

Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA23/0238
Modification No.:	N/A
Council File No.:	D/2023/0238
Date of Lodgement:	17/05/2023
Applicant:	Maslin Homes Pty Ltd PO Box 661 WAGGA WAGGA NSW 2650
Proposal:	Dwelling
Description of Modification:	N/A
Development Cost:	\$485000
Assessment Officer:	Lani Hudson
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Not required
Advertising:	Not required
Owner's Consent Provided:	Yes
Location:	On the western side of Shaw Street approximately 50 metres to the north of the junction with Gurwood Street.

SITE DETAILS

Subject Land:	70 Shaw St WAGGA WAGGA NSW 2650 Lot 18 DP 1273292
Owner:	Maslin Allsopp Pty Ltd

REPORT

Description of Development

This application is for a detached dwelling. The dwelling is two storeys with four bedrooms and includes an attached double garage that will be accessed from a rear laneway. An alfresco area is provided to the rear and an upper floor balcony is proposed to the front elevation.

The Site and Locality

The subject site is legally identified as Lot 18 DP1273292 and is known as 70 Shaw Street. The site is on the western side of Shaw Street approximately 50 metres to the north of the junction with Gurwood Street, it is generally rectangular in shape and has an area of 270sqm.

The lot is vacant and fronts onto Shaw Street with a laneway to the rear. The lot forms part of Stage 1 of the subdivision of the wider land parcel. Subdivision works for Stage 1 are complete. Similar styled two storey dwellings are under construction along Shaw Street. The surrounding area is predominantly characterised by residential houses on single title lots.

Easements and Covenants

There are no known easements or covenants across the subject site.

Previous Development Consents

DA20/0210 - Subdivision. Approved 3/8/2020

DA19/0537 - Concept Development Application. Approved 14/2/2020

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 R3 Medium Density Residential. The objectives of the R3 Zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The proposal for a single dwelling directly furthers the residential objectives of the zone. The design of the development is based on the amended controls adopted for the whole subdivision which will allow for a high-quality medium density development to occur across the site.

Part 2 Permitted or prohibited development Land Use

The development is defined as a dwelling house and is permitted with consent.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

There are no principal development standards that apply to this application.

Part 5 Miscellaneous provisions

5.21 Flood Planning

The site is not subject to riverine flooding the levee protects the city from the 1:100 flood event.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.6 - Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability, the subject site is identified as sensitive on the Water Resources Map. The objective of this clause is to protect and preserve groundwater sources. The new dwelling will not result in any adverse impacts to groundwater as the use is not one of the listed developments to which this clause applies.

7.9 - Primacy of Zone E2 Commercial Centre

Clause 7.9 states that 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 E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga. The development is for a residential dwelling in a residential zone and will have no detrimental impact upon the primacy of the CBD.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Clause 4.6 of the SEPP 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.

The subject site is not listed on Council's potentially contaminated land register and there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The site has been assessed as suitable for residential use under previous development applications including the concept DA approval (DA19/0537) and associated subdivision (DA20/0210). This assessment maintains that conclusion.

No further consideration of the SEPP is required.

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

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

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

In accordance with the provisions of the EPA Act 1979 the concept application included the preparation of a series of development controls that would be used to assess all future development applications on the site as long as they were generally consistent with the concept approval. The controls are contained in the document titled 'The Leagues Urban Design Report.' Appendix 1 of this document contains the 'Site Specific DCP Controls.'

The proposed development of one detached dwelling is consistent with the following applicable controls of the urban design report:-

SECTION 1 - GENERAL DEVELOPMENT CONTROLS

1.0 - Notification of a development application

Future development applications that are inconsistent with the provisions of the approved Urban Design Report and supporting Master Plan will be subject to public consultation requirements.

The dwelling is consistent with the house typologies proposed for lots of this size and complies with the relevant dwelling standards and therefore there is no requirement to notify the application.

1.1 - Staging of development controls

The staging of development of the Master Plan is to occur in accordance with the approved Urban Design Report. The staging of development may occur non-sequentially.

The lot is part of Stage 1 as approved under the subdivision application.

1.2 - Vehicle access and movements controls

The design of vehicle access and movements as well as pedestrian access and movements shall adhere to Figure 1.0 - Vehicle Access and Movements.

The rear laneway that will be used to access the proposed dwelling was constructed in accordance with the subdivision approval. The layout is consistent with the noted figure from the urban design report. Pedestrian access is from Shaw Street.

1.3 - Off street parking controls

- *All developments are required to provide off-street (on site) parking, accessed from rear laneways so as to minimise driveways and parking spaces on streetscapes and increase area for landscape;*
- *All off-street car parking requirements for Terraces and Secondary Dwellings (Fonzie Flat) are to be in accordance with Table 1: Off-Street Parking;*

The dwelling has a double garage that is accessed from the rear laneway. Table 1 requires that detached dwellings with a frontage of 9-12m in width have 2 spaces per dwelling. The parking complies with this section.

1.4 - Landscape design controls

All Development Applications for forthcoming stages of development must provide landscaping detail in accordance with Figure 1.1 Landscaping Master Plan.

The approved subdivision layout is consistent with the landscape master plan in that it identifies the pocket park, pedestrian linkages and pathways together with capacity for nature strip plantings and street trees. There is adequate room on site to the front of the dwelling for landscaping to be established by the owners.

1.5 - Safety and security controls

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

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

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.

Minimise blank walls along street frontages.

Avoid areas of potential concealment and 'blind' corners.

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.

The layout of the dwelling includes a clearly visible entry and no blank walls to the street. Street lighting provides appropriate illumination throughout the subdivision.

1.6 Erosion and sediment principles

- An Erosion and Sediment Control Plan is to be submitted with the development application.*
- Water diversion or filtration measures including sand bags, silt fencing or straw bale sediment filter fencing are to be implemented on the downslope property boundary, including, where appropriate, the rear of the lot.*
- All sediment control measures are to be installed prior to commencement of work on the site. The measures are also to be maintained in a sound and workable condition until completion and must not be removed from the site until permanent rehabilitation/stabilisation measures have been completed.*
- Vehicle admittance onto the site shall be restricted during wet or muddy conditions.*
- The placement of blue metal, gravel or similar materials is required on the identified single access point if access is necessary under wet or muddy conditions. This will prevent erosion by concentrated run-off and minimise tracking of mud from the site on to the road.*
- Temporary fencing is to be installed along the boundary adjoining roadways to prevent vehicles by-passing the designated driveway access.*
- Locate stockpiles so that the material is wholly within the property boundary and not in a position where it can be washed into the gutter or roadway.*
- Coverage of stockpiles should be provided to prevent loss by wind erosion, unless the material is too coarse to be wind blown (e.g. coarse sand).*
- Sediment fencing must be provided down slope of all stock piles. Where the catchment exceeds 2 ha, a diversion bank/fence must be constructed immediately upslope of all stockpiles*

- *Disturbed areas are to be stabilised with seeded topsoil or turf as quickly as possible or by no later than 14 days, after completion of construction works. Use of turfed terraces or turf strips along embankments may facilitate quick stabilisation of those areas.*
- *All erosion and sediment control devices should be kept in place until the site is fully stabilised and /or landscaped.*

A condition of consent will be included referencing compliance with the controls listed.

1.7 - Development adjoining open space

- *Ensure that developments adjoining open space contain impacts within their boundaries and don't impinge on, or rely on the open space area as a buffer; and*
- *Encourage positive visual and physical relationships between private developments and public areas and reserves.*

The subject site does not adjoin land zoned as public open space.

SECTION 2 SUBDIVISION & PRECINCT LAYOUT

The controls within this section are more applicable to the overall subdivision of the site.

2.3 - Design for use & accessibility controls

All Development Applications should demonstrate design for use and accessibility to complement the intended outcomes of vehicular and pedestrian movement of the Master Plan.

The lot will utilise the built rear laneway for vehicle access and there will be pedestrian access to the front of the dwelling from the footpath on Shaw Street.

2.4 - Solar access, energy efficiency, size and shape of lots

- *All future development shall demonstrate good solar access and how the development maximises solar access and liveability of the dwellings constructed through the use of private open space, whilst minimising solar amenity impacts to adjacent dwellings;*
- *All development applications must demonstrate equitable amenity and reasonable solar impact across the proponent's site as well as neighbouring sites. This also includes anticipated impacts beyond immediate neighbours and including precinct wide onward effects within the expectations established by the concept master plan.*

The dwelling has sufficient solar access from the east to living areas and private open space including a landscaped setback to the front of the dwelling and an upper floor balcony. The rear private open space area is linked to the living areas but will be overshadowed during the winter, such impacts are to be expected within a medium density 2-3 storey development.

SECTION 3: RESIDENTIAL DWELLINGS

Section 3 contains the controls for residential development. The controls apply to all applications for residential accommodation.

3.0 - Principles for residential development

- *Achieve a density and scale that reflects the zone and proximity of the site to transport, shops, schools or community uses;*
- *Building siting, footprint, scale and bulk should be compatible with adjoining development and the established or intended built form;*
- *Integrate building design and landscaping with north facing internal living areas that link to quality private open space.*

The site is zoned as R3 medium density, the approved subdivision results in a variety of lot sizes and a resulting density that is consistent with the local character and is well connected to both the CBD and the health precinct.

The proposed dwelling is comparable to others recently approved in terms of footprint, bulk and scale and achieves the intended outcome for this site. The al fresco and private open space area are linked directly to the living room.

3.3.1 - Site Layout

- *Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout;*
- *Integrate access, landscaping and services in the site layout, avoiding underutilised spaces;*
- *Orient living spaces to maximise solar access;*
- *Facilitate natural cross ventilation within dwellings through the location of windows and doors.*

The layout of the dwelling maximises the use of the site, secures sufficient solar access to the property and readily achieves cross ventilation throughout.

3.3.2 - Streetscape

- *North facing lots shall have a private open space located to the north;*
- *All fencing heights and level of permeability are to adhere to the prescribed Interface detailed in Table 3.0 -*
- *Mandatory front fence on Kincaid Street and facing open space;*
- *Fence height is to be consistent forward of the building line, with no tapering;*
- *All development shall adhere to the prescribed setbacks in Table 3.0*
- *Each dwelling must have a front door and a window to a habitable room in the building wall that faces a primary street;*
- *The maximum total area of building elements in the articulation zone must not be more than 35 percent of the area of the articulation zone.*

Table 3.0 stipulates a maximum front fence to Shaw Street of 1.2m in height or of 1.5m with 50% permeability. The plans show a 900mm high timber picket fence to the front boundary with appropriate permeability.

Table 3.0 stipulates a front setback of 2.5m to Shaw Street with a 1.5m setback to articulation elements such as porches and awnings. The dwelling has a 2.66m setback and the entry steps, porch and balcony are partly within the allowable articulation zone with a setback of 1.97m. The plans show building elements within the articulation zone equate to approximately 20%.

A front door and habitable rooms present to the Shaw Street frontage together with an area of private open space allowing for activation of the streetscape and good natural surveillance.

3.4.1 - Site area per dwelling

Individual lots sizes should allow for an average lots size across the site no greater than 300 sqm per dwelling; and each Stage of the development must demonstrate an appropriate response to the above control.

The subdivision layout (not including the residue lot) equates to an average lot size of 240 sq.m. This allows for a range of lot sizes across the subdivision including some less than 300sq.m and some more than 300sq.m which is consistent with the intent of this control. The subject lot is 270sq.m.

3.4.2 - Site Cover

- 80% site coverage for lots below 150m² where Private Open Space achieves solar access;
- 65% site coverage for lots over 150m².

The development has a site cover of 63.6% and complies with the control.

3.4.3 - Minimum frontages controls

Minimum lot frontages for Terrace Dwelling Typologies are as follows (see Figure 3.0)
:

- Terrace Typology D (Detached): 9m (minimum) - 12m lot frontage;

The lot has a frontage of 10m in width, the house typology selected for the lot is appropriate.

3.4.4 Solar Access

All future development shall demonstrate good solar access and how the development maximises solar access and liveability of the dwellings constructed through the use of private open space, whilst minimising solar amenity impacts to adjacent dwellings

The dwelling demonstrates sufficient solar access to the living area, alfresco and private open space areas. Whilst the adjacent dwelling to the north will result in a degree of overshadowing during the winter months this is to be expected within a medium density development.

3.4.5 Private Open Space

Terrace Typology D: Min 18m² area with min 3m dimension courtyard located adjoining habitable room.

The rear courtyard area is approximately 18sq.m with minimum width of 3m and complies with the control. Additional private open space areas are provided by the rear alfresco, front porch and the upper floor balcony that is approximately 22sq.m.

3.4.6 - Front setbacks

All front setbacks are detailed in Table 3.0 - Setbacks and Interface to Create Streetscape Character;

See comments under 3.3.2 above.

3.4.7 - Side and rear setbacks

All minimum side setbacks for Terrace Dwelling Typologies are as follows:-

- *Terrace Typology D (Detached): 0.9m;*

The dwelling has over a 1m setback on both sides.

All rear setbacks for Terrace Dwelling Typologies are as follows:-

Terrace Typology D(Detached):1m from rear boundary;

The dwelling has a 1.73m setback to the rear lane and complies with this control.

3.5.1 Building Elements

- *Use verandahs or pergolas to link internal and external living areas;*
- *Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry;*
- *Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street;*

An alfresco area links the internal and external areas. A front porch with balcony above creates a clear and visible entry area as well as providing an area of open space with good solar access.

3.5.2 Materials and Finishes

- *Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.*
- *Avoid large unbroken expanses of any single material.*
- *Minimise use of highly reflective or glossy materials on building exteriors.*
- *Use contrasting materials in combination with design elements for features such as corner elements.*

The dwelling incorporates cement cladding and aluminium windows.

3.5.3 Privacy

All development applications will be assessed against a performance-based criteria assessment for Privacy and should generally be consistent with intended outcomes for visual privacy.

Due to the medium density nature of the development, it is anticipated that there is the potential for some overlooking between properties. Notwithstanding the above the design and treatment of upper floor windows can assist in minimising the loss of privacy. Windows to bedrooms 3 and 4 on the upper level have the potential for overlooking. They are listed on the window schedule and the elevations as obscurely glazed. These design measures will allow for natural light into the rooms and minimise visual privacy impacts towards the adjacent dwelling to the north.

3.5.4 Garages, Car Ports, Sheds and Driveways

- *Where possible, consolidate shed functions into the garage structure provided to the dwelling, rather than two separate structures;*
- *Sheds may only be erected on residential land where a dwelling house is constructed or under construction and must be used for purposes ancillary to the residential use of the land;*
- *An outbuilding shall not be located in front of the main building line. Variations may be considered for a balcony, deck, patio, pergola, terrace or verandah*

A double garage is provided at the rear of the dwelling and will be utilised as necessary for storage; No sheds or outbuildings are proposed.

3.5.5 Site Facilities

- *Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure;*
- *Garbage areas are to be easily accessible within the site and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces;*
- *Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.*

There is sufficient room on this lot for all required site facilities to be provided.

Section 4.15(1)(a)(iiia) - 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

None applicable

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

Context and setting

The proposed development is for a residential dwelling within a recently approved medium density subdivision. The contemporary design of the dwelling is appropriate within the setting and consistent with the outcomes sought for this site.

Streetscape

The new dwelling will alter the existing streetscape that is currently a vacant cleared site. The overall masterplan is for two storey dwellings on smaller sized lots than currently exist in the locality. Over-time the streetscape will change considerably but this is considered an acceptable outcome based on the R3 land zoning and the approved subdivision of the wider land parcel.

Access, transport and traffic

The rear laneway provides the only form of vehicle access in accordance with the masterplan for the site. The dwelling has a double garage and satisfies parking requirements. Safe pedestrian access is available via Shaw Street footpath at the front of the property.

Noise and vibration

The construction of the dwelling may result in some short-term noise disturbance to neighbouring residents. There are no long-term noise or vibration concerns associated with the development.

Services

Each of the lots within stage 1 are fully serviced.

Heritage

The subject site is not within the heritage conservation area and there are no listed heritage items within proximity of the site.

Flora and Fauna

Trees on the site have previously been cleared in accordance with earlier development consents. Significant street tree planting and landscaped areas are proposed across the site in accordance with an approved landscape masterplan.

Natural Hazards

The development has been considered against the relevant flood provisions of the WWLEP2010 and DCP. Overland flooding is not significant and proposed stormwater upgrades across the site will address the capture of run-off during storm events.

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

Man-Made Hazards

The site is not subject to any known man-made hazards.

Socio- Economic Impact in the Locality

The proposed development introduces smaller sized, compact living within close proximity to both the CBD and the health precinct. The dwellings are likely to appeal to a diverse social mix of investors. The investment in the subdivision is a positive economic impact for the locality including the employment of persons associated with the construction of the dwelling.

Site Design and internal design

The proposed design of the dwelling is consistent with Typology 'D' that is included within the Urban Design Guide for the site. The lot size is suitable for a detached dwelling and maximises the habitable space across the lot.

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 proposed development will not result in any anticipated irreversible environmental damage, dwellings are anticipated within the approved subdivision of the wider land parcel that was previously a sportsground and club building with car parking. The development is not considered to impact on biological diversity or ecological integrity as there is no vegetation removal proposed. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

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

The subject site is suitable for residential dwellings. The proposal is consistent with existing controls and no adverse impacts have been identified.

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

Referrals

The application was referred to relevant internal referral groups. Recommended conditions of consent have been included.

Notification

As noted earlier in the report the site specific DCP controls state that development applications that are consistent with the approved controls for the site do not require further public notification. The dwelling is consistent with the adopted controls and therefore no notification was required.

Advertising

The application was not required to be advertised.

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 development is consistent with an approved master plan and does not result in any detrimental impact upon the streetscape. The development satisfies the intended outcomes for the redevelopment of the site.

Other Legislative Requirements

Section 1.7 of the EPA Act 1979 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

The development is on land that is zoned as R3 Medium Density Residential and contains minimal vegetation. Trees were removed in association with the approved subdivision application.

In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats (7.3). There is no vegetation being removed as part of the subject application and the development is not anticipated to result in any adverse impacts upon ecological communities or habitats of threatened species.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). There is no vegetation proposed to be removed and therefore the offsets scheme does not apply.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The published biodiversity values map does not include any declared areas at the subject site.

Based on the above assessment the application does not fall within the biodiversity offset scheme.

Relevant matters under the Biodiversity Conservation Act 2016 have been considered

Therefore, no further consideration of these matters is required.

Council Policies

None

Development Contributions - Section 7.11/7.12 Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

All contributions for the subject lots were calculated and paid at subdivision stage. No further contributions are required.

Other Approvals

None.

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.

RECOMMENDATION

It is recommended that application number DA23/0238 for Dwelling 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	Maslin Homes		15/05/23
A01	Site plan	Maslin Homes	3	16/06/23
A02	Ground floor plan	Maslin Homes	3	15/05/23
A03	First floor plan	Maslin Homes	2	11/05/23
A04	Elevations	Maslin Homes	2	11/05/23
A05	Elevations	Maslin Homes	4	16/06/23
A06	Section and window schedule	Maslin Homes	3	15/05/23
A07	Sewer plan	Maslin Homes	2	11/05/23
A08	BASIX commitments	Maslin Homes	1	11/05/23

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 Construction Certificate the applicant must lodge a bond with Council of:-

\$2000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Council's Fees and Charges.

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number (BKG 0072). 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 Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.

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

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

Requirements before the commencement of any works

C.3 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.4 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.5 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.6 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) The Leagues Urban Design Report, February 2021 (Section 1.6 Appendix 3)
- 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.7 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.

- C.8 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

Requirements during construction or site works

- C.9 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.10 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.11 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.

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

- C.12 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.13 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.14 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

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

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

General requirements

- C.16 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).
 - (e) must be wholly located within the subject site (including footings of any retaining structures)

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>Report Prepared by:</p>  <p>Lani Hudson Cadet Town Planner</p> <p>Date: 16/06/23</p>	<p>Report Approved by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 16.6.2023</p>
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