

PRESENT

The Mayor, Councillor Rod Kendall
Councillor Yvonne Braid
Councillor Alan Brown
Councillor Greg Conkey OAM
Councillor Paul Funnell
Councillor Julian McLaren
Councillor Kerry Pascoe
Councillor Kevin Poynter
Councillor Dallas Tout

IN ATTENDANCE

Acting General Manager	(Mrs J Summerhayes)
Acting Director Commercial & Economic Development	(Mr J Bolton)
Director Corporate Services	(Mr C Richardson)
Manager Corporate Strategy, Communications & Governance	(Mrs C Priest)
Manager Finance	(Mrs C Rodney)
Manager Project Operations	(Mrs C Angel)
Senior Town Planner	(Mrs A Gray)
Senior Town Planner	(Mr A Stander)
Land and Real Property Coordinator	(Mrs D Wright)
Manager Executive Support	(Mr S Gray)
Communications Officer Public/Media	(Mr J Lang)
Governance Officer	(Miss B King)

PRAYER

Almighty God,

Help protect our Mayor, elected Councillors and staff.

Help Councillors to govern with justice, integrity, and respect for equality, to preserve rights and liberties, to be guided by wisdom when making decisions and settling priorities, and not least of all to preserve harmony.

Amen.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

APOLOGIES

An Apology for non-attendance were received and accepted for The General Manager, Mr Alan Eldridge, on the Motion of Councillors A Brown and K Pascoe.

CARRIED

CONFIRMATION OF MINUTES

CM-1 SUPPLEMENTARY COUNCIL MEETING - 8 AUGUST 2016

16/213 RESOLVED:
On the Motion of Councillors K Pascoe and A Brown

That the Minutes of the proceedings of the Supplementary Council Meeting held on 8 August 2016 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

Councillor A Brown declared a Pecuniary Interest, the reason being that he provides professional training services to Council.

Councillor K Pascoe declared a Pecuniary Interest in PSRP-2 DA16/0212 - PROPOSED TRANSITIONAL GROUP HOME AT 199 GURWOOD STREET, WAGGA WAGGA the reason being that he is constructing units in the neighbourhood block across the road from the development. This development could affect the value of his property and vacated the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in PSRP-7 EXHIBITION OF AMENDMENT NUMBER 10 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 – STAUNTON OVAL the reason being that there has been changes to R3 zones which could be an advantage to him and his family who own land that they plan to develop at a later stage and vacated the chamber during its consideration.

The Mayor, Councillor R Kendall declared a Pecuniary Interest in PSRP-2 DA16/0212 - PROPOSED TRANSITIONAL GROUP HOME AT 199 GURWOOD STREET, WAGGA WAGGA the reason being that he has a business relationship with the proponents of the development and vacated the chamber during its consideration.

Mr James Bolton, Acting Director Commercial and Economic Development declared a Pecuniary Interest in PSRP-8 AMENDMENT TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 9-17 STURT STREET the reason being that his father is a part owner of the land and vacated the chamber during its consideration.

Councillor A Brown declared a Pecuniary Interest in PSRP-6 DA16/0268 – CONSOLIDATION OF LOTS AND BOUNDARY ADJUSTMENT AT 267 BLYTHES ROAD, TARCUTTA, NSW, 2652 the reason being that he is the owner of the land and the applicant for the Development Application and vacated the chair and the chamber during its consideration.

REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 POLICY AND STRATEGY COMMITTEE MEETING - 8 AUGUST 2016

The Mayor, Councillor R Kendall requested Councillors to nominate any recommendations from the minutes they wished to discuss.

16/214 RESOLVED:

On the Motion of Councillors J McLaren and P Funnell

That Council:

- a confirm the Minutes of the Policy and Strategy Committee Meeting held 8 August 2016 are a true and accurate record with corrections to reflect that Councillor K Poynter seconded the Amendment and not Councillor P Funnell for PSRP-2 DA16/0212 Proposed Transitional Group Home at 199 Gurwood Street Wagga Wagga and the corrections to the declarations of Interest for Councillors K Pascoe and A Brown as follows:**

Councillor K Pascoe declared a Pecuniary Interest in PSRP-2 DA16/0212 - PROPOSED TRANSITIONAL GROUP HOME AT 199 GURWOOD STREET, WAGGA WAGGA the reason being that he is constructing units in the neighbourhood block across the road from the development. This development could affect the value of his property and vacated the chamber during its consideration.

Councillor A Brown declared a Pecuniary Interest in PSRP-6 DA16/0268 – CONSOLIDATION OF LOTS AND BOUNDARY ADJUSTMENT AT 267 BLYTHES ROAD, TARCUTTA, NSW, 2652 the reason being that he is the owner of the land and the applicant for the Development Application and vacated the chair and the chamber during its consideration.

- b adopt recommendations numbered PSCM-1, PSRP-1, PSRP-9 to PSRP-12, PSM-1 and PSM-2**

CARRIED

PSRP-2 DA16/0212 - PROPOSED TRANSITIONAL GROUP HOME AT 199 GURWOOD STREET, WAGGA WAGGA

The Mayor, Councillor R Kendall declared a Pecuniary Interest and vacated the chair and the chamber, the time being 6.10pm.

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:10pm.

The Deputy Mayor, Councillor D Tout assumed the chair, the time being 6.10pm.

16/215 RESOLVED:

On the Motion of Councillors P Funnell and J McLaren

That Council refuse Development Application DA16/0212 for a change of Use to a Transitional Group Home and covered outdoor living area at 199 Gurwood Street, Wagga Wagga, the reason being that it is not in keeping with the amenity of the locality.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

- Y Braid
- A Brown
- P Funnell
- J McLaren
- D Tout

Against the Motion

- G Conkey OAM
- K Poynter

CARRIED

The Deputy Mayor, Councillor D Tout called a five minute recess and vacated the chair, the time being 6.40pm.

The Mayor, Councillor R Kendall re-entered the chamber and assumed the chair, the time being 6.41pm.

Councillor K Pascoe re-entered the chamber, the time being 6:41pm.

The meeting reconvened at 6.45pm.

PSRP-3 DA16/0282 PART DEMOLITION OF DWELLING, ALTERATIONS & ADDITIONS TO REAR OF DWELLING INCLUDING GARAGE & POOL, 46 THE ESPLANADE, WAGGA WAGGA, LOT 1 DP 936727

16/216 RESOLVED:

On the Motion of Councillors A Brown and K Pascoe

That Council approve Development Application DA16/0282 for Part Demolition of Dwelling, Alterations and Additions to Rear of Dwelling Including Garage and Pool in accordance with the following conditions:

CONDITIONS

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A14108-0001-A	Site Plan & Location Plan	GPG Architecture & Design	A	13.5.16
A14108-0002-A	Demolition Plan & Elevations	GPG Architecture & Design	A	13.5.16
A14108-0003-A	Floor Plan & Elevations	GPG Architecture & Design	A	13.5.16
	Statement of Environmental Effects & Heritage Impact Statement	GPG Architecture & Design		13.5.16
A248899	BASIX Certificate	GPG Architecture & Design		16.5.16

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 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Construction Certificate

2. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

3. Pursuant to s94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, a levy in the amount of \$990 must be paid to Council prior to the issuing of the Construction Certificate. This amount is to be adjusted in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

NOTE 1: Clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006 provides for Section 94 contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

NOTE 2: The figures outlined in this consent are based on the applicable rate of CPI at the time of consent which is 108.7/95.6. 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.

REASON: Section 94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, authorises the imposition of this condition in relation to the development the subject of this consent.

4. 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 - 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 NIL.
The Section 64 Sewer contribution (updated by the CPI) required to be paid is NIL.

NOTE 6: The Section 64 Stormwater base figure is \$357.49.
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$442.90.

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.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

Prior to Commencement of Works

5. 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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act

1979, as amended.

- 6. **A CONSTRUCTION CERTIFICATE pursuant to Section 109C 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.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 7. **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.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity

of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

8. 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.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

9. Prior to the commencement of works, an application is required to be lodged for both an Activity Approval under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.

NOTE 1: Works carried out under an approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

NOTE 2: Prior to the commencement of works a works bond may be required to be lodged with Council for public infrastructure works. Refer to Council’s Section 68 Activity Approval Application Guide for detail.

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993.

10. 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.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 11. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**
 - a) **in the case of work done by a licensee under the Act:**
 - i) **has been informed in writing of the licensee’s name and contractor license number, and**
 - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
 - b) **in the case of work to be done by any other person:**
 - i) **has been informed in writing of the person’s name and owner-builder permit number, or**
 - ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 12. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
 - a) **stating that unauthorised entry to the site is prohibited, and**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
 - c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

- NOTE:** This condition does not apply to:
- a) **building work carried out inside an existing building, or**
 - b) **building work carried out on premises that must be**

occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 13. At least two (2) days prior to the commencement of any works, the attached ‘Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority’, must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

During works

- 14. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Bearers and joists	Prior to the laying of the floor.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for “Occupation Certificate” form attached to the Council issued

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

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the Environmental Planning and Assessment Regulations 2000 as amended.

15. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

16. 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.

Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

17. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

a) NON CHEMICAL - where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.

b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

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

- c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

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

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

18. 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.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

19. 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.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

20. 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.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

21. Floor levels must be 225mm above existing ground level.

NOTE 1: The applicant may undertake actions to ensure that approved residential development is built at 500mm above the 1:100 year flood event, subject to a separate development application approval.

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

22. The extension must be constructed with the following materials and profiles:

- **Brickwork must match the existing building;**
- **Eaves/gutters must be of ogee/quad profile to match existing;**

- Ridge and hip cappings must be roll top;
- Downpipes must be circular.

NOTE 1: This subject site is located within the Heritage Conservation Area, and as such, any external works, particularly those that may be viewed from the road frontage which affect the streetscape, require the submission of a Development Application to Council for consideration.

NOTE 2: Council's Heritage Advisor is available for further consultation in regards to any future alterations or renovations to the premises (including any alterations to the exterior of the building e.g. exterior colour schemes and fence modifications).

NOTE 3: Council provides a Local Heritage Fund for provision of small grants to encourage and assist owners of heritage listed buildings and buildings in the Heritage Conservation Area to achieve a positive contribution to the streetscape. Should you wish to make application for assistance for part of the works in the development proposal, the application for funding assistance must be approved prior to works commencing on that aspect of the work e.g. replacement fence, or colour scheme.

REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 23. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

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

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

- 24. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development**

Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

NOTE: Prior to the issue of an occupation certificate, the owner of the property shall supply Council with documentary evidence that the completed swimming pool has been registered at www.swimmingpoolregister.nsw.gov.au as required by the amended Swimming Pool Act.

REASON: It is in the public interest that the provisions of the Building Code of Australia and the Swimming Pool Act 1992 be complied with. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 27. In sewered areas, the swimming pool backwash pipe must be connected to the house sewer drainage system in accordance with Clause 10.9 and Figure 10.2 of AS/NZS 3500.2.2003 Sanitary Plumbing and Sanitary Drainage. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.**

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

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

REASON: To ensure that backwash water is discharged into Council Sewerage system in accordance with AS/NZS 3500.2003 and because it is in the public interest to do so. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: It is in the public interest that the provisions of the Building Code of Australia and the Swimming Pool Act 1992 be complied with. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Occupation Certificate

- 29. 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 (3 inches). The number must be visible against the background on which it is placed.**

REASON: It is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment

Act 1979, as amended.

- 30. **An Occupation Certificate, must be obtained pursuant to Section 109C 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.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. **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.

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

- 32. **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.

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

33. 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.

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

General

34. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

35. Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

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.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

36. (1) For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) 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.

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

REASON: To ensure that all swimming pool backwash and water discharged is dealt with in an appropriate fashion. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
J McLaren
K Pascoe
K Poynter
D Tout

CARRIED

PSRP-4 DA16/0247 DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF SINGLE GARAGE WITH ATTACHED STORAGE AREA, 91 BEST ST WAGGA WAGGA LOT 18 SEC 49 DP 759031

16/217 RESOLVED:

On the Motion of Councillors A Brown and G Conkey OAM

That Council approve Development Application DA16/0247 for Demolition of Existing Garage, Construction of Single Garage With Attached Storage Area, subject to the following conditions:

CONDITIONS

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/ Doc No.	Plan/Doc Title	Prepared by	Issue	Date
16017	Proposed Double Garage & Carport in a Heritage Conservation Area	Sewell Design	4	12.5.16
BD16017	Statement of Environmental Effects	Sewell Design		11.4.16
	Email correspondence	Glenn Sewell		18.5.16

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 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Construction Certificate

2. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

3. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal

Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 4. 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 - 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 NIL
The Section 64 Sewer contribution (updated by the CPI) required to be paid is NIL**

**NOTE 6: The Section 64 Stormwater base figure is \$198.10
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$245.43**

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.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

Prior to Commencement of Works

5. 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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. A CONSTRUCTION CERTIFICATE pursuant to Section 109C 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.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

7. **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.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

8. **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.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

9. **The proposed colour scheme for the new building must be submitted for approval prior to the commencement of works. Colours must be selected from the heritage range.**

NOTE 1: The subject site is located within the Heritage Conservation Area and as such any external works, particularly those that may be viewed from the road frontage which affect the streetscape require the submission of a Development Application to Council for consideration.

NOTE 2: Council's Heritage Advisor is available for further consultation in regards to any future alterations or renovations to the premises (including any alterations to the exterior of the building eg exterior colour schemes and fence modifications).

NOTE 3: Council provides a Local Heritage Fund for provision of small grants to encourage and assist owners of heritage listed buildings and buildings in the Heritage Conservation Area, to achieve a positive contribution to the streetscape. Should you wish to make application for assistance for part of the works in the development proposal the application for funding assistance must be approved prior to works commencing on that aspect of the work e.g. replacement fence, or colour scheme.

REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

10. **The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.**

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

11. **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.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

12. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:

- a) in the case of work done by a licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

13. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside

work hours

- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 14. At least two (2) days prior to the commencement of any works, the attached ‘Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority’, must be submitted to Council.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

During works

- 15. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate 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 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the Environmental Planning and Assessment Act 1979, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the Environmental Planning and Assessment Regulations 2000 as amended.

16. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

17. 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.

Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

18. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

19. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

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

- c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

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

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

20. 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.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 21. **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.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 22. **The building must be constructed with the following materials and profiles:**

- **Cladding and roof sheeting must be custom-orb profile;**
- **Eaves/gutters must be of ogee/quad profile to match existing;**
- **Ridge and hip cappings must be roll top;**
- **Downpipes must be circular.**

NOTE 1: This subject site is located within the Heritage Conservation Area, and as such, any external works, particularly those that may be viewed from the road frontage which affect the streetscape, require the submission of a Development Application to Council for consideration.

NOTE 2: Council’s Heritage Advisor is available for further consultation in regards to any future alterations or renovations to the premises (including any alterations to the exterior of the building e.g. exterior colour schemes and fence modifications).

NOTE 3: Council provides a Local Heritage Fund for provision of small grants to encourage and assist owners of heritage listed buildings and buildings in the Heritage Conservation Area to achieve a positive contribution to the streetscape. Should you wish to make application for assistance for part of the works in the development proposal, the application for funding assistance must be approved prior to works commencing on that aspect of the work e.g. replacement fence, or colour scheme.

REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

23. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

24. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Occupation Certificate

25. An Occupation Certificate must be obtained pursuant to Section 109C 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.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

General

- 27. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. The building must not be used as a dwelling or domicile without Council’s consent.**

REASON: Development consent is for a non-habitable building. Section 79C(1)(a)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 29. **Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.**

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

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.

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 30. **(1) For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and**
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.****
- (2) The condition referred to in subclause (1) 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.**

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

- R Kendall
- Y Braid
- A Brown
- G Conkey OAM
- P Funnell
- J McLaren
- K Pascoe
- K Poynter
- D Tout

CARRIED

PSRP-5 DA16/0371 - DEMOLITION OF EXISTING SHED AND CONSTRUCTION OF SHED (7M X 13M) TO THE REAR OF THE LOT, 49 YARRAWAH CRESCENT, LOT 18 DP 1095030, BOURKELANDS NSW 2650

16/218 RESOLVED:

On the Motion of Councillors K Pascoe and A Brown

That Council approve Development Application DA16/0371 for the demolition of existing shed and construction of shed (7m x 13), 49 Yarrawah Crescent, Bourkelands subject to the following conditions:

CONDITIONS

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Date
	Site Plan	Applicant	27/06/2016
117462	Elevations	Sheds by Design	30/03/2016
	Statement of Environmental Effects	Mark Morrow	02/05/2016

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 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

2. 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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. A CONSTRUCTION CERTIFICATE pursuant to Section 109C 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.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 4. 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.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

5. 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.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. 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.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

7. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:

- a) in the case of work done by a licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and

- ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person’s name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 8. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
 - c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and

Assessment Act 1979, as amended.

9. At least two (2) days prior to the commencement of any works, the attached ‘Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority’, must be submitted to Council.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

During works

10. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for “Occupation Certificate” form attached to the Council issued Construction Certificate 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 2: The above Inspection Reports are required whether or not

the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the Environmental Planning and Assessment Act 1979, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the Environmental Planning and Assessment Regulations 2000 as amended.

11. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

12. 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.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

13. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

14. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Occupation Certificate / Prior to Operation

- 15. **An Occupation Certificate, must be obtained pursuant to Section 109C 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.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 16. **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.

REASON: To ensure compliance with the relevant provisions of the Plumbing and Drainage Act 2011 and Regulations.

General

- 17. (1) **For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:**
 - (a) **protect and support the adjoining premises from possible damage from the excavation, and**
 - (b) **where necessary, underpin the adjoining premises to**

prevent any such damage.

- (2) The condition referred to in subclause (1) 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.

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

Division

For the Motion

Against the Motion

- R Kendall
- Y Braid
- A Brown
- G Conkey OAM
- P Funnell
- J McLaren
- K Pascoe
- K Poynter
- D Tout

CARRIED

PSRP-6 DA16/0268 - CONSOLIDATION OF LOTS AND BOUNDARY ADJUSTMENT AT 267 BLYTHES ROAD, TARCUTTA, NSW 2652

Councillor A Brown declared a Pecuniary Interest and vacated the chamber, the time being 6:47pm.

16/219 RESOLVED:

On the Motion of Councillors K Pascoe and K Poynter

That Council approve Development Application DA16/0268 for Consolidation of Lots and Boundary Adjustment, at Lots 72, 109, 110, 112, and 116 DP 757222, 267 Blythes Road, Tarcutta, subject to the following conditions:

CONDITIONS

- 1. The development must be carried out in accordance with the approved plans and specifications as follows.**

Plan/Doc Title	Prepared by	Issue	Date
Statement of Environmental Effects	Salvestro Planning	Rev A	9/5/16
Sketch Plan Showing Proposed Subdivision of Lots 72, 109, 110, 112 and 116 DP 757222 and Right of Carriageway upon Lot 1 DP 662048	T.J. Hinchcliffe & Associates		27/4/16
Bushfire Threat Assessment Report	Salvestro Planning		June 2016

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 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to release of Survey Certificate

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

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

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

REASON: It is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

3. Prior to the release of the Subdivision Certificate, the final Survey Plan shall show:

- **A Right of Carriageway over the existing access track within Lot 10 and in favour of Lot 11.**
- **A Right of Carriageway over the existing access track within Lot 1 DP 662048 and in favour of Lots 10 and 11.**
- **Easements over any services traversing the land in favour of the relevant authority or lot that it services, as relevant.**

REASON: Those works referred to (including access works) and which are sited, or must be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

General Terms of Approval – Bushfire Safety Authority pursuant to s100B of the Rural Fires Act 1997, issued by the Rural Fire Service.

Note: Should the conditions of the Bushfire Safety Authority (BSA) be varied by the NSW Rural Fire Service, the General Terms of Approval below should be read as though they have also been varied consistently with the amended BSA conditions.

- 1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Salvestro Planning numbered 16024, dated 16 June 2016.**

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- 2. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 11, to a distance of 20 metres, shall be maintained as an asset protection zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- 3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 4. Property access roads to the dwelling on proposed lot 11 shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' with the exception of the provision of a secondary access road.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 5. The existing dwelling on proposed Lot 11 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

- 6. Any proposed landscaping is to conform to the requirements of Appendix 5 of 'Planning for Bush Fire Protection 2006' and the Rural Fire Service 'Standards for asset protection zones'.

General Advice

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

- R Kendall
- Y Braid
- G Conkey OAM
- P Funnell
- J McLaren
- K Pascoe
- K Poynter
- D Tout

CARRIED

Councillor A Brown re-entered the chamber, the time being 6:48pm.

PSRP-7 EXHIBITION OF AMENDMENT NUMBER 10 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 - STAUNTON OVAL

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:48pm.

16/220 RESOLVED:
On the Motion of Councillors P Funnell and K Poynter

That Council:

- a note there were no submissions received during the exhibition period for Amendment No. 10 to the Wagga Wagga Development Control Plan 2010**
- b adopt the proposed amendments as exhibited to the Wagga Wagga Development Control Plan 2010 as Amendment No. 9**

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

- R Kendall
- Y Braid
- A Brown
- G Conkey OAM
- P Funnell
- J McLaren
- K Poynter
- D Tout

CARRIED

Councillor K Pascoe re-entered the chamber, the time being 6:49pm.

PSRP-8 AMENDMENT TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 9 - 17 STURT STREET

Acting Director Commercial and Economic Development, Mr James Bolton, declared a Pecuniary Interest and vacated the chamber, the time being 6.49pm.

16/221 RESOLVED:
On the Motion of Councillors P Funnell and A Brown

That Council:

- a note there were no submissions received during the exhibition period for the Wagga Wagga Development Control Plan as amendment No. 10**
- b adopt the proposed amendments as exhibited to the Wagga Wagga Development Control Plan as amendment No. 10**

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

<u>For the Motion</u>	<u>Against the Motion</u>
R Kendall	
Y Braid	
A Brown	
G Conkey OAM	
P Funnell	
J McLaren	
K Pascoe	
K Poynter	
D Tout	

CARRIED

Acting Director Commercial and Economic Development, Mr James Bolton, re-entered the chamber, the time being 6.49pm.

PROCEDURAL MOTION - ENGLOBO

16/222 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That the standing orders be varied for the meeting as set out hereunder:

- **Items where councillors wish to speak**
- **Items where no councillors wish to speak**
- **Confidential**
- **Matter of urgency**
- **Closure of Meeting**

That CR-1, RP-1, RP-2, RP-5, M-1 be adopted as recommended in the business papers

CARRIED

COUNCILLOR REPORTS

CR-1 2016 NSW LOCAL ROADS CONGRESS ATTENDANCE REPORT

16/223 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That Council receive the report on the outcome of the 2016 NSW Roads Congress.

CARRIED

CR-2 BANNING GREYHOUND RACING

16/224 RESOLVED:
On the Motion of Councillors P Funnell and J McLaren

That Council:

- a acknowledges the importance of the greyhound industry in Wagga Wagga and other regional centres**
- b writes to the Premier expressing disappointment that Option 2 of the Special Commission of Inquiry into the Greyhound Industry which sought industry reforms was not adopted**

A Division was called for on the motion of Councillor K Poynter.

For the Motion
R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
J McLaren
K Pascoe
D Tout

Against the Motion
K Poynter

CARRIED

REPORTS FROM STAFF

RP-1 INTEGRATED PLANNING AND REPORTING - END OF TERM REPORT 2016

16/225 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That Council receive and note the Integrated Planning and Reporting End of Term Report 2016.

CARRIED

RP-2 AUDIT AND RISK COMMITTEE ANNUAL REPORT

16/226 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That Council receive and note the Audit and Risk Committee’s Annual Report.
CARRIED

RP-3 RURAL FIRE SERVICES - ZONE ARRANGEMENTS & FUNDING MODEL

16/227 RESOLVED:
On the Motion of Councillors D Tout and P Funnell

That Council:

- a endorse the apportionment of contributions to the NSW Rural Fire Services within the Riverina Zone as detailed in the body of the report**
- b authorise the Mayor and General Manager to:**
 - i pursue the follow up actions with the Minister for Emergency Services and the Treasurer as detailed in the body of the report**
 - ii advocate for the continuation of the reimbursement by the NSW Rural Fire Service of the 11.7% Council contribution towards the NSW Rural Fire Service Volunteer and Statewide Support (VASS) charges**
- c note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

RP-4 FINANCIAL PERFORMANCE REPORT JULY 2016

16/228 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a approve the variations to the 2016/17 original budget for the month ended 31 July 2016 and note the forecast balanced budget as presented in this report**
- b note the Responsible Accounting Officer’s reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3: Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendations made above**
- c note Council’s external investments as at 31 July 2016**

CARRIED

RP-5 SECTION 356 DONATION - MINI ALL-YMPICS DISABILITY SPORTS EVENT

16/229 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That Council donate \$384 to the Mini All-ympics Disability Sports Day event as detailed in the report under Section 356 of the Local Government Act 1993.

CARRIED

RP-6 SECTION 356 DONATION - TRUST OF THE TARCUTTA RECREATION AND RACE COURSE GROUND

16/230 RESOLVED:
On the Motion of Councillors K Pascoe and A Brown

That Council donate \$10,000 as support to the Trust of the Tarcutta Recreation and Race Course Ground under Section 356 of the Local Government Act 1993.

CARRIED

COMMITTEE MINUTES

M-1 AUDIT AND RISK COMMITTEE MINUTES - 11 AUGUST 2016

16/231 RESOLVED:
On the Motion of Councillors A Brown and D Tout

That the Council receive and note the minutes of the Audit and Risk Committee Meeting held on 11 August 2016 and endorse the recommendations contained therein.

CARRIED

CLOSED COUNCIL

16/232 RESOLVED:
On the Motion of Councillors G Conkey OAM and P Funnell

That the Council now resolve itself into a Closed Council, the time being 7.25pm.

CARRIED

AT THIS STAGE OF THE MEETING THE PRESS AND PUBLIC GALLERY RETIRED FROM THE COUNCIL MEETING.

Councillor A Brown vacated the chamber and did not return, the time being 7:25pm.

CONFIDENTIAL REPORTS

CONF-1 ACQUISITION OF LAND FOR THE BOOROOMA STREET / FARRER ROAD ROUNDABOUT

16/233 RESOLVED:
On the Motion of Councillors P Funnell and D Tout

That Council:

- a proceed with the compulsory acquisition of the land from the State of New South Wales described as Lots 1 and 2 in Deposited Plan 1218378 for road purposes in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991**
- b make application to the Minister and the Governor for approval to acquire Lots 1 and 2 in Deposited Plan 1218378 by compulsory process under Section 177(1) of the Roads Act 1993**
- c pay compensation in accordance with terms set out in the Land Acquisition (Just Terms Compensation) Act 1991 in respect of Lots 1 and 2 in Deposited Plan 1218378 to the State of New South Wales**
- d proceed with the compulsory acquisition of the land from Charles Sturt University described as Lot 3 in Deposited Plan 1218378 for road purposes in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991**
- e make application to the Minister and the Governor for approval to acquire Lot 3 in Deposited Plan 1218378 by compulsory acquisition under Section 177(1) of the Roads Act 1993**
- f pay compensation in respect of Lot 3 in Deposited Plan 1218378 upon terms noted in the body of this report**
- g agree that all minerals are to be exempt from the acquisitions of Lots 1, 2 and 3 in Deposited Plan 1218378**
- h agree to the dedication of Lots 1, 2 and 3 in Deposited Plan 1218378 as public road**
- i agree to the dedication of Council owned Community land being Lot 25 DP 1173054 as public road**
- j delegate authority to the General Manager to execute any necessary documents on behalf of Council**
- k note and approve the budget variation as detailed in the budget section of the report**

CARRIED

CONF-2 SALE OF LOT 16 DP 835763 TAMAR DRIVE, TATTON

16/234 RESOLVED:
On the Motion of Councillors K Pascoe and P Funnell

That Council:

- a agree to sell land comprising Lot 16 DP 835763 Tamar Drive, Tatton to Lutheran Church of Australia (New South Wales District) Property Trust upon the terms outlined in the body of this report**
- b agree to the creation of an easement in favour of Wagga Wagga City Council over Lot 16 DP 835763 for the purpose of access for suburb signage maintenance**
- c delegate authority to the General Manager to execute all necessary documents on behalf of Council**

CARRIED

CONF-3 NON-CLAIMANT APPLICATION UNDER THE NATIVE TITLE ACT - CROWN RESERVE FOR PUBLIC RECREATION, COMMUNITY PURPOSES, TOURIST FACILITIES AND SERVICES AT TARCUTTA

16/235 RESOLVED:
On the Motion of Councillors K Poynter and J McLaren

That Council:

- a agree to make a non-claimant application to the Federal Court of Australia under the Native Title Act 1993 in relation to the following lease:**
 - i Property – Part Lot 16 DP 1189207 being Crown Reserve 1037368 at Tarcutta for public creation, community purposes, tourist facilities and services**
 - ii Lessee – Australian Long Distance Owner Drivers Association Inc (ALDODA)**
 - iii Purpose – Transport Museum and ancillary uses**
 - iv Term – Ten (10) years commencing 1 March 2015 with a ten (10) year option**
- b delegate authority to the General Manager to execute any necessary documents**
- c advise the local Aboriginal Land Council and councils indigenous advisory body of our intention to make this application**

CARRIED

CONF-4 WAGGA WAGGA AIRPORT - FEES AND CHARGES

16/236 RESOLVED:
On the Motion of Councillors P Funnell and J McLaren

That Council:

- a place the proposed Wagga Wagga Airport Fees and Charges as detailed in table two of this report and place on public exhibition for 28 days commencing 5 September 2016 and concluding on 3 October 2016**
- b receive submissions from the community in relation to these Airport Fees and Charges throughout the exhibition period**
- c consider a further report addressing the submissions received at the Council meeting on 31 October 2016**
- d welcome interest from passenger airlines wishing to establish new routes from Wagga Wagga**

CARRIED

REVERSION TO OPEN COUNCIL

16/237 RESOLVED:
On the Motion of Councillors P Funnell and K Poynter

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8.11pm.

CARRIED

REPORT OF PROCEEDINGS OF CLOSED COUNCIL

16/238 RESOLVED:
On the Motion of Councillors K Pascoe and P Funnell

That the recommendations contained in the report of the proceedings of the Closed Council be adopted.

CARRIED

QUESTIONS/BUSINESS WITH NOTICE

The following Questions/Business with Notice were raised.

- 1. The Acting General Manager, Mrs Janice Summerhayes thanked all Councillors for their contribution and wished them luck in the upcoming election.
- 2. The Mayor, Councillor R Kendall thanked all Councillors and staff and wished Councillors the best in the upcoming election.
- 3. Councillor G Conkey asked for his thanks to be passed onto all staff involved in the End of term Report.
- 4. All Councillors thanked staff for their support given over the past term of Council.

The following Questions with Notice were raised and responded to at the meeting:

- 1. Councillor P Funnell asked when does a road become Councils responsibility verse the Developers? The Cootamundra Boulevard is badly breaking apart.
- 2. Councillor P Funnell requested maintenance be carried out on the road and parking facilities at 84 Bomen Road.

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8.27pm.

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MAYOR