidelines controls and commitments outlined in the BASIX Certificates.

As such, the proposed development is considered to comply with the objectives and controls within this section.

2.4 Signage

No signage is proposed as part of this application.

2.5 Safety and Security

C1 Use good site planning to clearly define public, semi-public and private areas.

The private areas for each dwelling are defined.

There are no public areas included in the development.

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.

The entries to the dwellings are easily identifiable and visible from the street.

C3 Minimise blank walls along street frontages.

No blank walls are proposed along street frontages. Change in plain, articulation and bedroom windows will improve the streetscape by providing attractive front facades.

C4 Avoid areas of potential concealment and 'blind' corners.

There are no areas of potential concealment and the entries to the dwellings are visible from the street.

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

The proposed landscaping is not likely to reduce natural surveillance due to the location of windows and doors and the plant types selected.

2.6 Erosion and Sediment Control Principles

Conditions will be attached to the consent to ensure controls are put in place during the construction. This will minimise the risk of erosion causing sediment to enter the stormwater system.

2.7 – Development adjoining open space.

The lot does not adjoin public open space.

Section 3 – Heritage Conservation

The subject site is not within a heritage conservation area and is not identified as an item of heritage significance.

Section 4 – Environmental Hazards and Management

The site is not identified as flood prone or bush fire prone.

Section 5 – Natural Resource and Landscape Management

The site is not covered by any of the environmentally sensitive land layers and no removal of vegetation is proposed by this development.

Section 6 – Villages

The proposal is for a dual occupancy and is not located in a village. Section 6 is not applicable to this development.

Section 7 – Subdivision

The objectives and controls of this section of the DCP relate to subdivisions to create new lots as opposed to the community or strata title of existing lots. Therefore, there are no specific controls that apply.

The application seeks to subdivide the dual occupancy development into a three (3) lot community title plan. The communal parcel (lot 1) consists of the frontages of unit 2 and a small section of the secondary front of unit 1. Both lots are developable lots (Lot 2 (Unit 1) and (lot 3 (Unit 2)) will retain good solar access, and will be serviced by existing infrastructure in the vicinity of the subject site.

Section 8 – Rural Development

The proposal is for a dual occupancy and is not in a rural area. Section 8 is not applicable to this development.

Section 9 – Residential Development

9.2.1 Site Layout

The proposed development makes good use of the subject site. Access, landscaping and services are integrated to avoid under-utilised spaces.

Both dwellings will have north facing living areas and unit 2 has a private open spaces oriented to north. The dwellings have been designed to optimise natural cross ventilation by locating doors and windows appropriately. The site layout would be considered acceptable with minimal amenity impacts.

9.2.2 Streetscape

The proposed development provides acceptable built form that is consistent with surrounding dwellings and will contribute positively to the streetscape and neighbourhood character. Clear definition between public and private domain is provided through the use of fencing and landscaping. Windows which face towards both Paradise Drive and Edgar Place are of habitable rooms. As such the proposed development complies with the objectives and controls within this section.

9.2.3 Corner lots and secondary facades

Sites with dual frontages need to ensure that the side (or secondary) is attractive as it contributes to neighbourhood character. Unit 1 has been designed with acceptable primary and secondary facades and articulation and location of windows has been used to avoid excessive blank walls.

9.2.4 Sloping sites

The site is not considered as a sloping site and no split level or pier floor design has been adopted.

9.3.1 Site Area per Dwelling

The subject site is located within the R1 Zone, the minimum site area for a dual occupancy is 375m². The proposed development makes provision for 2 units on a 826.9m² lot which satisfies this control 1 of this clause.

9.3.2 Site Cover

The subject site is located within the R1 Zone where 50% site cover is permitted. The development proposes 43.36% site cover which is acceptable.

Calculation

Area of the dwellings (Unit 1 180.05m² + Unit 2 178.57m²) = 358.62m²

Site area = 826.9m²

Site cover = $358.62 / 826.9 \times 100 = 43.36\%$

The proposed development provides adequate space for parking, landscaping and useable garden has been provided in accordance with the objectives and controls within this section.

9.3.4 Solar Access

The proposed development has been designed to achieve an adequate amount of sunlight into each unit. Proposed units will have north facing living areas with linked patios oriented to north and south east.

Therefore, the proposed layout and design is acceptable with minimal impacts.

9.3.5 Private Open Space

Each Unit is provided with an acceptable amount of private open space that is accessed from the living area and opens to the rear yard. Screening has been used in the form of fencing and landscaping to ensure privacy in accordance with requirements.

9.3.6 Front Setbacks

The front setback creates the building line to the street and a transitional space between the public domain and private property.

Council's practice has been to allow the developer to select a front (6m setback) and secondary (3m setback) on the vacant lot and then design the units to setbacks.

In this instance, the primary setback is to Paradise Drive set as 6000 mm to the garage and this will reduce to 5809mm from the lounge room wall to the front boundary.

Variations to front setbacks can be considered in Urban Release Areas where it can be demonstrated that the reduced setback will be generally consistent with the character of the area or likely or desired future character of the area consistent with those generally allowed under the SEPP (Exempt and Complying Code) 2008 or relevant Code at the time of lodgement of a development application.

The proposed variation is minor in nature and most of the dwelling will have a minimum 6m front setback from the front elevation except front porch area. The proposal is generally consistent with existing built pattern of the paradise drive and considered acceptable.

Secondary frontage is to Edgar Place set at 3m to the front porch.

9.3.7 Side and Rear Setbacks

There are no specific controls relating to distances of side and rear set-backs within an R1 zone. The setbacks are considered to meet the objectives of the section, provide adequate privacy to adjoining neighbours and allow for private open space.

9.4.1 Building Elements

The proposed development has been designed to ensure quality built form. Each Unit is provided with a covered outdoor area to link external and internal areas. Each Unit is also provided with a sheltered and clearly visible entry. Ancillary components are located within the development and will not be visible from the street. As such the proposed development complies with the objectives and controls within this section.

9.4.2 Materials and Finishes

The main aim of the controls under this section is to encourage the use of external materials and finishes that are suited to their location and support consistent quality streetscapes.

The dwellings are to be constructed with a variety of materials. The mix of materials is consistent with the surrounding area and suitable within a developing residential area. The dwellings are articulated to avoid monotonous facades and there will be no use of highly reflective materials.

9.4.3 Privacy

The proposed development has been designed to mitigate potential privacy concerns.

The windows are generally offset from each other to achieve privacy for both dwellings. Further separation is provided through the proposed location of private open space and fencing and landscaping.

9.4.4 Garages, Carports, Sheds and Driveways

Each Unit is provided with an attached double garage that is accessed via a separate vehicle crossover. The garage doors are less than half the width of each dwelling, no higher than 2.4m and no wider than 6m.

Garages have been designed as to not dominate the streetscape and have been located appropriately generally in accordance with the objectives and controls within this section.

9.4.5 Site Facilities

Adequate space is provided within the site for all required site services in accordance with the provisions of this clause. Both bin stores and clothes lines are identified on the plans.

9.4.6 Changing the landform – cut and fill

The site has a fall of approximately 1.5m from its northern corner to southern corner. Minor earth works will be required to level the building platforms for 2 units.

The proposed earthworks will be retained by maximum 400mm high timber sleepers retaining walls built along the part of the south western and north-eastern boundaries and maximum 700mm quarry rock retaining walls built along and inside the part of north eastern boundary.

The proposed earthworks 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

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 site cut for unit 1 is 700mm and contained by 700mm high rock retaining wall built inside the north eastern boundary and considered acceptable within the above DCP control limits.

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 minor fill of 400mm will be required to level the building platform of unit 2 and considered within the control limits of WWDCP2010 and retained by maximum 400mm high timber sleeper retaining walls built inside the south western and south eastern boundaries.

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

I 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.

400mm high and 12m long treated pine sleepers retaining walls will be located along the part of the south eastern boundary and southwestern boundary to retain the proposed fill.

Maximum 700mm high and 21m long rock retaining wall along and inside part of the south eastern boundary to retain proposed 700mm site cut.

The proposed retaining walls are within the above control limits of the DCP. A condition will be attached to the consent to provide surveyors report prior to commencement of works to ensure the proposed retaining walls are inside within the property boundaries.

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.*

Minor fill will be required and will be from the site only. 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.

Section 10 – Business Development

The proposal is for a dual occupancy in a residential area. Section 10 is not applicable to this development

Section 11 – Industrial Development

The proposal is for a dual occupancy in a residential area. Section 10 is not applicable to this development.

Section 12 – Specific Uses and Developments

The proposal is for a dual occupancy in a residential area. There are no specific controls in Section 12 applicable to this development

Section 13 – Bomen Urban Release Area

The development is not within the Bomen urban release area. Section 13 is not applicable to this development.

Section 14 – Boorooma Urban Release Area

The development is not within the Boorooma urban release area. Section 14 is not applicable to this development.

Section 15 – Lloyd Urban Release Area

The development is not within the Lloyd urban release area. Section 15 is not applicable to this development.

Section 16 – Gobbagombalin Urban Release Area

The development is within the Gobbagombalin Urban Release Area.

There are no additional controls within this section that have not already been assessed. The development complies with the relevant provisions of Section 9 of the Wagga Wagga Development Control Plan 2010 as discussed within this report.

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

There is no draft or current planning agreement applicable to this application under Section 7.4 of the Environmental Planning and Assessment Act 1979.

Section 4.15(1)(a)(iv) – any matters prescribed by the regulations

Conditions have been imposed to ensure this development is consistent with the regulations including compliance with the BCA.

Section 4.15(1)(b) – likely impacts of the development

SECTION 4.15(1)(B) – LIKELY IMPACTS OF THAT DEVELOPMENT

Section 4.15(1)(b) – likely impacts of that development				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed 3-bedroom dual occupancy development is considered suitable within the existing context and setting of the area. The surrounding area is a mix of single dwellings and multi-unit developments within a developing residential suburb. The proposed dwellings are single story and

				appropriately sited to minimise potential amenity and visual impacts.
Streetscape	x			The proposal provides positive contribution to the existing streetscape and neighbourhood character by providing acceptable primary and secondary facades. Roof style, front porches and habitable room windows will provide visually acceptable front elevation. Further the site will be adequately landscaped to screen and soften the building bulk.
Traffic, access and parking	x			Traffic impacts due to the development is considered acceptable and both access and car parking arrangements will satisfy DCP controls.
Public Domain	x			There are no adverse impacts likely as result of the development.
Utilities	x			The site is already connected to services.
Heritage			x	Not within heritage conservation area.
Other land Resources			x	None identified
Water Quality & Stormwater	x			The proposal is not anticipated to have any additional impact on water quality and stormwater. Condition will be attached to the consent to follow erosion and sedimentation control principles of the Erosion and Sediment Control Guidelines for Building Sites and section 2.6 and appendix 2 of the DCP.
Soils, soil erosion	x			Standard condition in regards to erosion and sediment control will be imposed as part of the consent.
Air and microclimate	x			No adverse impacts have been identified.
Flora and Fauna Trees			x	The site is vacant and free from vegetation.
Waste	x			The development is not considered to cause pollution and off-site environmental impacts. The site will be serviced by Council's waste collection pickup once the development is completed.
Energy	x			A current BASIX certificate for each dwelling was submitted and the proposed development will comply with BASIX requirements.

Noise & vibration	x			The construction of the development will generate some noise however, the impacts are determined to be temporary and negligible. Hours of construction works will be conditioned as part of consent.
Hours of operation			x	Not applicable
Natural hazards - Flooding - Bushfire Prone Area Map				The site is free from Flooding, Bushfire and other natural hazards.
Technological Hazards			x	None identified.
Safety, security and crime prevention	x			The proposed development allows for passive surveillance and clearly defines public and private space in accordance with CPTED principles.
Social impact in locality	x			Proposed development will provide more housing opportunities for residents.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and associated industries.
Site design and internal design	x			The proposed design makes good use of the subject site and considered suitable with minimal impacts.
Overlooking – overshadowing	x			Adjoining lots are vacant with no DA approvals. Overshadowing impacts on future dwellings on adjoining properties are considered minimal. Landscaping and privacy screening can be used to overcome /minimise any overlooking impacts.
Landscaping	x			Landscaping plans has been submitted as part of the application and considered satisfactory.
Construction	x			To comply with NCC requirements.
Private open space	x			Both dwellings will have private open spaces which open to the rear and side yards of each proposed dwellings.
Cumulative Impacts	x			There are no likely adverse cumulative impacts from this development. Each proposal is assessed on its merits at the time of the application.
Disabled access			x	Not applicable

Signage	x			General condition of consent will cover this.
Setbacks, Building Envelopes				The proposed setbacks are considered satisfactory.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

The proposed development would result in residential development in a residential zone and will not result in known anticipated irreversible environmental damage or impact on biological diversity or ecological integrity. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

Section 4.15(C) - The Suitability of the site for the development

The subject site is located within a residential area on the northern part of the city. This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development. The development meets all relevant planning intent and will result in an architectural design that is appropriate in scale and form that which will not cause significant adverse impacts on the existing built environment, or local character and amenity.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

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

Section 4.15(e) - the public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

The proposal generally complies with the relevant provisions of WWLEP and relevant controls

of WWDCP and the application was notified to adjoining neighbours for comment.

Development of a vacant lot in a residential area for residential development will have a positive public interest.

Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

Other Legislative Requirements

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

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

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

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

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

Therefore, no further consideration of these matters is required.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

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

Bush Fire Risk Assessment

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

Development Contributions - Section 7.11/Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act, 1993 and the City of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

7.11 Contributions

The calculation for the dual occupancy development is as follows

Base rate = Proposed - Existing : $(18573 \times 2) - 18573 = \18573

With CPI

$117.4/115.1 \times 18573 = \18944.13

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure.

S64 Sewer

The lot was previously charged s64 under the subdivision DA and therefore it is only necessary to charge for the one additional dwelling as follows:

$\$3538 \times (\text{CPI}) 117.1/100.5 = \4122.38

S64 Stormwater

The Stormwater charge is based on the site area and is calculated as follows: -

Medium density calculation (Lot less than 800m²)

$\frac{0.83 - 0.74}{0.74} \times 1721 = 209.31$

With CPI

$274.21 \times 117.1/87.9 = \278.84

Referrals:

Building Surveyor: - No objections - Standard conditions attached
Subdivision Engineer: - No objections - standard conditions attached

Other Approvals:

AA20/0372 PartB4 - Sewer / PartB5 Stormwater (Private) will be assessed with this application.

Conclusion:

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

RECOMMENDATION

It is recommended that application number DA20/0298 for Dual Occupancy and Community Title Subdivision 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	Hurst Homes		08/07/2020
20059-00	Cover Sheet	Swell Design	D	19/06/2020
20059-01	Site Plan / Subdivision Plan	Swell Design	D	19/06/2020
20059-02	Floor Plan - Unit1	Swell Design	D	19/06/2020
20059-03	Elevations - Unit1	Swell Design	D	19/06/2020
1109064S_02	BASIX Certificate-Unit 1	Hurst Homes		19/06/2020
20059-05	Floor Plan - Unit 2	Swell Design	D	19/06/2020
20059-06	Elevations - Unit 2	Swell Design	D	19/06/2020
1109066S_02	BASIX Certificate-Unit 1	Hurst Homes		19/06/2020

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 Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
- C.4 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$2000.00for 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 0022). 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

- C.5 Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution as identified in the table below must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	\$ 18573
Adopted CPI indexation applied at date of determination ¹ (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	(117.4/115.1)
Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)	\$18944.13

- NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.11 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics. Indexed developer contributions are adopted annually by Council for the financial year.

For payments within the 2019/20 financial year, no indexation will be applied to the base monetary contribution as it is within the first year of the Contributions Plan.

- NOTE 2: The final indexed contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.6 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE 1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$3538
The Section 64 Sewer contribution (updated by the CPI 117.1/100.5) required to be paid is \$4122.38

NOTE 6: The Section 64 Stormwater base figure is \$209.31
The Section 64 Stormwater contribution (updated by the CPI 117.1/87.9) required to be paid is \$278.84

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

Requirements before the commencement of any works

C.7 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.8 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.9 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.10 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.11 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.12 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.13 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.14 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.15 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.16 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.17 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.18 A survey report by a registered land surveyor shall be provided to the Principal Certifying Authority (PCA) prior to work proceeding beyond slab formwork.
- C.19 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.20 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

Requirements before a Subdivision Certificate can be issued

- C.21 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

C.22 Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement (to be made to the Contestable Works Section at Essential Energy)
- ii) APA Gas: Certificate of Acceptance
- iii) Riverina Water: Certificate of Compliance
- iv) Certification from an approved telecommunications provider

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

C.23 Prior to issue of an occupation certificate the building numbers must be displayed in a position clearly visible from the streets 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.24 All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.

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).

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** 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.3** Sewerage and stormwater drainage work must comply with AS3500 and the Plumbing Code of Australia except where otherwise provided in the Local Government Act 1993 or the Local Government (General) Regulation 2005. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.
- A copy of the document entitled - Contractor's Copy shall be provided to the nominated plumbing contractor prior to the commencement of works.
- D.4** Council requires a "Notice of Works" to be submitted and approved by Council prior to the commencement of work. A "Certificate of Compliance" and "Works as Executed Diagram" are to be submitted and approved by Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.

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: 12/08/2020</p>	<p>Report Approved by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 12.8.2020</p>
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