

Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA23/0235
Modification No.:	N/A
Council File No.:	D/2023/0235
Date of Lodgement:	16/05/2023
Applicant:	Riverina Australian Football Club Ltd PO Box 7001 MOUNT AUSTIN NSW 2650
Proposal:	Alterations and additions to club rooms
Description of Modification:	N/A
Development Cost:	\$722690
Assessment Officer:	Sam Robins
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	2/6/23 - 9/6/23
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The subject land is known as the Rules Club and is located at Lot 42 DP 1212749, 188 Fernleigh Road Glenfield Park. The site is located on the south western corner of Fernleigh Road and Glenfield Road.

SITE DETAILS

Subject Land:	RULES CLUB 188 Fernleigh Rd GLENFIELD PARK NSW 2650 Part Lot 42 DP 1212749
Owner:	Riverina Australian Football Club Ltd

DESCRIPTION OF DEVELOPMENT

The applicant seeks approval for the following works:

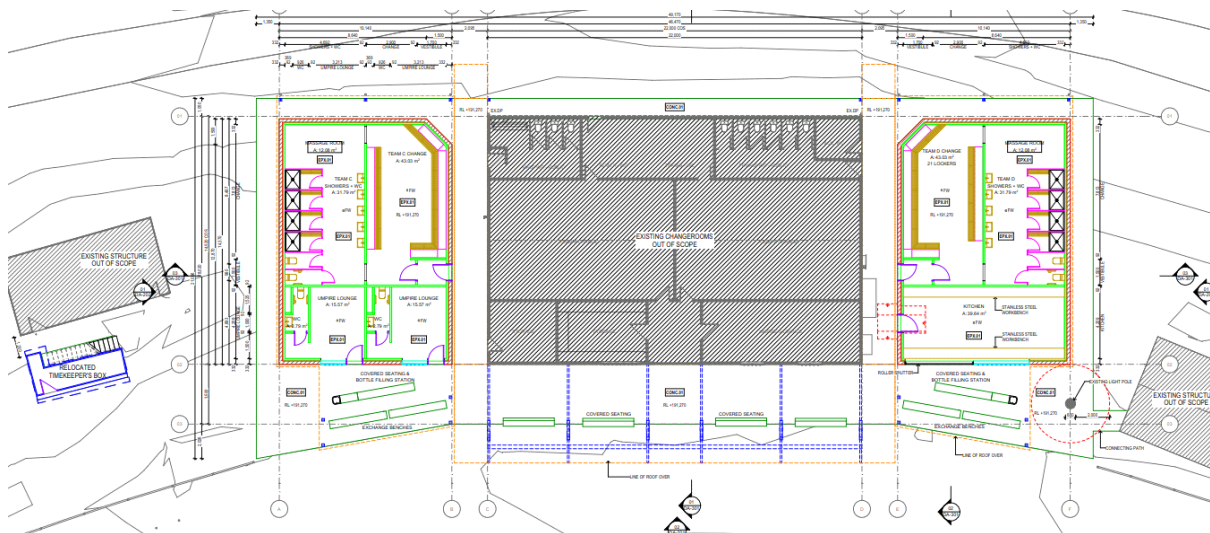
Demolition requirements:

- Demolition of existing verandah.
- Demolition of existing concrete apron

- Demolition of existing corrugated metal shed and scoreboard.
- Demolition of existing bollards.
- Demolition of brick and corrugated metal roof player interchanges.
- Partial demolition of oval boundary fence.

Proposed alterations and additions:

- New open verandah to existing changeroom facilities
- New changeroom and umpire facilities to the south of existing building
- New changeroom and canteen facilities to the north of existing building
- New roof between existing and proposed developments
- General cleaning and painting of existing building



THE SITE & LOCALITY

The subject land is known as the Rules Club and is located at Lot 42 DP 1212749, 188 Fernleigh Road Glenfield Park. The site is located on the south western corner of Fernleigh Road and Glenfield Road.

The site measures 7.30ha and contains the main club building and bowling green with associated buildings and carparking in the north eastern corner of the site and Maher Oval with associated buildings to the rear of the site.

The site is flat with vegetation generally focused round the boundaries of the site. Access is off Fernleigh Road and remains unchanged as part of this application. The site contains sewer easements to the front and along the eastern boundary and a transmission easement to the rear, the proposed works are well clear of all easements.

A site visit was undertaken on 1/6/23 by the assessing officer.



Previous relevant development consents

The site has been subject to a number of development consents since the original building was constructed in the 1970s. The most relevant consent is DA276/97 as amended that was specifically for the construction of the existing amenity facilities.

Within this consent there are two conditions that are relevant for discussion as part of this DA.

Condition (a) and (i) as follows:

- (a) *The paving of all vehicular movement areas shall be either hotmix sealed or 125mm of reinforced concrete or three coats of bituminous seal. These works are to be completed prior to April 1999.*

- (i) *A 10 metre wide landscaping buffer is to be provided along the entire length of the western boundary of Maher Oval. The buffer is to be planted with three rows of non-deciduous trees. Trees in the immediate vicinity of the building are to be advanced species. These works are to be completed prior to April 1999.*

These conditions were included to specifically address amenity concerns raised at the time by the adjoining properties. Whilst plantings and sealing of some degree has clearly taken place, the lack of maintenance of both over the years has led to a deterioration and an increase in the amenity impacts.

Very similar amenity concerns have been raised by adjoining properties during the notification period of this application. A site visit has confirmed that the landscaping buffer is inadequate and parts of the driveway remain unsealed. There will undoubtedly be amenity impacts on these properties. Whilst a level of impacts are expected from living adjoining to an Oval, it is considered that a well vegetated and fenced buffer would reduce these impacts to acceptable levels.

It is considered appropriate in this instance to require additional plantings to be provided along the western boundary. Fencing out of the area will also be required to protect the vegetation from damage through cars parking in the area and children playing in the area. The initial 10m is excessive and not possible with the clubrooms and road. A 5m buffer will therefore be required. Conditions of consent will secure this landscaping buffer.

A condition will also be imposed to ensure the access track from the entry gate to the southern boundary is sealed. This will reduce dust impacts associated with additional traffic movements.

Easements and covenants

As mentioned, the proposed works are well clear of any easements on site.

SUMMARY OF MAIN ISSUES

Amenity impacts on neighbouring properties.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned RE2 - Private Recreation

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

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes..*

The subject site contains a Registered Club and a Recreational Facility (outdoor) both are permissible with consent under the LEP. The proposal would be considered ancillary to the Recreational Facility (outdoor) and would therefore be permissible with consent. The proposal would be entirely consistent with the objectives of the zone.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

By lodging this application, the applicant has complied with this clause of the LEP.

Part 5 Miscellaneous provisions

5.21 Flood planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development-

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters-

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause-

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

The subject site is located within the PMF for a MOFFs event and therefore this clause applies. However, the impact is very minor and located in the north eastern portion of the site well clear of the location of this development. Given this, the proposal will have no impact on the floodwaters and require no specific conditions of consent relating to flooding. The proposal raises no issues against the relevant considerations of this clause and is consistent with the objectives.

The recent flood modelling considered climate change in its prediction.

Part 7 - Additional Local Provisions

7.3 - Biodiversity

This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map. The location of the works is well clear of the areas identified and will not result in unreasonable impacts. No issues are raised.

7.6 - Groundwater Vulnerability

As the application site falls within this zone as identified as 'Groundwater' of the Water Resources Map, the development would be subject to assessment under this clause.

The objective of this clause is to protect and preserve groundwater sources.

Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is unlikely to adversely impact on existing groundwater source, and*
- (b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and*
- (c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.*

The development is not considered to be detrimental to any of the issues above and therefore complies with this section of the LEP 2010.

Clause 7.9 - Primacy of Zone E2 Commercial Centre

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 an upgrade to the changing room facilities associate with Maher Oval and is located within the RE2 Private Recreation zone. The proposal will not impact on the Commercial Core of the E2 zone.

7.11 - Airspace operations

The proposed development does not compromise the Obstacle Limitation Surface for the airport. No concerns are raised.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires the following:

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless-

(a) it has considered whether the land is contaminated, and

(b) 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, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is-

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land-

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council is required 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 site is listed on Council's potentially contaminated land register with the note 'cemetery'. There is no other information on the register. A review of the aerial imagery of the site has not identified any burial site, a site visit has not identified any burial site and a detailed search of council's records has not identified any burial site. Given this, along with the development of the site since the 70s with no record of any issue regarding grave sites coming up, Council staff are comfortable to proceed without the need of any further investigation of the site.

There is no change of use proposed and based on the discussion above the site is considered suitable for the proposed development.

(a)(ii) - The provisions of any draft environmental planning instrument
Draft local environmental plans

N/A

Draft state environmental planning instruments

N/A

(a)(iii) - Any development control plan
Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.10 Notification of a Development Application

The application was notified to adjoining neighbours from 2/6/23 - 9/6/23 in accordance with the provisions of the DCP. Four (4) submissions were received during the notification period and have been addressed below.

2.1 Vehicle access and movements

The access to the property is not being altered. As discussed above, the internal track will be required to be sealed in spots that have not currently been sealed to reduce the impact of dust from increased traffic movements along the western boundary.

2.2 Off-street parking

There is no requirement for additional parking under this section of the DCP. The upgrade of the facility will not directly result in increase in numbers of users of the site but simply provide better facilities for those that already utilise the site.

2.3 Landscaping

The proposal does not include any works that would impact on existing landscaping. As discussed above, the landscaping buffer needs to be increased and this will be controlled via recommended conditions of consent.

2.4 Signage

No signage is proposed.

2.5 Safety and security

Given the proposal is an upgrade of existing facilities and not a change of use to a sporting facility no crime impact assessment is required. The proposed design is not considered to create additional safety or security risks that cannot be adequately managed by user groups of the facility. It is reasonable to consider that the site would benefit from an operational management plan (OMP) to ensure that all user groups are aware of their responsibilities with regards to the site with specific regard to the area around the facilities and the amenity impacts of the adjoining neighbours. The OMP will be required to address the following:

- Restrictions on the times of use of the facility
- Restrictions on what the facilities can be used for (i.e. no afterparties or functions that extend beyond game times)
- Cleaning of the facility and areas surrounding the facility (including landscaping buffer)
- Ongoing management of landscaped buffer area
- Ongoing management of access track.
- Procedures for behaviour management in and around the facility

A copy of the OMP will be required to be onsite at all times.

2.6 Erosion and Sediment Control Principles

An erosion and sediment control plan has been submitted with the DA and conditions will be applied to the consent. Given the nature of the works and the location impacts are considered to be negligible and easily managed.

Section 4 - Environmental Hazards and Management

4.2 Flooding

Whilst this section of the DCP technically applies as the land is identified as 'flood prone land', the controls of this section are based on the Wagga Wagga Floodplain Risk Management Study 2009 that related to riverine flooding associated with the Murrumbidgee River and did not consider MOFFs. Therefore, it would be considered unreasonable to impose these controls as the impacts, such as the risk to life and property and the compatibility of development with the flood hazard, have the potential to be substantially different to those impacts in a riverine flood event. Furthermore, as discussed above, the impact is in the north eastern corner of the site and a substantial distance from the proposed development site. There are no flooding impacts from this proposal.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into under section 7.4.

(a)(iv) - any matters prescribed by the regulations

64 Consent authority may require upgrade of buildings

(1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if-

- (a) the proposed building work and previous building work together represent more than half of the total volume of the building, or*
- (b) the measures contained in the building are inadequate-*

- (i) to protect persons using the building, if there is a fire, or*
 - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or*
 - (iii) to restrict the spread of fire from the building to other buildings nearby.*
- (2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

The application was referred to Council's building section who provided the following comments that have resulted in an additional condition of consent requiring a partial upgrade of the existing changing room facilities.

'original building approved as class 10a with condition that accessible path of travel be provided to the building this appears to be the case access via existing concrete paths and landscaped areas.

the plans show link to existing building which results in the whole development being united building BCA part A7. There is also roofed structure attached with additional covered seating. the new facilities contain massage room with showers and change room in one part and with kitchen and second massage room and change room in other part. It appears that the building and outdoor areas will facilitate number of spectators especially because of the kitchen. It seems that this will result in change of classification from 10a (existing outbuilding) to class 6 (whole complex). the seating benches indicate occupancy to lesser extent compared to class 9b.

The SEE contains no details of the fire safety. total size of building is $49 \times 18 = 882 + 22022 = 926 \text{ m}^2$. the existing FHR on the external wall of the sanitary block to remain, under the new CC may require additional reel.

The existing building shall be upgraded with emergency lighting, exit signs and portable fire extinguishers in addition to existing FHR.'

Matters prescribed by the Environmental Planning & Assessment Regulation 2021 and the Building Code of Australia have been satisfied.

(b) - The likely impacts of the development

Context and setting

The proposal will have minimal impact on the context and setting as it is simply expanding and upgrading the existing clubrooms in the same location. The assessment throughout the report has determined the impacts to be acceptable subject to compliance with recommended conditions of consent.

Access, transport and traffic

As discussed above, no changes to the access only the finish of the track.

Noise and vibration

Minimal impact during construction that will be controlled via conditions of consent limiting the hours of construction. Once completed the noise impact is expected to be similar to what currently exists.

Natural Hazards

The flood impact has been discussed above.

The site is impacted by a 1% AEP MOFFs event that comes in close proximity to the build site. The impact is negligible (less than 150mm) and would not result in the need for additional conditions of consent.

Waste

Conditions of consent will ensure that construction waste is managed appropriately. A condition will require trade waste agreements are in place for the canteen. General waste from the operation will be managed by user groups as per the current arrangements.

Services/Utilities

As the subject development is located within an urban developed area, all power, water, sewer and telecommunications are available to the site.

Public domain

No issues raised.

Other land resources

No issues.

Water

Council imposes no requirements that relate to water saving. The site is serviced by water and has appropriate stormwater facilities. The issue of waste water has been discussed above.

Heritage

No impacts.

Soils

The proposal will have negligible impact on the soil.

Air and microclimate

The sealing of the access track will further reduce potential dust impacts.

Safety, security and crime prevention

No unreasonable concerns raised. As discussed, an OMP will be required to further assist with the operation of the site by varying user groups.

Social/economic impacts

The proposal will result in positive social and economic impacts as it provides employment during construction and improved facilities for user groups once completed.

Flora and fauna

The requirement of additional plantings and fencing of the buffer area will provide a positive impact on the flora and fauna in the area.

Site Design and internal design

The proposal is considered acceptable and causes no unreasonable impacts.

Overall the development would be considered acceptable on a merits based assessment for the site.

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 would result in an upgrade to the existing facilities at Maher Oval. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

(c) - The suitability of the site for the development

Suitability of the site in terms of the likely impacts identified under (b)

The site is currently zoned private recreation and is the home of the Rules Club and associated sporting facilities, the lot is surrounded by a variety of developments. The site is considered suitable for the development. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Referrals

Internal

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified for a period of 7 days on the following dates 2/06/2023 to 9/06/2023 and referred surrounding tenancies. Four (4) submissions were received.

Public Submissions and those from public authorities

Public submissions:

Issue: Trees were planted and fenced to provide screening when the original clubrooms were being built. These trees have been damaged/died/removed and the fence that protected them removed. More screening is required.

Comment: This issue has been discussed above and conditions will be imposed to revegetate the buffer area.

Issue: Noise levels will increase in this location.

Comment: Noise levels will likely increase but given the site is a sporting oval noise is expected. The oval existed prior to the construction of the neighbouring dwellings. The potential increase in noise impacts is not unreasonable.

Issue: Traffic levels will increase in this location and therefore dust.

Comment: Potentially traffic levels will increase in this location given more people may want to park closer to covered seating and the canteen, however the impacts will be negligible given the time of the traffic movements would not alter and the additional screening and road sealing discussed in the body of the report.

Issue: Speaker and siren are too loud.

Comment: This is not a matter for concern under this application.

Issue: Will cause overshadowing.

Comment: The new buildings are single storey with a maximum height of 5.4m setback over 10m from the closest boundaries. The application includes solar diagrams that show no impact to the closest neighbouring properties. No issues are raised.

Issue: Renovations may cause snakes to migrate into neighbouring gardens. If this is the case the neighbours should be reimbursed for having to call the snake man.

Comment: Given the area of the renovations the likelihood of disturbance to natural habitat is minimal. It is impossible to create a correlation between the proposed works and snakes appearing in neighbouring gardens.

Issue: Large trees have been removed, was this done with Council approval? Other vegetation has also been removed.

Comment: Council has not received or approved any tree removal in the last 5 years. However, given the species and height of the trees it is likely that approval was not required.

Issue: Was not notified when netball courts or lights were built.

Comment: This is not a matter for concern under this application.

Issue: Rubbish thrown over fence and general maintenance and security issues.

Comment: The improvement in the buffer planting along with fencing will assist in reducing this impact. A management plan for the site will also form part of the conditions of consent and will specifically address the clean up of this area at the end of each game day.

(e) - the public interest

Federal, state and local government interests and general community interests

It is considered that this application will not have a detrimental affect on the public interest.

Other Legislative Requirements

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

There are a number of tests to determine whether the proposed triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.

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

No

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

No native vegetation is being removed.

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

Given no native vegetation is being removed and the absence of any recorded endangered flora or fauna on the site of the proposed development, is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.

Section 733 of the *Local Government Act 1993*

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. Although the site is identified as being prone to flood no further risk assessment is required as the development impact has been considered above and raises no concerns.

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.

Council Policies

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions**Section 7.12**

The cost of the development in the Cost Summary Report is \$722,690. As per the Wagga Wagga Local Infrastructure Contribution Plan 2019 - 2034 the Section 7.12 levy is 1% of the cost of the development.

$$\begin{aligned}\text{Section 7.12} &= \$722,690 \times 1\% \\ &= \$7,227\end{aligned}$$

The current CPI rate is 123.7.

Section 64 Sewer

The Section 64 Determinations of Equivalent Tenements Guidelines of April 2017, state the Section 64 sewer contributions for sporting facilities, is to be based on the area of take away /fast food including amenities. This is at the rate of 0.05ET/m². The area of the food preparation area is 39m².

$$\begin{aligned}\text{Section 64 Sewer} &= (39 \times 0.05) \$3,538 \\ &= \$6,899\end{aligned}$$

$$\begin{aligned}\text{Section 64 Sewer CPI} &= \$6,899 \times 121.6/100.5 \\ &= \$8,347\end{aligned}$$

Section 64 Stormwater

As per the Implementation Guide Development Servicing Plan Stormwater May 2022, adopted by Council on 27 June 2022, the following calculation is to be used for new hardstand on land other than residential zoned land.

$$\begin{aligned}\text{S64 Stormwater (base)} &= \text{additional hardstand} \times 1\text{ET}/480 \\ &= 279 \times \$3,007/480 \\ &= \$1,748\end{aligned}$$

$$\begin{aligned}\text{S64 Stormwater CPI} &= \$1,748 \times 121.6/87.5 \\ &= \$2,418 \text{ (nearest dollar)}\end{aligned}$$

$$\begin{aligned}\text{Additional hardstand} &= (102+137+137) - (26+12+59) \\ &= 376 - 97 \\ &= 279\end{aligned}$$

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. The objections received have been addressed in the body of the report.

RECOMMENDATION

It is recommended that application number DA23/0235 for Alterations and additions to club rooms be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA23/0235

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	ck architecture	-	14/4/23
DA-001	Location Plan	ck architecture	A	14/4/23
DA-010	Site Analysis Plan	ck architecture	A	14/4/23
DA-011	Site Demolition Plan	ck architecture	A	14/4/23
DA-012	Proposed Site Plan	ck architecture	A	14/4/23
DA-013	Sediment and Erosion Plan	ck architecture	A	15/5/23
DA-041	Demolition Plans - Ground	ck architecture	A	14/4/23

DA-042	Demolition Plans - Roof	ck architecture	A	14/4/23
DA-0101	Floor Plans - Ground	ck architecture	A	14/4/23
DA-0111	Roof Plans	ck architecture	A	14/4/23
DA-0201	Elevations 01	ck architecture	A	14/4/23
DA-0202	Elevations 02	ck architecture	A	14/4/23
DA-0301	Sections 01	ck architecture	A	14/4/23

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 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$7,227 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.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 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.

NOTE 2: The monetary 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. The applicable rate of CPI at the time of consent is 123.7.

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.3 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.

NOTE1: '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 \$6,899.

The Section 64 Sewer contribution (updated by the CPI of 121.6/100.5) required to be paid is \$8,347.

NOTE 6: The Section 64 Stormwater base figure is \$1,748.

The Section 64 Stormwater contribution (updated by the CPI of 121.6/87.9) required to be paid is \$2,418.

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.

C.4 Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.

C.5 A detailed landscape plan and legend shall be submitted and approved by the General Manager or Delegate prior to the release of the Construction Certificate.

(1) The landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.

(2) The landscape plan must identify a buffer along the western boundary of the site with a minimum width of 5m. The buffer is not to extend into the easement located along the southern boundary.

(3) The landscape plan must identify fencing along the buffer for its entirety.

Details of the type of fencing proposed must be included. Rural style post and wire fencing is encouraged. The fencing must not extend into the easement.

- (4) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule. Please note that evergreen species should provide the bulk of the required plantings. The above is only required for the proposed plantings.
- (5) The landscape plan must show the existing plantings to remain and the proposed plantings.

Requirements before the commencement of any works

- C.6 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.7 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.8 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.9 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.10 A Section 68 Approval must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

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.11 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.12 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.13 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.14 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

- C.15 All roofed and paved areas of the proposed additions must be drained and the water from those areas and from any other drainage conveyed to the existing roofwater drainage system, in accordance with AS/NZS 3500.3.2003 'Stormwater Drainage'.
- C.16 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.17 Pursuant to Clause 64 of the Environmental Planning and Assessment Regulation 2021, the existing change rooms must be brought into partial conformity with the Building Code of Australia.
- In order to provide adequate visibility in an emergency and to identify exits, a system of emergency lighting and exit signage shall be provided throughout the existing building in accordance with AS2293.1
- In order to enable early attack on fire by occupants, a portable fire extinguisher shall be provided in accordance with AS2444, and existing fire hose reel shall be made capable of serving the existing building.
- C.18 The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.

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

- C.19 Prior to the release of the Occupation Certificate the areas of the internal access track that runs from the gates to Maher Oval to the southern boundary of the site around the western side of the site that are not currently sealed shall be either hotmix sealed or 125mm of reinforced concrete or three coats of bituminous seal.
- C.20 Prior to release of the Occupation Certificate the landscaping plan approved under condition C5 must be completed to the satisfaction of the General manager or Delegate. The buffer and fencing as detailed must remain in perpetuity.
- C.21 Prior to the release of the Occupation Certificate an Operational Management Plan (OMP) shall be submitted to and approved by the General Manager or Delegate. The OMP must include but is not limited to the following:
- Restrictions on the times of use of the facility
 - Restrictions on what the facilities can be used for (i.e. no afterparties or functions that extend beyond game times)
 - Cleaning of the facility and areas surrounding the facility (including landscaping buffer)
 - Ongoing management of landscaped buffer area
 - Ongoing management of access track.
 - Procedures for behaviour management in and around the facility
 - Contact details of Rules Club Management
 - Details of when the plan will be reviewed and updated if required.

A copy of the OMP will be required to be onsite at all times.

- C.22 Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.
- C.23 Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.
- C.24 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.25 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.26 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.27 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)

C.28 The vegetation buffer must have ongoing maintenance to ensure 100% survival rate of newly planted vegetation for the first two years. Any trees lost during the first two years must be replaced. After two years, maintenance of the vegetation buffer must continue to ensure the vegetation buffer remains healthy and provides adequate screening for the adjoining properties.

C.29 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

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 & approved by:</p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 26/6/23</p>	<p>Report Reviewed by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 23.6.2023</p>
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