

AGENDA AND BUSINESS PAPER

Ordinary Meeting of Council

**To be held on
MONDAY
30 JANUARY 2017
AT 6.00PM**

Cnr Baylis and Morrow Streets,
Wagga Wagga NSW 2650
PO Box 20, Wagga Wagga

Phone: 1300 292 442
Fax: 02 6926 9199
Website: www.wagga.nsw.gov.au



NOTICE OF MEETING

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations there under, notice is hereby given that an Ordinary Meeting of the Council of the City of Wagga Wagga will be held in the Council Chamber, Civic Centre, Corner Baylis and Morrow Streets, Wagga Wagga, on Monday 30 January 2017 at 6.00pm.



Mr Alan Eldridge
General Manager

WAGGA WAGGA CITY COUNCILLORS



**Mayor
Councillor Greg
Conkey OAM**



**Deputy Mayor
Councillor Dallas
Tout**



**Councillor Yvonne
Braid**



**Councillor Paul
Funnell**



**Councillor Dan
Hayes**



**Councillor Vanessa
Keenan**



**Councillor Rod
Kendall**



**Councillor Tim
Koschel**

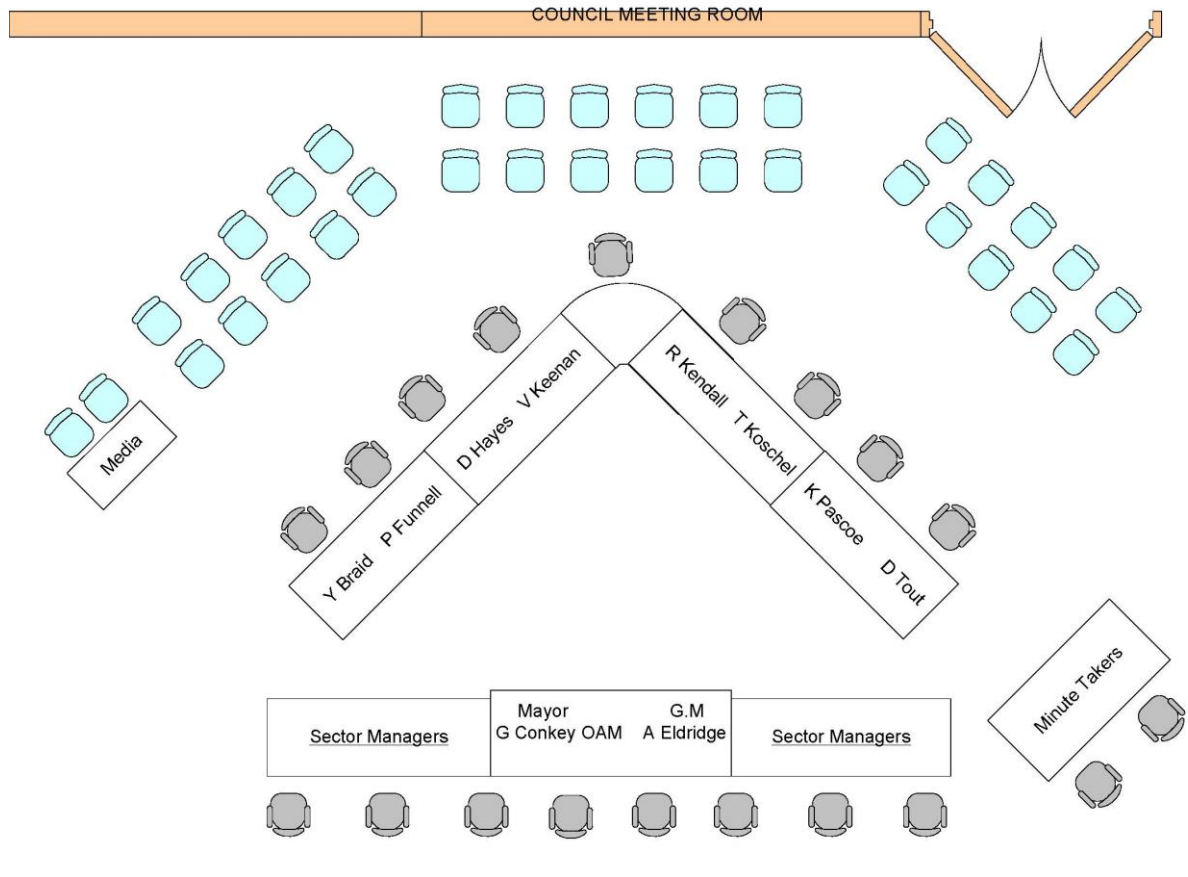


**Councillor Kerry
Pascoe**

QUORUM

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being who are eligible to vote at the meeting.

COUNCIL MEETING ROOM



ORDINARY MEETING OF COUNCIL AGENDA AND BUSINESS PAPER

MONDAY 30 JANUARY 2017

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PRAYER

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 12 DECEMBER 2016

Recommendation

That the Minutes of the proceedings of the Ordinary Council Meeting held on 12 December 2016 be confirmed as a true and accurate record.

Attachments

1 [↓](#). Minutes - Ordinary Council Meeting - 12 December 2016 210

DECLARATIONS OF INTEREST

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - RIVER SAFETY PROGRAM

Author: Councillor Vanessa Keenan

Analysis: | There are concerns surrounding recreational use of the Murrumbidgee River and suggestions for a consistent and effective safety awareness campaign to be developed.

Recommendation

That Council, In consultation with Royal Lifesaving Australia and other relevant stakeholders, Council investigate options for improving safety at Wagga Beach and Wiradjuri Reserve as part of the 2017/18 budget process that includes:

- a review of safety signage and costed recommendations
- b review of potential costs as well as investigating the effectiveness of reinstating a lifeguard program at Wagga Beach
- c development and implementation of an annual river safety communications campaign through social media and existing Council communication platforms

Key Reasons

- The areas of Wagga Beach and Wiradjuri Reserve have undergone significant improvement works in recent years as part of the implementation of the Riverside Wagga Wagga Strategic Plan.
- Patronage of these areas by locals and visitors has increased as a result and future works are intended to continue this trend of greater passive and active recreation alongside and on the Murrumbidgee River in Wagga.
- It is a shared responsibility of Council, other agencies and the broader community that we maintain a strong awareness of not only the benefits but the inherent dangers of inland waterways, particularly the Murrumbidgee River which is one of the most dangerous rivers in the country for fatal drowning's.

Financial Implications

Any change in Council priorities or redirection of funding will have an impact on Council's budget. The financial implications will be addressed in the subsequent report if this recommendation is passed.

Policy

N/A

Link to Strategic Plan

2. We are a safe and healthy community

2.1 We live in a safe community

Risk Management Issues for Council

Any change in Council priorities will have an impact on Council's Risk Management. Any changes will be addressed in a subsequent report if this recommendation is passed.

Internal / External Consultation

N/A

NOM-2 NOTICE OF MOTION - CONFERENCE CENTRE PROJECT

Author: Councillor Dan Hayes

Analysis: With the recent announcement for a conference centre to be built for the Clay Target Association, this may impact upon current and future plans of Wagga Wagga City Council and other organisations.

Recommendation

That Council receives:

- a a report and/or Councillor workshop on the impact of the proposed clay target building to the current plans for a multi-purpose stadium at Equex, masterplan for Bolton Park, and the recently approved PCYC building, as well as any other future plans impacting upon a conference centre
- b a report that examines strategies on how to work closer with State and Federal members to avoid replication of facilities and allow planning to occur that can factor in all options

Key Reasons

A conference centre is needed for Wagga Wagga and has for some time. It is acknowledged that there has been considerable work done across a number of years which has led to the planning of a range of options in different stages of planning. With the surprise announcement from the State Member there is concern about the replication of resources with the possibility that none will meet the needs of the City.

This extends beyond just a conference centre as some of the buildings are multi-purpose and these facilities need consideration.

Financial Implications

Any change in Council priorities or redirection of funding will have an impact on Council's budget. The financial implications will be addressed in the subsequent report if this recommendation is passed.

Policy

N/A

Link to Strategic Plan

1. We are an engaged and involved community

1.2 We have opportunities and places for connection

Risk Management Issues for Council

No specific issues identified.

Internal / External Consultation

N/A

REPORTS FROM STAFF

RP-1 DA16/0585 - MULTI-DWELLING HOUSING - 2 X 3 BED DWELLINGS (EXISTING DWELLING RETAINED) - 16B BROAD STREET WAGGA WAGGA NSW 2650

Author: Duck, Johanna
Sector Manager: Somerville, Paul

Analysis: The report is for a development application and is presented to Council for decision. The application has been referred to Council for determination as the application seeks to vary two numeric controls of the Wagga Wagga Development Control Plan 2010 (DCP) by greater than 10%.

Recommendation

That Council approve DA16/0585 for multi-unit development at 16B Broad Street Wagga Wagga NSW 2650, subject to the conditions outlined in the Section 79C Assessment Report for DA16/0585.

Development Application Details

Applicant	FIMJO Pty Ltd – Mrs Jemma Hogg
Owner	FIMJO Pty Ltd
Development Cost	\$410,000.00
Development Description	Construction of two additional dwellings at the rear of the existing dwelling to create a three-unit multi dwelling housing development.

Key Issues

- Scale of development on the land
- Amenity of the subject dwellings and surrounding residential developments
- Visual impacts and streetscape

There are multiple unit developments in this area and approval of this development is consistent with the zone objectives for the R3 zone and would not set an unwanted precedent in the locality. Any similar developments would require a development application (DA). Those DA's would be subject to the same scrutiny, assessment and notification as this development and would be assessed on their merits including consideration of the impacts on the streetscape and surrounding developments and consideration of any submissions received.

The application was notified in accordance with the provisions of the DCP. One submission in the form of an objection was received during the notification period and is addressed within the Section 79C Assessment Report.

Assessment

Criteria for the Development Application Report

Determination Body Reason:

In accordance with Clause 1.11 “Complying with the Wagga Wagga Development Control Plan 2010” of the Wagga Wagga Development Control Plan 2010 the application has been referred to Council for determination:

- as one numeric control is varied by greater than 10% in relation to this proposal.
- as adequate justification is provided by the applicant for the number of controls being varied in relation to this proposal.

Control C1 requires that for multi-dwelling development the maximum site coverage in the R3 zone is 40%. The site coverage proposed is 53.19%.

The applicant is seeking a variation of greater than 10% of the maximum permitted site cover which cannot be determined under delegation by Council Staff. The applicant has provided reasonable justification and has shown the development is consistent with the objectives of the R1 General Residential Zone and Objectives of Section 9.3.2 as summarised below:

- The proposed single storey units have been designed as single storey to be consistent with surrounding developments, both in scale and function, retaining compatibility with the site context.
- Single storey residences allow privacy to be maintained.
- A 50% site cover is permitted on the opposite side of the street (as shown in the map at the beginning of this report).
- The proposed site cover is 53.19% and would be a variation of less than 10% if the site was located on the opposite side of the street and able to be determined under delegation.
- The R3 zone has a maximum area per dwelling to maximise development on the lot. The development complies with these provisions ensuring that the development site is of sufficient size for the proposed development.
- Adequate areas (*as modified by conditions*) are provided for access, parking and landscaping, useable garden and outdoor areas and natural runoff.
- The 40% site cover is inappropriate for the R3 zoning to encourage higher density. It is unclear why only parts of Broad St were included in the higher site cover provisions.

The development complies with all other controls and where necessary impacts will be controlled via conditions. Considering this and the above justification it is recommended the application be supported because assessment has shown that the proposed site cover of 53.19% is appropriate for this development site because reasonable amenity is achieved for the subject lot and maintained for the adjoining lots and there are no likely adverse impacts from this development occurring.

Reasons for Approval

The applicant has provided reasonable justification for the proposed development and only one submission against the proposal was received.

The development complies with the objectives of the LEP and DCP as outlined in the Section 79C Assessment Report.

This particular development is recommended for approval because it has merit and is acceptable development for the lot.

The total area of development on the lot is acceptable and should be supported because:

- Reasonable amenity is maintained for the proposed dwellings and the surrounding lots;
- There are minimal impacts to the locality;
- The development is consistent with the objectives for the R3 Medium Density Residential Zone;
- The close proximity of the site to the CBD encourages greater patronage within the CBD; and
- The site directly adjoins the area where 50% site cover is permitted.

The dwellings are acceptable in their location at the rear of the existing dwelling on the lot and are typical of multi dwelling development in Wagga Wagga.

Site Location

The site is identified as 16B Broad Street Wagga Wagga, Lot 1 DP534496. The site is located on the west side of Broad Street approximately 160m south from the intersection with Travers Street in the residential area of Central Wagga Wagga.

There is a park located diagonally opposite, to the north-east of the site. A vehicle access Laneway runs along the north side of the site. The area has a mix of two storey and single dwellings and multi-unit and dwelling house developments.



Financial Implications

N/A

Policy

Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Development Control Plan 2010

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

Risk Management Issues for Council

Approval raises no risk management issue and will not create an undesirable precedent. Refusal of the application may result in an appeal process in the Land and Environment Court which will have to be defended by Council. The reasons for refusal will have to be justified and withstand scrutiny and cross examination in Court.

Internal / External Consultation

Standard internal Council referrals of the application occurred. The application is supported, subject to conditions.

Notification and Advertising was conducted to properties surrounding the development between 7/11/16 and 21/11/16. One submission in the form of an objection was received during the notification process.

See the Section 79C Assessment report for full details of all consultation.

Attachments

- 1 [↓](#). DA16/0585 - 79C Report
- 2 [↓](#). DA16/0585 Plans
- 3 [↓](#). DA16/0585 Site Photos



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA16/0585
Modification No.:	N/A
Council File No.:	D/2016/0585
Date of Lodgement:	05/10/2016
Applicant:	Fimjo Pty Ltd Po Box 5434 WAGGA WAGGA NSW 2650
Proposal:	Multi Dwelling Housing – 2 x 3 bed dwellings (existing dwelling retained)
BCA Classification:	1a & 10a
Development Cost:	\$410,000
Assessment Officer:	Johanna Duck
Description of Modification:	N/A
Type of Application:	Development Application
Other Approvals:	Nil
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes - 7/11/16 to 21/11/16
Advertising:	Yes - 7/11/16 to 21/11/16
Determination Body:	Council
Reason:	Under the provisions of Section 1.11 of the DCP 2010, Council officers do not have delegation to consider variations where any numeric control is being varied by greater than 10%. This development application involves a variation of Control C1 of Section 9.3.2 of the DCP of greater than 10% to permit a site cover of 53.19%, instead of the 40% site cover permitted by the control.
Meeting Date:	30/1/16
Owner's Consent Provided:	Yes - 5/10/16

Location: The site is located on the west side of Broad Street approximately 160m south from the intersection with Travers Street in Central Wagga Wagga.

SITE DETAILS

Subject Land: 16B Broad St WAGGA WAGGA NSW 2650
Lot 1 DP 534496

Owner: Fimjo Pty Ltd

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument: Wagga Wagga Local Environmental Plan 2010
Zoning: R3 Medium Density Zone
Land Use Definition: Multi Dwelling Housing
Statement of Permissibility: Permissible with Consent

Description of Development

The proposal is for the addition of two free-standing single storey dwellings to the rear of the existing dwelling house creating a 3 unit multi-dwelling development.

Proposed units 1 and 2 share the same floor plan and have an area of 192.7sqm. Each unit will have 3 bedrooms and attached double garage.

Access to the rear units is from the Laneway located at the side of the subject lot.

Subdivision does not form part of this development.

The Site and Locality

The site is identified as 16B Broad Street Wagga Wagga, Lot 1 DP534496.

The site is located on the west side of Broad Street approximately 160m south from the intersection with Travers Street in the residential area of Central Wagga Wagga.

There is a park located diagonally opposite, to the north-east of the site.

A vehicle access Laneway runs along the north side of the site.

The area has a mix of two storey and single dwellings and multi-unit and dwelling house developments.

Easements and Covenants

The subject land has no easements and no covenants.

Previous Development Consents

The subject land has consent for the dwelling and garage, BA129/69.

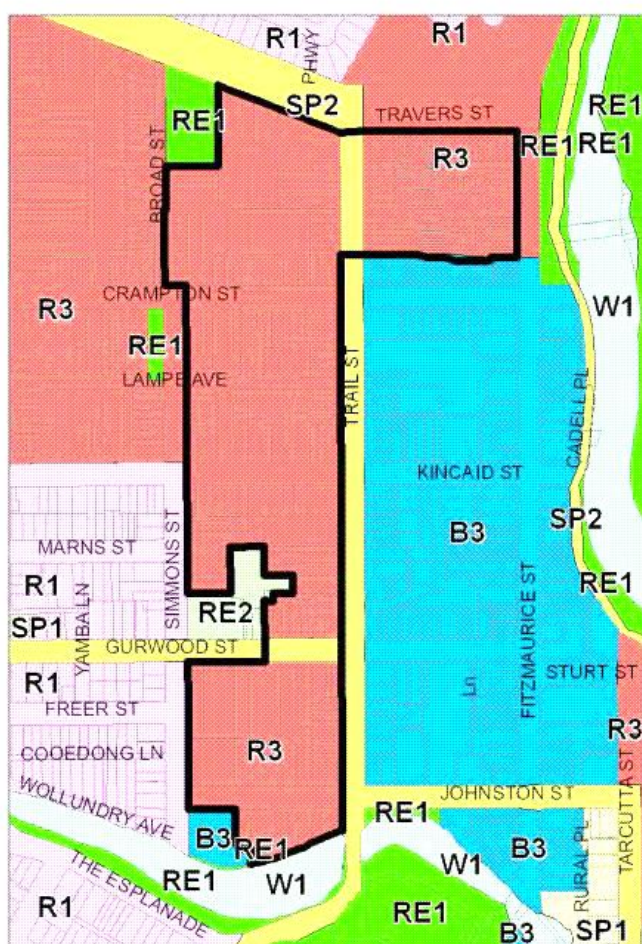
REASON FOR REFERRAL TO COUNCIL

This application seeks approval to vary one of the numeric controls of the Wagga Wagga Development Control Plan 2010 (DCP) by greater than 10% and cannot be determined under delegation by Council Staff.

This application seeks approval for a site cover of 53.19%.

The total permitted site cover for the subject lot is limited to a maximum of 40% of the area of the lot. A variation to permit a site cover of 53.19% of the lot area is proposed by the Applicant which is a variation of greater than 10% and cannot be determined under delegation by Council Staff. This is a variation to DCP Section 9.3.2 Control C1.

(Note: this would be a variation of less than 10% which would be permitted to be determined under delegation if the lot was located within the area defined below).



Area indicated by heavy black edging indicates land within the R3 Zone adjoining the city centre where a 50% maximum site cover is permitted.

KEY ISSUES DISCUSSED WITHIN THIS REPORT

- Scale of development on the land
- Amenity of the subject dwellings and surrounding residential developments
- Visual impacts and streetscape

There are multiple unit developments in this area and approval of this development is consistent with the zone objectives for the R3 zone and would not set an unwanted precedent in the locality. Any similar developments would require a development application (DA). Those DA's would be subject to the same scrutiny, assessment and notification as this development and would be assessed on their merits including consideration of the impacts on the streetscape and surrounding developments and consideration of any submissions received.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

Section 79C(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the R3 Medium Density Zone.

The development is permissible with consent.

Part 2 Permitted or prohibited development Land Use

1 Objectives of zone

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

Comment: The proposed multi dwelling housing development is permitted with consent. The application is seeking consent and is consistent with the relevant R3 Medium Density zone objectives as the development is residential accommodation that has an appropriate density for the zone, the development has an architectural character that is consistent with other developments in the R3 zone and locality. The retention of the front dwelling maintains the existing low scale character and existing presentation to the street and the rear units present a typical 'new build' appearance with high quality frontages to the laneway.

Part 3 Exempt & Complying Development

Comment: There are no exemptions or complying provisions for multi-dwelling developments within the LEP.

Part 4 Principal development standards

Comment: There are no clauses under Part 4 of the LEP relevant to this development as the land is within the R3 zone and is not subject to the lot size, height of building, or floor space ratio maps.

Part 5 Miscellaneous Provisions

5.9 Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Comment: The SEE states that the established trees at the front of the lot will be retained. A condition has been imposed requiring the submission of a landscape plan showing the trees will be retained.

There are no other clauses under Part 5 of the LEP relevant to this development.

Part 6 Urban Release Areas

Comment: The development is not located in an urban release area.

Part 7 Additional Local Provisions

7.2 Flood Planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

Comment: Mapping shows that the site is flood prone and is affected by the 100 year ARI flood events. The Wagga Wagga Floodplain Risk Management Study 2009 identifies flood risk precincts. The subject site is located in Central Wagga Wagga and is protected by the main city levee. The study identifies the location as a low flood risk area. Although the locality is protected by the main city levee, it only provides protection to a level below the 1:100 ARI flood event. Major flood events may have an impact on development within Central Wagga Wagga. The development has been considered against the relevant provisions. Conditions have been imposed and the development is compatible with the flood hazard of the land.

7.6 Groundwater vulnerability

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

Comment: The land is mapped as being subject to groundwater vulnerability. The proposed use is for dwellings and is not a development type that will impact groundwater and therefore the provisions of this clause are not relevant to this development.

There are no other clauses under Part 7 of the LEP relevant to this development.

State Environmental Planning Policies (SEPPs)

This assessment has considered provisions of the *SEPP (Exempt and Complying Development Codes) 2008* and the *SEPP (Building Sustainability Index: BASIX) 2004*. All works proposed require consent and a BASIX Certificate is not required for this development. There are no other SEPPs relevant to this development.

Section 79C(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

Section 79C(1)(a)(iii) - The provisions of any development control plan**Wagga Wagga Development Control Plan 2010**

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

1.10 Notification of a Development Application

Comment: The application was notified to adjoining neighbours and advertised from 7/11/16 to 21/11/16 in accordance with the provisions of the DCP. One submission was received during the notification period the concerns raised are addressed below.

1. Site Management during Construction and associated impact on the use of the street.

The development will be subject to normal standard Council restrictions for use of Council land including laneways. It will also be subject to Work Cover provisions that require the safe management of construction sites. Vehicle parking/obstruction of the laneways will not be permitted without relevant permits being in place and will be controlled by conditions. Parking on the street during construction is common place and acceptable provided the parking is in accordance with relevant road rules. The site inspection confirmed that there is sufficient on-street parking available and it is legally permitted in the immediate area surrounding the development site with no restrictions.

2. Further future development likely if this goes ahead

Council cannot consider the impacts of any speculation for future development that may or may not occur in the future. Future two storey developments were mentioned and these developments are permitted in the R3 zone however require consent from Council and would be subject to a full assessment and notification provisions providing opportunity for public submissions.

3. Loss of off-street parking in the area

There is no reliance on off-site parking for this development and the required parking for each dwelling is provided on the subject lot. Access to on-site parking is consistent with the Australian Standards ensuring safe and easy access at all times. The only time that on street parking is likely to be impacted is during construction and this will be a short term impact.

4. Loss of amenity

The provisions of the DCP are enforced to ensure amenity is maintained to a reasonable level. The development complies with the controls of the DCP and meets all standards ensuring the amenity of the area and surrounding dwellings is maintained.

5. Need for a Traffic study

The NSW RMS guidelines for traffic generating developments state that for residential developments a typical dwelling will create one additional vehicle movement on average per dwelling during peak hour. This is not significant compared to the existing vehicle movements in the laneway and within Broad Street. As Wagga Wagga's road network is not at capacity this development is acceptable and the minor increase in traffic does not warrant a traffic study or referral to Councils Traffic Committee to be undertaken as the road network is capable of carrying the expected traffic.

RMS August 2013 Guide to Traffic Generating Developments Updated traffic surveys - Summaries of land use traffic generation Low density residential dwellings Rates state:

- *Daily vehicle trips = 7.4 per dwelling in regional areas*
- *Weekday average evening peak hour vehicle trips = 0.78 per dwelling in regional areas (maximum 0.90).*
- *Weekday average morning peak hour vehicle trips = 0.71 per dwelling in regional areas (maximum 0.85).*

6. Impacts of the multi-unit development at 15 Broad Street

The impacts on amenity associated with the construction of the approved development at 15 Broad Street have been considered in general terms. The design of the subject development has been considered in terms of the zone objectives, DCP provisions relating to site design and context including architectural character and desired outcomes for the R3 zone. Amenity and hours of construction for the proposed development will be controlled by conditions of consent.

Overall there are no concerns raised above that warrant a recommendation for refusal of this application. There are no significant adverse impacts and where required the environmental impacts from this development will be controlled by the conditions of consent.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Comment: This application seeks approval to vary one of the numeric controls of the Wagga Wagga Development Control Plan 2010 (DCP) by greater than 10% and cannot be determined under delegation by Council Staff.

This application seeks approval for a site cover of 53.19%.

The total permitted site cover for the subject lot is limited to a maximum of 40% of the area of the lot. A variation to permit a site cover of 53.19% of the lot area is proposed by the Applicant which is a variation of greater than 10% and cannot be determined under delegation by Council Staff. This is a variation to DCP Section 9.3.2 Control C1.

Reasonable justification has been provided by the applicant supporting the proposed variation as discussed within this report in the assessment against Section 9.3.2 of the DCP.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

C1 Access should be from an alternative secondary frontage or other non-arterial road where possible.

Comment: Access to the site for both units is from the laneway accessed from Broad Street which is a non-arterial road.

C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.

Comment: The proposal will not generate significant additional traffic in the street when compared to the existing traffic. The existing road network is capable of carrying the potential traffic created by the development and ensuring an appropriate level of service and minimal increase in delays to traffic flow.

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

Comment: Access to the units is from the laneway which permits vehicles to turn (by using the combined area of the garages and laneway width) and enter and exit the laneway in a forward direction.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

Comment: The driveway locations comply with the current standards.

C6 Ensure adequate sight lines for proposed driveways.

Comment: The proposed 1m setback from the laneway for the garages ensures sightlines are maintained for vehicle safety.

2.2 Off-street parking

C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.

Comment: Table 1 requires that for multi-dwelling developments, 2 spaces per dwelling with 3 or more bedrooms. The proposal includes a double garage for each dwelling meeting the requirements of the DCP and providing a high level of amenity for the dwellings and the street.

C2 The design and layout of parking is to be in accordance with the relevant Australian Standard at the time of lodgement of an application.

Comment: The proposed garages provide the required space per vehicle and are consistent with the relevant standards for off-street parking.

2.3 Landscaping

C1 A landscape plan is required for applications for: Commercial and Industrial developments, Residential development (other than dwelling houses).

Comment: The site plan included some landscaping and showed species, no. of plants and pot size. The landscaping is consistent with Councils landscape guidelines and with the additional landscaped area required by conditions will show consistency with the BASIX commitments proposed. The proposed landscaping is limited to the rear of the dwellings and does not add to the streetscape/laneway at all.

A revised landscape plan is required showing all existing landscaping and providing an area of landscaping at the front of each unit as this laneway is now a street frontage for the subject development and requires greater enhancement than a service laneway. It is also recommended that appropriate trees be planted within the landscaped areas of the proposed units to provide shade in summer but ensure solar access to the living areas in winter.

C2 Natural features at the site, such as trees, rock outcrops, cliffs, ledges and indigenous species and vegetation communities are to be retained and incorporated into the design of the development.

Comment: There are trees at the front of the lot that are well established and add to the streetscape. They are not native trees but should be retained for the amenity, screening and shading they provide. The trees have not been shown on the plans. Removal of trees is not included in this approval. A revised landscape plan is required and must show the retention of the existing trees.

C3 Use native and indigenous plants, especially low water consumption plants in preference to exotic species. C4 Trees should be planted at the front and rear of properties to provide tree canopy. C5 Provide landscaping in the front and side setback areas, and on other parts of the site to improve the streetscape, soften the appearance of buildings and paved areas, and to provide visual screening. C6 Landscaping should provide shade in summer without reducing solar access in winter. Limited use of deciduous species is acceptable where used to achieve passive solar design.

Comment: The revised landscaping plan referenced above will identify and ensure compliance with these controls.

2.5 Safety and security

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

Comment: The private areas for each dwelling are defined.

C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.

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

C3 Minimise blank walls along street frontages.

Comment: The proposal uses change in plane, materials and use of architectural details to articulate the front facade.

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

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

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

Comment: There is no proposed landscaping at the front of the dwelling and therefore there is no hindrance to natural surveillance. There is also no fencing proposed forward of the building line.

2.6 Erosion and Sediment Control Principles

Comment: Sediment and Erosion controls were not identified on the plans. Although the site is flat and there is low risk of soil leaving the site, a condition has been imposed to ensure the required controls are put in place during the construction to minimise the risk of sediment entering the stormwater system.

Section 4 - Environmental Hazards and Management

4.2 Flood Planning

Development within Central Business Area (Protected by levee)

C3 Development in the Central Wagga precinct (being the area protected by levees) is to comply with the provisions of Table 4.2.1.

Comment: Under the Wagga Wagga Floodplain Management Plan, the site is classified as low risk and protected by the levee. There are controls within Table 4.2.1 of the DCP for residential developments within Central Wagga Wagga. As the proposal is for residential (habitable) development the controls apply. The plans do not show that the dwellings meet the control. A condition will be imposed to ensure the units have a minimum floor height 225mm above ground level.

Section 5 - Natural Resource and Landscape Management

5.2 Preservation of trees

Comment: All existing trees on site will be retained. The trees are located at the front of the lot and a condition will require them to be shown on the revised landscape plan.

Section 9 - Residential Development

9.2.1 Site layout

C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.

Comment: The lot is flat and there are no visible rock outcrops. There are some

established trees at the front of the lot which are proposed to be retained, however have not been identified on the plans.

C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.

Comment: The dwellings are provided with individual access driveways. Landscaping is integrated avoiding underutilised space and creating amenity and visual interest for each dwelling. A revised landscape plan is required and is to show the existing trees on the lot. It is also recommended that appropriate trees be planted within the landscaped areas of the proposed units to provide shade in summer but ensure solar access to the living areas in winter.

C3 Orient living spaces to maximise solar access.

Comment: The main living areas of the dwellings have been orientated south, however, high sill windows to the living areas are also provided on the east facing wall and a small retreat room is provided on the northern façade to provide an additional part of the living area of the dwelling to achieve solar access. Both units comply with BASIX provisions for energy efficiency.

C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.

Comment: The dwelling layout and location of windows and doors will allow some cross ventilation through each dwelling.

9.2.2 Streetscape

C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

Comment: The streetscape consists of a mix of old and new single dwellings and multi-dwelling developments, some are double storey with the majority of buildings being single storey. The proposal has a character that complements the streetscape because the materials proposed are simple but will present a quality finish to the street. This provides an appearance similar to other newer residential developments in the immediate area which have attached garages, pitched roofs, and habitable windows presented to the street.

C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.

Comment: There are no front fences proposed.

C3 Fence height at and behind the building line is not to exceed 1800mm in height.

Comment: There are some modifications to the fencing of the courtyard area of the existing dwelling with this development. The fences are to the boundary fronting the laneway and will not exceed 1.8m in height and comply with this control.

C4 The majority of windows in dwelling wall which face the street should be windows of habitable rooms.

Comment: Both dwellings have windows of a habitable room facing the laneway.

9.3.1 Land area per dwelling

C1 The minimum development area is to be in accordance with Table 9.3.1a. C2 On larger sites the land area per dwelling may be distributed to provide a range of lot sizes, and to respond to site conditions and context.

Comment: The maximum land area per dwelling for multi-unit developments in an R3 zone is 350sq.m. As the site has an area of 885.20sqm the development complies with this control.

9.3.2 Site cover

Site cover is the proportion of a site that is occupied by buildings, garages and other structures. Site cover does not include basements, area under eaves, unenclosed decks, balconies, swimming pools, tennis courts or the like (refer to definition in the LEP).

Site cover controls significantly impact on built form and the pattern of open areas to buildings. In many areas of Wagga Wagga there is pressure to increase the size of buildings and eat into the “green spaces” that separate houses. These green spaces are also often the areas where mature trees are able to grow.

Managing site cover is important to ensure that houses have adequate space for usable garden areas, to avoid occupants feeling “overcrowded” and to maintain areas for natural runoff.

Landscaped area is unbuilt green space. Landscaped area does not include paved areas - it is the area used for growing plants, grasses and trees. The landscaped area controls apply in all areas to which this Part applies.

Objectives

O1 Ensure that development sites are of sufficient size for dual occupancy, multi dwelling housing and residential flat developments.

O2 Ensure adequate areas for access, parking, landscaping, useable garden and outdoor areas and natural runoff.

O3 Retain compatibility with site context and avoid over development resulting from excessive site cover.

C1 Maximum site cover is to be in accordance with Table 9.3.2a.

THE APPLICANT IS SEEKING A VARIATION TO THE ABOVE CONTROL BY GREATER THAN 10%

Comment: The table requires that for multi-dwelling development the maximum site coverage in the R3 zone is 40%. The site coverage proposed is 53.19%.

The applicant is seeking a variation of greater than 10% of the maximum permitted site cover. The applicant has provided reasonable justification and has shown the development is consistent with the objectives of the R1 General Residential Zone and Objectives of Section 9.3.2 as summarised below:

- The proposed single storey units have been designed as single storey to be

consistent with surrounding developments, both in scale and function, retaining compatibility with the site context.

- Single storey residences allow privacy to be maintained.
- A 50% site cover is permitted on the opposite side of the street (as shown in the map at the beginning of this report).
- The proposed site cover is 53.19% and would be a variation of less than 10% if the site was located on the opposite side of the street and able to be determined under delegation.
- The R3 zone has a maximum area per dwelling to maximise development on the lot. The development complies with these provisions ensuring that the development site is of sufficient size for the proposed development.
- Adequate areas (*as modified by conditions*) are provided for access, parking and landscaping, useable garden and outdoor areas and natural runoff.
- The 40% site cover is inappropriate for the R3 zoning to encourage higher density. It is unclear why only parts of Broad St were included in the higher site cover provisions.

The development complies with all other controls and where necessary impacts will be controlled via conditions. Considering this and the above justification it is recommended the application be supported because assessment has shown that the proposed site cover of 53.19% is appropriate for this development site because reasonable amenity is achieved for the subject lot and maintained for the adjoining lots and there are no likely adverse impacts from this development occurring.

9.3.4 Solar access

C1 Locate garages, laundries and bathrooms to provide insulation from western sun.

Comment: The garages for unit 1 and unit 2 are located on the north east corner of the dwellings and do not comply with this control. The layout of the dwellings provides rooms on the west façade including bathrooms and the like that will provide insulation of the living areas lessening impacts to the main areas of the dwelling from direct western sun.

C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.

Comment: The main living areas of the dwellings have been orientated south, however, high sill windows to the living areas are also provided on the east facing wall and a small retreat room is provided on the northern façade to provide an additional part of the living area of the dwelling and together they achieve the minimum required solar access. The private open space is orientated east which is acceptable as discussed below.

C3 For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).

C4 At least 70 percent of dwellings within multi-dwelling housing and residential flat developments are to satisfy C3.

Comment: The main living areas of the dwellings have been orientated south, however, high sill windows to the living areas are also provided on the east facing wall and a small retreat room is provided on the northern façade to provide an additional part of the living area of the dwelling to achieve solar access. 3hrs of direct sunlight will be achieved to the

combined living area (main living and retreat). Half of the private open space of both dwellings will receive 3 hours of sunlight due to the orientation of the dwellings and solar access opportunities from 9am to 12pm ensuring the orientation of the private open space is acceptable.

C5 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22). C6 Proposed development design should take into account the location of any adjacent private open space and avoid overshadowing of that space.

Comment: Sunlight access to the main living areas of the adjoining lots is maintained by the separation between the dwellings, proposed height of the buildings limiting overshadowing, location of the dwellings on the lot to the south and the location of the living areas within the dwelling to the west (DA69/87). There are no impacts to the solar access of the private open space to the west when comparing the existing impacts of the 1.8m fence (which has longer shadows than the proposed dwelling between 10am and 12pm). The extent of private open space to the dwelling to the south ensures a reasonable amount of solar access is maintained.

9.3.5 Private open space

C1 At least 24m² of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.

Comment: All dwellings have private open space areas that are greater in size than the minimum 4m by 6m area. The main living areas directly access the private open space.

C2 Enclosure of approved private open space will be permitted, however at least one side of the approved private open space is to remain open. Roofing of approved private open space is permitted provided that BASIX requirements are not compromised.

Comment: The private open space is not enclosed but is partly roofed with the inclusion of an alfresco area for each dwelling. Both unit's alfresco areas have two sides open. The BASIX energy efficiency standards are met as the roofed areas have been considered in the BASIX report.

C3 Use screening where necessary to ensure the privacy of private open space areas.

Comment: The private open space areas will be screened from view from the public road and adjoining lots by the boundary fences and location at the rear of the lot.

9.3.6 Front setbacks

O1 Encourage uniform building lines that correspond to the built setbacks and patterns of neighbouring buildings.

O2 Encourage attractive residential streets and quality public domain.

O3 Ensure that new developments complement the established built patterns.

O4 Maintain lines of sight for vehicle safety.

C1 Minimum front setbacks for residential development (site area smaller than 2000m²): Primary street frontage (other roads) 6m

Comment: The dwellings are located to the rear of the existing dwelling and comply with

this control. The impact of the dwellings having their main frontage accessed from the laneway with a 1m setback however needs to be considered for the visual quality created within the laneway and whether or not this is suitable for dwellings when the 1m setback is usually reserved for garages. The noise and light impacts on the dwellings from vehicles in the laneway needs to be considered. The dwellings do not contain any bedrooms and only a minor living area within the front facades limiting impacts that vehicles moving along the laneway might create for occupants. The visual amenity for the residents must also be considered and the impacts the minimal setback proposed will have. Landscaping will play an important role in providing quality visual amenity as well as softening and reducing heat impacts. A revised plan is required to show landscaped areas provided at the front of both dwellings.

C4 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line.

Comment: The dwellings comply as the elevations fronting the laneway include more than one change in plane enclosing habitable rooms. The change in plane is greater than the minimum of 500mm. The garages are behind the face of the forward most walls presented to the laneway enclosing habitable rooms. The garages do not encroach any of the required setbacks.

9.3.7 Side and rear setbacks

C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.

Comment: The side and rear setbacks are consistent with the setbacks to the side boundary setbacks on surrounding multi-dwelling lots and are consistent with the desired medium density character and provide the expected separation from the neighbouring dwellings. Adequate space is provided for access, servicing, natural light and ventilation.

9.4.1 Building elements

C1 Use verandahs or pergolas to link internal and external living areas.

Comment: The private open space areas are joined to the main living areas by roofed alfresco areas at the rear of each dwelling.

C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.

Comment: The entries are clearly visible from the street as the front doors face the laneway and can be viewed from Broad Street and front porches have been integrated into the design of the dwellings to highlight the entry.

C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.

Comment: The ancillary components (clotheslines) are shown on the plans, they will not

be visible from the street.

9.4.2 Materials and finishes

C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.

Comment: The materials chosen are typical of dwelling developments and will provide a quality appearance. The main materials proposed are pre-coloured metal roof sheeting and brick veneer walls.

C2 Avoid large unbroken expanses of any single material.

Comment: There are no large expanses of material. The facades are articulated through the use of change in plane and incorporation of windows/doors.

C3 Minimise use of highly reflective or glossy materials on building exteriors.

Comment: Pre-coloured corrugated metal sheeting has been specified as the roofing material. Brick veneer has been specified as the materials for the walls. These materials are not highly reflective or glossy.

9.4.3 Privacy

C1 Offset windows, balconies and private open space areas between adjoining dwellings.

C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.

Comment: The dividing fences provide the required privacy and separation between the dwellings. There are no habitable windows with direct line of site and reasonable spatial separation is provided.

9.4.4 Garages and driveways

C1 Where garage doors form part of the facade of a dwelling fronting a public road

- the garage door is to be:

*less than 50% of the width of the house**

no wider than 6m #

maximum 2.4m high #

*- double garages are only permitted on lots 12.5m wide or greater**

- single fronted tandem garages with one space behind the other are permitted

Comment: Although the garages front on to the laneway they do not form part of the facade that fronts onto Broad Street, therefore this control is not relevant to this development. The garage door for each unit, however, is only 500mm wider than 50% of the front of the dwelling. The doors are not wider than 6m and no more than 2.4m in height and generally comply with the provisions and objectives for this section of the DCP.

9.4.5 Site facilities

C1 For dual occupancy developments, multi-dwelling housing and residential flat developments, utility services are to be provided underground.

Comment: The utilities will be provided below ground.

C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.

Comment: The mailbox for the units is located adjacent to the driveway at the front boundary. A shelter structure is not required. The mail boxes have a pathway connecting the units to the mail box to providing a safe access along the laneway.

C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.

Comment: An appropriate area for bin storage is provided within the garages or behind fences and will be screened from view.

C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.

Comment: Both units have an external drying area shown within the rear yards and will receive reasonable solar access. Fences will screen the clothes lines from view.

9.4.6 Changing the landform - cut and fill

Comment: This section is not relevant to this development. There are no changes to the landform proposed with this development.

Section 79C(1)(a)(iiia) - Planning Agreements

There are no planning agreements relevant to this development application.

Section 79C(1)(a)(iv) - any matters prescribed by the regulations

Matters prescribed by the regulations have been considered in this assessment. Prescribed conditions have been imposed, including compliance with the BCA, adequacy/shoring of adjoining properties and fulfilment of BASIX commitments.

Section 79C(1)(b) - likely impacts of the development

Section 733 of the *Local Government Act 1993*

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

Flooding Risk Assessment

Comment: The land is Flood Prone Land. The risks associated with the development have been considered in this assessment and the development complies with the relevant flood provisions of the LEP and DCP.

Bush Fire Risk Assessment**Comment:** The land is not Bushfire Prone Land.

Likely impacts of this development		
S= Satisfactory N/S = Not Satisfactory N/R = Not Relevant		
		Comment
Context & Setting & Streetscape	S	There are no adverse impacts to the locality or streetscape as the development is consistent with residential accommodation development in the locality. The development is consistent in architectural character and the development presents visually interesting facades addressing each street. The condition requiring landscaping to the frontage of the units will enhance the setting and have positive impacts.
Traffic, access and parking	S	There are no likely adverse access impacts as the traffic volumes are not significant within the locality and the development is consistent with relevant standards.
Public Domain	S	Conditions will be imposed limiting access, and storage of materials and vehicles within the laneway.
Heritage	N/A	The site is not heritage.
Utilities	S	There are no easements on the site. Conditions will be imposed to ensure plumbing and drainage and Riverina Water standards are met.
Water Quality & Stormwater	S	The development will be serviced and drain to Council infrastructure, there are no likely adverse impacts.
Soils, soil erosion	S	Plans identify sediment and erosion controls during construction. The site will be landscaped minimising the likelihood of erosion when the development is occupied.
Flora and Fauna Trees	S	The trees located at the front of the lot away from the site of the works are to be retained. The site where the works are to occur has minimal grass and there are no impacts to flora of fauna.
Waste	S	Plans show control of waste generated by construction. The site will be serviced by Councils waste collection services during occupation.
Energy	S	Current compliant BASIX certificates have been supplied and commitments listed on the plans. The development is not likely to have any adverse energy impacts.
Noise & vibration	S	Construction noise will be controlled by limiting hours of construction.
Natural hazards -	S	The site is flood prone land and conditions have been

Flooding - Bushfire Prone Area Map		imposed to avoid adverse impacts. The site is not bushfire prone land.
Safety, security and crime prevention	S	The development will provide opportunities for natural surveillance and the entries to the units are visible from the public domain. There are no likely adverse safety, security and crime prevention impacts.
Social impact in locality	S	The development provides housing opportunities providing positive social outcomes and there are no likely adverse social impacts.
Economic Impact in Locality	S	The architectural character of the units is consistent with the locality. There are no likely adverse economic impacts in the locality. Development within the R3 zone typically has a positive economic outcome on the amenity of an area. Contributions will be put toward services and infrastructure.
Site design and internal design	S	The development does not create unusable areas and makes best use of the orientation of the lot.
Overlooking - overshadowing	S	There are no likely adverse overlooking and overshadowing impacts. The development is reasonable for a residential area.
Landscaping	S	The development includes landscaping (as required by conditions) that will enhance the streetscape and will not obstruct sightlines. There are no likely adverse impacts.
Construction	N/S	Conditions have been imposed to minimise the potential for adverse impacts from the construction of the dwellings.
Private open space	S	There are no likely adverse impacts from the proposed location of the private open space as minimum requirements have been achieved. The areas have been offset from each other and reasonable amenity provided.
Setbacks, Building Envelopes	S	The dwellings have been designed and located to minimise adverse impacts on the adjoining dwellings. The proposed setbacks are consistent with residential development. There are no likely adverse impacts.

Section 79C(c) - the suitability of the site for the development

The subject land located at Lot 1 DP 534496, 16B Broad Street Wagga Wagga, is considered to be suitable for the proposed development because it is proposed on an existing lot that has been developed for the purpose of residential accommodation. The development is consistent with relevant standards and the architectural character of other dwellings in the locality. There are no likely adverse impacts from this development occurring.

Section 79C(d) - any submissions made in accordance with the Act or the regulation

Referrals - Internal and RWCC referral comments only.

Notification - The application was notified in accordance with the DCP. One submission was received during the notification period. The details of the submission were included earlier in the report under the DCP section 1.10.

Advertising - N/A

Public Submissions and those from public authorities - RWCC comments received. Nil submissions have been received at the time of this report.

Section 79C(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to amenity for the subject lot. Taking into account the full range of matters for consideration under Section 79C of the *Environmental Planning and Assessment 1979* (as discussed within this report) it is considered that approval of the application is the public interest.

DEVELOPMENT CONTRIBUTIONS

Section 94 of the Local Government Act 1993 and the City of Wagga Wagga's Section 94 Levy Contributions Plan 2006 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 94 contribution of **\$11,864.54** applies and will be put towards the provision high quality and diverse public facilities to meet the expectations of the residents of the city.

The Section 94 contributions are calculated as follows using the medium density table:

Existing impact: No credit as nil contributions were paid with the original subdivision.

Proposed impact: 2 additional dwellings at \$5137 per dwelling

BASE RATE: Proposed - Existing = \$10274 - 0 = \$10274

UPDATED BY CPI: $10274 \times 110.4/95.6 = \mathbf{\$11,864.54}$

Central Wagga Section 94 Dual Occupancy, Medium Density & Other - Without Land Dedication	
Contributions Plan Preparation & Management	\$517.81
Future Civic, Community & Cultural	\$515.75
Recoupment Civic, Community & Cultural	\$2,515.08
Future Roads & Traffic Management	\$3,684.26
Recoupment Open Space & Recreation	\$1,161.99
Future Open Space & Recreation	\$1,879.11
Base Charge	\$10,274.00
Final Amount Including CPI 110.4/95.6 (20/12/16)	\$11,864.54

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure. A Section 64 contribution of **\$13390.00** is payable for this development as a source of funding towards sewerage and/or stormwater infrastructure within the urban area.

Section 64 contributions have never been paid for this lot and there is nil credits applicable.

Sewer: Developer Charge for 3 or more bedroom dwellings: 1ET (3538)

Existing impact: Nil

Proposed impact: 2 x 3 bedroom dwellings at 1ET (3538)

BASE RATE: Proposed - Existing = 7076 - 0 = \$7076

UPDATED BY CPI: $7076 \times 108.9/100.5 = \7667.43

Stormwater: Developer Charge is \$3007

Existing impact: Nil

Proposed impact: net area of development lot (m2): $885.20/800 \times 0.83/0.74 \times 3007$

BASE RATE: Proposed - Existing = 3731.91 - Nil = \$3731.91

UPDATED BY CPI: $3731.91 \times 108.9/87.9 = \4623.49

REFERRALS

Building Surveyor: - Comments have been received and conditions imposed.

Plumbing Inspector: - Comments have been received and conditions imposed.

Subdivision Engineer: - Comments have been received and conditions imposed.

Environmental Officer: - Referral was not required.

Health Officer: - Referral was not required.

Parks Officer: - Referral was not required.

Riverina Water County Council: - Comments have been received and conditions imposed.

OTHER APPROVALS

Nil.

CONCLUSION

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 79C of the *Environmental Planning and Assessment Act 1979*.

This particular development is recommended for approval because it has merit and is an acceptable development for the lot as discussed within this report.

The total area of development on the lot is acceptable and should be supported because reasonable amenity is maintained for the surrounding lots and the occupant, there are minimal impacts of the development on the locality and the close proximity to the CBD and being a site that directly adjoins the area mapped above.

The dwellings are acceptable in their location, located to the rear of the existing dwelling on the lot, and are typical of multi-dwelling development.

RECOMMENDATION

It is recommended that DA16/0585 for Multi Dwelling Housing – 2 x 3 bed dwellings (existing dwelling retained) be approved, subject to 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
BD15001	Statement of Environmental Effects	Sewell Design	-	7/9/16
15001 1 of 3	Site Plan	Sewell Design	3	3/9/16
15001 2 of 3	Floor Plan & BASIX Commitments	Sewell Design	3	3/9/16
15001 3 of 3	Elevations Plan & Sections Plan	Sewell Design	3	3/9/16
760357S	BASIX Certificate Unit 1	Sewell Design	-	13/9/16
760365S	BASIX Certificate Unit 2	Sewell Design	-	13/9/16
-	Letter (ADDITIONAL INFO)	Sewell Design	-	28/10/16

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. 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.

3. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

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

4. Pursuant to s94 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94 Contributions Plan 2006-2019* the following monetary contributions must be paid to Council, prior to the issuing of the Construction Certificate.

Contributions Plan preparation & management	\$517.81
Civic, Community & Cultural - Future,	\$515.75
Civic, Community & Cultural - Recoupment,	\$2,515.08
Roads and Traffic Management - Future,	\$3,684.26
Open Space and Recreation - Recoupment,	\$1,161.99
Open Space and Recreation - Future (without land and dedication),	\$1,879.11
BASE FIGURE	\$10,274.00
TOTAL PAYMENT (updated by CPI)	\$11,864.54

The amounts payable under this condition will be indexed in accordance with Clause 2.12 of the *City of Wagga Wagga Section 94 Contributions Plan 2006-2019* from the endorsed date of this Development Consent until the date of payment. A copy of the City of Wagga Wagga Section 94 Contributions Plan 2006-2019, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

NOTE 1: Clause 2.12 of the *City of Wagga Wagga Section 94 Contributions Plan 2006-2019* 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 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: Having considered the development in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94 Contributions Plan 2006-2019*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public amenities and public services within the area.

5. **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 \$7076.00
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$7667.43

NOTE 6: The Section 64 Stormwater base figure is \$3731.91
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$4623.49

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).

6. **Prior to the issue of the Construction Certificate a revised site plan shall be submitted to the Principal Certifying Authority for approval that indicates;**
- i) **The stormwater system connecting to Broad Street Kerb & Gutter.**
 - ii) **Point of connection for sewer for proposed units 1&2.**
 - iii) **The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street or an alternative appropriate point of discharge.**
 - iv) **A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed a 1 in 10 year event.**

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. **Prior to the issue of a Construction Certificate provide details on the proposed method of construction of the garage wall required to achieve FRL 60/60/601 to units 1 and 2.**

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.

8. **A revised landscape plan and legend shall be submitted and approved prior to the release of the Construction Certificate.**
- (1) **Landscaping must be provided at the front of each of the proposed units, in between the unit and the laneway. The landscaping for each unit shall include tree/s which can be deciduous to provide shade in summer and solar access in winter.**
 - (2) **The existing trees located at the front of the lot shall be retained and shall be shown on the landscape plan. The landscaping to the front dwelling shall also be embellished to improve the streetscape along Broad Street.**
 - (3) **The Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.**
 - (4) **A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.**

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

9. **No works are to take place to any services without prior written approval from the relevant authority.**

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures.

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

10. **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.

11. **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.

- 12. 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.

- 13. 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.

- 14. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.**

REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of 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.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

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.

- 16. 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.

- 17. 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.

- 18. 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.

19. 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.

20. 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

21. 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.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
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.

22. 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.

23. 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.

- 24. 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.

- 25. 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.

- 26. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.**

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.

- 27. 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.

- 28. 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 Drainage	Sewer	When all internal plumbing and drainage work is installed and prior to concealment.
External Drainage	Sewer	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.

- 29. 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

- 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. The stormwater from proposed units 1 & 2 shall not at any stage discharge to the existing laneway, all stormwater generated from the site shall be directed to the Kerb and Gutter along Broad Street.**

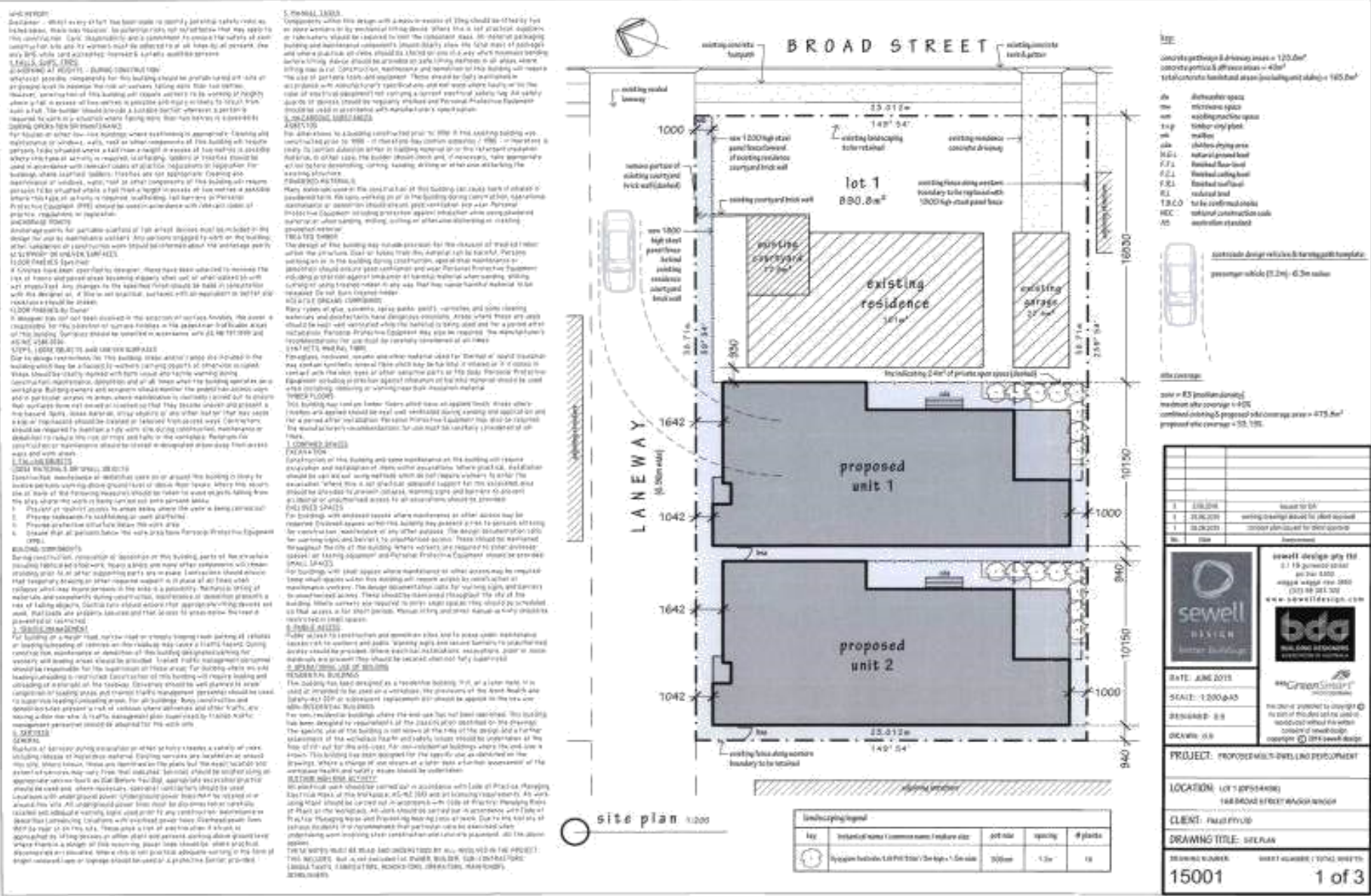
REASON: The character of the development is such that storm water runoff will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 35.(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.





BASIX Building Sustainability Index		Certificate Number 7603578 (unit 1)	BASIX Building Sustainability Index		Certificate Number 7603655 (unit 2)
WATER COMMENTS Landscaping Features: 12. 1 m ² of indigenous or low-water-use species of vegetation above 100mm x 50 mm (x 7.5 m ² x 100 mm) collet Raining system, taps & basin taps - 3 star		THERMAL COMFORT COMMENTS: <ul style="list-style-type: none">The dwelling is a single-story dwelling.The dwelling has a slab on ground floor or, if the floor is suspended, the floor has insulation with an R-value of at least 1.5.walls are brick, concrete, or other board or fibre cement.walls have insulation with an R-value of at least R2.0.all windows & glazed doors have panels that project at least 500mm (see picture)walls are to have more than 500mm above window or glazed door heads.The total window and glazed door area is to be more than 25 m² and,colours have insulation with an R-value of at least R2.0.The roof has ceiling or low-water-use insulation with an R-value of at least R2.0.	WATER COMMENTS Landscaping Features: 12. 1 m ² of indigenous or low-water-use species of vegetation above 100mm x 50 mm (x 7.5 m ² x 100 mm) collet Raining system, taps & basin taps - 3 star		THERMAL COMFORT COMMENTS: <ul style="list-style-type: none">The dwelling is a single-story dwelling.The dwelling has a slab on ground floor or, if the floor is suspended, the floor has insulation with an R-value of at least 1.5.walls are brick, concrete, or other board or fibre cement.walls have insulation with an R-value of at least R2.0.all windows & glazed doors have panels that project at least 500mm (see picture)walls are to have more than 500mm above window or glazed door heads.The total window and glazed door area is to be more than 25 m² and,colours have insulation with an R-value of at least R2.0.The roof has ceiling or low-water-use insulation with an R-value of at least R2.0.
ENERGY COMMENTS: Hot Water: gas or electric (2 star) Cooling System: gas or electric (2 star) Heating System: gas or electric (2 star) Insulation: gas or electric (2 star) Natural Lighting: Office: gas or electric (2 star)		ENERGY COMMENTS: Hot Water: gas or electric (2 star) Cooling System: gas or electric (2 star) Heating System: gas or electric (2 star) Insulation: gas or electric (2 star) Natural Lighting: Office: gas or electric (2 star)	ENERGY COMMENTS: Hot Water: gas or electric (2 star) Cooling System: gas or electric (2 star) Heating System: gas or electric (2 star) Insulation: gas or electric (2 star) Natural Lighting: Office: gas or electric (2 star)		ENERGY COMMENTS: Hot Water: gas or electric (2 star) Cooling System: gas or electric (2 star) Heating System: gas or electric (2 star) Insulation: gas or electric (2 star) Natural Lighting: Office: gas or electric (2 star)

[illegible]



DA16/0585 – 16B Broad Street



Proposed site - View of unit location



View down laneway from Broad Street

DA16/0585 – 16B Broad Street



View from within the laneway – site on left



View south along Broad Street – laneway entry on left

RP-2 DA16/0660 - ALTERATIONS AND ADDITIONS INCLUDING THIRD STOREY AND SECONDARY DWELLING - 58 LAKEHAVEN DRIVE, LAKE ALBERT, LOT 16 DP 775377

Author: Robins, Sam
Sector Manager: Somerville, Paul

Analysis: The report is for a development application and is presented to Council for decision. The application has been referred to Council for determination as the application seeks to vary one numeric control of the Wagga Wagga Development Control Plan 2010 (DCP) by greater than 10%.

Recommendation

That Council approve DA16/0660 for alterations and additions including a third storey and secondary dwelling at 58 Lakehaven Drive, Lake Albert, Wagga Wagga NSW Lot 16 DP 775377, subject to conditions outlined in the Section 79C Assessment Report attached.

Development Application Details

Applicant	Anees Shah
Owner	Anees Shah
Development Cost	\$2,000,000
Development Description	Alterations and additions including third storey and secondary dwelling.

Key Reasons**Key Issues**

- Non-compliance with side setback controls of the DCP
- Impact on the amenity of the neighbouring properties through over shadowing and overlooking.

Assessment

In accordance with Clause 1.11 Complying with the Development Control Plan 2010 the application has been referred to Council for determination for the following reason.

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

- *Where any numeric control is not being varied by greater than 10%*

The application proposes a variation to C2 of Section 9.3.7 of the DCP (side setbacks) by more than 10% therefore the application has been reported to Council for determination.

The applicant has submitted written justification for the variations and Council may consent to the proposal if deemed acceptable.

C2 of Section 9.3.7 requires a side setback in the R5 zone of 2m. The proposed extensions and additions are set at 1.5m to the wall of the dwelling and 0.835m to the eaves on the eastern elevation and therefore exceed the 10% variation to the control.

The applicant has provided reasonable justification that is supported by Council staff and has been summarised below:

- The subject site contains an existing dwelling that is setback 1.5m from the eastern boundary. Therefore the existing dwelling does not comply with the control, however the dwelling was approved and constructed prior to the existence of the control.
- The proposed additions will logically extend from the existing walls.
- Adjoining dwellings are non-compliant with this control.
- The proposed additions have been carefully designed not to result in an unreasonable impact on adjoining properties or character of the area.
- It is considered that the proposal meets the listed objectives of Section 9.3.7.

The development generally complies with all other controls and objectives of the DCP. One objection was received and the concerns have been addressed with in the 79C report attached. Considering this and the above justification it is recommended the application be supported.

Reasons for Approval

The development is considered to be satisfactory based on the assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia (Housing Provisions) and Councils Policies. The application meets the objectives of the LEP and DCP and on merit is considered to be acceptable.

Site Location

The site, being Lot 16 DP 775377, 58 Lakehaven Drive, Lake Albert is located on the southern side of Lakehaven Drive opposite the Lake.

The locality is a large lot residential area located on the southern end of the Lake. The lot measures 1125m² and contains a large detached two storey dwelling. The site falls to the front however the dwellings ground floor has been cut into the site.

The site is void of any substantial vegetation.

The site contains an electricity easement 2.5m wide that runs along the western boundary.

The neighbouring lots are developed and the majority contain large two storey dwellings with large outbuildings and pools.



Financial Implications

N/A

Policy

Wagga Wagga Local Environmental plan 2010
Wagga Wagga Development Control Plan 2010

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

Risk Management Issues for Council

Approval raises no risk management issue and will not create an undesirable precedent. Refusal of the application may result in an appeal process in the Land and Environment Court which will have to be defended by Council. The reasons for refusal will have to be justified and withstand scrutiny and cross examination in Court.

Internal / External Consultation

Standard internal Council referrals of the application occurred.

The application was notified to adjoining neighbours for a period of 7 days and one submission was received.

The application was referred to Essential Energy and no comments were received.

See the Section 79C Assessment report for full details of all consultation.

Attachments

- 1 [↓](#). DA16-0660 - S79C Assessment Report
- 2 [↓](#). DA16-0660 - Plans
- 3 [↓](#). DA16-0660 - Statement of Environmental Effects
- 4 [↓](#). DA16-0660 - Additional Information



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.	DA16/0660
Modification No.	N/A
Council File No.	D/2016/0660
Date of Lodgement	18/11/2016
Applicant	Al Shah PO Box 2233 WAGGA WAGGA NSW 2650
Proposal	Alterations & Additions Including Third Storey and secondary dwelling
Description of Modification	N/A
BCA Classification	1a, 10a, 10b
Development Cost	\$2000000
Other Approvals	Nil
Concurrence Required	No
Referrals	Internal External - Essential Energy
Determination Body	Wagga Wagga City Council
Reason	In accordance with Clause 1.11 "Complying with the Wagga Wagga Development Control Plan 2010" the application has been referred to Council for determination as the proposed shed does not comply with Control C2 under Section 9.3.7 of the Wagga Wagga Development Control Plan 2010 by greater than a 10% variation from this control.
Meeting Date	Council Meeting 30/1/17
Assessment Officer:	Sam Robins

SITE DETAILS**Subject Land**58 Lakehaven Dr LAKE ALBERT NSW
2650

Lot 16 DP 775377

Owner

Al Shah

Owner's Consent Provided

18/11/16

Location

The subject site is located on the southern side of Lakehaven Drive fronting Lake Albert.

STATUTORY CLASSIFICATION*Pursuant to Part 4 (Division 1)***Environmental Planning Instrument**Wagga Wagga Local Environmental Plan
2010**Zoning**

Under the Wagga Wagga Local Environmental Plan, 2010 - R5 Large Lot Residential

Land Use Definition

Dwelling (alterations and additions) and secondary dwelling

Statement of Permissibility

Permissible with consent

REPORT**DESCRIPTION OF DEVELOPMENT**

This application is for a \$2,000,000 renovation of an existing two storey dwelling. The main components of the works are as follows:

- Secondary dwelling to rear
- Addition of third storey
- Swimming pool at first floor level to front of property
- Major internal demolition and construction to create 7 bedroom dwelling over three floors with lift, gym and pool

THE SITE & LOCALITY

The site, being Lot 16 DP 775377, 58 Lakehaven Drive, Lake Albert is located on the southern side of Lakehaven Drive opposite the Lake.

The locality is a large lot residential area located on the southern end of the Lake. The lot measures 1125m² and contains a large detached two storey dwelling. The site falls to the front however the dwellings ground floor has been cut into the site

The site is void of any substantial vegetation.

The site contains an electricity easement 2.5m wide that runs along the western boundary.

The neighbouring lots are developed and the majority contain large two storey dwellings with large outbuildings and pools.

A site visit was undertaken on 25/11/16 by the assessing officer.

SUMMARY OF MAIN ISSUES

Impact on character of the area

Impact on the amenity of adjoining neighbours

Compliance with Councils Development Control Plan 2010

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned R5 - Large Lot Residential

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

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.*

The proposal would be considered alterations and additions to a dwelling and secondary dwelling.

Under section 3 of Zone R5 dwelling houses are considered permissible with consent and therefore the alterations and additions are also considered permissible in the zone.

Secondary Dwellings are also permissible with consent. The dwelling house and associated structures clearly meet the objectives listed above.

Part 7 - Additional Local Provisions

7.1A Earthworks

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Minimal earthworks are required as the main excavations exist. Some minor excavation will be required for the extension of the garage and the secondary dwelling to the rear. Given the minor nature of the works no issues are raised against these provisions that cannot be addressed via compliance with recommended conditions of consent.

Part 5 Miscellaneous Provisions

5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres,

(b) 33% of the total floor area of the principal dwelling.

At 32.4m² the secondary dwelling complies with this clause.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore the land is not identified on Councils register of contaminated sites. Accordingly it is not considered necessary to request any investigation reports on the subject site.

State Environmental Planning Policy (Infrastructure) 2007

Division 5 Electricity transmission or distribution

45 Determination of development applications-other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out:*

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- (ii) immediately adjacent to an electricity substation, or*
- (iii) within 5m of an exposed overhead electricity power line,*

(c) installation of a swimming pool any part of which is:

- (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
- (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

Given the location of the proposed works the application was required to be referred to Essential Energy. An email was sent on 30/11/16. No response has been received

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

Draft local environmental plans

N/A

Draft state environmental planning instruments

N/A

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.11 Complying with the Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

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

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

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

- *Where any numeric control is not being varied by greater than 10%*

The application proposes a variation to C2 of Section 9.2.2 of the DCP (front fence heights) by less than 10% therefore Council staff have delegation to approve such a variation if it is considered appropriate.

The applicant has submitted written justification for the variation and Council may consent to the proposal if deemed acceptable.

The application also proposes a variation to C2 of Section 9.3.7 of the DCP (side setbacks) by more than 10% therefore the application has been reported to Council for determination.

The applicant has submitted written justification for the variations and Council may consent to the proposal if deemed acceptable.

The issues surrounding the variation have been discussed throughout this report, particular attention is drawn to Section 9.3.7 of the DCP.

2.1 Vehicle access and movements

The proposal includes the construction of a new double garage at ground floor level that will be brought forward from 15m setback to 8.7m setback. The driveway location will not be altered. The location of the garage raises no concerns.

2.2 Off-street parking

The development would be subject to the following controls:

- 1 spaces/3 bedroom house or larger.

As mentioned the works will result in a double garage to ensure compliance with this control.

Secondary dwellings are not subject to additional parking requirements, however with a large double driveway there is more than adequate off street parking.

2.3 Landscaping

Landscape plans are not required for single dwellings and therefore alterations and additions to single dwellings.

The proposal involves the removal of non-native palm trees, no issues are raised with the removal of these trees.

2.5 Safety and security

The objectives and controls of this section that are relevant for this development are as follows:

Objectives

O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.

Controls

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

C2 Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.

C3 Minimise blank walls along street frontages.

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

C5 Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.

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

The design of the alterations and additions raises no safety or security concerns. The proposal is considered generally compliant with the controls and would meet the relevant objective of this section of the DCP. Conditions of consent will require the pool to meet all regulations and standards regarding pool safety.

2.6 Erosion and Sediment Control Principles

Given the location of the proposed works minimal impacts are expected from construction. However recommended conditions of consent will ensure appropriate measures are put in place during the construction phase.

2.7 Development Adjoining Open Space

RE1 zoned Public Open space is located directly opposite the site on the northern side of Lakehaven Drive.

The following controls apply:

C1 Private developments are not to gain access across public open space.

C2 Materials are not to be stored on public land.

C3 Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.

C4 Landscaping is not to encroach into any public reserve.

Given the Open Space is on the opposite side of the road there will be no issues with construction vehicles utilising this land for the storage of materials or the encroachment of landscaping.

The dwelling is large, however it is surrounded by large dwellings, the choice of materials along with the 8m setback from the road means the proposal would not have a detrimental impact on the outlook from the open space.

Section 5 Natural Resource and Landscape Management

5.3 Native Vegetation Cover

Although the land is zoned R5 the application is for alterations and additions to an existing dwelling and a secondary dwelling and not for the dwelling itself. However it is important to consider whether the proposed works will impact on any planting requirements. A search of the original subdivision application shows that no plantings were required as part of this original subdivision and therefore the proposed works will not conflict with any planting requirements. This has been confirmed in consultation with Councils Natural Resource Management Officer.

Section 9 Residential Development

9.2.1 Site layout

The site layout raises little concern. The complete refurbishment of the dwelling has allowed for the main living areas to open to the front of the property on the first floor and take advantage of the northern aspect. The design also allows for excellent natural cross ventilation. No issues are raised with the site layout.

9.2.2 Streetscape

The following controls apply:

C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

The works would result in a large three storey dwelling from Lakehaven drive. The building would be grand in form and scale but given what is surrounding would not be considered out of context and setting. Both adjoining properties are large two storey detached dwellings with a mix of materials and roof forms. The wider surrounding properties mainly continue in the same vein. Given the slight fall of the lot to the street and the ground floor being set below natural ground level the impact of the addition of a third storey has been reduce.

C2 Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.

The applicant has proposed a 1.3m front fence. Whilst this exceeds the 1.2m permitted under this control it's within the 10% variation that can be considered by delegation under section 1.11 of the DCP.

The applicant has provided the following justification:

“The existing streetscape comprises various fencing designs and heights, with no uniformity.

The proposed fence will define territorial boundaries and provide an interactive private open space whilst ensuring casual street surveillance and social interaction is maintained through transparent timber slats that comprise the construction of the front gate (for pedestrian access) and the double driveway crossover (for vehicular access). Decorative elements incorporated in the design of the dwelling will be mirrored in the design of the fence, such as timber slats to maintain design compatibility.

The height of the fence is compatible with the scale of the dwelling, given the additions will incorporate a third storey and the built form will remain the dominant feature. The proposed variation of 100mm, when compared to the scale of the dwelling and surrounding dwellings, would be visually insignificant.”

It is considered that the proposal meets the objectives of Clause 9.2.2 of the DCP and will not unduly dominate the streetscape or impact the character of the streetscape. Therefore it can be seen that proposal will be acceptable with support from Council. Assessment Officers agree with the above justification and add that the fence is consistent with the surrounding built form and therefore meets the objectives of the section without unreasonably impacting on amenity.

C3 *Fence height at and behind the building line is not to exceed 1800mm in height.*

The fence exists and is not proposed to be altered as part of this application. The pool fence will be required to meet the relevant standards.

9.2.4 Sloping sites

The site is sloped however the excavation has already taken place as part of the existing dwelling construction. Only minor earthworks are proposed, and given the proposal is for a refurbishment of an existing dwelling no specific design for the slope of the land is required.

9.3.4 Solar access

C1. *Locate garages, laundries and bathrooms to provide insulation from western sun.*

The dwelling does not comply with this control. Given the orientation of the lot compliance would require the garage, laundry and bathrooms all to be located on the western side of the dwelling. Therefore a variation is acceptable for the following reasons. The garage has been located on the northern elevation as this is the front of the property and where the current garage is located. Given the scale of the property the location of the bathrooms and laundry is not restrictive to the location of the main living areas to ensure good north eastern exposure as per the relevant objective. The applicant has demonstrated that the design meets the energy requirements of Basix and therefore should be considered acceptable.

C2. *Locate living areas and private open space to ensure orientation to the north and north east where possible.*

The private open space and living areas comply with this control.

C3. *For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).*

The design of the dwelling has north facing windows to the living areas and would therefore address this control.

The location of the dwelling on the site means there is more than adequate north and east facing private open space.

The secondary dwelling is more of a concern being it has been located to the rear of the property on the south eastern elevation behind the three storey dwelling makes it difficult to achieve the required 3hours sunlight. However the solar diagrams submitted with the proposal indicate that the full length windows along the western elevation of the secondary dwelling will receive at least 3hours direct sunlight albeit for only a small part of the main living room of the secondary dwelling.

C5 *For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).*

13 Clare Avenue is to the south of the property and has north facing living areas. However it is approximately 35m from the boundary fence and therefore not impacted by the proposal.

56 Lakehaven Drive is a two storey detached dwelling to the west. The windows along the relevant elevation face east and are separated by the driveway that runs down this side of the property. The main living areas are not located on this elevation as they face north (to the front) of the property. The proposed alterations and additions would have negligible impacts on any north facing living areas on this property.

60 Lakehaven Drive is a two storey detached dwelling to the east that has windows along the western elevation. Whilst these windows will be impacted to a degree by the proposed works, it would not reduce the direct sunlight to the living areas to less than 3 hours as they have good northern aspect that will not be impacted.

C6 *Proposed development design should take into account the location of any adjacent private open space and avoid overshadowing of that space*

The applicant has submitted solar diagrams that indicate very marginal over shadowing of the very rear portion of the yard at 13 Clare Place. Given the large size of this property this impact is seen as negligible and acceptable.

The solar diagrams show some overshadowing to number 56 Lakehaven but this is mainly to the driveway and eastern elevation of the property. Number 56 has its private open space at the front of the property and this will not be impacted by the proposal.

The main impact is to Number 60 Lakehaven Drive. The solar diagrams show that at 3pm on 21/6/15 a portion of the rear yard and what is quite clearly private open space will be impacted by the proposed development. The solar diagram is worst case (being middle of winter) and shows that the rear yard at number 60 will not be impacted between 9am and 12midday. What the diagram does not show is the impact of the current dwelling. The two storey nature of the current dwelling will have an impact on this rear yard already, whilst it will not be to the same degree it is a relevant consideration. Given the private open space will only be impacted from 12midday onwards and will not be fully shaded in the worst case scenario, along with the existing impact of the current dwelling its considered that on balance the impact is acceptable.

9.3.5 Private open space

The dwelling easily meets this control with excellent private open space to the front and rear of the property.

9.3.6 Front setbacks

C1 Minimum front setbacks for residential development

Primary street frontage (other roads) 6m

Secondary frontage (corner lot) 3m

The garage has been brought forward but is level with the existing front setback of 8.7m and therefore compliant with this control.

C4 The front elevation of a dwelling as visible from a public road shall include at least one change in plane of the dwelling wall (that encloses a habitable room) of a minimum of 500mm. The front of the garage shall not protrude in front of the face of the forward most wall of the dwelling enclosing a habitable room. In all instances, the garage shall not encroach on the front setback identified under C1. The forward most part of a building/dwelling wall shall not project forward of the building line. Refer to diagrams opposite.

The articulation of the front elevation ensures the proposal complies with this control.

9.3.7 Side and Rear Setbacks

The relevant objectives and controls are as follows:

Objectives

- O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.*
- O2 Ensure new development continues the rhythm or pattern of development in the locality.*
- O3 Provide access for maintenance.*
- O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.*

Controls

- C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.*
- C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:*
 - a) If the lot is in Zone R5 a setback of 2m, The side setbacks are at least 2m and therefore compliant with this control.*

The western side setback of the existing dwelling is 2.7m to the wall and 1.93m to the eaves. The eastern side setback of the existing dwelling is 1.5m to the wall of the dwelling and 0.835m to the eaves. The proposed additions continue along these building line setbacks and therefore the proposal does not comply with the 2m setback requirement and given the variation of the eastern setback is greater than 10% the application is required to be determined by Council.

The applicant has provided the following justification:

“The subject land contains a dwelling. The dwelling is setback 1.5m from the eastern property boundary to the eastern wall and 0.835m to the eaves. The existing dwelling does not comply with the prescribed setback of 2 metres, however the dwelling was approved prior to the existence of the numerical control.

It is also important to note from the aerial image that adjoining dwellings and their proximity to side boundaries, are also non-compliant.

The proposed development is logical given the additions are in line with the existing footprint and the pattern of development will continue toward the rear of the site. The proposed development has been carefully designed to ensure it will not create adverse amenity or privacy impacts for both residents of the proposal and adjoining properties. The proposal provides adequate separation from the eastern property boundary to all for privacy, natural light, ventilation.

Irrespective of the encroachment, it is considered that the proposed additions are designed to sit comfortably without impacting the streetscape along Lakehaven Drive and is consistent with the existing rhythm as evident in the above aerial photo. The proposal maintains existing setbacks that ensures adequate space for landscaping can be achieved, while access for maintenance has not been compromised. The proposed development complies with the National Construction Code.

It is considered that the proposal meets the objectives of Clause 9.3.7 of the DCP without impacting upon the amenity of neighbouring properties, particularly when having regard to the proposed setbacks. Therefore, it is considered that the proposal will be acceptable with support from Council.”

Council staff support the justification above. The dwelling was approved prior to this numerical control existing. The location of the extension is logical, it also provides adequate separation to allow for maintenance and as discussed throughout this report has negligible impact on the amenity of neighbouring properties or the character of the area. Council officers therefore recommend supporting this variation.

9.4.1 Building elements

The relevant controls of this section are as follows;

- C1 *Use verandahs or pergolas to link internal and external living areas*
- C2 *Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.*
- C3 *Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.*
- C5 *Secondary dwellings are to appear as a single occupancy from the public domain.*

The alterations and additions and secondary dwelling have been designed to incorporate the majority of the abovementioned design elements. The secondary dwelling is not visible from the street and therefore appears as a single occupancy. No issues are raised under this section of the DCP.

9.4.2 Materials and finishes

The materials and finishes would not raise any issues.

9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. Given the scale of the works and the three storey addition, overlooking of adjoining properties needs to be carefully considered.

The ground floor raises no concern given it will be located behind an existing fence.

There are no issues to the rear from any storey given the separation discussed previously in this report.

There are no issues to the front from any storey as the outlook is Lake Albert and RE1 Public Recreation land.

The first floor has been proposed to be completely refurbished and will include a number of new windows to a variety of rooms on both the eastern and western elevations including main living areas.

To the west, as mentioned, a driveway runs down the side of Number 56 to provide separation and the private open space is to the front of the property. Whilst there will be an increase in windows along this elevation, windows and a large balcony to the front of the property already exist and the degree of overlooking will not be increased to a level that would be considered unreasonable.

Whilst there is no driveway separating the properties on the eastern boundary the relationship at first floor level remains similar given the existing windows and large balcony. The privacy to Number 60 would not decrease to a level that could reasonably warrant refusal.

The third storey creates a new level and therefore new impacts. The third storey is proposed to contain three bedrooms and three bathrooms. With no living space at this level the impacts from all windows would in any case be minor. However the level has been well designed, set in the middle of the building with maximum separation from both side boundaries. A setback of 4m to the eastern boundary and 5m to the western boundary is more than adequate for bedroom, bathroom and robe windows when the outlook is the side of the neighbouring property and not direct overlooking to private open space.

Whilst it is acknowledged that there will be an increase in privacy issues on both the adjoining properties to the east and west it is not to a degree that would be seen as unreasonable and therefore the proposal is considered to meet the objectives of this section.

The secondary dwelling is located on natural ground to the rear of the site and will raise no unreasonable privacy concerns given the existing fencing and similar slope of adjoining lots.

The location of the pool pump has not been indicated. However conditions of consent will control its operation hours. The impact is considered to be acceptable.

9.4.4 Garages, carports, sheds and driveways

The garage has been moved forward but the door remains complaint with the controls being 6m in length, less than 50% of the front elevation and 2.4m high.

9.4.5 Site facilities

The design of the buildings raises no issues with site facilities, conditions of consent will ensure all requirements are met.

9.4.6 Changing the landform - cut and fill

As discussed above the site has already been legally cut and therefore minimal site cut and fill is required. No retaining walls have been proposed as part of this application.

(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreement has been entered into under section 93F.

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

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

(b) - The likely impacts of the development

Context and setting

The proposed alterations and additions are located on an appropriately zoned and sized lot. Although large the finished building will be in keeping with the large buildings in close proximity. Number 56 has a pool on the front elevation so the proposed pool will not be out of character. The secondary dwelling has been well located to the rear of the property.

Access, transport and traffic

As mentioned above the existing arrangements would not be altered.

Noise and vibration

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

Natural Hazards

The site is not bush fire prone or flood prone.

Waste

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

Services/Utilities

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

As discussed above the site contains an Electricity Easement 2.5m wide along the western boundary. The setback to the wall of the existing and proposed works is 2.7m, therefore outside of the easement. The existing eaves do overhang this easement and the proposed will be setback 1.93m so will also overhang the easement. The application was referred to Essential Energy and no comments were received.

Whilst it is not common for the eaves to overhang the easement given the situation already exists and is at a first floor level they will not impede on access to this easement if required. With no comments received and the current situation not being made any worse Council raises no issues with this encroachment.

Public domain

No issues raised as the public land is opposite the site and will not be used for storage of building materials. The finished dwelling will be in keeping with the character of the area when viewed from the public land.

Other land resources

The land is zoned residential and all relevant assessments were undertaken at subdivision stage. No issues.

Water

The proposed works have an approved Basix Certificate, Council imposes no additional requirements that relate to water saving. The site is serviced by water and has appropriate stormwater facilities.

Soils

Soil tests will determine the building requirements at construction certificate stage. Conditions of consent will ensure any fill brought onto site is of an acceptable standard.

Air and microclimate

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

Safety, security and crime prevention

The proposed alterations and additions raise no issues in a residential zone.

Social/economic impacts

The proposed works will provide employment for the local construction industries.

Flora and fauna

As discussed above only non-native species will be removed as part of this application. No concerns are raised.

Site Design and internal design

The works involve a complete overhaul of the existing dwelling. The new internal layout provides better solar access and cross ventilation without unreasonably impacting the amenity of the neighbouring properties. Whilst a large portion of the site is now covered by the dwelling and secondary dwelling more than adequate private open space remains on site.

Pools are commonplace in the residential areas of Wagga and therefore the pool raises no concerns.

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

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development would result in residential development in a large lot residential zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

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

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

The site is currently zoned large lot residential and contains a detached two storey dwelling. The site is considered suitable for alterations and additions and secondary dwelling. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Internal

External - Essential Energy

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified for a period of 7 days on the following dates 28/11/16 to 6/12/16 and referred surrounding tenancies. One submission was received and has been considered throughout this report.

Public Submissions and those from public authorities

Essential Energy - No comments received

Public Submission

Issue: Height of Building - Please confirm that this is compliant with the covenant on the building restrictions.

Comment: The height control within the covenant is not a Council imposed covenant that is required to be considered and complied with as part of assessment under the EP&A Act as stated in Section 1.9A of the LEP.

Issue: Shadowing - The proposal will shadow a considerable portion of our house and land.

Comment: This issue has been discussed in detail in the body of this report and acknowledged that the property in question will be impacted by the proposed renovations and extensions. However it was considered on balance that the impact would not be enough to warrant refusal of this application.

Issue: Car parking concerns - The development contains seven bedrooms and a guest house suggesting a large number of occupants. Parking problems already exist along Lakehaven Drive

Comment: The proposal provides more than the one space required for a development of this nature. The site has a double garage and double width 8m long driveway to the front of that. This is considered more than adequate parking. Community standards for the provision of car parking have been satisfied which implies that the requirements of the development will be met on site. Council cannot regulate legal use of on-street parking by residents and/or visitors.

Issue: Location and potential size of air-conditioning unit - The current system is opposite our bedrooms making sleeping impossible during its use. Given the size of the development this will probably need to be made larger. Could we be consulted on location of new unit and could council assess noise of current unit.

Comment: Details of any new air conditioning unit have not been provided and therefore will need to meet the Exempt provisions when and if installed. The exempt provisions are only an issue for Council if not complied with.

The objector was advised to write in separately to raise a noise complaint regarding the current air-conditioning unit.

Issue: Privacy - Due to the height of the development our privacy will be compromised in our backyard and rooms on the western side of the dwelling.

Comment: This issue has been discussed in the body of the report. Again it is acknowledged that the property is question will be subject to some privacy concerns. However the extensions and alterations have been well designed to consider this issue and on balance it was considered that the degree of overlooking would not be unreasonable.

Issue: Drainage - Due to previous works by the then owners we are subject to overland flow flooding during heavy rains. Water also runs from 13 Clare Avenue into our yard and the yard of 58. This is a significant problem as our garage floods. The stormwater pit shown near existing air con either is not present or not working. Drainage of roof water is a concern given the size of the roof.

Comment: The objector was again advised to write a separate letter raising concerns regarding existing stormwater running onto their property.

With regards to this application conditions of consent will require the applicant to obtain a Section 68 approval for all plumbing and drainage works. This will require plans and inspections to ensure the works comply with the relevant Australian Standards and Codes. Furthermore Council's mapping system does not indicate this lot or any surrounding lots as having overland flow flooding issues.

(e) - the public interest

Federal, state and local government interests and general community interests

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

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species)

The following factors must be taken into account in making a determination under this section:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*

(f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*

(g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The development is in a large lot residential zone and not removing any vegetation; the development will have minimal impact and not impact on any threatened species in the vicinity. No further assessment is required under this section.

Section 79B(3)

As mentioned above there is unlikely to be significant impact and a species impact statement is not required. Therefore concurrence is not required from the Director General of National Parks and Wildlife.

Council Policies

N/A

Comments by Council's Officers

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

Development Contributions

The proposal is not required to pay a Section 94A contribution or a Section 64 Stormwater Contribution as these were paid at the time of the original subdivision.

The construction of the Secondary Dwelling incurs a Section 68 Sewer contribution

Section 64 of the Environmental Planning and Assessment Act 1979, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2006 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater. A Section 64 contribution of \$1916.85 for sewer is payable for this development as a source of funding towards infrastructure within the urban area.

Calculation:

Base rate = $3538 \times 0.5 = 1769$

With CPI = $3538 \times 0.5 = 1769 \times 108.9/100.5 = 1916.85$

Other Approvals

Nil

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia (Housing Provisions) and Councils Policies. The application meets the objectives of the LEP and DCP and on merit is considered to be acceptable.

RECOMMENDATION

It is recommended that the Wagga Wagga City Council approve Development Application DA16/0660 for Alterations & Additions Including Third Storey and secondary dwelling, 58 Lakehaven Dr LAKE ALBERT NSW 2650 , Lot 16 DP 775377 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

- 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
SP1.0	Site Analysis Plan	Chriscloutdesign	-	5/10/16
SP2.0	Site Plan	Chriscloutdesign	-	5/10/16
SP3.0	Shadow Diagrams	Chriscloutdesign	-	5/10/16
C1.0	Ground Floor Plan	Chriscloutdesign	-	5/10/16
C2.0	First Floor Plan	Chriscloutdesign	-	5/10/16
C3.0	Second Floor Plan	Chriscloutdesign	-	5/10/16
C4.0	Roof Plan	Chriscloutdesign	-	5/10/16
C6.0	Windows and Doors	Chriscloutdesign	-	5/10/16
C7.0	Elevations	Chriscloutdesign	-	5/10/16
C8.0	Elevations	Chriscloutdesign	-	5/10/16
C9.0	Sections	Chriscloutdesign	-	5/10/16
C10.0	Sections	Chriscloutdesign	-	5/10/16
C11.0	Existing Ground Floor	Chriscloutdesign	-	5/10/16
C12.0	Existing Upper Floor	Chriscloutdesign	-	5/10/16
C13.0	Existing Elevations	Chriscloutdesign	-	5/10/16
C14.0	Ground demolition Plan	Chriscloutdesign	-	5/10/16
C15.0	First Floor Demolition Plan	Chriscloutdesign	-	5/10/16
720164S	BASIX Certificate	Australian Energy Efficiency Consulting	-	5/10/16
-	Statement of Environmental Effects	Anees Shah	-	16/11/16
-	Additional Information	NGH	-	9/1/17

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. **Prior to the issue of Construction Certificate the developer must lodge a bond with Council of:-**

\$1000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee of \$58.

NOTE 1: Applicants will be required to reference the INDIVIDUAL kerb and gutter bond number (BKG 0581) when lodging bond monies. Please reference the BKG number on the application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or alternatively reference BKG number when making electronic payment.

NOTE 2: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work',

‘sewage work’ or ‘flood work’. These terms are defined in that Act.

- NOTE 2:** Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council’s area - 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 \$1769
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$1916.85
- NOTE 6:** The Section 64 Stormwater base figure is Nil
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is Nil
- 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

4. **Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**
- a) **a standard flushing toilet connected to a public sewer, or**
 - b) **if that is not practicable, an accredited sewage management facility approved by Council, or**
 - c) **if that is not practicable, any other sewage management facility approved by Council.**

- NOTE 1:** The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.
- NOTE 2:** “Vicinity” in this condition is defined to mean within 50 metres of the subject building site.
- NOTE 3:** The toilet facilities are to comply with all WORK COVER NSW requirements.

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

5. **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.

6. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council’s footpath, nature strip, reserve or roadway.

- NOTE 1:** No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

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.

7. **Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-**

- a) **Development Control Plan 2010 (Section 2.6 and Appendix 2)**
- b) **Erosion and Sediment Control Guidelines for Building Sites; and**
- c) **Soils and Construction Volume 1, Managing Urban Stormwater**

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

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.

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

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

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

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.

9. **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.

10. **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.

11. **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

12. **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.
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.

13. **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.

14. **All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.**

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.

15. **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.

16. **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.

17. **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.

18. **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.

19. **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.

20. **Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Consent under Council’s Tree Preservation Order is not required for removal of the subject trees.**

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.

Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

REASON: Because it is considered that the subject trees are prejudicial the successful implementation of the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

22. **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.

23. **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.

24. 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.

25. In sewerred 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.

Prior to release of Occupation Certificate / Prior to Operation

26. **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.

27. **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.

28. **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.

29. **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

30. **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.

31. **(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.

32. **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.

33. **The proposed filter and pump must be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.**

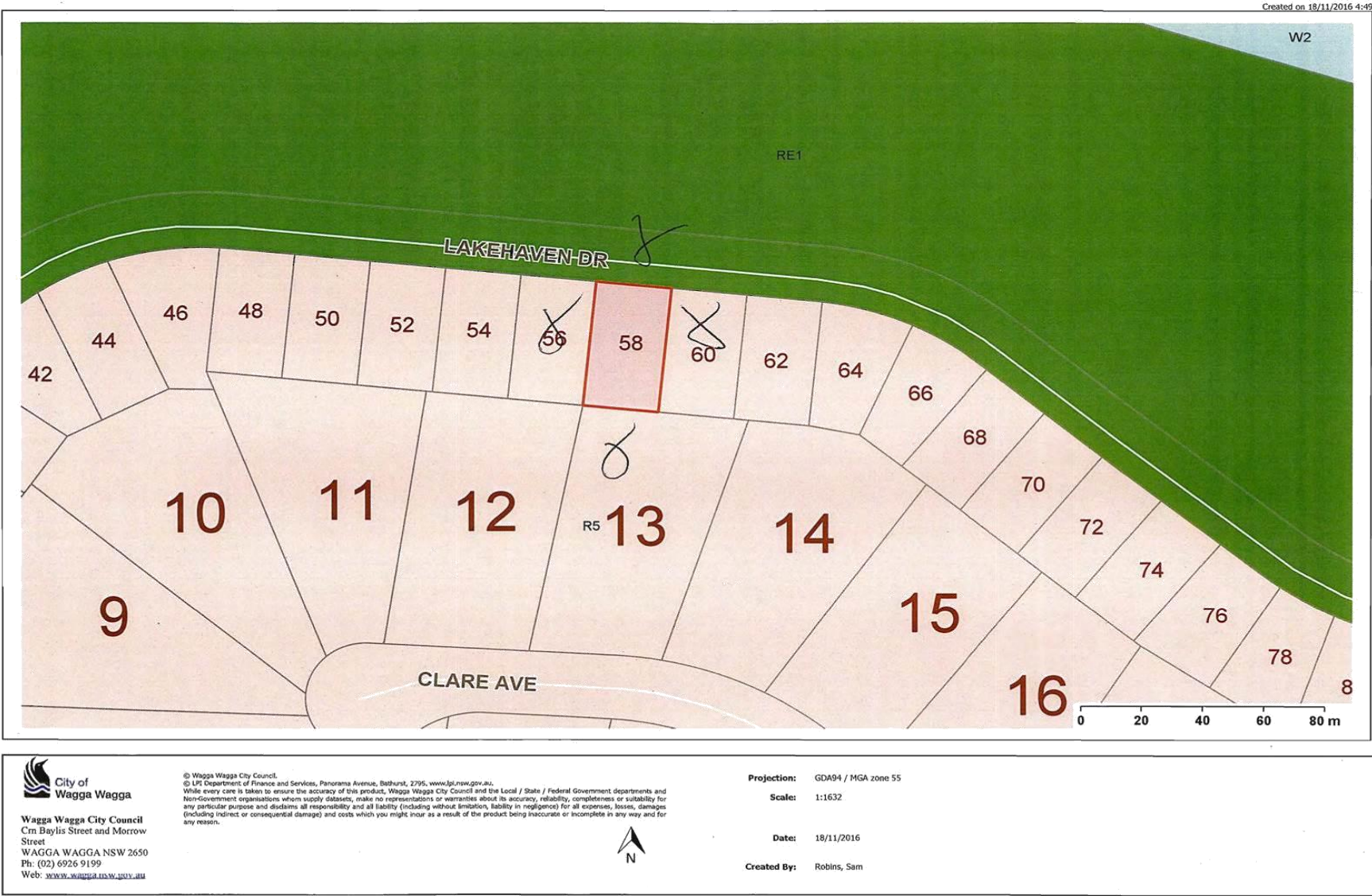
NOTE 1: The swimming pool water, together with the treatment processes and facilities must comply with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

In this regards -

- **pH needs to be between 7.2 and 7.8**
- **Alkalinity needs to be between 80mg/L and 200mg/L**
- **Free chlorine needs to be between 3mg/L and 10mg/L**
- **Combined chlorine needs to be less than 1mg/L**
- **Cyanuric acid (if used) must be between 30mg/L and 100mg/L**

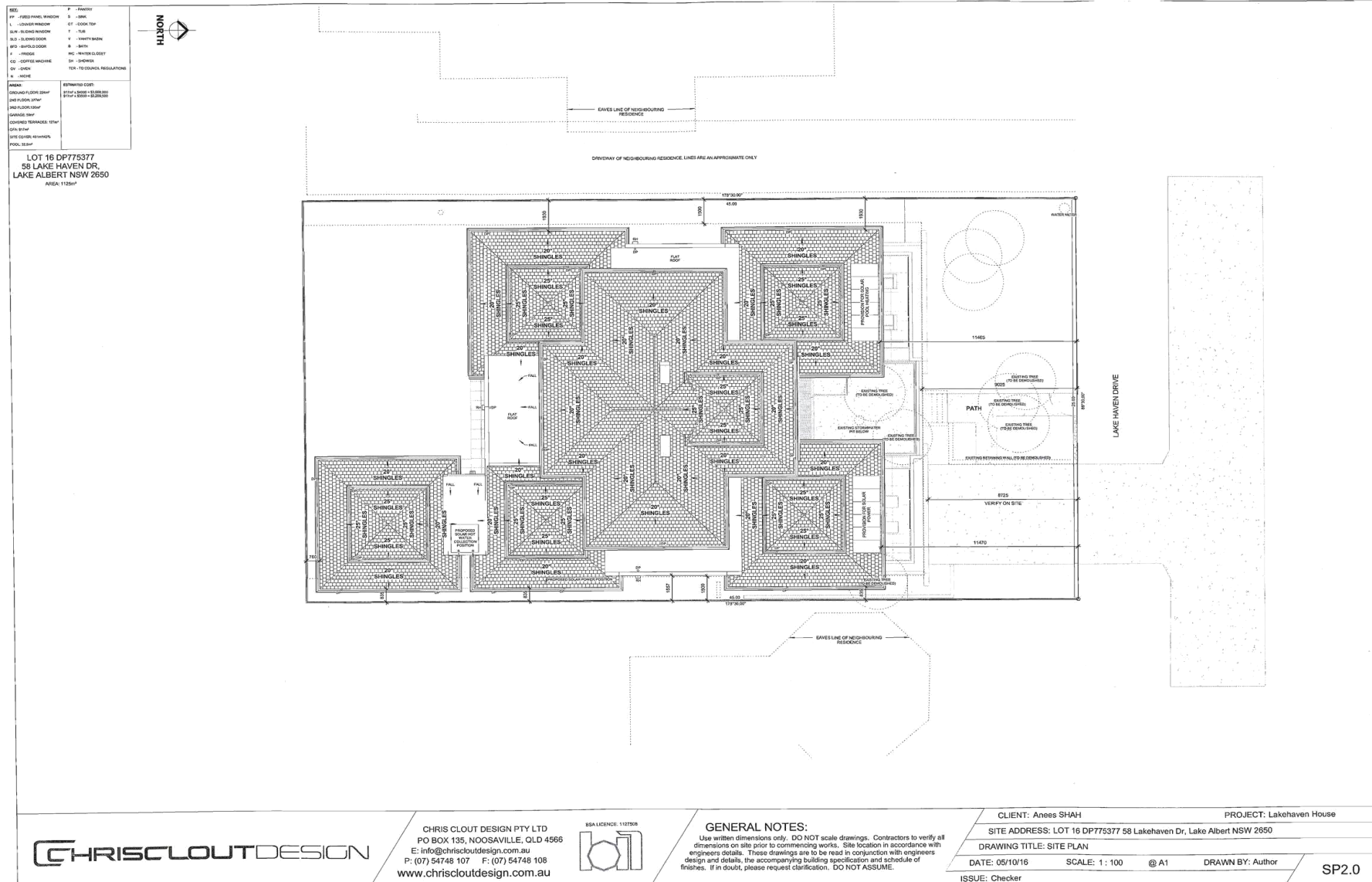
NOTE 2: For all pools in "septic areas", the applicant must ensure that water discharged from the pool does not enter the septic tank or adversely impact on the septic disposal area or enter a drainage line.

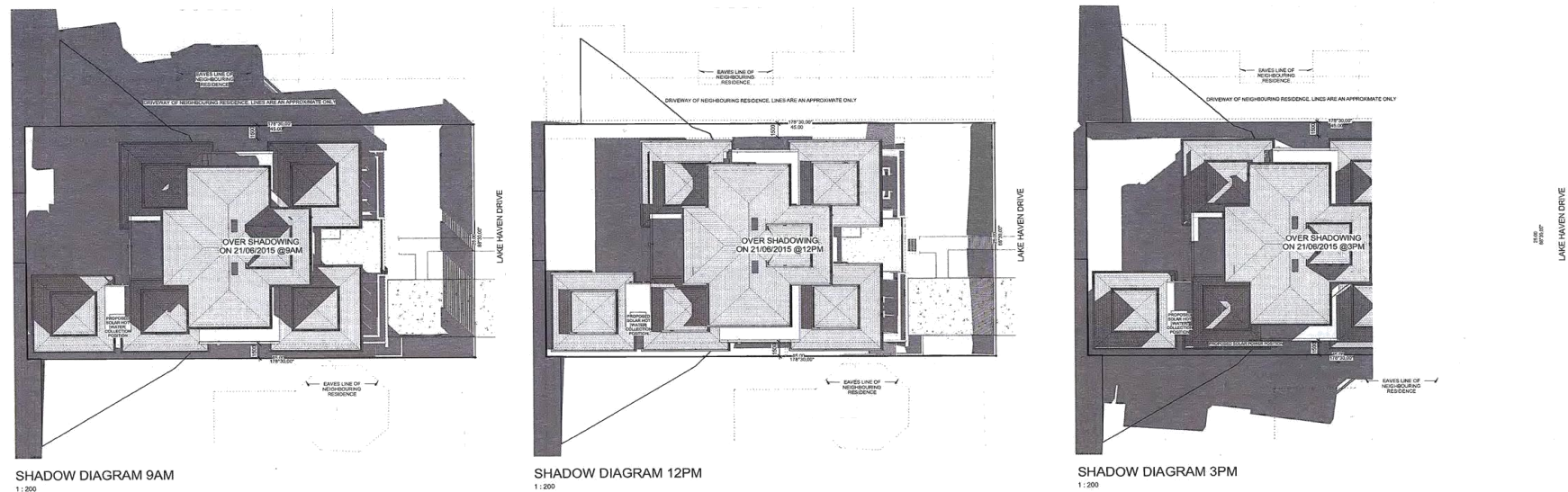
REASON: To ensure the development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.



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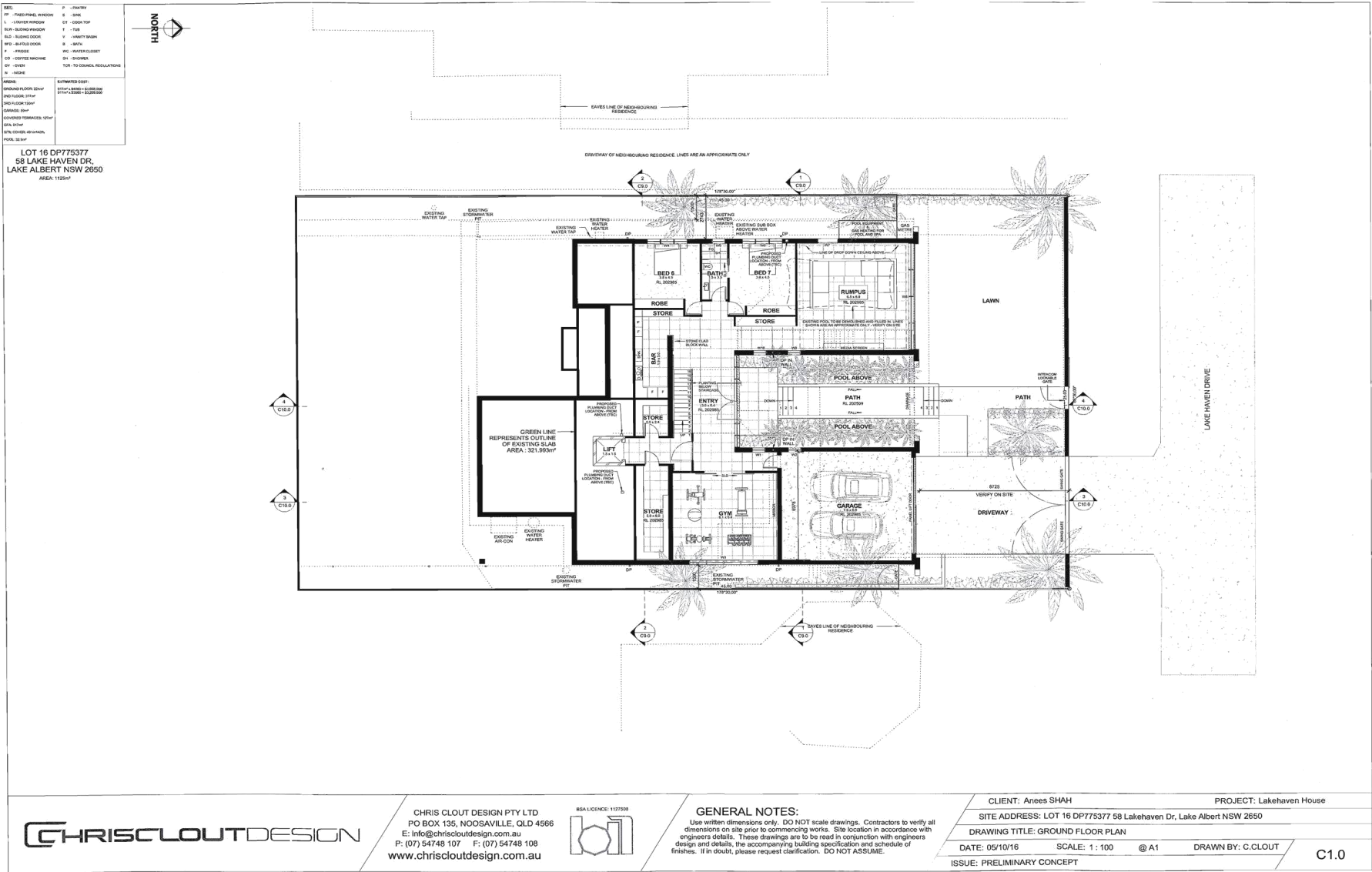
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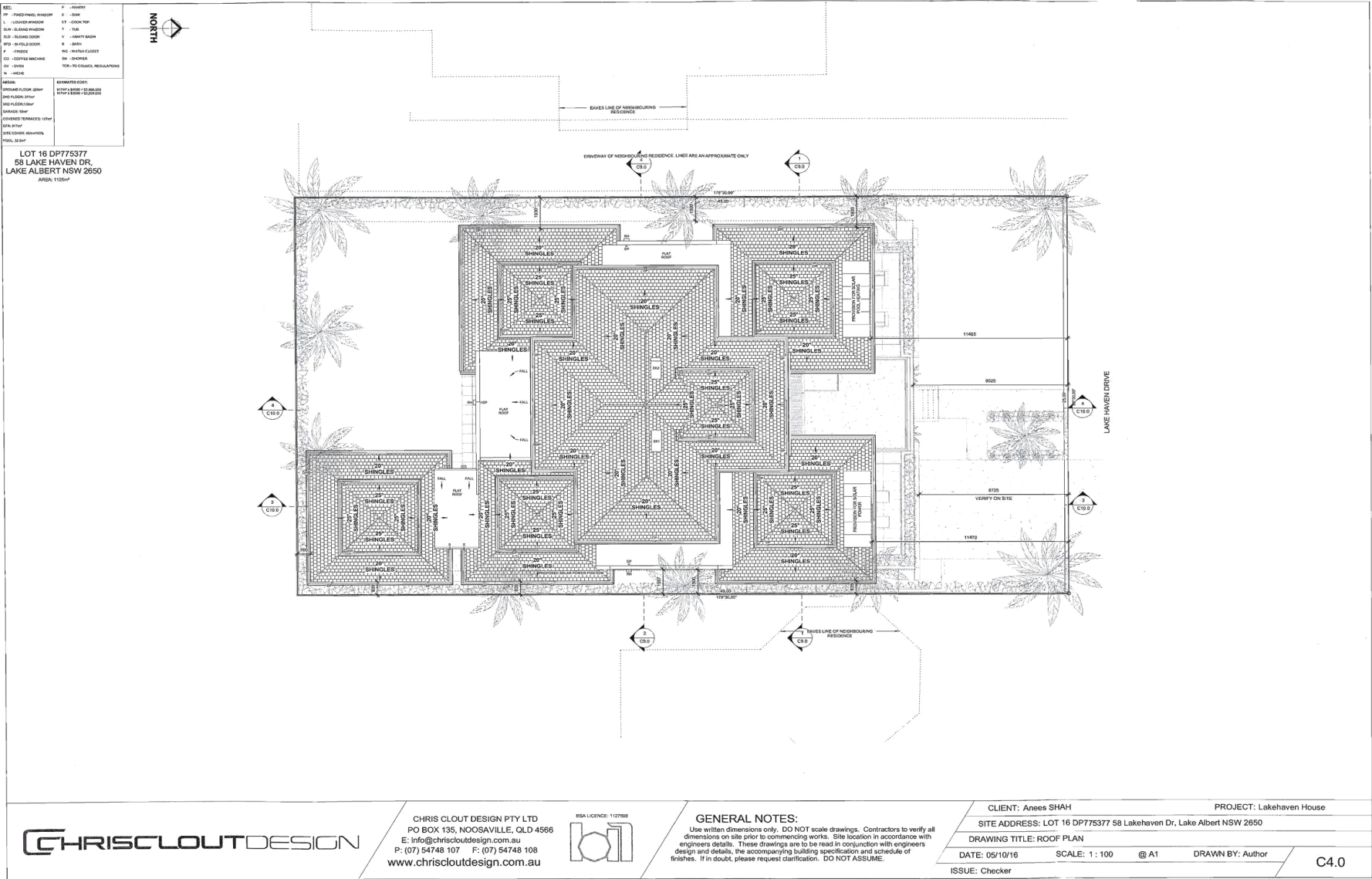
GENERAL NOTES:
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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: SHADOW DIAGRAMS			
DATE: 05/10/16	SCALE: 1:200	@ A1	DRAWN BY: Author
ISSUE: Checker			SP3.0









Window Schedule												
Location	Quantity	Mark	Height	Width	Type	Panel	Frame Material	Frame Finish	Glazing	Comments		
Entry Hall	1	W1	2400	600	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W2	2400	800	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Dining Room	1	W3	600	4000	4 Awning panels	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Kitchen	1	W4	1800	1400	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Ground Floor Bath	1	W5	2400	600	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W6	2400	1400	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Bedroom	1	W7	1200	1215	Awning	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Bedroom	1	W8	2400	1400	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert	Under baffles screening in front (SOS)		
Bedroom	1	W9	2400	800	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W10	2400	1400	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W11	2400	1000	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W12	2400	1215	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W13	2400	800	Fixed	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W14	600	600	Aluminum	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W15	1300	4000	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W16	1300	2700	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 4	1	W17	600	2200	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Bedroom Ensuite	1	W18	600	1000	Awning	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Bedroom Ensuite	1	W19	600	880	Awning	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Bedroom Ensuite	1	W20	1300	900	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Hall	1	W21	2100	180	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Hall	1	W22	600	1000	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W23	800	2700	3 Awning panels	3	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	W24	600	4000	Awning	2	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 1 Ensuite	1	W25	1800	2400	Swedish Double Hung	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 2 Ensuite	1	W26	1200	1200	4 Awning panels	4	Aluminum		Clear Double Glazing Argon Gas Inert	Aluminum shutters to 4 window panels		
Bed 1	1	W27	1200	3000	Swedish Double Hung 1 panel	1	Aluminum		Clear Double Glazing Argon Gas Inert	Aluminum shutters to 1 window panel		
Bed 2	1	W28	1200	1800	Swedish Double Hung 1 panel	1	Aluminum		Clear Double Glazing Argon Gas Inert	Aluminum shutters to 1 window panel		
Bed 3	1	W29	1300	2474	4 Awning panels	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 4	1	W30	800	800	Awning	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 5	1	W31	1200	874	Awning	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 6 Ensuite	1	W32	1200	1215	Awning	4	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 7	1	W33	2000	160	Awning	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Bed 8	1	W34	600	297	Awning	1	Aluminum		Clear Double Glazing Argon Gas Inert			

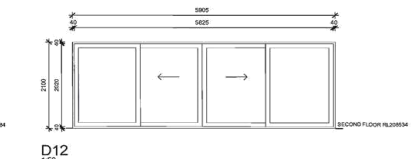
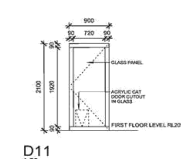
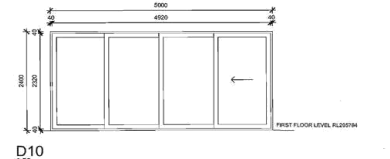
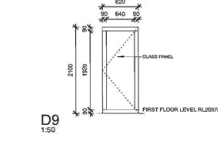
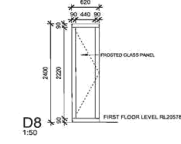
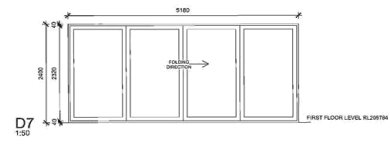
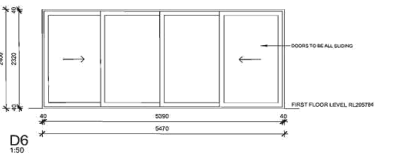
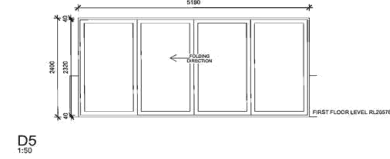
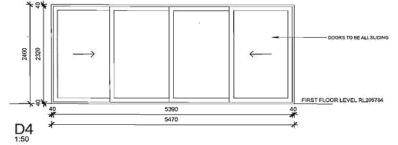
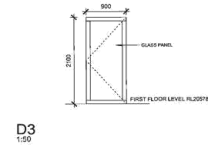
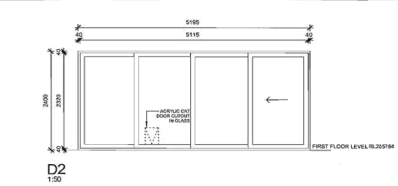
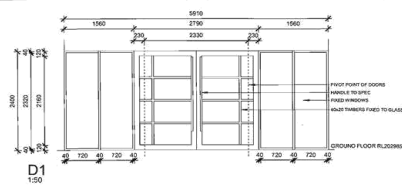
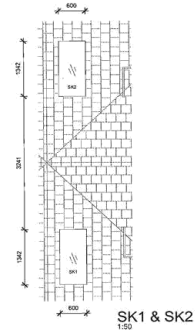
Door Schedule												
Location	Qty.	Mark	Height	Width	Type	Panel	Frame Material	Frame Finish	Glazing	Comments		
Entry	1	D1	2400	1010	Double Panel Doors	6	Aluminum		Clear Double Glazing Argon Gas Inert	FIXED WINDOW BAYS EITHER SIDE - SEE DETAIL		
Kitchen	1	D2	2400	1010	Double Panel Doors	6	Aluminum		Clear Double Glazing Argon Gas Inert			
Living Room	1	D3	2100	1000	Luxardo cherry - One Light	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D4	2400	1010	Double Panel Doors	6	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D5	2400	1100	Swedish Cherry - Air Blowing	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D6	2400	1100	Swedish Cherry - Air Blowing	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D7	2400	1400	Swedish Cherry - Air Blowing	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D8	2400	820	Luxardo cherry - One Light	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		
Living Room	1	D9	2100	1000	Luxardo cherry - One Light	1	Aluminum		Clear Double Glazing Argon Gas Inert	Clear mesh mosquito net		

Garage Door Schedule												
Location	Qty.	Mark	Height	Width	Type	Panel	Frame Material	Frame Finish	Glazing	Comments		
Garage	1	D01	2100	8100	Panel Lift		Aluminum	TIBC	NA	Personal Review only - See Detail		

Skylight Schedule												
Location	Quantity	Mark	Height	Width	Type	Panel	Frame Material	Frame Finish	Glazing	Comments		
Roof	1	SK1	600	1340	Fixed Skylight	1	Aluminum		Clear Double Glazing Argon Gas Inert			
Roof	1	SK2	600	1340	Fixed Skylight	1	Aluminum		Clear Double Glazing Argon Gas Inert			

NOTES:

ALL DOORS & WINDOW SIZES ARE APPROXIMATE AND ARE TO BE CHECKED ON SITE.
ALLOW FOR ALUMINUM SLIDING SCREENS TO ALL WINDOWS & DOORS SET TO OUTSIDE.
FOR LOUVERS USE 1/2 BLADES.
ALUMINUM FRAME USE HANDS MECHANISM TO MATCH WINDOW FRAME. FOR TIMBER
FRAME USE BLACK.
*ALL SHOP DRAWINGS TO BE APPROVED BY DESIGNER PRIOR TO MANUFACTURE.



*PRIOR AND DURING CONSTRUCTION ALL LEVELS, HEIGHTS AND MEASUREMENTS TO BE CONFIRMED ON SITE IN ACCORDANCE WITH STATUTORY AUTHORITIES.

*THE BUILDER IS RESPONSIBLE TO CHECK ALL EXISTING SERVICES PRIOR TO BEGINNING CONSTRUCTION AND DESIGNER TO BE NOTIFIED.

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PO BOX 135, NOOSAVILLE, QLD 4566
E: info@chriscloutdesign.com.au
P: (07) 54748 107 F: (07) 54748 108
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GENERAL NOTES:

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CLIENT: Anees SHAH

PROJECT: Lakehaven House

SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650

DRAWING TITLE: WINDOWS AND DOORS

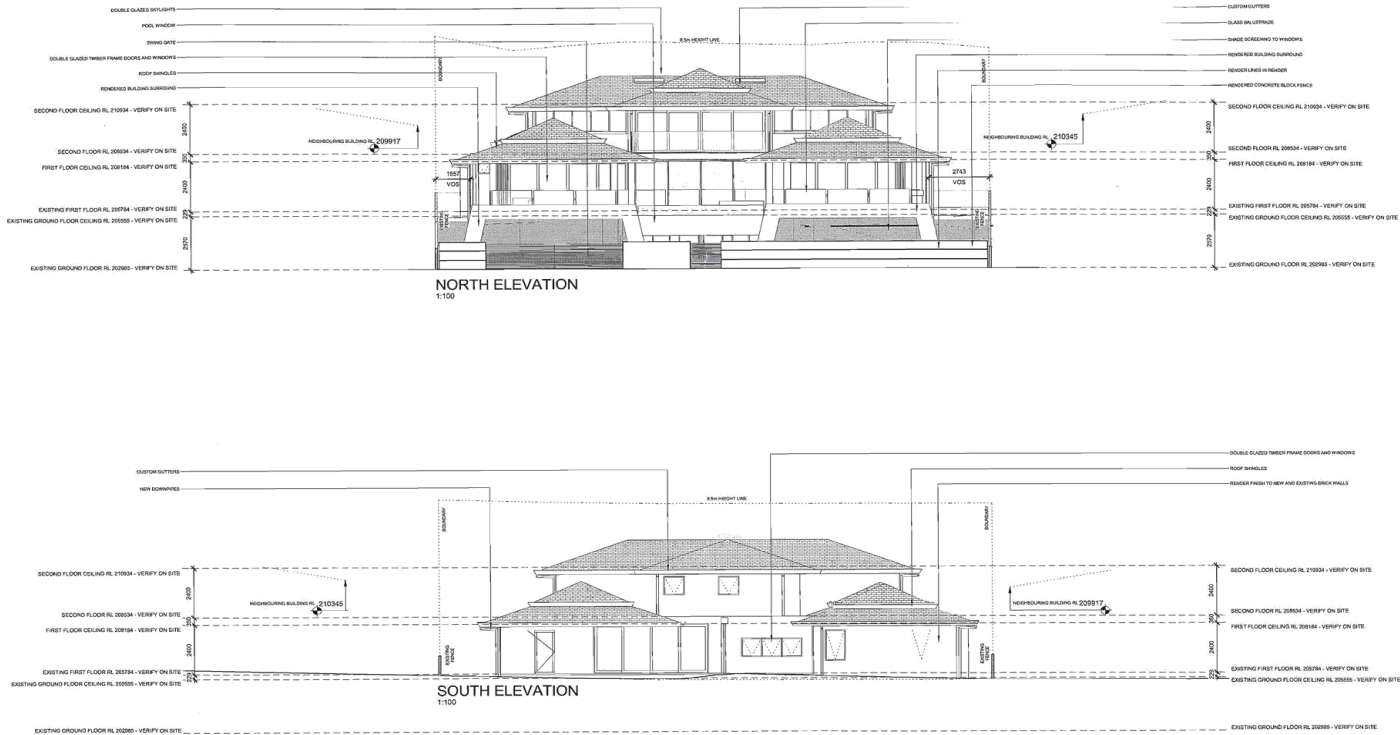
DATE: 05/10/16

SCALE: As indicated @ A1

DRAWN BY: Author

ISSUE: PRELIMINARY CONCEPT

C6.0



*PRIOR AND DURING CONSTRUCTION ALL LEVELS, HEIGHTS AND MEASUREMENTS TO BE CONFIRMED ON SITE IN ACCORDANCE WITH STATUTORY AUTHORITIES.

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CLIENT: Anees SHAH

PROJECT: Lakehaven House

SITE ADDRESS: LOT 16 DP75377 58 Lakehaven Dr, Lake Albert NSW 2650

DRAWING TITLE: ELEVATIONS

DATE: 05/10/16

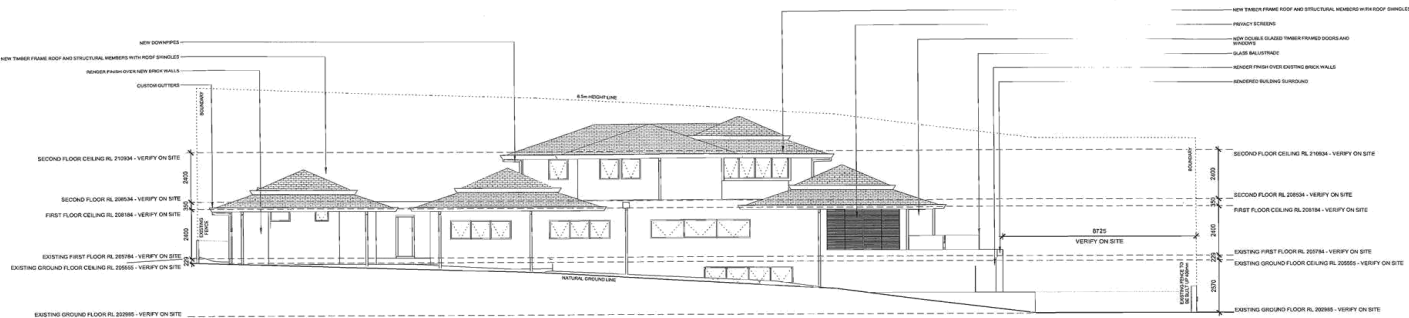
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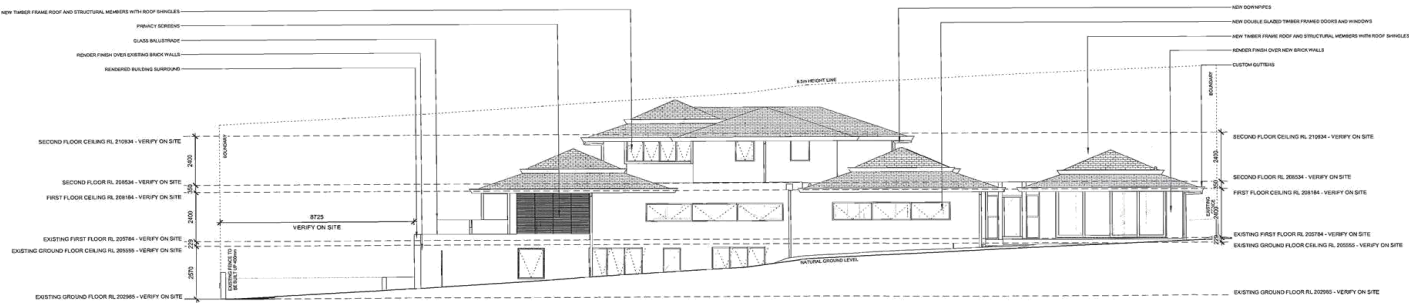
DRAWN BY: C.CLOUT

C7.0

ISSUE: PRELIMINARY CONCEPT




EAST ELEVATION
1:100




WEST ELEVATION
1:100

*PRIOR AND DURING CONSTRUCTION ALL LEVELS, HEIGHTS AND MEASUREMENTS TO BE CONFIRMED ON SITE IN ACCORDANCE WITH STATUTORY AUTHORITIES.

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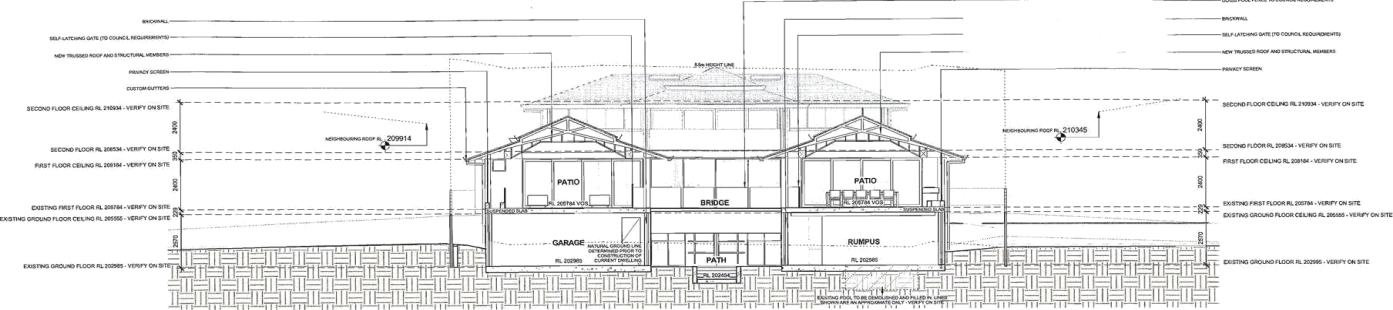
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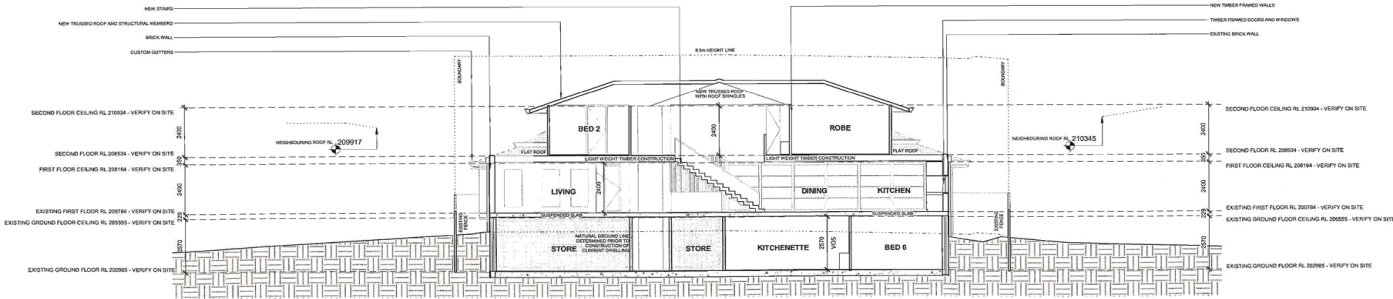
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SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: ELEVATIONS			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: C.CLOUT
ISSUE: PRELIMINARY CONCEPT			C8.0

SECTION 1



SECTION 2



*PRIOR AND DURING CONSTRUCTION ALL LEVELS, HEIGHTS AND MEASUREMENTS TO BE CONFIRMED ON SITE IN ACCORDANCE WITH STATUTORY AUTHORITIES.

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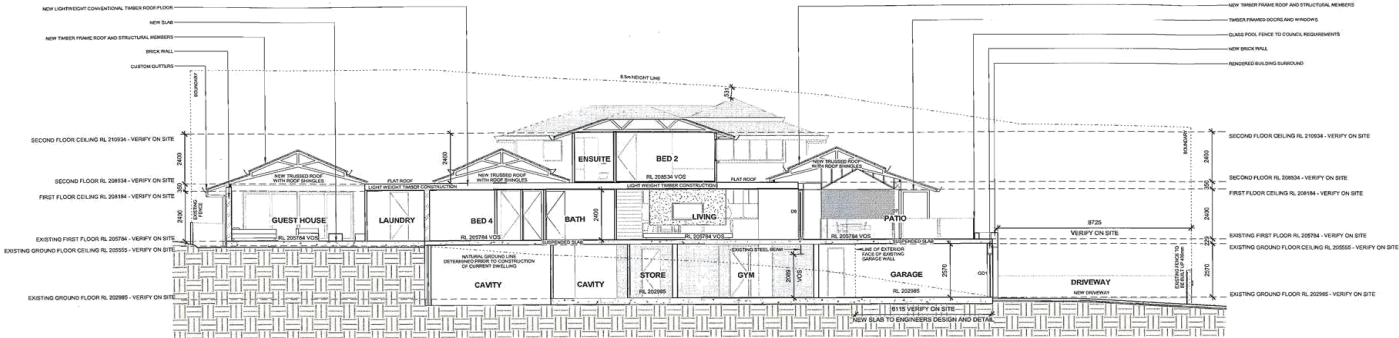
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GENERAL NOTES:

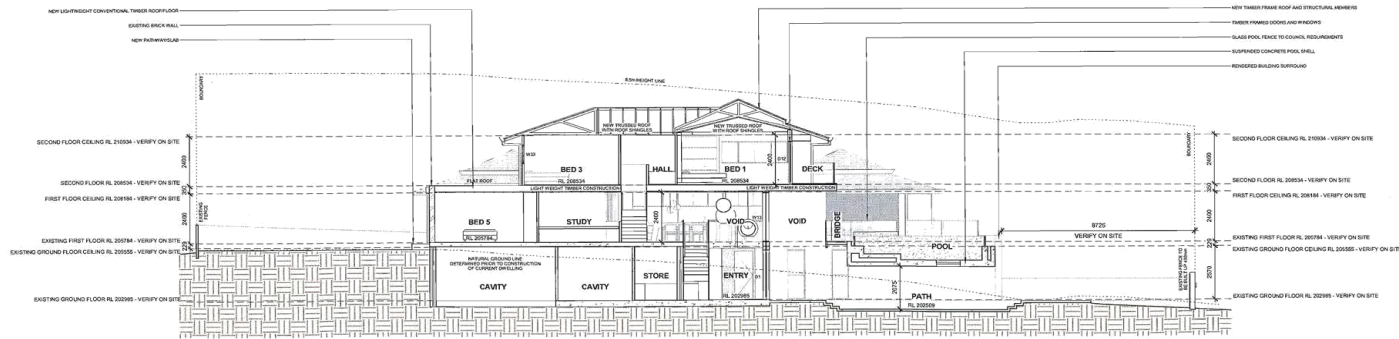
Use written dimensions only. DO NOT scale drawings. Contractors to verify all dimensions on site prior to commencing works. Site location in accordance with engineers details. These drawings are to be read in conjunction with engineers design and details. The accompanying building specification and schedule of finishes. If in doubt, please request clarification. DO NOT ASSUME.

CLIENT: Anees SHAH PROJECT: Lakehaven House
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650
DRAWING TITLE: SECTIONS
DATE: 05/10/16 SCALE: 1:100 @ A1 DRAWN BY: C.CLOUT
ISSUE: PRELIMINARY CONCEPT C9.0

SECTION 3



SECTION 4



*PRIOR AND DURING CONSTRUCTION ALL LEVELS, HEIGHTS AND MEASUREMENTS TO BE CONFIRMED ON SITE IN ACCORDANCE WITH STATUTORY AUTHORITIES.

*THE BUILDER IS RESPONSIBLE TO CHECK ALL EXISTING SERVICES PRIOR TO BEGINNING CONSTRUCTION AND DESIGNER TO BE NOTIFIED.

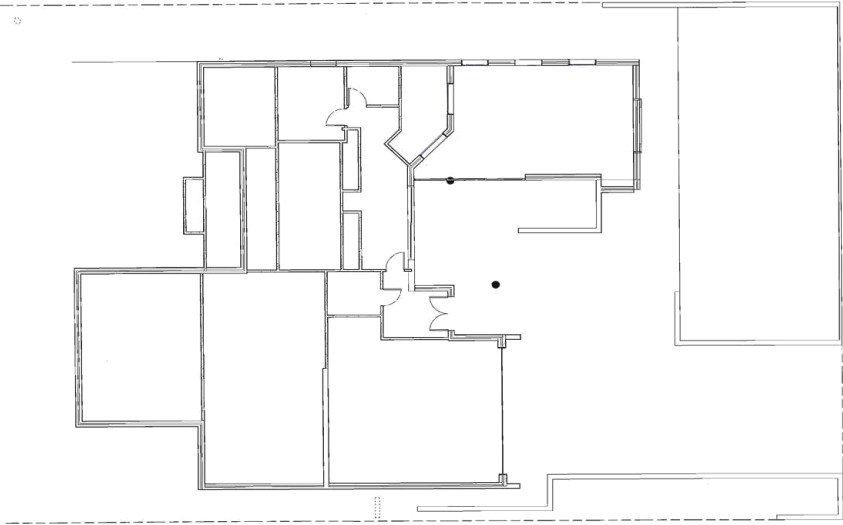
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CHRIS CLOUT DESIGN PTY LTD
PO BOX 135, NOOSAVILLE, QLD 4566
E: info@chriscloutdesign.com.au
P: (07) 54748 107 F: (07) 54748 108
www.chriscloutdesign.com.au



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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: SECTIONS			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: Author
ISSUE: Checker			C10.0



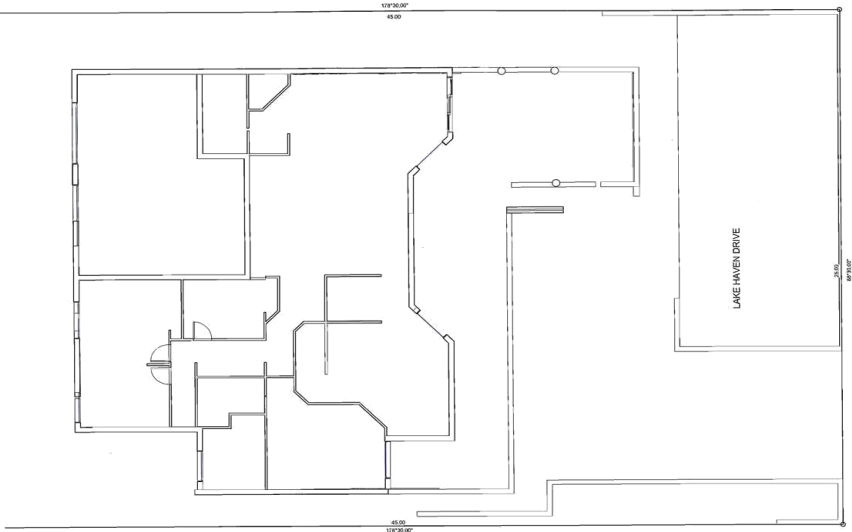
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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: EXISTING GROUND FLOOR			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: C.CLOUD
ISSUE: PRELIMINARY CONCEPT			C11.0



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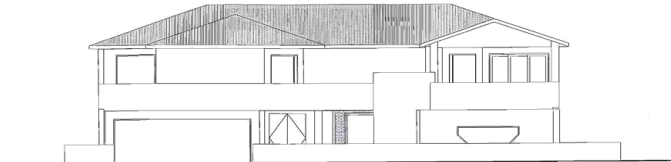
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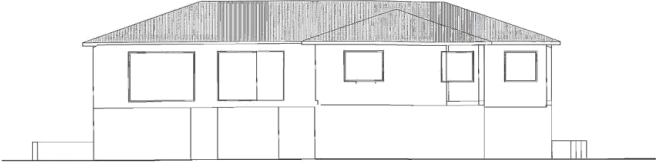
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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: EXISTING UPPER FLOOR			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: C.CLOUD
ISSUE: PRELIMINARY CONCEPT			C12.0



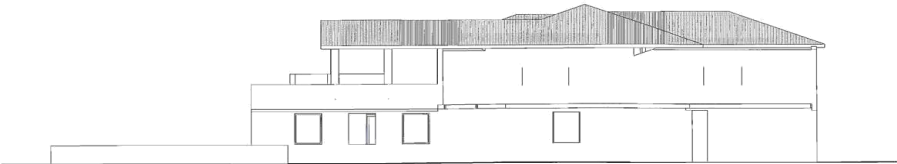
WEST ELEVATION
1:100



EAST ELEVATION
1:100



NORTH ELEVATION
1:100



SOUTH ELEVATION
1:100

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CLIENT: Anees SHAH

PROJECT: Lakehaven House

SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650

DRAWING TITLE: EXISTING ELEVATIONS

DATE: 05/10/16

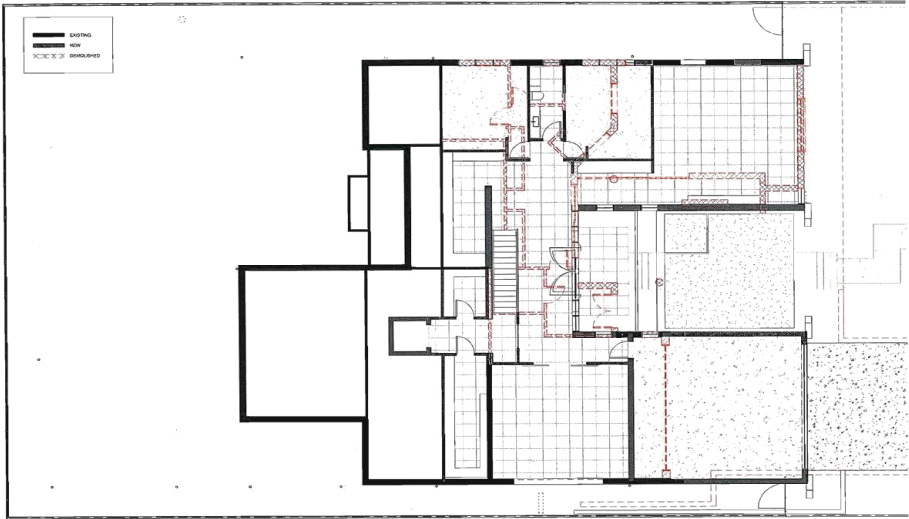
SCALE: 1 : 100

@ A1

DRAWN BY: C.CLOUD

ISSUE: PRELIMINARY CONCEPT

C13.0



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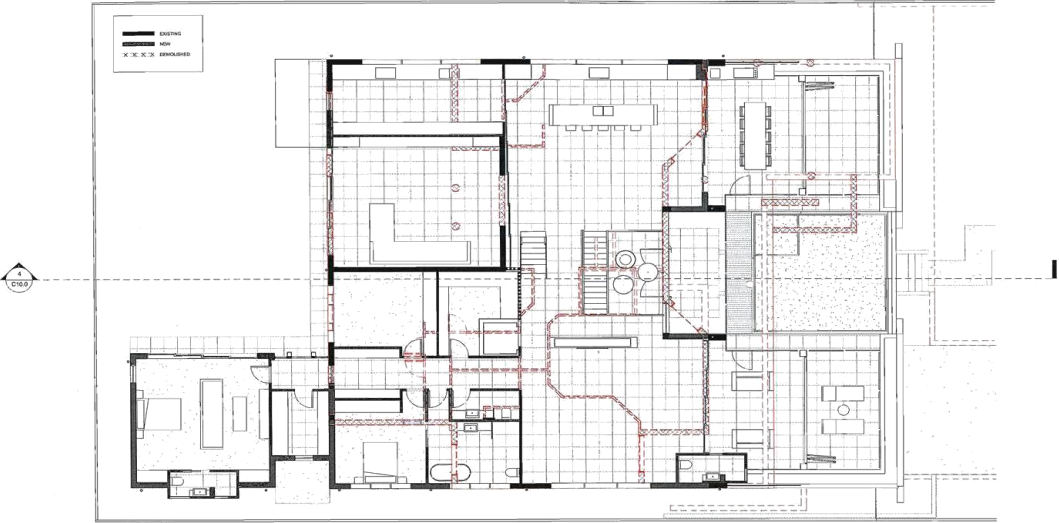
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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: GROUND DEMOLITION PLAN			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: C.CLOUD
ISSUE: PRELIMINARY CONCEPT			C14.0



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CLIENT: Anees SHAH		PROJECT: Lakehaven House	
SITE ADDRESS: LOT 16 DP775377 58 Lakehaven Dr, Lake Albert NSW 2650			
DRAWING TITLE: FIRST FLOOR DEMOLITION PLAN			
DATE: 05/10/16	SCALE: 1 : 100	@ A1	DRAWN BY: C.CLOUD
ISSUE: PRELIMINARY CONCEPT			C15.0

Attachment to DA No. _____



ATTACHMENT C (Development Application)

Statement of Environmental Effects (SEE)

A Statement of Environmental Effects (SEE) is required to accompany all development applications. This Statement of Environmental Effects template is designed to form an attachment to the Development Application. It can only be used for certain development types (see below).

<input checked="" type="checkbox"/>	Applicable Development Types
<input type="checkbox"/>	Single Residential dwelling (single storey and in a residential zone only – excluding Conservation Area)
<input checked="" type="checkbox"/>	Residential Alterations or Additions (single storey only)
<input type="checkbox"/>	Other Domestic Buildings and Structures (including swimming pool, sheds, carports, etc.)
<input type="checkbox"/>	Strata Subdivision of existing buildings
<input type="checkbox"/>	Minor works in Conservation Area (e.g. painting, cladding, plastering, re-roofing, changing materials, fittings such as doors, windows and screens, etc.)

Use of template approved by
Ethan Davies. See attached email

Other development proposals must be accompanied by purpose written statements.

The SEE must address all impacts that are relevant to your proposal. **Appendix 3** of the **Development Application Preparation and Lodgement Guide** will assist you in ensuring that you have considered all of the potential impacts relevant to your proposal. Other issues not listed in Appendix 3 may also be relevant and should be included in the SEE. You are encouraged to expand upon the material provided in any way you perceive as relevant.

Where potential impacts are identified, please ensure that you provide relevant comments and information on the measures that are proposed in order to mitigate against those impacts. You may need to provide additional pages/documentation (etc.) as an attachment to this SEE.

☐ I have provided supporting information on pages/documents attached to this SEE.

Failure to provide the requested items will delay processing of the development application and may result in the application being returned to you for completion or additional information requests being forwarded to you from Council.

Application Details	
Applicant:	Mr. Anees Shah
Lot and DP No.:	Lot 16 DP 775377
Street No.:	58
Street:	Lakehaven Drive
Locality:	Lake Albert

Attachment C – Statement of Environmental Effects

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Description of Development

(Should include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.)

The application seeks approval for proposed renovations and additions to an existing two storey dwelling, including the addition of a partial third floor, internal reconfiguration, installation of an internal lift, expansion of the existing footprint to include a guesthouse and laundry and swimming pool. Materials include timber frame, rendered brick and tiles roof.

Description of Site

(Should include where applicable a description of the physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.)

Description: The subject land is a large residential allotment with an area of 1125m². The land is relatively flat, which slopes in a northerly direction. The site contains a 2.5m wide easement for electricity. See attached DP. The site is landscaped within the front setback.

- What is the present use and previous uses of the site?
The subject land is a residential allotment.

- Is the development site subject to any of the following natural hazards:

☒ Bushfire Prone? ☒ Flooding or stormwater inundation?

Comments:
The subject land is not mapped as being bushfire prone.
The land is not located on a floodplain or subject to stormwater inundation.

(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please consult the NSW Rural Fire Service web site www.rfs.nsw.gov.au).

- What other constraints exist on the site?
(e.g. vegetation, easements, sloping land, drainage lines, contamination, etc.)

The land is burdened by a 2.5m electrical easement, located in the western portion of the site. The land is relatively flat and drains to the north (front of the site).

- What types of land use and development exist on surrounding land?

The land is located within a residential precinct.
Surrounding development comprises 2 storey residential development of a similar scale to the proposal.

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Attachment to DA No. _____

Planning Controls	
• Is your proposal permissible in the zone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Is your proposal consistent with the zone objectives?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Is your proposal in accordance with the relevant development control plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a town planner or building surveyor before lodging a development application.	
<p>Comments:</p> <p>The proposed alterations and additions to an existing are permissible within the zone with the consent of Council. The proposal supports and is consistent with the objectives of the R5 - Large Lot Residential zone.</p>	
Context and Setting	
• Will the development be:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Visually prominent in the surrounding area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Inconsistent with the existing streetscape?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Out of character with the surrounding area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Inconsistent with surrounding land uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Comments:</p> <p>The proposed alterations and additions will not be visually prominent in the surrounding area. The subject land is flanked by double storey residential developments, in keeping with the proposal.</p> <p>The proposed development is consistent with surrounding land uses, being larger scale dwellings.</p>	
Privacy, Views and Overshadowing	
• Will the development result in any privacy issues between adjoining Properties as a result of the placement of windows, decks, pergolas, private open space, etc.?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Comments</p> <p style="text-align: right;">SCANNED 2-1 NOV 2016</p>	

Attachment C – Statement of Environmental Effects

RECORDED June 2010

Attachment to DA No. _____

Access, traffic and Utilities	
• Is legal and practical access available to the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Will the development increase local traffic movements / volumes? If yes, by how much?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Are additional access points to a road network required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Has vehicle manoeuvring and onsite parking been addressed in the design?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Is power, water, electricity sewer and telecommunication services readily available to the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	
Environmental Impacts	
• Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Does the development have the potential to result in any form of water pollution (eg. sediment run-off)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Will the development have any noise impacts above background noise levels (eg. Swimming pool pumps)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Does the development involve any significant excavation or filling?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Could the development cause erosion or sediment run-off (including during the construction period)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Is there any likelihood in the development resulting in soil contamination?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Is the development likely to disturb any aboriginal artefacts or relics?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Comments:	
<p>Constructions works will be carried out in accordance with dust and noise regulations, and will not result in any form of air pollution. The development will dispose of rainwater and effluent to Council's drainage and sewer networks in accordance with Council's Engineering guidelines.</p> <p>The pool pump will be appropriated housed to ensure against noise disturbance. Should excavation be undertaken, appropriate measures will be put into place to ensure soils do not move off-site and or into waterways.</p> <p>The proposed development is environmentally sustainable.</p>	

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Flora and Fauna Impacts	
(For further information on threatened species, see www.threatenedspecies.environment.nsw.gov.au)	
• Will the development result in the removal of any native vegetation from the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Is the development likely to have any impact on threatened species or native habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(If the answer is yes to either of the above questions it may be necessary to have a formal seven-part test completed to assess the impact on threatened species – applicants are encouraged to consult Council).	
<p>Comments:</p> <p>The subject land is a developed residential allotment that contains a 2 storey development.</p> <p>The proposal will not impact native vegetation, threatened species or native habitat.</p>	
Waste and Stormwater Disposal	
• How will effluent be disposed of?	<input checked="" type="checkbox"/> To Sewer <input type="checkbox"/> Onsite
• Will liquid trade waste be discharged to Council's sewer?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Will the development result in any hazardous waste or other waste disposal issue?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• How will stormwater (from roof and hard standing) be disposed of:	
<input checked="" type="checkbox"/> Council Drainage System <input type="checkbox"/> Other (if other provide details)	
• Does the development propose to have rainwater tanks?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Have all potential overland stormwater risks been considered in the design of the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Comments:</p> <p>The proposed development will connect to Council's sewer and stormwater infrastructure in accordance with Council's Engineering guidelines.</p>	
Social and Economic Impacts	
• Will the proposal have any economic or social consequences in the area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Has the development addressed any safety, security or crime prevention issues?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Comments:</p> <p>The proposed development will have positive economic consequences during the construction phase. Access to the dwelling is clearly defined and logical.</p>	

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Attachment C – Statement of Environmental Effects

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RECORDS

Attachment to DA No. _____

Other Relevant Matters

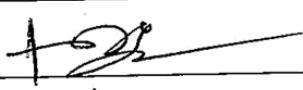
(Refer to Appendix 3 of the *Development Application Preparation and Lodgement Guide* to ensure that you have considered all of the potential impacts relevant to your proposal. Please provide further details below or attaché additional pages if required.)

Comments:

The development application is accompanied by architectural and hydraulic plans. The proposal comprises additions and renovations to an existing 2 storey building in the R5 - Large Lot Residential zone. The proposal has considered matters set out in appendix 3 of the development guide and pre-lodgement meetings were undertaken with Ethan Davies.

APPLICANT DECLARATION

I/we declare to the best of my/our knowledge and belief, that the particulars stated on this document are correct in every detail and that the information required has been supplied.
I/we acknowledge that the development application may be returned to me/us if information is found to be missing or inadequate.

Applicant's name/s (Printed)	Anees Shah
Applicant's signature/s	
Date	16/11/2016

Legal Reference

Section 78A(9) of the *Environmental Planning and Assessment Act 1979* states that the regulations may specify what is required to be submitted with a development application.

Section 50(1)(a) of the *Environmental Planning and Assessment Regulation 2000* states that development applications must contain information and documents specified in schedule 1, part 1.

Schedule 1, part 1, subclause 2(1)(c) of the *Environmental Planning & Assessment Regulation 2000* requires the submission of Statements of Environmental Effects (SEEs) with all Development Applications (other than designated development)

Schedule 1, part 1, subclause 4 of the *Environmental Planning & Assessment Regulation 2000* states that such SEEs must show:

- The environmental impacts of the development
- How the impacts have been identified
- The steps to be taken to protect the environment or lessen the expected harm to the environment
- Any matters required to be indicated by any guidelines issued by the Director-General

Attachment C – Statement of Environmental Effects

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RECORDS

DA16/0660 – Additional Information as requested in Council correspondence dated 12 December 2016.

58 Lakehaven Drive, Lake Albert (Wagga Wagga) - Zone R5 Large Lot Residential

Streetscape and Aerial Photo: 58 Lakehaven Drive and the immediate neighbours



Figure 1: Streetview – (Source: Google Streetview, accessed on 9/01/2017)



Figure 2: Aerial (Source: WWCC Online Mapping, accessed on 9/01/2017)

Matters to address are listed in the table below.

9.2.2 Streetscape	
Control and Objective	Proposed
<i>Objectives</i>	
O1	<i>Encourage compatibility with existing built form.</i>
O2	<i>Encourage attractive streetscapes.</i>
O3	<i>Ensure a strong street edge with good definition between the public and private domain.</i>
O4	<i>In locations where front fences are an important feature of the established streetscape, ensure that new fences complement the character of the streetscape.</i>

<p><i>C2: Front fence height forward of the building line is not to exceed 1200mm. However, a side boundary fence forward of the building line may be permitted to taper from the maximum permitted height (1.8 metres) at the building line down to the 1200mm maximum permitted height at the front boundary.</i></p>	<p>The proposed fence height is 1300mm, being an increase of 100mm, therefore a minor variation is requested. The variation is less than 10% of the numeric control.</p>
<p>Comment:</p> <p>The existing streetscape comprises various fencing designs and heights, with no uniformity.</p> <p>The proposed fence will define territorial boundaries and provide an interactive private open space whilst ensuring casual street surveillance and social interaction is maintained through transparent timber slats that comprise the construction of the front gate (for pedestrian access) and the double driveway crossover (for vehicular access). Decorative elements incorporated in the design of the dwelling will be mirrored in the design of the fence, such as timber slats to maintain design compatibility.</p> <p>The height of the fence is compatible with the scale of the dwelling, given the additions will incorporate a third storey and the built form will remain the dominant feature. The proposed variation of 100mm, when compared to the scale of the dwelling and surrounding dwellings, would be visually insignificant.</p> <p>It is considered that the proposal meets the objectives of Clause 9.2.2 of the DCP and will not unduly dominate the streetscape or impact the character of the streetscape. Therefore it can be seen that proposal will be acceptable with support from Council.</p>	
<p>9.3.7 Side and rear setbacks</p>	
<p>Control and Objective</p>	<p>Proposed</p>
<p><i>Objectives</i></p> <p><i>O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.</i></p> <p><i>O2 Ensure new development continues the rhythm or pattern of development in the locality.</i></p> <p><i>O3 Provide access for maintenance.</i></p> <p><i>O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.</i></p>	
<p><i>C2: Any point of a building must have a setback from the side boundary nearest to that point of at least: 2m in Zone R5</i></p>	<p>1.5m to wall (0.5m). 0.835m to eaves (1.165m). Variation requested.</p>
<p>Comment:</p> <p>The subject land contains a dwelling. The dwelling is setback 1.5m from the eastern property boundary to the eastern wall and 0.835m to the eaves. The existing dwelling does not comply with the prescribed setback of 2 metres, however the dwelling was approved prior to the existence of the numerical control. It is also important to note from the aerial image that adjoining dwellings and their proximity to side boundaries, are also non-compliant.</p> <p>The proposed development is logical given the additions are in line with the existing footprint and the pattern of development will continue toward the rear of the site. The proposed development has been carefully designed to ensure it will not create adverse amenity or privacy impacts for both residents of the proposal and adjoining properties. The proposal provides adequate separation from the eastern property boundary to all for privacy, natural light, ventilation.</p> <p>Irrespective of the encroachment, it is considered that the proposed additions are designed to sit comfortably without impacting the streetscape along Lakehaven Drive and is consistent with the existing</p>	

rhythm as evident in the above aerial photo. The proposal maintains existing setbacks that ensures adequate space for landscaping can be achieved, while access for maintenance has not been compromised. The proposed development complies with the National Construction Code.

It is considered that the proposal meets the objectives of Clause 9.3.7 of the DCP without impacting upon the amenity of neighbouring properties, particularly when having regard to the proposed setbacks. Therefore, it is considered that the proposal will be acceptable with support from Council.

RP-3 DA16/0364 - SHOP TOP HOUSING 2 BEDROOM DWELLING

Author: Koop, Bryce
Sector Manager: Somerville, Paul

Analysis: The report is for a development application and is presented to Council for decision. The application has been referred to Council for determination as the application seeks to one numeric controls of the Wagga Wagga Development Control Plan 2010 (DCP) by greater than 10%.

Recommendation

That Council approve DA16/0364 for Shop Top Housing development at 80 Fitzmaurice Street Wagga Wagga NSW 2650, subject to conditions outlined in the Section 79C Assessment Report for DA16/0364.

Development Application Details

Applicant	Mr Elias Konstas
Owner	Elias & Georgina Konstas
Development Cost	\$10,000
Development Description	Change of use of Office Premises to Shop Top Housing at first floor level. Works will involve internal alteration and additions to construct a 2 bedroom first floor dwelling, totalling 87.29sqm.

Key Reasons**Key Issues**

- No private open space
- Acoustic privacy, through the introduction of sensitive receiver in close proximity to Romano's Hotel.
- No external drying area or mailbox located on site.

The use of first upper level tenancies for Shop Top Housing developments is common within this area. Approval of this development is generally consistent with the objectives for the B3 zone and would not set an unwanted precedent within the city centre. Any similar developments would require a development application (DA). Those DA's would be subject to the same scrutiny, assessment and notification as this development and would be assessed on their merits including consideration of the impacts on the streetscape and surrounding developments and consideration of any submissions received.

The application was notified in accordance with the provisions of Section 1.10 of the DCP. No submissions were received during notification.

Assessment

Criteria for the Development Application Report

Determination Body Reason:

In accordance with Clause 1.11 “Complying with the Wagga Wagga Development Control Plan 2010” of the Wagga Wagga Development Control Plan 2010 the application has been referred to Council for determination:

- as one numeric control is varied by greater than 10% in relation to this proposal.
- as adequate justification is provided by the applicant for the number of controls being varied in relation to this proposal.

Control C4 requires shop top housing without private open space access at ground level, to have a balcony with a minimum of 8m² and minimum dimension of 2m that is directly accessible from the main living area. The development does not provide a balcony of this size or any private open space.

The applicant is seeking a variation of greater than 10% of the minimum private open space required which cannot be determined under delegation by Council Staff. The applicant has provided reasonable justification and has shown the development is generally consistent with the objectives of the B3 Commercial Core Zone, Heritage Conservation area and Objectives of Section 9.3.5 as summarised below:

- The proposed shop top housing development has been designed to be consistent with surrounding developments, both in scale and function, retaining compatibility with the site context.
- Appropriate solar access to the eastern elevation with a large door opening with Juliet style balcony gives the impression of passive private open space.
- Retaining attractive streetscapes, consistent with the area, is important in the conservation area and when in close proximity to heritage items.

The development generally complies with all other controls not relating to private open space and where necessary impacts such as noise mitigation measures will be controlled via conditions. Considering this and the above justification it is recommended the application be supported because assessment has shown that exclusion of private open space is appropriate for this development site because reasonable amenity is achieved within the dwelling and there are no likely adverse impacts from this development occurring.

Reasons for Approval

The applicant has provided reasonable justification for the proposed development and no submissions were received during the notification period.

The development complies with the objectives of the LEP and DCP as outlined in the Section 79C Assessment Report.

This particular development is recommended for approval because it has merit and is acceptable development for the lot.

The total area of development on the lot is acceptable and should be supported because:

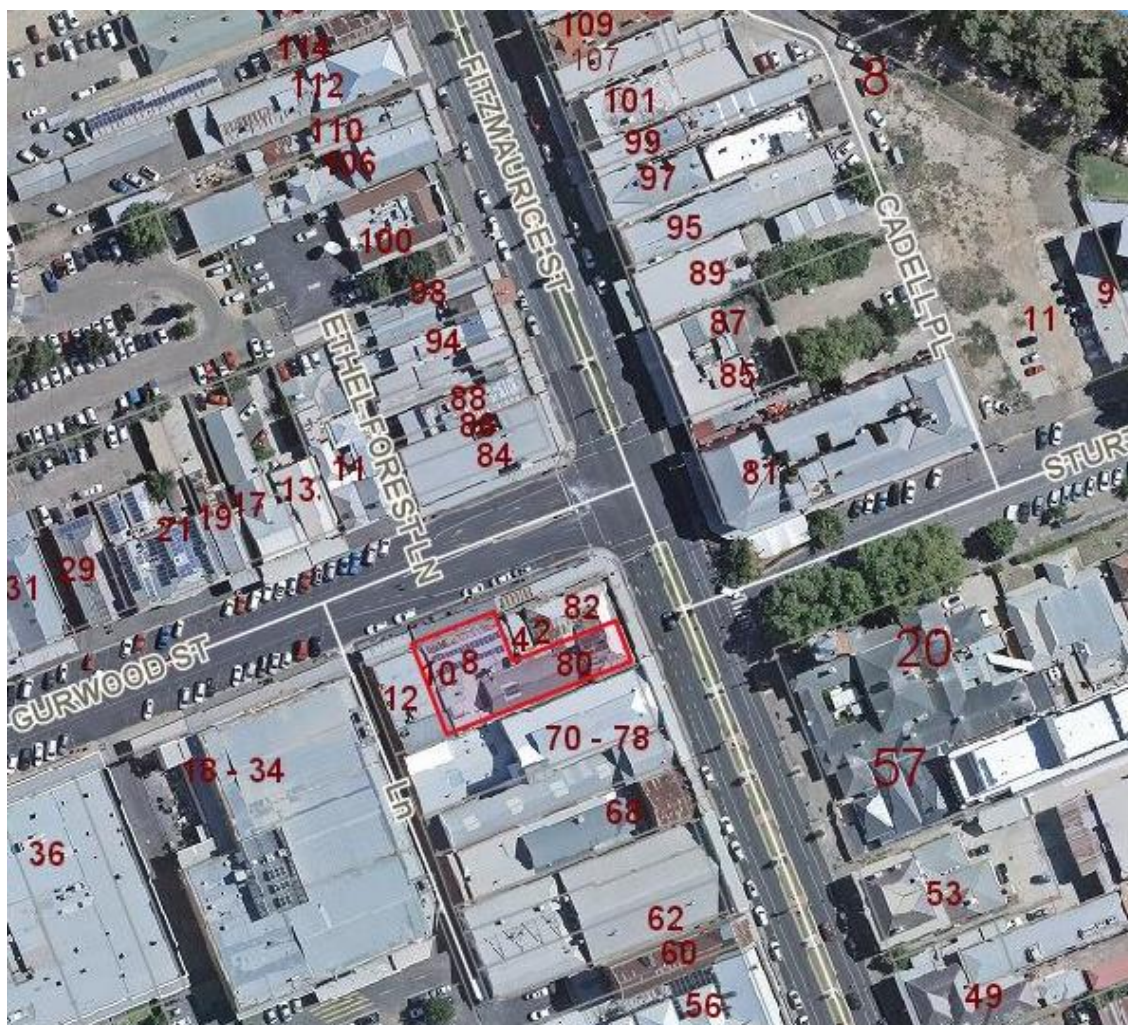
- Adaptive reuse of upper floor levels is seen as important to maintain a strong CBD area.
- There are minimal impacts to the locality subject to appropriate acoustic design;
- The development is generally consistent with the objectives for the B3 Commercial Core Zone;
- The close proximity of the site to the CBD encourages greater patronage within the CBD; and

The shop top housing development is acceptable in the location at the first floor level of an existing building, which has historically been used for commercial uses.

Site Location

The site is legally identified as Lot 1 DP 89930 and known as Unit 6, 80 Fitzmaurice Street, Wagga Wagga. The subject site is located on the western side of Fitzmaurice Street, approximately 40 metres to the south of the intersection with Gurwood Street, directly opposite the western end of Sturt Street. A section of the building also fronts Gurwood Street. The site is located within the conservation area.

The subject site falls within the Wagga Wagga Central Business District. The site consists of a 2 level building with individual tenancies at each level. At ground floor level the block of properties consists of business and office premises. Uses within the area are of a similar nature and also include a pub (Romano's Hotel) with late night trading and a number of heritage listed items. The site is 100% developed and doesn't contain any vehicle parking areas.



Financial Implications

N/A

Policy

Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Development Control Plan 2010

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

Risk Management Issues for Council

Approval raises no risk management issue and will not create an undesirable precedent. Refusal of the application may result in an appeal process in the Land and Environment Court which will have to be defended by Council. The reasons for refusal will have to be justified and withstand scrutiny and cross examination in Court.

Internal / External Consultation

Standard internal Council referrals of the application occurred. The application is supported, subject to conditions.

Notification was conducted to properties surrounding the development between 24/11/2016 and 12/12/2016. The application was not required to be Advertised. No submissions were received during the notification period.

See the Section 79C Assessment report for full details of all consultation.

Attachments

- 1 [↓](#). DA16/0364 s79c Report
- 2 [↓](#). DA16/0364 Plans
- 3 [↓](#). DA16/0364 Statement of Environmental Effects
- 4 [↓](#). DA16/0364 BASIX Certificate



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.	DA16/0364
Modification No.	N/A
Council File No.	D/2016/0364
Date of Lodgement	22/06/2016
Applicant	E Konstas 80 Fitzmaurice St WAGGA WAGGA NSW 2650
Proposal	Shop Top Housing - 2 Bedroom Dwelling
Description of Modification	N/A
BCA Classification	4
Development Cost	\$10000
Other Approvals	Nil
Concurrence Required	No
Referrals	Internal Building, Plumbing & Environmental External Riverina Water Wagga Wagga City Council
Determination Body	Wagga Wagga City Council
Reason	1.11 of the Wagga Wagga Development Control Plan - Variation by more than 10% (Section 9.3.5 C4)
Meeting Date	30 January 2017
Assessment Officer:	Bryce Koop

SITE DETAILS

Subject Land	80 Fitzmaurice St WAGGA WAGGA NSW 2650 Lot 1 DP 89930
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Owner	E Konstas & G Konstas
Owner's Consent Provided	22/06/2016.
Location	On the western side of Fitzmaurice Street, approximately 40 metres to the east of the intersection with Gurwood Street.

STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument	Wagga Wagga Local Environmental Plan 2010
Zoning	Under the Wagga Wagga Local Environmental Plan, 2010 - B3 Commercial Core
Land Use Definition	Shop Top Housing
Statement of Permissibility	Permissible with consent

REPORT

Description of Development

The application is for the change of use of currently vacant premises, previously used as an Office Premises (tenancy 6) to Shop Top Housing, including ancillary building works.

The proposed works will involve internal alteration and additions to construct a 2 bedroom first floor dwelling, totalling 87.29sqm. Access to the property is at ground floor from Fitzmaurice Street.

Minor external works are proposed being the replacement of existing windows to the eastern elevation to allow for acoustic protection and addition of a door with Juliet style balcony opening.

The Site and Locality

The site is legally identified as Lot 1 DP 89930 and known as Unit 6, 80 Fitzmaurice Street, Wagga Wagga. The subject site is located on the western side of Fitzmaurice Street, approximately 40 metres to the south of the intersection with Gurwood Street, directly opposite the western end of Sturt Street. A section of the building also fronts Gurwood Street. The site is located within the conservation area.

The subject site falls within the Wagga Wagga Central Business District. The site consists of a 2 level building with individual tenancies at each level. At ground floor level the block of properties consists of business and office premises. Uses within the area are of a similar nature and also include a pub (Romano's Hotel) with late night trading and a number of heritage listed items.

The site is 100% developed and doesn't contain any vehicle parking areas.

An inspection of the premises was carried out on 28/07/2016.

Easements and Covenants

There are no known easements or covenants that will impact the proposed development.

Previous Development Consents

DA14/0413 - Office Premises

DA09/0678 - Subdivision

Summary of main issues:

- ☐ Variation of DCP Control 9.3.5 (C4) - Private Open Space
- ☐ Acoustic Privacy - Introduction of sensitive receiver in proximity to entertainment venue
- ☐ Site Facilities

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

Section 79C(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the B3 Commercial Core zone.

The development is permissible with consent.

Matters listed under Part 1 have been noted and satisfied.

Part 2 Permitted or prohibited development

Under the provisions of the WWLEP, the subject site is within the B3 Commercial Core zone. The objectives of this zone are:

- ☐ *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community*
- ☐ *To encourage appropriate employment opportunities in accessible locations*
- ☐ *To maximise public transport patronage and encourage walking and cycling*
- ☐ *To ensure the maintenance and improvement of the historic, architectural and aesthetic character of the commercial core area.*

Shop Top Housing is permitted with consent, being defined as; *one or more dwellings located above ground floor retail premises or business premises.*

The space at ground floor level is used for business premises.

The proposal is in proximity to existing commercial uses and late night trading premises. The proposal is generally inconsistent with the existing character of the area.

Objective 1 encourages a wide range of uses in the area to meet the demands of the public. The proposal is seen to meet the changing demands of the community and the adaptive reuse of a business premises is important to maintaining a strong commercial core.

Given the proximity to an existing entertainment venue (Romano's Hotel), it is imperative that there is no adverse impact to future occupants or conflicts as a result of the introduction of a residential use. Appropriate acoustic design will ensure there is minimum

disturbance to future occupants and that the entertainment venue uses can continue to operate.

Objectives 2 & 3 are generally not related to the proposal, other than the encouragement of alternative means of transport, as no parking is provided on side.

The adaptive reuse of part of the building is seen to be consistent with the objective 4 as the works are seen to maintain and respect the heritage nature of the area including heritage items in close proximity.

Clause 5.10 Heritage conservation

The site is not heritage listed, however is within the heritage conservation area and within the proximity of a number of Heritage Items - I120 (Courthouse - Fitzmaurice Street) & I119 (Shops - Gurwood Street).

The development is considered to be compatible with the conservation area, as it generally involves internal alteration works. There are some minor changes externally to the windows and the addition of a Juliet style balcony to Fitzmaurice Street is consistent with adjoining development and the streetscape.

As a result of the proposal the streetscape will be enhanced and the surrounding area including heritage items will not be adversely impacted.

7.2 Flood planning

The subject site is located in Central Wagga and is protected by the levee. At the 1:100 year flood level, Council's flood modelling software shows that the site is inundated. It is considered that the proposed development is compatible with the flood hazard of the land and will have minimal impact on flood behaviour. See further discussion under the DCP section of the report, below.

7.6 Groundwater vulnerability

The objective of this clause is to protect and preserve groundwater sources. This clause applies to land identified as "Groundwater" on the Water Resource Map. The subject development is not development specified for the purposes of this clause therefore this clause does not apply.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55-Remediation of Land applies to the land. A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. As the land has been sealed historically, it is considered unlikely to be contaminated and further investigation is not warranted. It is noted that the site is not on Council's contaminated land register.

Section 79C(1)(a)(ii) - the provisions of any draft environmental planning instrument

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

Section 79C(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

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

Section 1 - General

1.10 Notification of a Development Application

In accordance with the Wagga Wagga DCP the application was notified to neighbouring properties between 24 November and 12 December 2016. No submissions were received during the notification period. The application was not required to be advertised.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

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

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

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

- ☐ *Where any numeric control is not being varied by greater than 10%*

The application proposes a variation to C4 of Section 9.3.5 of the DCP by greater than 10%. Council staff do not have delegation to approve such an application and it has therefore been referred to Council.

The applicant has submitted the required written justification for the variation and Council may consent to the proposal if deemed acceptable.

The issues surrounding the variation have been discussed throughout this report, particular attention is drawn to Section 9.3.5 of the DCP.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

The site is 100% covered by building and does not contain any vehicle access or movement areas. The proposed development will not impact on the vehicle access and movements of adjoining developments.

2.2 Off-street parking

There is no existing car parking located on the site as the site is 100% covered by the existing building.

C1 As per the table the dwelling is to provide *1 parking space per 2 bedrooms*.

The proposal doesn't provide any parking. C6 below allows no increase in parking for this area of the CBD.

C6 In the case of redevelopment or change of use within the B3 zone where there is no increase in gross floor area, no additional spaces will be required.

There is no increase in the floor area of the building, therefore no parking is required to be provided.

This section of the DCP is satisfied and there is not expected to be any increased impacts to the traffic in the area.

2.3 Landscaping

There is no existing landscaping on the site. As the site is already 100% developed no landscaping is required to be provided.

2.5 Signage

There is no signage proposed as part of the current Development Application.

2.5 Safety and security

The subject property is secure as it is fully contained within the main building. The reuse of the upper floor introduces greater natural surveillance and activity within the building at all times for the benefit of all tenants. There are no safety or security concerns presented as a result of this development.

2.6 Erosion and Sediment Control Principles

There are works proposed to the footings or any works that would disturb soil.

2.7 Development adjoining open space

The development does not adjoin open space. All works will be contained within the existing building.

Section 3 - Heritage Conservation

3.2.4 Development in the vicinity of a heritage item

The site is adjacent to Item 119 (Shops) at Gurwood Street & Item 120 (Courthouse) at Fitzmaurice Street. Tenancy 6 fronts Fitzmaurice Street only, with the Gurwood Street frontage making up other tenancies and will remain unaltered.

C2 Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

- a) Providing an adequate area around the heritage item to allow its interpretation.*
- b) Retaining original or significant landscaping associated with the heritage item.*
- c) Protecting and allowing the interpretation of archaeological features associated with the heritage item.*
- d) Retaining and respecting significant views to and from the heritage item.*

The proposal is unlikely to have any impact on the existing heritage items in the area, as the works remain consistent with the character of the area and are not seen to be overbearing.

Clause 3.3.1 contains provisions relating to the Fitzmaurice Street commercial precinct. The proposal is generally responsive to the objectives for this section.

Colour schemes

C1 Colour schemes are to reflect the period and detail of the building, particularly where a building is identified as a streetscape reference building or contributes to the character of the conservation area.

There is no external change proposed to the colour of the existing façade. There is expected to be no impact on the heritage character of the area as a result of the proposal.

Section 4 - Environmental Hazards and Management

Clause 4.2 Flooding

The objectives of this section are to minimise the public and private costs of flood damage, minimise the risk of life during floods, ensure compatibility with the Flood Plain Development Manual and ensure that development and construction are compatible with the flood hazard.

The site is located within the CBD protected by a levee bank around the Murrumbidgee River. The proposal is not expected to impact on flood risk or behaviour, being a change of use at first floor level with no increase in floor area.

Section 5 - Natural Resource and Landscape Management

5.4 Environmentally sensitive land

According to Council's mapping the subject allotment is identified as a "sensitive area" for groundwater vulnerability. The proposed works include internal alterations and additions to the existing commercial building. These works will not adversely impact groundwater and are not listed as prescribed uses for the purposes of the clause.

Section 9 - Residential Development

The proposal is for shop top housing in the CBD area.

Whilst the site is located within the business zone (B3), the proposed use is residential and therefore is required to comply with this section of the DCP.

The proposed change of use of a business premises to shop top housing will involve minimal building works, the applicant has appropriately designed the internal layout to give the main living area the maximum amount of natural daylight possible from windows at the eastern elevation being Fitzmaurice Street.

9.2 Site context and layout

C3 Orient living spaces to maximise solar access.

C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.

The proposal is seen to be generally consistent with the above control. The adaptive reuse of a building within the conservation area generally restricts the amount of external works that can be completed, however there are windows on either side of the tenancy (East/West) which allows for cross ventilation and appropriate solar access to the eastern elevation.

9.2.2 Streetscape

C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

There is minimal impact to the streetscape, with merely the addition of a Juliet style balcony to Fitzmaurice Street and minor changes to window glazing. No concerns are raised under this section.

9.3.4 Solar access

C3 For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).

The living area windows located at the eastern elevation, are likely to receive the required amount of sunlight during the necessary times. The proposal does not provide any private open space as required in section 9.3.5 below.

9.3.5 Private open space

O1 Provide quality, useable private open space.

O2 Ensure adequate areas for recreation and outdoor living.

O3 Encourage good connection between dwellings and private open space.

The following control for private open space requirements is relevant:

C4 For residential flat developments and shop top housing, each unit without direct access to ground level must have a balcony with a minimum area of 8m², and minimum dimension of 2m that is directly accessible from the main living area

Whilst the proposed shop top housing has direct access to the ground level (Fitzmaurice Street) it is directly to the street and not to any secure private open space. No other areas on the site have been proposed for alternate private open space. As a result the proposal does not comply with this control and constitutes a greater than 10% variation of this numerical control and therefore will need to have a determination made at a meeting of Council.

The applicant has provided the following justification in accordance with the requirements of section 1.11;

The introduction of an inwards opening "French" door to the eastern elevation with a Juliet style balcony directly to the living area increases solar access. It also introduces an element that is consistent with the ambience of private open space.

The variation of this control is considered acceptable on a merit based assessment as the proposal is generally seen to not be inconsistent with the objectives of the section, being that there is some appreciation of private open space expected by a door opening directly to the living area at the eastern elevation

The proposal is also seen to comply with solar access controls and given the site is 100% developed that it is not possible to provide adequate private open space.

9.4.3 Privacy Objectives:

O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.

O2 Ensure adequate acoustic privacy within dwellings.

The proposal is in close proximity to an existing entertainment venue and has the potential to impact on the operation if appropriate acoustic design and materials are not applied. Noise may pass through the windows if they are not to a standard or level consistent with the noise being generated. This will then impact on the future occupants and may lead to noise complaints and conflicts between the uses.

The applicant has identified that the eastern facing windows which are directly adjacent to the pub will be replaced with double glazed, aluminium windows which will mitigate any disturbance to the residence. A report from the window manufacturer completed by Australian Hearing has been provided, to state the acoustic properties of the design in support of the application with a protection level of 25dBA. No noise level monitoring has been carried out to show that the proposed works would mitigate late night noise to this level.

The proposal is seen to have addressed the objectives of the section and met the required control to a certain degree. Concerns are still raised given the potential for ongoing issues by the introduction of a sensitive receiver within such close distance to the entertainment venue, without having acoustic testing completed. The applicant is required to provide an acoustic report detailing that the design of window is appropriate for shop top housing on the subject site. This will ensure that the likelihood of impacts between the uses will be managed and not conflict with each other allowing them to co-exist creating a stronger commercial core.

9.4.5 Site facilities

Integrating these facilities into the overall design of a development improves site function and appearance.

C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.

No mailbox will be provided on site with the applicant electing for a local post office box. No concerns are raised with this given the scale of development.

C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.

Garage collection will be carried out from a central location within the building. No concerns are raised with this.

C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.

The site has no external areas therefore this is not possible. The applicant has stated that there is ample area internally for hanging of cloths and that a machine dryer will be provided. No concerns are raised given the layout of the existing building.

No other controls in this section are relevant to change of use to shop top housing within the business zone.

Section 10 - Business Development

The proposal is for shop top housing in the CBD. The controls within section 10 generally relate to new build developments and impacts on the streetscape. The proposed change of use to shop top housing within the business zone raises no issues under this section of the DCP.

Section 79C(1)(a)(iiia) - Planning Agreements

There is no draft or current planning agreement applicable to this application under Section 93F of the *Environmental Planning and Assessment Act 1979*.

Section 79C(1)(a)(iv) - any matters prescribed by the regulations

There are no applicable matters prescribed by the regulations.

Section 79C(1)(b) - likely impacts of the development

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP2010. A risk assessment is not required as the development whilst being mapped being Flood Prone Land within the CBD levee, is located at the first floor level of an existing building. No concerns are raised under this section.

Bush Fire Risk Assessment

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

Section 79C(1)(b) - likely impacts of that development				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The subject site is within the commercial core surrounded by a mix of business, retail, entertainment and residential premises. The shop-top housing will generally fit within the existing context and setting without significant impact which is seen to be appropriate for the future

				strength of the CBD.
Streetscape	x			Minor changes at first floor level are seen to be consistent with the character of the area.
Traffic, access and parking	x			No existing parking is provided on site as the site is 100% covered by building. There will be a reduction in car parking demand due to the change of use to a less intense user. No concerns are raised with impacts on the local traffic network.
Public Domain	x			Existing pavement area to front of building is not affected by the development.
Utilities	x			The site is fully serviced.
Heritage	X			The site is not listed, however is within the conservation area and proximity to a number of heritage items. Due to the scale of works, the adaptive reuse of part of the building at first floor level is not likely to cause any heritage impacts.
Other land Resources			x	n/a
Water Quality & Stormwater	x			There are no likely impacts to water quality and stormwater.
Soils, soil erosion			x	No ground works.
Air and microclimate	x			There are no likely impacts on air and microclimate.
Flora and Fauna Trees			x	No impacts
Waste			x	n/a
Energy	x			Improved as windows are upgraded and natural light and ventilation are introduced.
Noise & vibration	x			Concern is raised given the location of the proposal in proximity to an existing entertainment facility (pub) with late night trading, as it introduces a new sensitive land receiver opposite to the pub (closer than other existing residential development). The applicant has elected to replace the existing windows at the eastern elevation which are adjacent to the venue, with windows of greater acoustic properties. Manufacture's details and a report on the windows properties has been provided, however no testing has been carried out to conclude that existing noise levels would be offset. It is considered imperative for the ongoing operation of the existing entertainment venue that acoustic

				testing is carried out, to ensure that the acoustic properties of the windows are at an acceptable level. This will allow for both uses to operate harmoniously together.
Hours of operation			x	n/a
Natural hazards - Flooding - Bushfire Prone	x			The proposal is within an existing building at first floor level. Whilst the site is in the flood area, it is protected by the main city levee. The site is not bushfire prone.
Technological Hazards			x	n/a
Safety, security and crime prevention	x			Improved security as premises occupied outside of core commercial operating hours. No detrimental impacts.
Social impact in locality	x			Positive as variety of housing choices in the CBD is increased.
Economic Impact in Locality	x			Positive impact through continued investment in the city and adaptive reuse of buildings.
Site design and internal design	x			No changes to site layout, minor internal alterations to accommodate open plan dwelling arrangement.
Overlooking - overshadowing			x	n/a
Landscaping			x	Internal works only
Construction	x			Standard hours of work will apply and be secured by condition
Private open space			x	n/a
Cumulative Impacts	x			Potential for increased number of similar developments within the CBD will result in the adaptive reuse of vacant upper floor levels.
Disabled access			x	Existing premises, no requirement to upgrade.
Signage	x			No signs are included with this application.
Setbacks, Building Envelopes			x	No changes to the building are proposed

Section 79C(c) - the suitability of the site for the development

The subject site is within the commercial core area and consists of a part single, part two storey building with ground floor commercial premises and upper floor tenancies. The shop-top housing is permissible in the zone and a good use of first floor areas within the business zone. Whilst not common in Wagga there are other examples and the development would not be out of character in terms of context and setting. The proposal is

entirely suitable in this locality and an appropriate use of the floor area.

There are no associated adverse impacts as a result of the development.

Section 79C(d) - any submissions made in accordance with the Act or the regulation

Referrals

The application was referred to relevant internal referral groups.

Notification

In accordance with the DCP provisions the application was notified to neighbouring properties for a period of 14 days.

Advertising

In accordance with the DCP provisions the application was not required to be advertised.

Public Submissions and those from public authorities

No submissions were received during the 14 day notification period.

Section 79C(e) - the public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development will have no detrimental impacts and will enable the full utilisation of the floor area affected.

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species)

The following factors must be taken into account in making a determination under this section:

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The proposed change of use for shop top housing development is on a site that is void of vegetation; no threatened species have been identified on the site. No further assessment is required under this section.

Section 79B(3)

As mentioned above there is unlikely to be significant impact and a species impact statement is not required. Therefore concurrence is not required from the Director General of National Parks and Wildlife.

Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 94/94A of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 94A contribution will apply to this development that will be put towards the provision of high quality and diverse public facilities to meet the expectations of the residents of the city.

The proposed development has an estimated cost of works of that is less than \$100,000 therefore there is no applicable s94A charge.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013

enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

There is no increase in the area of hardstand on site. No Section 64 (stormwater) contribution is required for the works.

There will be no sewer contributions payable as the dwelling rate will not exceed the previous office use.

REFERRALS:

Building Surveyor:- No objections, recommended conditions of consent.

Plumbing Inspector: - No objections, recommended conditions of consent.

Subdivision Engineer:- Referral not required.

Environmental Officer: - No objections, no recommended conditions of consent.

Parks & Recreation Officer:- Referral not required.

Riverina Water - No objections, recommended conditions of consent.

Other Approvals:

No further approvals are required.

CONCLUSION:

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 79C of the *Environmental Planning and Assessment Act 1979*.

This particular development is recommended for approval because it has merit and is an acceptable development for the adaptive reuse of the building at first floor level as discussed within this report subject to compliance with conditions.

RECOMMENDATION

It is recommended that DA16/0364 for Shop Top Housing – 2 bedroom dwelling at first floor level be approved, subject to the following conditions:-

CONDITIONS

Approved Plans and Documentation

- 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
1602 - 1001	New Class 4 Residence at first floor level - Site, Block Plans & Elevations	Mark G. Golden & Associates	DA 01	12/01/ 2017
1602 - 1002	New Class 4 Residence at first floor level - Floor Plans & Section	Mark G. Golden & Associates	DA 01	20/06/ 2017
1602 - 1003	New Class 4 Residence at first floor level - First	Mark G. Golden & Associates	DA 01	12/01/ 2017

	Floor Plan			
	Statement of Environmental Effects/ Heritage Impact Statement	Mark G. Golden & Associates	DA 01	20/06/ 2016
726678S	BASIX Certificate	Mark G. Golden & Associates		12/01/ 2017

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. **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.

3. **Prior to the release of the Construction Certificate an acoustic report shall be prepared and submitted to Council for approval by a suitably qualified business or person that analyses the likely impacts of late night noise and/or vibration impacts from the pub on the future shop top housing use. The report must include required mitigation measures appropriate to minimise the likelihood of noise complaints against the existing businesses within the immediate area.**

NOTE: The findings of the report will assist in determining whether the measures proposed are appropriate and or need to be upgraded further.

REASON: To ensure proposed development does not have adverse effects on the amenity of the existing area and to ensure the residence is appropriately protected. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

4. **If the work involved in the erection or demolition of a building or structure:**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

REASON: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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. **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.

9. **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.

10. **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

11. 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
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.
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.

12. 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.

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

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.

14. **Should asbestos material be found during works, 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.

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

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.

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

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

16. **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

17. **Prior to the Occupation of the building the mitigation measures identified in the acoustic report under condition 3 are to be fully implemented.**

REASON: To ensure proposed development does not have adverse effects on the amenity of the existing area and to ensure the residence is appropriately protected. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. **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.

19. **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.

20. **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.









Mark G. Golden & Associates

Olympic Properties Pty Limited. A.B.N. 16 003 933 186

62 – 64 Kincaid Street
Wagga Wagga N.S.W. 2650

Mark G Golden (B.Arch) – (Nominated Architect):

NSW Architects Registration Board – Registration Number 4974

Statement of Environmental Effects & Statement of Heritage Impact

20 June 2016

Location:

- 80 Fitzmaurice Street Street, Wagga Wagga, NSW Lot 1, DP 89930

Description:

- Existing 2 Storey Commercial Building – Mixed Use Development Zone B3 Central Business Area – Fitzmaurice Street Precinct.

Proposed Works:

- Construction of new non-loadbearing partitions and fit-out of existing tenancy as a 2 Bedroom Class 4 Dwelling with new Toilet, Kitchen & Laundry connected to existing sewer drainage and water supply.

Planning Controls:

Wagga Wagga Development Control Plan 2010.

- The relevant DCP Control or Objective is shown in *italics, inside a bounding box,* and how it is proposed to be addressed is shown with a 'dot' point below the text box.

DCP 2010 – Section 9 – Residential Development: Non-conforming areas.

- **Clause 9.3.4 Solar Access**

C3 For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).

- The existing windows in the eastern and western walls will allow direct sunlight into the main internal living areas to satisfy this requirement.

- **Clause 9.3.5 Private Open Space**

C4 For residential flat developments and shop top housing, each unit without direct access to ground level must have a balcony with a minimum area of 8m², and minimum dimension of 2m that is directly accessible from the main living area.

- Following a site meeting and advice from WWCC Heritage Advisor, it is proposed to install a new inwards opening 'French' door with a 'Juliet Balcony' constructed above the existing cantilever awning with the consent of WWCC. This is a solution that is complimentary to the building in the precinct and to the facing Romano's Hotel. It also introduces an element that is consistent with the ambience of Private Open Space.

- **Clause 9.4.3 Privacy**

O2 Ensure adequate acoustic privacy within dwellings.

23 JUN 2016

RECORDS

Telephone: (02) 6921 2298

Mobile: 0401 358183

Email: mark.golden@optusnet.com.au



Mark G. Golden & Associates

Olympic Properties Pty Limited. A.B.N. 16 003 933 186

62 – 64 Kincaid Street
Wagga Wagga N.S.W. 2650

Mark G Golden (B.Arch) – (Nominated Architect):

NSW Architects Registration Board – Registration Number 4974

- The proximity of the dwelling to Romano's Hotel and the issue of late night live music will be addressed by the installation of new vertically sliding glazed, powdercoated aluminium windows to the 2 existing bedroom window openings. The existing timber windows will remain to provide a double glazed installation that will mitigate late night street noise permeating into the bedrooms.

• **Clause 9.4.5 Site facilities**

C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.

- Anti-social behaviour in the area can occasionally result in vandalism and mail boxes being used for deposits other than mail. The owner proposes to use a PO box for mail delivery to resolve this matter.

C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.

- A garbage bin storage area is located in the Foyer Area off Gurwood Street

C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.

- This requirement cannot be provided due to the total site coverage and non-accessible roofs. An internal Laundry and dryer is provided in the development that will satisfy the needs of the occupants.

Statement of Environmental Effects:

- The proposed alterations do not create any additional floor area within the building and do not add to the car-parking requirements for this property.
- The new Toilet, Laundry and Kitchen will be connected to the existing internal sewer drainage and water supply system.
- The upper storey areas serviced by the new internal stairs are less than 200m² in area and an exemption from the requirements of the Disability (Access to Premises – Buildings) Standards 2010 to provide accessible lifts and ramps to the upper storeys is provided by Paragraph D3.3(f) of this Standard.
- The heritage features of the Conservation Area will not be adversely affected by the proposed alterations.

Statement of Heritage Impact

The proposed minor alteration to provide a 'French' door and balustrade into the existing window opening has no significant impact on the building façade or streetscape. A meeting was held with the WWCC Heritage Advisor and the submitted proposal addresses the preferences encouraged by the Council's Advisor at that meeting.

SCANNED
RECORDS

| Telephone: (02) 6921 2298

| Mobile: 0401 358183

| Email: mark.golden@optusnet.com.au

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 726678S




This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 18/09/2014 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Thursday, 12 January 2017

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary		
Project name	Konstas Class 4 Dwelling	
Street address	80 Fitzmaurice Street Wagga Wagga 2650	
Local Government Area	Wagga Wagga City Council	
Plan type and plan number	deposited 89930	
Lot no.	1	
Section no.	-	
Project type	unit	
No. of bedrooms	2	
Project score		
Water	 35	Target 20
Thermal Comfort	 Pass	Target Pass
Energy	 25	Target 25

Certificate Prepared by

Name / Company Name: Mark G Golden & Associates

ABN (if applicable): 16003933186

Description of project

Project address

Project name	Konstas Class 4 Dwelling
Street address	80 Fitzmaurice Street Wagga Wagga 2650
Local Government Area	Wagga Wagga City Council
Plan type and plan number	Deposited Plan 89930
Lot no.	1
Section no.	-

Project type

Project type	unit
No. of bedrooms	2

Site details

Site area (m ²)	675
Roof area (m ²)	675
Conditioned floor area (m2)	87.0
Unconditioned floor area (m2)	0.0
Total area of garden and lawn (m2)	0

Assessor details and thermal loads

Assessor number	n/a
Certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m ² .year)	n/a
Area adjusted heating load (MJ/m ² .year)	n/a

Other

none	n/a
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Project score

Water	✓ 35	Target 20
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 25	Target 25

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.		✓	

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
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Floor, walls and ceiling/roof

The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.




















Construction	Additional insulation required (R-Value)	Other specifications
floor - suspended floor above enclosed subfloor, framed	1.00 (or 1.7 including construction) (down)	
external wall - cavity brick	1.00 (or 1.67 including construction)	
ceiling and roof - flat ceiling / pitched roof	ceiling: 3.5 (up), roof: none	unventilated; light (solar absorptance < 0.475)

Note Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The dwelling may have 1 skylight (<0.7 square metres) and up to 2 windows/glazed doors (<0.7 square metres) which are not listed in the table.	✓	✓	✓


Window/glazed door no.	Orientation	Maximum area (square metres)	Type	Shading	Overshadowing
W1	E	1.63	timber or uPVC, single clear (or U-value:5.71, SHGC:0.66)	none	not overshadowed
W3	E	1.63	timber or uPVC, single clear (or U-value:5.71, SHGC:0.66)	none	not overshadowed
W5	W	0.40	timber or uPVC, single clear (or U-value:5.71, SHGC:0.66)	none	not overshadowed
W4	W	1.52	timber or uPVC, single clear (or U-value:5.71, SHGC:0.66)	none	not overshadowed
D1	E	4.20	standard aluminium, single clear (or U-value:7.63, SHGC:0.75)	none	not overshadowed
W6	W	1.52	timber or uPVC, single clear (or U-value:5.71, SHGC:0.66)	none	not overshadowed


Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (electric boosted).	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 2 Star (new rating)		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 2 Star (new rating)		✓	✓
The cooling system must provide for day/night zoning between living areas and bedrooms.		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 2 Star (new rating)		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 2 Star (new rating)		✓	✓
The heating system must provide for day/night zoning between living areas and bedrooms.		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 2 of the bedrooms / study;		✓	✓


Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none"> • at least 2 of the living / dining rooms; • the kitchen; • all bathrooms/toilets; • the laundry; • all hallways; 		    	    
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.			
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.			
Other			
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.			

Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate(either interim or final) for the development may be issued.

RP-4 ANNUAL DISCLOSURE OF PECUNIARY INTEREST RETURNS - NEW COUNCILLORS AND DESIGNATED STAFF

Author: Hensley, Ingrid
General Manager: Eldridge, Alan

Analysis: That Councillors and designated staff have completed an annual Disclosure of Pecuniary Interest Return as required by the *Local Government Act 1993* (NSW) and *Local Government (General) Regulation 2005*.

Recommendation

That the Register of Disclosure of Interest Returns, as tabled at the meeting, and containing returns for newly elected Councillors and newly appointed staff who are Designated Persons, be received by Council.

Key Reasons

Each year, councillors and designated persons are required under Section 449 of the *Local Government Act 1993* ("the Act") to complete an annual Disclosure of Interest Return.

A Pecuniary Interest is described in Section 442 of the Act as: "an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person".

Section 449 of the Act states that:

- (1) *A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.*
- (1A) *A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.*
- (2) *A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*

Division 2 of Part 8 of the *Local Government (General) Regulation 2005* sets out the pecuniary interests to be disclosed in returns.

Section 450A of the Act further provides that:

- (1) *The general manager must keep a register of returns required to be lodged with the general manager under section 449.*
- (2) *Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *in the case of a return lodged in accordance with section 449 (1)-the first meeting held after the last day for lodgement under that subsection, or*

- (b) *in the case of a return lodged in accordance with section 449 (3)-the first meeting held after the last day for lodgement under that subsection, or*
- (c) *in the case of a return otherwise lodged with the general manager-the first meeting after lodgement.*

Newly appointed Council staff who are considered under the Act as designated persons must complete a Disclosure of Interest Return within 3 months of the date of commencement of employment with Council. Similarly, newly elected Councillors must lodge Disclosure of Interest Returns within 3 months of being elected, that being 30 December 2016. Designated persons are defined under Section 441 of the Act.

Accordingly, Council's register is submitted to this meeting of Council in accordance with the Act. That register is available for inspection at the Council meeting of 30 January 2017, upon request, or at other times as set out under the Act and Regulation.

Financial Implications

N/A

Policy

N/A

Link to Strategic Plan

1. We are an engaged and involved community

1.1 We are a community that is informed and involved in decisions impacting us

Risk Management Issues for Council

Pecuniary interests and other matters to be disclosed in the return are prescribed by Part 8 of the Regulation. A councillor or designated person must not submit a return that they know or ought reasonably to know is false or misleading in a material particular. A councillor or designated person may correct or update the information contained in the register of returns by submitting a fresh return at any time.

Complaints made about contraventions of these requirements may be referred to the Civil and Administrative Tribunal. The information collected is kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge.

Internal / External Consultation

Upon receipt of Disclosure of Interest Returns Councillors and designated persons are sent a Memorandum acknowledging receipt of that document and the date it was received.

**RP-5 PROPOSED ESTABLISHMENT OF A DETENTION BASIN ON LOT 2
DP 702330 AT BOOROOMA**

Author: Richardson, Craig
General Manager: Eldridge, Alan

Analysis: The developer of the Boorooma Charles Sturt Estate is seeking to construct a drainage detention basin on the Council owned site which is designated for an Emergency Services Precinct. This proposal is considered by staff and the various emergency services agencies to be complimentary to the proposed future development of Lot 2 DP 702330 as an Emergency Services Precinct. The developer will pay fair value compensation to Council of \$40,000 for the use of Council's land but is seeking a contribution from Council of \$30,000 for the costs associated with constructing a detention basin with higher level specifications to meet the requirements of the emergency service agencies.

Recommendation

That Council:

- a agree to the establishment of a drainage detention basin on Lot 2 DP702330, Kingsford Smith Road at Boorooma
- b agree to accept compensation from the Catholic Diocese of Wagga Wagga as outlined in the body of this report
- c agree to contribute \$30,000 to the developer of Boorooma Charles Sturt Estate representing the pro-rata portion of the construction cost of the detention basin which meets the requirements for a future emergency services precinct on the site
- d delegate authority to the General Manager or his delegate to execute any necessary documents on behalf of Council
- e note and approve the budget variation/s as detailed in the budget section of the report

Key Reasons**Initial request from the Developer**

Rather than incorporate the detention basin in to the residential development area the developer has approached Council regarding the use of Council land for this purpose. The reasons for this include:

- a) The land is being retained by Council for non-residential purposes. The proposed use is compatible with the present aim.
- b) The proposed location makes sense from a topographical point of view being located in a naturally low lying area.
- c) Council will retain ownership and control of the land. Appropriate easements or dedications will be created for future management of the detention basin.
- d) The proposed location will allow Council future ease of maintenance compared to a location alongside residential allotments

The proposal will allow the developer to create approximately five residential development blocks measuring an average of 700 square metres in place of the detention basin. For this reason it is considered appropriate for the developer to compensate Council for the use of the land.

Previous Resolutions

Council resolved on 23 November 2015 and again on 14 December 2015 to defer consideration of the request from the developer to establish a drainage detention basin on Lot 2 DP702330.

Council received a further report on 29 February 2016 which responded to questions raised at the 23 November 2015 meeting and advised that Council staff were continuing investigations around the best use of the land at Lot 2 DP702230.

Council resolved on 27 June 2016 to set aside Lot 2 DP702330 as the preferred site for an Emergency Services Precinct.

Fair Valuation for use of the site

Both Council and the developer obtained an assessment of market value for the land from independent valuers. Council's valuer considered the land to be worth \$30,000, whilst the developer's valuer assessed the land to be worth \$40,000. This amount represents the difference in potential development profit Council could derive from the land before and after the creation of the detention basin.

Requirements of the Emergency Services Agencies

The RFS and NSW Fire & Rescue initially requested that the detention basin be constructed with the capacity to hold permanent water storage for training and fire fighting purposes.

This was later revised and Council received advice as follows:

After discussions with C/Supt Ken Murphy and Mr Andrew Peters following our last meeting it has been decided that the detention basin should not have a permanent capacity.

However the ability to hold water on a temporary basis would be advantageous ie gate valves on the outlets that are kept open but can be closed;

1 As a point of retention should there be a spill in the estate that should not be released onto the floodplain (HAZMAT)

2 To prevent backfilling of the basin in a high flood event

3 To provide a temporary fill point for fire fighting purposes ie training/operations

A permanent water source would potentially provide a breeding environment for mosquitoes and potentially be fouled with algal growth and rubbish. Additionally the risk presented to children both locally and on site is undesirable

This advice was provided to the developer,

Request for a financial contribution by Council to the developer

The developer has provided a request supported by plans and a separate bill of quantities that Council contribute \$30,000 towards the cost of construction. The letter of request is attached.

The developer has advised as follows:

I can confirm that I had my engineers complete an independent analysis of the costs of the basin that is now proposed, including the variations for the emergency services precinct, to assess a fair costing of the additional expenses to be incurred for the additions required by the Services.

I had asked that the bill of quantities be shown together with a percentage term, as this is not yet a tender cost, once a tender is sought and received I will forward it to council for review.

As you are aware I wish to be in a position to commence work on Stage 6 Boorooma in March or April 2017.

The basin has been sized to cater for Boorooma Estate stages 6 and 7 along with the emergency services precinct. Based on both catchments and percentage impervious areas we calculate that the shared contributions to the basin are equitable at 70% Boorooma Estate and 30% Emergency Services Precinct.

Basis for this assumption:-

BOOROOMA STAGE 6 AND 7 = 10HA AT 60% PAVED = 6HA EMERGENCY SERVICES SITE 5HA AT 50% PAVED = 2.5HA PERCENTAGE USAGE OF BASIN BOOROOMA 70%, EMERGENCY 30%

The above ratio applies to the basin construction works that both catchments utilise. There are several items that are catchment specific, ie length of drainage pipes, outlet valve. This is all reflected in the Schedule of Works provided.

The request has been considered by Council officers and determined that the request for contribution is reasonable and sufficiently justified.

Financial Implications

The Diocese of Wagga Wagga will meet all costs in relation to this matter with the exception of the contribution of \$30,000.

The fair value compensation of \$40,000 less the pro-rata contribution to the detention basin of \$30,000 will be paid into the Strategic Property Reserve.

Ongoing maintenance of the detention basin will be covered by Council's annual maintenance budgets.

Policy

N/A

Link to Strategic Plan

3. We have a growing economy

3.2 Our community grows

Risk Management Issues for Council

A Deed of Agreement will be prepared by Council's lawyers to formalise the legal arrangements associated with access onto the site and construction of the detention basin.

Internal / External Consultation

Consultation has occurred internally with relevant Council staff and externally with the emergency agencies and the developer.

Attachments

- 1 [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#). General Manager Boorooma Stages 6 and 7 Dev Consent
- 2 [!\[\]\(c437123967ec19fa50ef7951237304ba_img.jpg\)](#). Basin Share Plans
- 3 [!\[\]\(5325e9c836a444f145b8307dfcd1cfab_img.jpg\)](#). BOQ Basin Share Plans



Diocese of Wagga Wagga

McAlroy House

205 Tarcutta Street, Wagga Wagga, NSW 2650

PO Box 473

DIOCESAN OFFICES: (02) 6937 0004 BISHOP'S OFFICE: (02) 6937 0003

FACSIMILE: (02) 6921 5157 ABN: 52 838 806 753

General Manager

Attention: Craig Richardson

Wagga Wagga City Council

P O Box 20

WAGGA WAGGA NSW 2650

Dear Sir,

Boorooma Stages 6 & 7. Dev Consent 14/0607.02

Proposed Emergency Services Hub

Council Resolution of 23/11/2015

I refer to our meetings and discussions to progress the matter with the input from Emergency Services and The Rural Fire Service.

Following the input of 01/11/2016 from these bodies, the attached plans have been finalised.

Additionally, a bill of quantities (also attached) has been developed and costed based on our latest calculations of Boorooma Stage 5 (currently under construction).

The additional work required beyond what The Diocese of Wagga Wagga would be normally expected to do for the residential basin is nominated at 30% of the total cost of the basin.

I wish to propose, that the 30% additional cost would be deducted from the compensation offered and agreed to via the Council resolution of 23rd November 2015.

I have commenced detailed design of Stage 6 and would appreciate Council's early advice on approval of this proposal.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully,

Peter Fitzpatrick 02/12/2016

Director of Properties

The Diocese of Wagga Wagga







(WAGGA) BILL OF QUANTITIES

ESLER & ASSOCIATES
588 Macauley St.
Albury NSW 2640
p: (02) 8022 1322
f: (02) 8022 8563

Project Number : 17216
Project Name : BOOROOMA STAGE 6, BRADMAN DRIVE
Date : 16/09/2016
Drawings : 17216_TENDER ISSUE
Eng: DSJ
Checked:

BOOROOMA STAGE 6, BRADMAN DRIVE							
Item Number	Item	Item Description	Quantity	Unit	Rate (\$) Ind.	GST	Total (\$) GST Incl.
NOTES							
0.931	NOTE TO CONTRACTORS.	Contractors shall examine the plans, specifications and the site and include all works shown to complete the works to Engineer's satisfaction.					
0.934	SITE SAFETY PROTECTIVE MEASURES	If unsafe site conditions are reported, the contractor shall fix within 1hr, the authority will and costs are to be borne by contractor.					
0.935	DISCLAIMER	This schedule has been prepared as a guide. Contractors are required to verify quantities and submission of a price is confirmation of this.					
0.936	AS2124-1992	Contract to be in accordance with AS2124-1992.					
0.937	SEDIMENT CONTROL	The contractor is to liaise with the relevant authorities regarding sediment control & must have those controls in place prior to starting.					
0.940	VOLUMES, CALCULATION	Volumes within this "Bill of Quantities" have been calculated as in-situ (solid) volumes. No allowance has been made for material types or bulking factor. This is to be allowed for by the contractor.					
0.941	GOODS AND SERVICES TAX.	ALL RATES within this schedule are G.S.T. INCLUSIVE.					
0.942	O. H. & S. Requirements	All works are to be executed in a safe manner and in accordance with the relevant Occupation Health and Safety (OH&S).					
0.944	NOTIFICATION	The successful contractor is to notify prior to commencement: Water authority 48 hrs; Council 2 weeks; Superintendent 2 weeks.					
0.945	INSURANCES	Evidence of cover is required prior to commencement on site for Public Liability, Workers Compensation, Vehicle & Construction Risks.					
0.947	Wagga Wagga City Council Checklist	All works are to be carried out in accordance with WWC Quality Control Checklist and Council standards.					
0.948	Co-ordination with service authorities	The principal contractor is responsible for co-ordination with service authorities in relation to installation of their services. This includes setting finished levels of pits and structures.					
INDICATION OF COST SHARE OF DETENTION BASIN BOOROOMA STAGE 6 AND 7 = 30HA AT 60% PAVED = 6HA EMERGENCY SITE SHA AT 50% PAVED = 2.5HA PERCENTAGE USAGE OF BASIN BOOROOMA 70%, EMERGENCY 30%							
I	EARTHWORKS	WWCC share of Basin					
5	Strip and stockpile topsoil (100mm) - Road works	From road work areas for later reuse on site	1,680	m ²			\$0.00
10	Strip and stockpile topsoil (100mm) - Basin	From basin and earthwork areas for later reuse on site	800	m ²	\$3.30		\$2,640.00
15	Topsoil replacement (100mm) WAGGA - Road works	To all cut/fill/disturbed areas. Includes excavation & spoil removal to allow for topsoil placement & grass seeding at 25kg/ha.	900	m ²			\$0.00
16	Topsoil replacement (100mm) WAGGA - Basin	To all cut/fill/disturbed areas. Includes excavation & spoil removal to allow for topsoil placement & grass seeding at 25kg/ha.	800	m ²	\$3.60		\$2,880.00
50	Roadworks excavation	Excavation for road works including trimming, grading and boxing as specified below:-					
55	Road works Cut / Road works Fill		1710	m ²			\$0.00
56	Road works Cut / Stockpile on site		530	m ²			\$0.00
65	Basin Cut / Basin Fill		1500	m ²	\$4.95		\$7,425.00
66	Basin Cut / Stockpile on site		6760	m ²	\$4.95		\$33,482.00
EARTHWORKS SUB TOTAL							\$46,407.00

WWCC share of Basin

2/12/2016
P:\00017216\Engineering\04-Bill Of Quantities\17216_BOQ - Basin share

BOOROOMA STAGE 6, BRADMAN DRIVE							
Item Number	Item	Item Description	Quantity	Unit	Rate (\$)	GST Incl.	Total (\$)
							GST Incl.
100 ROAD PAVEMENT							
	Road pavement material	Supply, spread, compact, grade and test pavement for thickness specified below:					
101	Subgrade stabilisation (200mm / 3% lime)	Includes subgrade preparation, moisture conditioning, compaction & trimming for all road pavements (300mm behind back of kerb)	6320	m ²			\$0.00
110	Gravel sub-base - 120mm thick (Local DG 520 material) - Gasnier & Quill Street	compacted to 100% of standard MDD. (300mm behind back of kerb)	5530	m ²			\$0.00
120	Gravel sub-base - 140mm thick (Local DG 520 material) - Bradman Drive	compacted to 100% of standard MDD. (300mm behind back of kerb)	810	m ²			\$0.00
125	Gravel base course - 130mm thick (Local DG 520 material)	compacted to 102% of standard MDD.	4900	m ²			\$0.00
130	Asphaltic concrete (30mm)	Prime surface, supply and place 10mm nominal asphaltic concrete to a compacted depth of 30mm.	4900	m ²			\$0.00
990	Laboratory testing	For passing compaction tests. Does not include failed tests. Cost of failed test to be borne by the contractor.	25	No.			\$0.00
135	Temp Turnaround - Spray & Seal Gravel sub-base - 150mm thick	150mm thick Crushed Rock (RTA Base DG 540) - Approx 400sq.m each - Inc. 2 coats spray & seal - Inc. hazard boards	2	Item			\$0.00
ROAD PAVEMENT SUB TOTAL							\$0.00
200 DRAINAGE							
	Drainage pipes	Test, supply, excavate, shore, lay, backfill, de-water, & remove soil for pipes as specified below. Includes Health & Safety Requirements					
205	150mm dia. U.PVC.		60	Lin.m			\$0.00
210	225mm dia. U.PVC.		90	Lin.m			\$0.00
215	300mm dia. U.PVC.		170	Lin.m			\$0.00
217	300mm dia. RCP or FRC, Class 2 (X).		50	Lin.m			\$0.00
223	375mm dia. RCP or FRC, Class 2 (X).	Basin to wet flow	111	Lin.m	\$115.37		\$12,810.88
223	375mm dia. RCP or FRC, Class 2 (X).		769	Lin.m			\$0.00
227	450mm dia. RCP or FRC, Class 2 (X).		45	Lin.m			\$0.00
231	525mm dia. RCP or FRC, Class 2 (X).		60	Lin.m			\$0.00
235	600mm dia. RCP or FRC, Class 2 (X).		55	Lin.m			\$0.00
239	750mm dia. RCP or FRC, Class 2 (X).		260	Lin.m			\$0.00
243	825mm dia. RCP or FRC, Class 2 (X).	Basin discharge pipe	64	Lin.m	\$520.00		\$33,280.00
243	825mm dia. RCP or FRC, Class 2 (X).		23	Lin.m			\$0.00
279	River sand backfill (Behind BOX)	to be supplied, spread & compacted over pipe. Compact clean river sand with mechanical compactor in layers max 300mm thick to subgrade level. (Behind K&G) see dwg 3.15.	570	m ³			\$0.00
280	Stab sand backfill (Under roadway)	to be supplied, spread & compacted over pipe. 4% plant mixed cement stabilised sand compacted in 300mm layers to subgrade level. (For trenches under road) see dwg 3.15.	210	m ³			\$0.00
290	Trench Backfill Density Testing	approved backfill material compacted to not less than 95% MDD with a mechanical compactor on layers not exceeding 300mm, including density testing and results	80	Lin.m			\$0.00
276	Subsoil drainage	Supply, excavate, lay and backfill, approved subsoil drainage, including filter material & terminal accesses	270	Lin.m			\$0.00

2/12/2016

P:\00017216\Engineering\04-Bill Of Quantities\17216_BOQ - Basin share

BOOROOMA STAGE 6, BRADMAN DRIVE							
Item Number	Item	Item Description	Quantity	Unit	Rate (\$)	GST Ind.	Total (\$)
							GST Incl.
310	Drainage pits complete						
311	Standard Side Entry Pit (Vegga) -to suit pipe 600dia or less than	Denoted as SSEP	22	No.			\$0.00
312	Standard Junction pit (Vegga) -to suit pipe 600dia or less than	Denoted as SJP	5	No.			\$0.00
330	Standard Junction pit (Vegga) * Haunched -to suit pipe greater than 600dia	Denoted as SJP*H	3	No.			\$0.00
331	Standard Junction pit (Vegga) -Trafficable Lid -to suit pipe 600dia or less than	Denoted as SJP*TL	2	No.			\$0.00
340	Surface Inlet Pip (Vegga) * Surcharge	Denoted as SIP*SC	3	No.	\$2,100.00		\$6,300.00
341	Surface Inlet Pip (Vegga) * Surcharge -Double Pit	Denoted as SIP*SC	1	No.	\$4,200.00		\$4,200.00
317	Interdot Inspection Pit (Vegga)	Denoted as IIP -600*600 internal, max 1000 deep. See Drawing 3.6.	5	No.			\$0.00
350	Blind pit	Note 2: drainage pit to built to 500mm below finished surface level and capped with concrete lid and covered.	11	No.			\$0.00
330	Gross Pollutant Trap	Roxla ClearsAll 900	1	No.			\$0.00
380	Concrete headwall/endwall						
	Construct concrete headwall for the following range of sizes:						
381	Concrete headwall to suit twin 225dia		1	No.	\$2,000.00		\$2,000.00
382	Basin outlet -Sluice valve	Request by emergency services	1	No.	\$2,000.00		\$2,000.00
370	House drains						
	Construct house stormwater drainage connection points of the following types:						
350	Property Inlet Pit (Vegga) -To suit PIP	Denoted as Spur & PIP -From Pit. 350x350 poly pit.	10	No.			\$0.00
352	Property Inlet Pit (Vegga) -To suit 150dia	Denoted as Spur & PIP -From Pipe. 350x350 poly pit.	3	No.			\$0.00
352	Property Inlet Pit (Vegga) -To suit 225dia	Denoted as Spur & PIP -From Pipe. 350x350 poly pit.	4	No.			\$0.00
353	Property Inlet Pit (Vegga) -To suit 300dia	Denoted as Spur & PIP -From Pipe. 350x350 poly pit.	11	No.			\$0.00
353	Property Inlet Pit (Vegga) -To suit 375dia RRCP	Denoted as Spur & PIP -From Pipe. 350x350 poly pit.	8	No.			\$0.00
350	House Drain Pit -To suit Pit (manurestrip)	Denoted as HDP	1	No.			\$0.00
350	House Drain Kerb -To suit HDK	Denoted as HDK	19	No.			\$0.00
380	Detention basin						
387	Detention Basin-outlet -Rock-lined Drain	150-200dia rock spalls, 100 Geofabric underlay as per detail: 40m length @ 5m width	200	m ²	\$55.00		\$11,000.00
140	Gravel sub-base - 150mm thick (Basin Access & Maintenance Tracks)	150mm thick Crushed Rock (RTA Base DG540) -80m * 3m width = 240sq.m	240	m ²	\$6.58		\$1,579.20
DRAINAGE SUB TOTAL							\$60,590.68

2/12/2016

P:\00017216\Engineering\04-Bill Of Materials\17216_BOQ - Basin share

BOOROOMA STAGE 6, BRADMAN DRIVE						
Item Number	Item	Item Description	Quantity	Unit	Rate (\$) GST Incl.	Total (\$) GST Incl.
400 CONCRETE WORKS						
401	Barrier kerb and gutter (Wagga)	Construction of Barrier kerb and gutter on compacted base to extend behind back of kerb to Engineers requirements. WWC Barrier K&G.	170	Lin.m		\$0.00
403	Semi mountable kerb and gutter (Wagga)	Construction of semi mountable kerb and gutter on compacted base to extend behind back of kerb to Engineers requirements. WWC Roll K&G.	1200	Lin.m		\$0.00
472	Reinforced Concrete Pathway (Wagga)	Pathway 1.5m wide, 125mm thick concrete 20Mpa, F62 mesh, 50mm compacted thickness sand/gravel base 90% mod. To WWC standard.	840	m ²		\$0.00
472	Reinforced Concrete Pathway (Wagga)	Pathway 2.0m wide, 125mm thick concrete 20Mpa, F62 mesh, 50mm compacted thickness sand/gravel base 90% mod. To WWC standard.	505	m ²		\$0.00
450	Standard pram crossings.		8	No.		\$0.00
CONCRETE SUB TOTAL						\$0.00
500 SERVICES						
501	Electrical & Telstra conduits (road crossings)	Excavate, lay, sand bedding, gravel backfill, draw wires, kerb marking, end plugs etc., for the following:				
510	Elect. & Telstra retic'n trenching (1100mm D x 600mm W)	<ul style="list-style-type: none"> - 70mm sand bed & cover for Elect. - Excav'n for Upoles (LV-HV cabling) - Backfill to Tel & finish after cable install'n - Provide and install soft cover - 200mm FSL - Elec/Tel pits and turnouts to sit on full depth sand - Civil contractor to be responsible for setting all pit/turnout heights for Elec/Tel contractor <i>Provisional Quantity Only.</i>	400	Lin.m		\$0.00
520	Electrical & Telstra Road Conduits (Shared Trench) - 2" 125mm Electrical Conduit - 1" 100mm Telstra Conduit	Includes 4% cement stabilised sand backfill to Wagga Wagga City Council Specifications. <i>Provisional Quantity Only.</i>	245	Lin.m		\$0.00
521	Electrical & Telstra Road Conduits (Shared Trench) - 4" 125mm Electrical Conduit - 1" 100mm Telstra Conduit	Includes 4% cement stabilised sand backfill to Wagga Wagga City Council Specifications. <i>Provisional Quantity Only.</i>	25	Lin.m		\$0.00
560	Gas Main conduits (road crossings)	Excavate, supply, lay, sand bedding gravel backfill, kerb marking, and end plugs for the following:				
561	Gas Main - Road Conduit (Gas Only) - 1" 100mm Gas Conduit	Includes 4% cement stabilised sand backfill to Wagga Wagga City Council Specifications. <i>Provisional Quantity Only.</i>	190	Lin.m		\$0.00
562	Gas Main - Road Conduit (Gas Only) - 1" 150mm Gas Conduit	Includes 4% cement stabilised sand backfill to Wagga Wagga City Council Specifications. <i>Provisional Quantity Only.</i>	60	Lin.m		\$0.00
570	Water & Gas conduits (road crossings)	Excavate, supply, lay, sand bedding gravel backfill, kerb marking, and end plugs for the following:				
572	Water - Road Conduit (Water Only) - 1" 100mm Water Conduit	Includes 4% cement stabilised sand backfill to Wagga Wagga City Council Specifications. <i>Provisional Quantity Only.</i>	150	Lin.m		\$0.00
SERVICES SUB TOTAL						\$0.00
600 OTHER WORKS						
639	Site establishment	including provision of required health and safety amenities	1	Item		\$0.00
650	Traffic management		1	Item		\$0.00
994	Supply of electronic setout data	Supply of electronic data for construction setout as a construction aid. Contractor will be billed by Eiler & Associates. Strike out (\$3500) if not required.	1	Item		\$0.00
OTHERWORKS SUB TOTAL						\$0.00
685 EROSION CONTROL						
670	Soil & Water Management Measures (Wagga) - Pre construction	Includes all items shown on 'Soil & Water Management Plan' i.e. Silt Fencing, Sediment Basins etc. Pre construction	1	Item		\$0.00
670	Soil & Water Management Measures (Wagga) - Post construction	Includes all items shown on 'Soil & Water Management Plan' i.e. Silt Fencing, Sediment Basins etc. Post construction	1	Item		\$0.00
EROSION SUB TOTAL						\$0.00

2/12/2016

P:\00017216\Engineering\04-Bill Of Materials\17216_BOQ - Basin share

BOOROOMA STAGE 6, BRADMAN DRIVE						
Item Number	Item	Item Description	Quantity	Unit	Rate (\$) GST Incl.	Total (\$) GST Incl.
800	SEWER RETICULATION					
	Sewer pipes	Supply (incl all fittings)-excavate, shore, bed, lay, joint, backfill, dewater, remove spoil & test for : Includes all O.H & S. Requirements.				
808	150mm dia. UPVC Class SN8 (SEH)		1280	Lin.m		\$0.00
821	Subgrade backfill (Under roadway)	to be supplied, spread & compacted over pipe. 4% plant mixed cement stabilised sand compacted in 300mm layers to subgrade level. (For trenches under road) see dwg 315.	60	m3		\$0.00
830	Sewer manholes	Construct sewer manholes including stepirons, covers, surrounds & all safety requirements to depths as follows:				
831	SMH "Type B" (Wagga) -less than 2.5m deep	STD MH Type 'B'.	14	No.		\$0.00
832	SMH "Type B" (Wagga) -2.5m - 3.5m deep	STD MH Type 'B'	5	No.		\$0.00
832	SMH "Type B" (Wagga) -3.5m - 4.5m deep	STD MH Type 'B'	1	No.		\$0.00
861	SMH Drop "Type B" (Wagga) -Greater than 800mm	WWCC STD DWG-4	7	No.		\$0.00
840	Sewerage service points	Supply and install including all fittings as per standard drawings as follows :				
848-A	Junction -Junction to manhole within property	Inside lot, Denoted as "J"	2	No.		\$0.00
848-B	Junction -Junction within property to suit 150dia	Inside lot, Denoted as "J"	55	No.		\$0.00
848-C	Spur Junctions -Spur Junction to manhole to outside of property	Outside lot, Denoted as "SJ"	4	No.		\$0.00
848-C	Spur Junctions -Spur Junction outside of property to suit 150dia	Outside lot, Denoted as "SJ"	9	No.		\$0.00
850	Sewerage Pump Station and Rising main					
808	160mm dia. PE -Sewer Rising Main		550	Lin.m		\$0.00
855	Sewer Pump Station		1	No.		\$0.00
SEWER RETICULATION SUB TOTAL						\$0.00
950	PROVISIONAL ITEMS	Provisional items to be only undertaken at the written instr'n of the superintendent.				
	Provisional items:					
80	Stockpile / Site works Fill -Level 1 Certification	To be placed as Level 1 certified compacted lot fill, including associated Density Testing and on site Supervision by NATA accredited Geotechnical engineer and Final report	3890	m ²		\$0.00
980	Subgrade replacement (select fill).	Remove/discard weak subgrade. Only when directed in writing by the Superintendent.		m3		\$0.00
970	Subgrade replacement (gravel).	Remove/discard weak subgrade. Gravel replace when directed in writing by the Superintendent.		m3		\$0.00
983	Bitumen Crack Sealing			Lin.m		\$0.00
980	Rock excavation (low/medium)	Excavation of low to medium strength rock requiring heavy excavator		m3		\$0.00
981	Excavation of hard rock.	Excavation of hard strength rock requiring machine mounted pneumatic rock breaker or blasting		m3		\$0.00
679	Straw bales	Supply and place bales as directed including required anchoring		No.		\$0.00
699	Silt Fencing			Lin.m		\$0.00
673	Gravel Seeding -Hydro Seed -Erosion Management	Apply to nominated surfaces and as directed by superintendent		m ²		\$0.00
PROVISIONAL SUB TOTAL						\$0.00
PROJECT TOTAL					\$ 306,997.68	\$30,033.16

2/12/2016
P:\00017216\Engineering\04-Bill Of Quantities\17216_BOQ - Basin share

RP-6 FINANCIAL PERFORMANCE REPORT AND QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2016

Author: Rodney, Carolyn
Sector Manager: Te Pohe, Natalie

Analysis: This report is for Council to consider and approve the proposed 2016/17 budget variations required to manage the 2016/17 budget and Long Term Financial Plan, and to detail Council's external investments.

Recommendation

That Council:

- a approve the proposed 2016/17 budget variations for the month ended 31 December 2016 and note the deficit budget of (\$72K) 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 details of the external investments as at 31 December 2016 in accordance with Section 625 of the Local Government Act 1993

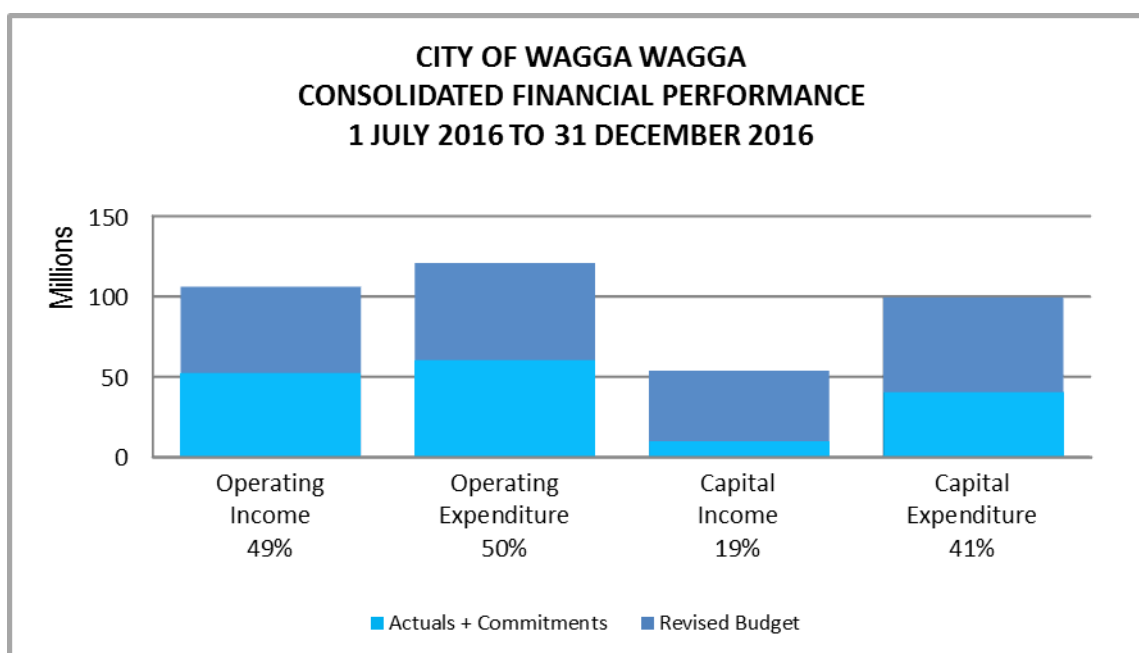
Key Reasons

An overall budget deficit of (\$72K) is forecast as at 31 December 2016 which is an increase to the deficit that was reported as at 30 November 2016 of (\$62K). This is a result of the 5 December 2016 Supplementary Council Meeting whereby the resolution contained within the Confidential Mayoral Minute MM-1 regarding airport fees and charges resulted in a further reduction to the anticipated dividend of (\$10K).

Council experienced a positive monthly investment performance for the month of December which is mainly attributable to the positive performance experienced for the month for Council's managed funds (NSW T-Corp). Council's Floating Rate Note portfolio has continued a period of strong growth, with many of these investments trading at a premium.

Financial Implications

Key Performance Indicators



OPERATING INCOME

Total operating income is 49% of approved budget which is tracking to budget for the end of December (this percentage excludes capital grants and contributions). An adjustment has been made to reflect the levy of rates which occurred at the start of the financial year. Excluding this adjustment, operating income received is 77%.

OPERATING EXPENSES

Total operating expenditure is 50% of approved budget and is tracking to budget for the full financial year.

CAPITAL INCOME

Total capital income is 19% of approved budget. It should be noted that the actual income from capital is influenced by the timing of the receipt of capital grants and contributions relating to projects.

CAPITAL EXPENDITURE

Total capital expenditure including commitments is 41% of approved budget.

CITY OF WAGGA WAGGA
STATEMENT OF FINANCIAL PERFORMANCE
1 JULY 2016 TO 31 DECEMBER 2016

CONSOLIDATED STATEMENT

	ORIGINAL BUDGET 2016/17 \$'000	BUDGET ADJ 2016/17 \$'000	APPROVED BUDGET 2016/17 \$'000	YTD ACTUAL EXCL COMMT'S 2016/17	COMMT'S 2016/17 \$'000	YTD ACTUAL + COMMT'S 2016/17 \$'000	YTD % OF BUD
Revenue							
Rates & Annual Charges	(60,642,286)	0	(60,642,286)	(30,863,824)	0	(30,863,824)	51%
User Charges & Fees	(23,631,263)	52,250	(23,579,013)	(10,408,270)	33,454	(10,374,816)	44%
Interest & Investment Revenue	(3,406,597)	0	(3,406,597)	(2,080,144)	0	(2,080,144)	61%
Other Revenues	(3,123,096)	(14,584)	(3,137,680)	(1,535,942)	0	(1,535,942)	49%
Operating Grants & Contributions	(14,779,516)	(463,547)	(15,243,063)	(7,542,115)	0	(7,542,115)	49%
Capital Grants & Contributions	(34,768,294)	(20,933,790)	(55,702,084)	(10,267,366)	0	(10,267,366)	18%
Total Revenue	(140,351,052)	(21,359,671)	(161,710,723)	(62,697,662)	33,454	(62,664,208)	39%
Expenses							
Employee Benefits & On- Costs	42,105,886	94,622	42,200,508	21,049,466	38,752	21,088,218	50%
Borrowing Costs	3,953,083	(157,682)	3,795,402	1,788,358	0	1,788,358	47%
Materials & Contracts	2,719,884	8,703	2,728,586	5,077,701	906,707	5,984,408	219%
Depreciation & Amortisation	32,405,375	0	32,405,375	16,202,687	0	16,202,687	50%
Other Expenses	37,495,505	2,241,896	39,737,401	13,791,655	1,521,803	15,313,458	39%
Total Expenses	118,679,732	2,187,540	120,867,272	57,909,868	2,467,261	60,377,129	50%
Net Operating (Profit)/Loss	(21,671,319)	(19,172,131)	(40,843,451)	(4,787,794)	2,500,715	(2,287,079)	
Net Operating (Profit)/Loss before Capital Grants & Contributions	13,096,975	1,761,659	14,858,633	5,479,571	2,500,715	7,980,287	54%
Cap/Reserve Movements							
Capital Exp - Renewals	24,265,446	9,390,647	33,656,093	5,124,657	6,557,602	11,682,259	35%
Capital Exp - New Projects	45,680,456	8,591,976	54,272,432	5,969,563	21,644,667	27,614,230	51%
Capital Exp - Project Concepts	8,314,763	789,044	9,103,807	1,359	0	1,359	0%
Loan Repayments	2,603,821	(173,623)	2,430,198	1,215,098	0	1,215,098	50%
New Loan Borrowings	(13,859,917)	7,992,810	(5,867,108)	0	0	0	0%
Sale of Assets	(4,982,151)	3,097,451	(1,884,700)	(305,314)	0	(305,314)	16%
Net Movements Reserves	(7,945,724)	(10,444,578)	(18,390,301)	0	0	0	0%
Total Cap/Res Movements	54,076,694	19,243,726	73,320,420	12,005,364	28,202,269	40,207,633	55%
Net Result after Depreciation	32,405,375	71,595	32,476,970	7,217,569	30,702,984	37,920,554	
Add back Depreciation Expense	32,405,375	0	32,405,375	16,202,687	0	16,202,687	
Cash Budget (Surplus)/Deficit	(0)	71,595	71,595	(8,985,118)	30,702,984	21,717,866	

Revised Budget Result - Surplus/(Deficit)	\$'000s
Original 2016/17 Budget Result as adopted by Council	\$0
Total Budget Variations approved as reported to 12 December 2016 Council Meeting	(\$62K)
Council Resolution Variations - 5 December 2016 Council Meeting:	
<ul style="list-style-type: none"> Airport – reduction in dividend – MM 1 	(\$10K)
Budget variations for December 2016	
Proposed revised budget result for 31 December 2016	(\$72K)

The proposed Budget Variations to 31 December 2016 are listed below:

Budget Variation	Amount	Funding Source	Net Impact Fav/ (Unfav)
1 – We are an engaged and involved community			
Corporate IT Applications	\$410K	Fit For the Future Reserve (\$410K)	Nil
<p>The purchase of Capital Planning and Delivery (CPD) Software is required to allow Council to take control of its asset renewal, replacement and upgrade strategies. This tool integrates asset management and project management with financials all held within the City's software solution. The software will deliver the following high level benefits:</p> <ul style="list-style-type: none"> - Make informed investment decisions based upon priorities - Conduct robust financial management and analysis - Effectively manage subcontractors and projects from inception to completion. <p>Included in the proposed budget variation are implementation costs and internal project management costs to effectively introduce and roll out the software solution. It is proposed to fund the variation from the Fit For the Future Reserve. Annual support and maintenance budgets of \$27K, increasing by 3% annually will be included in the Long Term Financial Plan.</p>			
Hampden Bridge Interpretation Strategy	\$81K	Hampden Bridge Grant (\$81K)	Nil
<p>Council has been successful in the receipt of a grant for the Hampden Bridge Legacy Project under the 'Heritage Near Me Activation' Grants program from the Office of Environment and Heritage. The grant will fund the Hampden Bridge Interpretation Strategy as a condition of the demolition of Hampden Bridge.</p>			

Budget Variation	Amount	Funding Source	Net Impact Fav/ (Unfav)
Copland Street Traffic Project	\$(113K)	Fit For the Future Reserve \$104.5K	\$8.5K
Council has experienced savings with the Copland Street Traffic Project as the scope of works was modified to be more cost effective whilst still resolving the pedestrian/traffic issues. It is proposed to utilise a portion of the savings to fund Cooinbil Crescent School Crossing with the remaining balance to be transferred to the Fit For the Future Reserve.			
Cooinbil Crescent School Crossing	\$17K	Cooinbil Crescent School Crossing Grant Income \$(8.5K)	\$(8.5K)
Works are required to improve pedestrian safety at the Cooinbil Crescent School Crossing. RMS is providing grant funds of \$8.5K for the project and it is proposed to utilise \$8.5K of the Copland Street Traffic Project savings to fund the required matching Council contribution.			
4 – We have a sustainable natural and built environment			
SoACT Air Conditioning Upgrade	\$20K	Sundry Property Maintenance (\$20K)	Nil
Works are required for the Wagga Wagga School of Arts Community Theatre (SoACT) for the installation of air conditioning in the Basement Theatre. The proposed works to be funded from savings in the Sundry Property maintenance area include the upgrading of ventilation as per the Building Code of Australia audit carried out in the SoACT space.			
Leavenworth Drive Street Lighting	\$9K	Street Lighting Improvements Budget (\$9K)	Nil
Additional funds are required due to the change in scope for the Leavenworth Drive Street Lighting project for the replacement of the previously quoted timber poles with impact absorbing street light stanchions to meet AS1158 standards. This will be funded from the existing Street Lighting Improvements Budget.			
Flood Event September 2016	\$500K	Flood Event September 2016 Grant Income (\$500K)	Nil
State funds have been received from the Roads and Maritime Services on behalf of Transport NSW to assist flood ravaged communities to fix local roads devastated by floodwater. These funds will be used to offset the preliminary investigation works carried out by Council.			
Kerbside Waste Education	\$14K	Kerbside Waste Education Contribution Income (\$14K)	Nil
Suez is contracted by the City of Wagga Wagga to deliver its kerbside waste services. As part of the contract Suez are required to fund and			

<i>Budget Variation</i>	<i>Amount</i>	<i>Funding Source</i>	<i>Net Impact Fav/ (Unfav)</i>
deliver waste education initiatives in each contracted year with the aim of increasing the correct separation of wastes and reducing contamination. In 2016 Suez agreed to transfer the unexpended funds for waste education to the City of Wagga Wagga, to undertake a campaign to address plastic bag contamination in kerbside recycling bins. The project will be delivered in early 2017.			
<i>SURPLUS/(DEFICIT)</i>			Nil

Current Restrictions

CITY OF WAGGA WAGGA					
RESERVES SUMMARY					
31 DECEMBER 2016					
	Approved Changes				
	CLOSING BALANCE 2015/16	ADOPTED RESERVE TRANSFERS 2016/17	BUDGET VARIATIONS APPROVED UP TO COUNCIL MEETING 12.12.16	RECOMM CHANGES for Council Resolution	REVISED BALANCE
Externally Restricted					
Developer Contributions	(19,387,519)	1,683,496	2,518,552		(15,185,470)
Sewer Fund Reserves	(21,286,523)	2,385,453	3,522,063		(15,379,007)
Solid Waste Reserves	(12,803,085)	751,764	271,273		(11,780,049)
Specific Purpose Unexpended Grants/Cont	(3,473,810)	0	3,473,810		0
Stormwater Levy Reserves	(2,537,418)	(228,466)	164,020		(2,601,864)
Total Externally Restricted	(59,488,355)	4,592,247	9,949,718	0	(44,946,389)
Internally Restricted					
Airport Reserve	(202,674)	(65,492)	(31,851)		(300,017)
Art Gallery Reserve	(48,490)	(3,500)	17,500		(34,490)
Ashmont Community Facility Reserve	(3,000)	(1,500)	0		(4,500)
Bridge Replacement Reserve	(646,667)	140,000	420,000		(86,667)
CBD Carparking Facilities Reserve	(936,300)	(94,195)	60,537		(969,958)
CCTV Reserve	(54,476)	(10,000)	0		(64,476)
Cemetery Perpetual Reserve	(123,860)	(89,661)	0		(213,521)
Cemetery Reserve	(308,649)	(136,637)	42,221		(403,065)
Civic Theatre Operating Reserve	0	(100,000)	0		(100,000)
Civic Theatre Tech Infrastructure Res	(55,450)	(50,000)	0		(105,450)
Civil Projects Reserve	(155,883)	0	0		(155,883)
Community Amenities Reserve	(5,685)	0	0		(5,685)
Council Election Reserve	(417,616)	236,558	0		(181,058)
Economic Developpt Incentives Reserve	(19,500)	0	0		(19,500)
Employee Leave Entitles Gen Fund Res	(3,352,639)	0	0		(3,352,639)
Estella Community Centre Reserve	(230,992)	0	0		(230,992)
Family Day Care Reserve	(135,608)	14,606	0		(121,002)
Fit for the Future Reserve	(952,184)	388,225	(2,250,835)	305,500	(2,509,294)
Generic Projects Saving	(927,180)	(116,966)	103,039		(941,106)
Glenfield Community Centre Reserve	(15,704)	(2,000)	0		(17,704)
Grassroots Cricket Reserve	(45,942)	(15,000)	0		(60,942)
Gravel Pit Restoration Reserve	(738,010)	0	0		(738,010)
Gurwood Street Property Reserve	(50,454)	0	0		(50,454)
Industrial Land Development Reserve	(328,851)	0	0		(328,851)
Information Services / E-	(378,713)	0	0		(378,713)

Business Res					
Infrastructure Replacement Reserve	(77,488)	(887)	28,233		(50,142)
Insurance Variations Reserve	(28,644)	0	0		(28,644)
Internal Loans Reserve	(1,289,806)	(629,241)	444,842		(1,474,205)
Lake Albert Improvements Reserve	(113,972)	0	113,789		(182)
LEP Preparation Reserve	(38,665)	0	36,120		(2,545)
Livestock Marketing Centre Reserve	(8,095,560)	3,215,056	1,675,773		(3,204,732)
Lloyd Environmental Projects Res	(101,371)	0	0		(101,371)
Museum Acquisitions Reserve	(39,378)	0	0		(39,378)
Oasis Building Renewal Reserve	(122,000)	(50,000)	121,000		(51,000)
Oasis Plant Reserve	(1,005,347)	(110,000)	0		(1,115,347)
Parks & Recreation Projects	(91,288)	0	86,000		(5,288)
Pedestrian River Crossing Reserve	(198,031)	150,000	0		(48,031)
Plant Replacement Reserve	(5,145,588)	(151,353)	158,636		(5,138,305)
Playground Equip Replacement Res	0	(51,230)	0		(51,230)
Project Carryovers Reserve	(1,841,669)	0	1,841,669		(0)
Public Art Reserve	(199,713)	137,579	51,424		(10,711)
Robertson Oval Redevelopment Res	(86,697)	0	0		(86,697)
Senior Citizens Centre Reserve	(11,627)	(2,000)	0		(13,627)
Silverlite Reserve	(29,980)	0	0		(29,980)
Sister Cities Reserve	(30,914)	(10,000)	5,000		(35,914)
Stormwater Drainage Reserve	(473,996)	0	236,722		(237,274)
Strategic Real Property Reserve	(5,136)	0	(274,073)		(279,209)
Street Lighting Replacement Reserve	(44,755)	(30,000)	0		(74,755)
Subdivision Tree Planting Reserve	(195,795)	40,000	0		(155,795)
Sustainable Energy Reserve	(430,442)	(90,000)	0		(520,442)
Traffic Committee Reserve	0	(50,000)	0		(50,000)
Unexpended External Loans Reserve	(163,087)	0	0		(163,087)
Total Internally Restricted	(29,995,474)	2,462,361	2,885,747	245,500	(24,341,866)
Total Restricted	(89,483,829)	7,054,608	12,835,465	245,500	(69,288,256)

Contracts Review Statement

CITY OF WAGGA WAGGA CONTRACTS REVIEW STATEMENT 31 DECEMBER 2016						
Contract Number	Contractor	Contract Detail & Purpose	Contract Value	Start Date	Duration of Contract	Budget (Yes/No)
2017/502	J A Power Pty Ltd	Cambell Place Sewer Realignment	98,037	28/02/17	4 weeks	y
2016*504	Breust Constructions Pty Ltd	Flood Gate 15A Shelter	66,935	28/02/17	8 Weeks	y

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations or \$50,000, whichever is the lesser.
2. Contracts to be listed are those entered into during the quarter and have yet to be fully performed, excluding contractors that are on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Where a contract for services etc was not included in the budget, an explanation is to be given (or reference made to an explanation in another Budget Review Statement).

Consultancy & Legal Expenses Budget Review Statement

CITY OF WAGGA WAGGA CONSULTANCY & LEGAL EXPENSES BUDGET REVIEW STATEMENT 31 DECEMBER 2016							
	Approved Changes				PROPOSED CHANGES for Council Resolution	PROJECTED YEAR END RESULT	ACTUAL YTD
	BUDGET 2016/17	SEPTEMBER QTR BUDGET VARIATIONS	DECEMBER QTR BUDGET VARIATIONS	REVISED BUDGET			
Consultancies	448,196	7,015	73,315	528,526	0	590,266	532,906
Legals	376,504	11,558	11,198	399,260	0	399,260	239,114

Investment Summary as at 31 December 2016

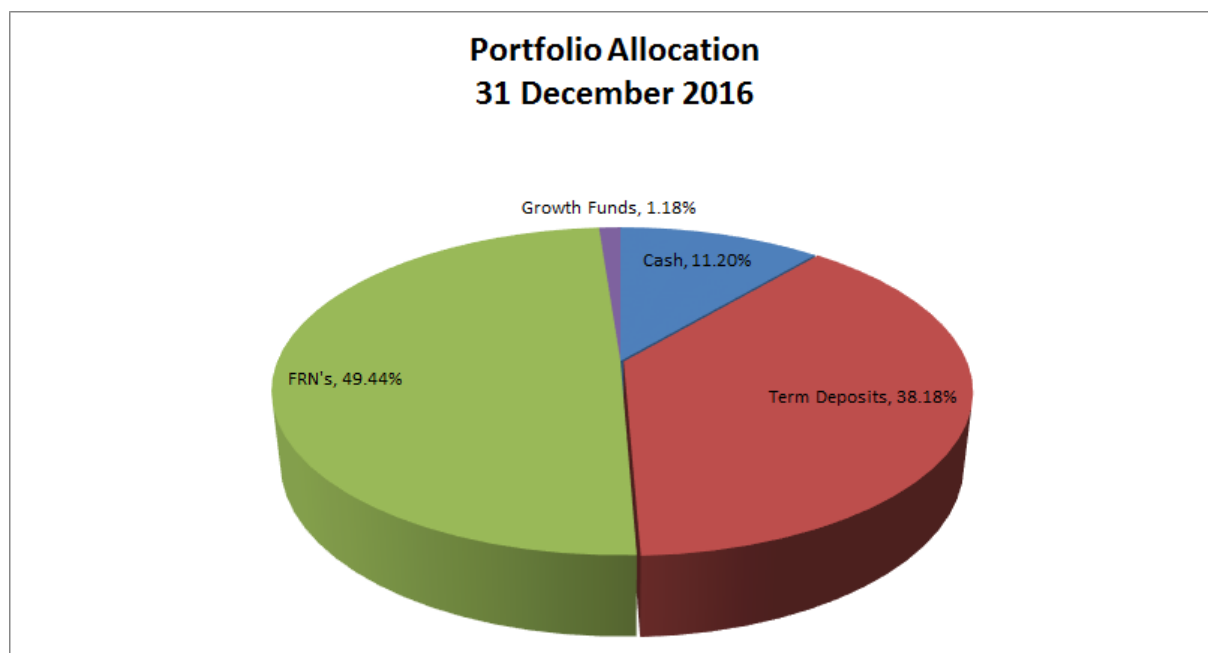
In accordance with Clause 212 of the Local Government (General) Regulation 2005, details of Wagga Wagga City Council's external investments are detailed below:

Institution	Rating	Closing Balance Invested 30/11/2016 \$	Closing Balance Invested 31/12/2016 \$	December EOM Current Yield %	December EOM % of Portfolio	Investment Date	Maturity Date	Term (mths)
Short Term Deposits								
Police Credit Union	NR	1,000,000	1,000,000	2.87%	0.95%	6/12/2016	6/12/2017	12
BOQ	A-	2,000,000	2,000,000	2.75%	1.91%	2/09/2016	4/04/2017	7
NAB	AA-	1,000,000	1,000,000	2.96%	0.95%	2/06/2016	3/01/2017	7
NAB	AA-	1,000,000	1,000,000	2.90%	0.95%	25/07/2016	25/01/2017	6
BOQ	A-	2,000,000	2,000,000	2.80%	1.91%	7/12/2016	7/07/2017	12
Bank of Sydney	NR	2,000,000	2,000,000	2.75%	1.91%	30/09/2016	29/09/2017	12
CUA	BBB+	1,000,000	1,000,000	3.15%	0.95%	10/02/2016	9/02/2017	12
NAB	AA-	1,000,000	1,000,000	2.74%	0.95%	25/10/2016	25/05/2017	7
ME Bank	BBB+	1,000,000	1,000,000	3.10%	0.95%	23/02/2016	23/02/2017	12
Auswide	BBB	1,000,000	0	0.00%	0.00%	1/03/2016	22/12/2016	10
AMP	A+	2,000,000	2,000,000	3.00%	1.91%	2/08/2016	2/08/2017	12
Bankwest	AA-	2,000,000	0	0.00%	0.00%	25/10/2016	16/12/2016	2
BOQ	A-	1,000,000	1,000,000	2.80%	0.95%	7/11/2016	8/05/2017	6
Bankwest	AA-	0	2,000,000	2.55%	1.91%	6/12/2016	3/02/2017	2
ME Bank	BBB+	0	2,000,000	2.80%	1.91%	16/12/2016	16/10/2017	10
Total Short Term Deposits		18,000,000	19,000,000	2.83%	18.14%			
At Call Accounts								
NAB	AA-	3,095,401	785,467	1.50%	0.75%	N/A	N/A	N/A
NAB	AA-	11,433,382	10,655,049	2.19%	10.17%	N/A	N/A	N/A
AMP	A+	110	0	0.00%	0.00%	N/A	N/A	N/A
AMP	A+	179,125	179,559	2.20%	0.17%	N/A	N/A	N/A
Beyond Bank	BBB+	74,260	74,323	1.00%	0.07%	N/A	N/A	N/A
CBA	AA-	30,878	30,830	0.00%	0.03%	N/A	N/A	N/A
Total At Call Accounts		14,813,156	11,725,228	2.13%	11.20%			
Medium Term Deposits								
RaboBank	A+	1,000,000	1,000,000	6.40%	0.95%	23/04/2012	24/04/2017	60
RaboBank	A+	1,000,000	1,000,000	5.90%	0.95%	4/06/2012	5/06/2017	60
BOQ	A-	1,000,000	1,000,000	6.30%	0.95%	22/08/2012	22/08/2017	60
ING Bank	A-	3,000,000	3,000,000	6.00%	2.86%	24/08/2012	24/08/2017	60
Hume Building Society	NR	1,009,123	1,009,123	4.10%	0.96%	21/08/2014	21/08/2017	36
Banana Coast CU	NR	1,000,000	1,000,000	4.25%	0.95%	3/06/2014	2/06/2017	36
ME Bank	BBB+	2,000,000	2,000,000	4.28%	1.91%	2/09/2014	2/09/2019	60
Rabobank	A+	1,000,000	1,000,000	4.10%	0.95%	5/12/2014	5/12/2019	60
Beyond Bank	BBB+	990,000	990,000	3.70%	0.95%	4/03/2015	4/03/2018	36
Beyond Bank	BBB+	990,000	990,000	3.70%	0.95%	11/03/2015	11/03/2018	36
AMP	A+	2,000,000	2,000,000	3.10%	1.91%	2/06/2015	2/06/2017	24
AMP	A+	1,000,000	1,000,000	3.10%	0.95%	13/07/2015	13/07/2017	24
Bendigo-Adelaide	A-	1,000,000	1,000,000	2.80%	0.95%	1/09/2015	3/03/2017	18
Newcastle Permanent	BBB+	1,000,000	1,000,000	3.00%	0.95%	12/08/2016	12/08/2019	36
Rabobank	A+	1,000,000	1,000,000	3.20%	0.95%	25/08/2016	25/08/2021	60
Newcastle Permanent	BBB+	1,000,000	1,000,000	3.00%	0.95%	31/08/2016	30/08/2019	36

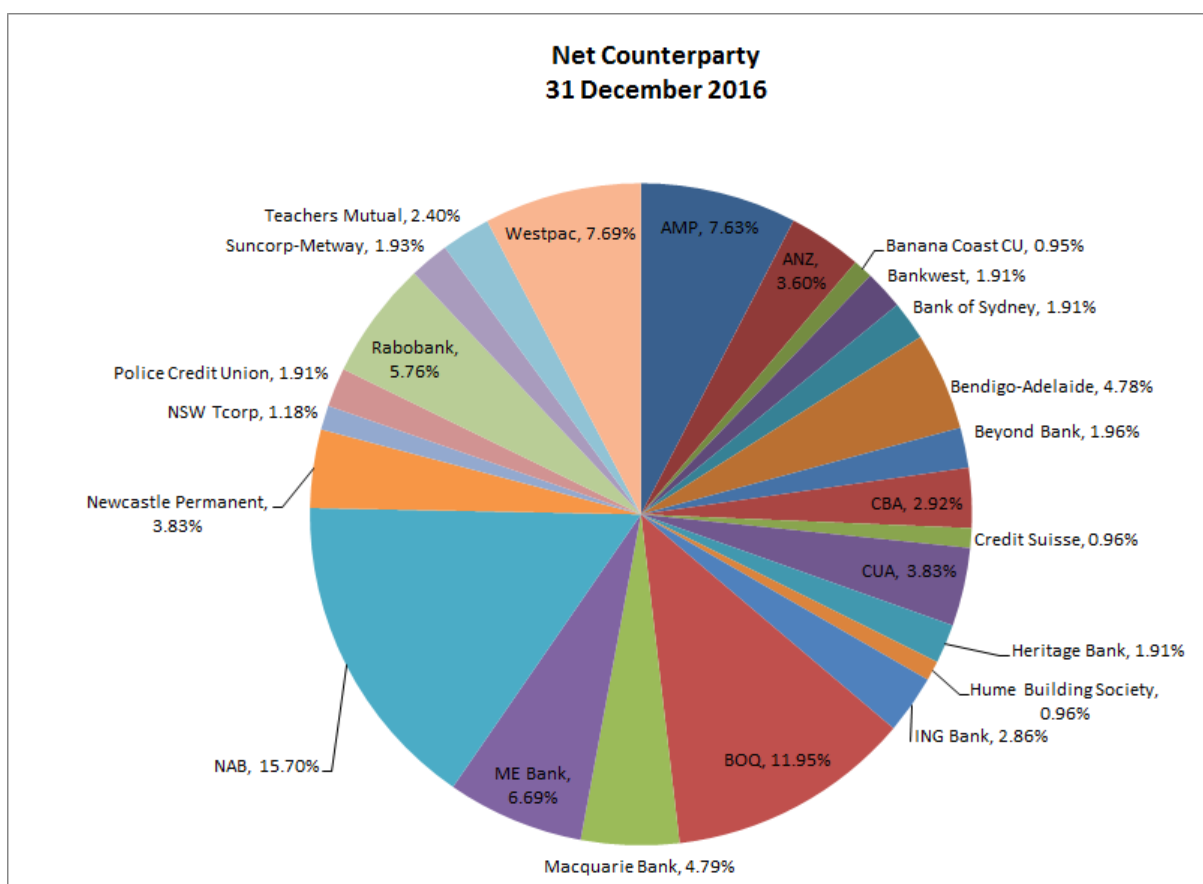
Institution	Rating	Closing Balance Invested 30/11/2016 \$	Closing Balance Invested 31/12/2016 \$	December EOM Current Yield %	December EOM % of Portfolio	Investment Date	Maturity Date	Term (mths)
Medium Term Deposits Continued								
Police Credit Union	NR	1,000,000	1,000,000	2.90%	0.95%	8/09/2016	10/09/2018	24
Total Medium Term Deposits		20,989,123	20,989,123	4.25%	20.04%			
Floating Rate Notes - Senior Debt								
Macquarie Bank	A	3,017,754	3,012,678	BBSW + 290	2.88%	9/03/2012	9/03/2017	60
CUA	BBB+	1,007,182	1,002,019	BBSW + 130	0.96%	28/05/2014	20/03/2017	34
Bendigo-Adelaide	A-	1,003,056	998,132	BBSW + 93	0.95%	17/09/2014	17/09/2019	60
BOQ	A-	2,007,860	1,997,940	BBSW + 110	1.91%	5/08/2014	24/06/2019	58
BOQ	A-	998,114	998,203	BBSW + 107	0.95%	6/11/2014	6/11/2019	60
BOQ	A-	1,000,000	1,002,149	BBSW + 107	0.96%	10/11/2014	6/11/2019	60
ME Bank	BBB+	1,000,709	1,003,057	BBSW + 100	0.96%	17/11/2014	17/11/2017	36
ME Bank	BBB+	1,000,091	1,000,139	BBSW + 100	0.96%	17/11/2014	17/11/2017	36
Teachers Mutual	BBB+	999,295	1,002,353	BBSW + 105	0.96%	4/12/2014	4/12/2017	36
Newcastle Permanent	BBB+	999,590	1,002,460	BBSW + 110	0.96%	27/02/2015	27/02/2018	36
Macquarie Bank	A	1,996,362	2,000,589	BBSW + 110	1.91%	3/03/2015	3/03/2020	60
ANZ	AA-	750,471	751,673	BBSW + 82	0.72%	17/04/2015	17/04/2020	60
Heritage Bank	BBB+	998,560	1,001,610	BBSW + 115	0.96%	7/05/2015	7/05/2018	36
NAB	AA-	995,104	996,401	BBSW + 80	0.95%	3/06/2015	3/06/2020	60
Heritage Bank	BBB+	998,560	1,001,610	BBSW + 115	0.96%	9/06/2015	7/05/2018	35
CBA	AA-	1,001,372	1,003,805	BBSW + 90	0.96%	17/07/2015	17/07/2020	60
Westpac	AA-	1,001,760	1,003,830	BBSW + 90	0.96%	28/07/2015	28/07/2020	60
Bendigo-Adelaide	A-	1,000,070	1,002,050	BBSW + 110	0.96%	18/08/2015	18/08/2020	60
Credit Suisse	A	999,860	1,002,510	BBSW + 105	0.96%	24/08/2015	24/08/2018	36
Bendigo-Adelaide	A-	999,363	1,001,019	BBSW + 110	0.96%	28/09/2015	18/08/2020	59
Westpac	AA-	2,000,053	2,003,801	BBSW + 90	1.91%	30/09/2015	28/07/2020	58
Suncorp-Metway	A+	1,008,612	1,010,598	BBSW + 125	0.96%	20/10/2015	20/10/2020	60
Westpac	AA-	4,028,720	4,036,320	BBSW + 108	3.85%	28/10/2015	28/10/2020	60
AMP	A+	1,813,140	1,805,940	BBSW + 110	1.72%	11/12/2015	11/06/2019	42
CBA	AA-	1,008,476	1,010,406	BBSW + 115	0.96%	18/01/2016	18/01/2021	60
BOQ	A-	1,003,722	1,005,896	BBSW + 100	0.96%	5/02/2016	5/02/2018	24
Rabobank	A+	2,023,994	2,029,394	BBSW + 150	1.94%	4/03/2016	4/03/2021	60
Newcastle Permanent	BBB+	1,009,356	1,003,827	BBSW + 160	0.96%	22/03/2016	22/03/2019	36
CUA	BBB+	2,015,382	2,004,482	BBSW + 160	1.91%	1/04/2016	1/04/2019	36
ANZ	AA-	1,010,455	1,010,757	BBSW + 118	0.97%	7/04/2016	7/04/2021	60
Suncorp-Metway	A+	1,011,238	1,013,620	BBSW + 138	0.97%	21/04/2016	12/04/2021	60
AMP	A+	1,006,065	1,007,583	BBSW + 135	0.96%	24/05/2016	24/05/2021	60
Westpac	AA-	1,012,530	1,007,280	BBSW + 117	0.96%	3/06/2016	3/06/2021	60
CBA	AA-	1,009,767	1,011,442	BBSW + 121	0.97%	12/07/2016	12/07/2021	60
ANZ	AA-	2,008,337	2,007,286	BBSW + 113	1.92%	16/08/2016	16/08/2021	60
BOQ	A-	1,504,531	1,508,268	BBSW + 117	1.44%	26/10/2016	26/10/2020	48
NAB	AA-	1,000,054	1,000,667	BBSW + 105	0.96%	21/10/2016	21/10/2021	60
Teachers Mutual	BBB+	1,504,602	1,508,930	BBSW + 140	1.44%	28/10/2016	28/10/2019	36
Bendigo-Adelaide	A-	999,562	1,001,409	BBSW + 110	0.96%	21/11/2016	21/02/2020	39
Total Floating Rate Notes - Senior Debt		51,753,728	51,772,133		49.44%			
Managed Funds								
NSW TCorp	NR	1,201,937	1,238,765	3.06%	1.18%	17/03/2014	1/12/2021	92

<i>Total Managed Funds</i>		1,201,937	1,238,765	3.06%	1.18%			
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS		106,757,943	104,725,248	3.78%	100.00%			
LESS: RIVERINA REGIONAL LIBRARY (RRL) CASH		2,318,372	2,051,129					
TOTAL WWCC CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS		104,439,571	102,674,119					

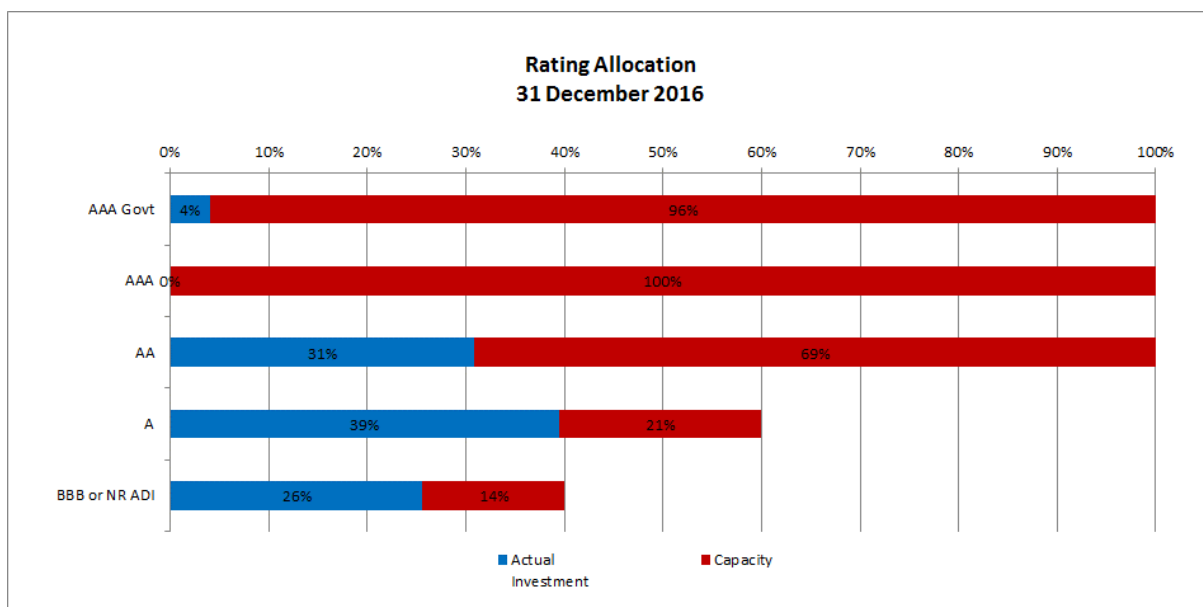
Council's portfolio is dominated by Floating Rate Notes (FRN's) at approximately 50% across a broad range of counterparties. Cash equates to 11% of Council's portfolio with Term Deposits around 38% and growth funds around 1% of the portfolio.



Council's investment portfolio is well diversified in complying assets across the entire credit spectrum. It is also well diversified from a rating perspective. Credit quality is diversified and is predominately invested amongst the investment grade ADIs (BBB- or higher), with a smaller allocation to unrated ADIs.



All investments are well within the defined Policy limits, as outlined in the Rating Allocation chart below:



Investment Portfolio Balance

Council's investment portfolio balance has decreased slightly from the previous month's balance, down from \$104.4M to \$102.7M.

	Closing Balance Invested 31/10/2016 \$	Closing Balance Invested 30/11/2016 \$	Closing Balance Invested 31/12/2016 \$
TOTAL WWCC CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS	103,733,546	104,439,571	102,674,119

MONTHLY INVESTMENT MOVEMENTS

Redemptions/Sales - Council redeemed the following investment securities during December 2016:

Institution and Type	Amount	Investment Term	Interest Rate	Comments
Auswide Bank Term Deposit	\$1M	10 months	3.07%	This term deposit was redeemed for cashflow purposes.
Bankwest Term Deposit	\$2M	2 months	2.55%	This term deposit was redeemed and reinvested with ME Bank.

New Investments - Council purchased the following investment securities during December 2016:

Institution and Type	Amount	Investment Term	Interest Rate	Comments
Bankwest Term Deposit	\$2M	2 months	2.55%	The Bankwest rate of 2.55% compared favourably to the rest of the market for this investment term. This term was chosen to align with the estimated timing of capital project expenditure.
ME Bank Term Deposit	\$2M	10 months	2.80%	The ME Bank rate of 2.80% compared favourably to the rest of the market for this investment term. This term was chosen to align with the estimated timing of capital project expenditure.

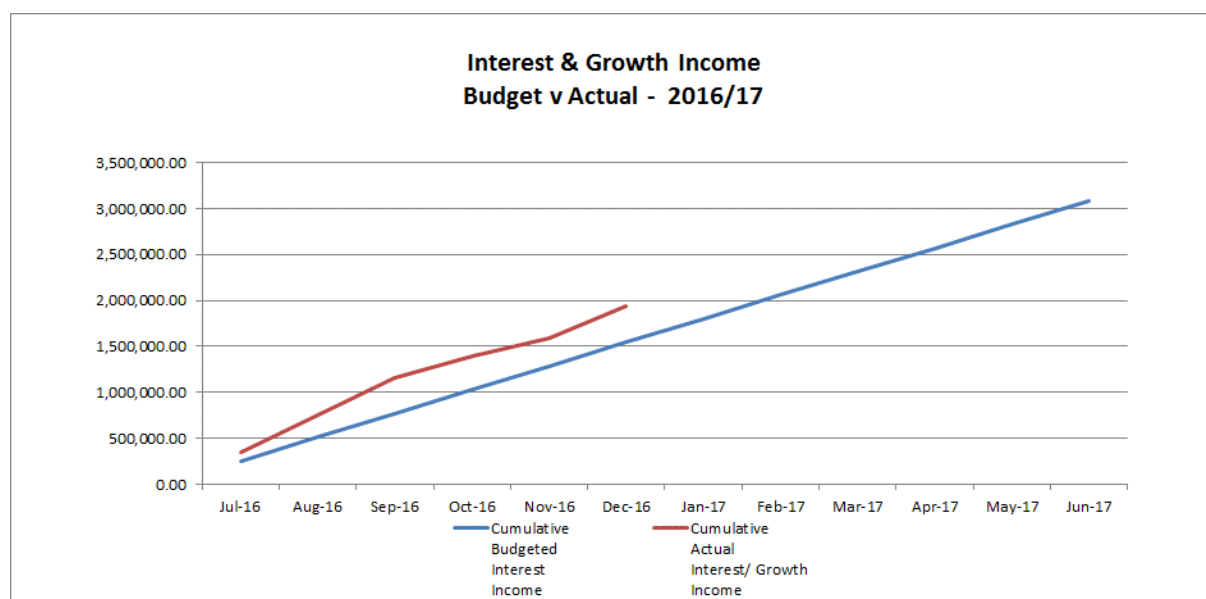
Rollovers – Council rolled the following investment securities during December 2016:

Institution and Type	Amount	Investment Term	Interest Rate	Comments
Police Credit Union Term Deposit	\$1M	12 months	2.87%	This term deposit was a six (6) month investment at 3.02% and was rolled at maturity into a twelve (12) month term deposit at 2.87%. This investment term was chosen to ensure a maturity gap was filled.

MONTHLY PERFORMANCE

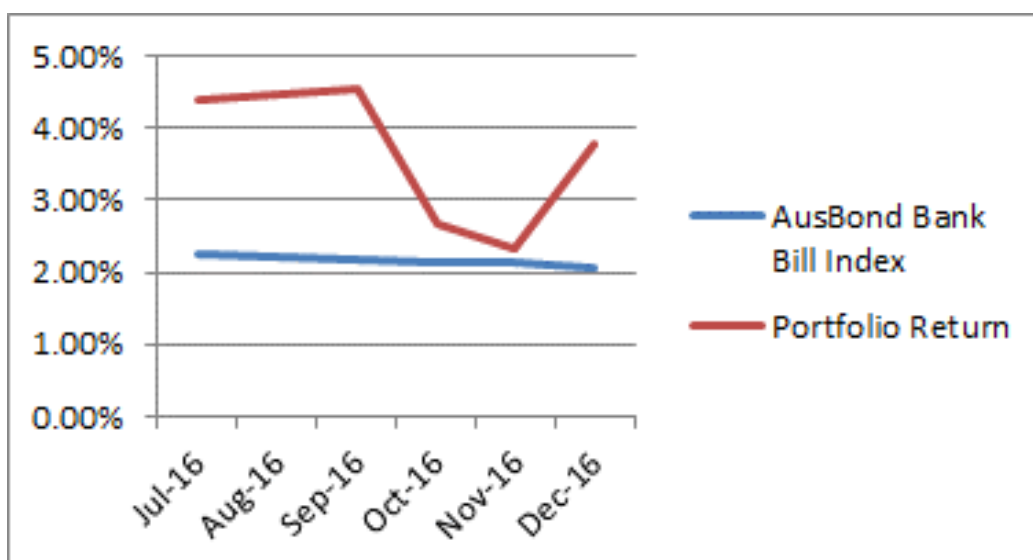
Interest/growth/capital gains for the month totaled \$336,645 which compares favourably with the budget for the period of \$257,250 – out performing budget for the December month by \$79,395. This is mainly attributable to the positive adjustment of \$36,828 for Council's managed funds (NSW T-Corp) for the December period. Council's Floating Rate Note (FRN) portfolio has continued a period of strong growth, with many of these investments continuing to trade at a premium.

It should be noted that the capital market value of these FRN investments will fluctuate from month to month and that Council continues to receive the coupon payments and the face value of the investment security when sold or at maturity.



Council's portfolio performance continues to be anchored by the longer-dated deposits in the portfolio, particularly those locked in above 4% yields. It is to be noted however that the average deposit yield will inevitably fall as some of the longer-dated deposits mature within the next year.

In comparison to the AusBond Bank Bill Index* (+2.07%pa), Council's investment portfolio in total returned 3.78% for December. Short term deposits returned 2.83%. These funds are utilised for daily cash flow management and need to be available to meet operating and contractual payments as they come due.



* The AusBond Bank Bill Index is the leading benchmark for the Australian fixed income market. It is interpolated from the RBA Cash rate, 1 month and 3 month Bank Bill Swap rates.

Cash & Investments Budget Review Statement

I hereby certify that all of the above investments have been made in accordance with the provision of Section 625 of the Local Government Act 1993 and the regulations there under, and in accordance with the WWCC Investments Policy adopted by Council on 26 August 2013.

The Cash at Bank amount has also been reconciled to Council's physical Bank Statements.

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005. It is my opinion that the Quarterly Budget Review Statement for Wagga Wagga City Council for the quarter ended 31 December 2016 indicates that Council's projected financial position at 30 June 2017 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Carolyn Rodney
Responsible Accounting Officer

Policy

Budget Variations are reported in accordance with POL 052 Budget Policy.
Investments are reported in accordance with POL 075 Investment Policy.

Link to Strategic Plan

1. We are an engaged and involved community

1.1 We are a community that is informed and involved in decisions impacting us

Risk Management Issues for Council

No specific issues identified.

Internal / External Consultation

All relevant areas within Council have consulted with the Finance Division in regards to the budget variations listed in this report.

The Finance Division has consulted with relevant external parties to confirm Council's investment portfolio balances.

COMMITTEE MINUTES

M-1 RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE MINUTES - 30 NOVEMBER 2016

Author: Knight, Robert

General Manager: Eldridge, Alan

Recommendation

That Council:

- a receive and note the minutes of the Riverina Regional Library Advisory Committee Meeting held on 30 November 2016
- b endorse the inclusion of \$20,000 additional funding for the Mobile Library collection in the 2017-18 budget
- c endorse the cost of this funding increase to be divided amongst the member Councils that use the mobile library on the same basis that existing mobile costs are allocated, that being on a percentage of use basis
- d endorse the Mobile Library collections allocation to be subject to the agreed RRL funding model, which applies the annual rate pegging variation to operational costs

Key Reasons

The Riverina Regional Library Advisory Committee meeting was held on 30 November 2016. Minutes of the meeting and mobile library collections funding report are attached.

The Riverina Regional Library operates under two primary pieces of legislation – the Local Government Act 1993 and the Library Act 1939.

Wagga Wagga City Council undertakes the role of 'Executive Council' under the current Riverina Regional Library Deed of Agreement, and the Riverina Regional Library operates under the policies of the Executive Council in order to comply with the requirements of the Local Government Act. An advisory committee, known as the Riverina Regional Library Advisory Committee, provides advice and recommendations to the Executive Council on matters pertaining to Riverina Regional Library.

Financial Implications

An additional proposed \$20,000 budget for Collections is to be included in the 2017/18 budget. Based on the 2015-16 population statistics, the apportionment of costs amongst participating Councils is as follows:

<i>Coolamon</i>	<i>Federation</i>	<i>Greater Hume</i>	<i>Lockhart</i>	<i>Snowy Valleys</i>	<i>Temora</i>	<i>Wagga Wagga</i>	<i>Total</i>
\$1,620	\$3,382	\$4,874	\$3,826	\$2,332	\$814	\$3,152	\$20,000

Policy

N/A

Link to Strategic Plan

1. We are an engaged and involved community

1.1 We are a community that is informed and involved in decisions impacting us

Risk Management Issues for Council

No specific issues identified.

Internal / External Consultation

N/A

Attachments

1 [↓](#). RRL Advisory Committee Minutes - 30 November 2016

2 [↓](#). Mobile Library Collections Funding Report - 30 November 2016

MINUTES of the RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE held on Wednesday 30 November 2016.



RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE

MINUTES

30 NOVEMBER 2016

PRESENT

Cr Yvonne Braid	Wagga Wagga City Council
Cr Pam Halliburton	Junee Shire Council
Cr Dan Hayes	Wagga Wagga City Council
Cr Rod Kendall	Wagga Wagga City Council
Cr Kerrillee Logan	Coolamon Shire Council
Cr Dennis Sleigh	Temora Shire Council
Cr Dallas Tout	Wagga Wagga City Council
Cr Greg Verdon	Lockhart Shire Council
Cr Jan Wyse	Bland Shire Council
Ms Adele Casey	Bland Shire Council
Mr Tony Donoghue	Coolamon Shire Council
Mr Alan Eldridge	Wagga Wagga City Council
Mr Steve Firth	Temora Shire Council
Ms Louise Parr	Federation Council
Ms Fiona Schirmer	Federation Council
Mr Rod Shaw	Lockhart Shire Council
Mr David Smith	Greater Hume Shire Council
Mr Ken Trethewey	Cootamundra-Gundagai Regional Council
Ms Kristin Twomey	Snowy Valleys Council

IN ATTENDANCE

Ms Eileen England	Temora Shire Council
Ms Carolyn Rodney	Wagga Wagga City Council
Mr Zachary Wilson	Wagga Wagga City Council

RIVERINA REGIONAL LIBRARY STAFF

Mr Robert Knight	Executive Director
Ms Amy Heap	Outreach and Promotions Coordinator
Mr Brian Plummer	Support and eServices Coordinator
Ms Karen Wendt	Business and Communications Coordinator

The meeting of the Riverina Regional Library Advisory Committee commenced at 9.36am.

MINUTES of the RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE held on Wednesday 30 November 2016.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land that we are meeting on today. I would also like to pay my respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal people who are present today.

APOLOGIES

Ms Courtney Armstrong	Coolamon Shire Council
Cr Vanessa Keenan	Wagga Wagga City Council
Cr Ian Marston	Lockhart Shire Council
Cr Max Oliver	Temora Shire Council
Cr Annette Schilg	Greater Hume Shire Council
Cr Heather Wilton	Greater Hume Shire Council
Ms Sue Fletcher	Snowy Valleys Council
Ms Kristy Kay	Federation Council
Ms Rosalind Wight	Cootamundra-Gundagai Regional Council

REPORTS FROM STAFF

RP-1 CONFIRMATION OF MINUTES

Recommendation

On the motion of Ms Casey and Cr Verdon

That the Committee endorse the minutes of the Riverina Regional Library Advisory Committee meeting held on 30 March 2016 as a true and accurate record.

CARRIED

The Chairperson invited Mr Knight to take the chair and administer the elections. The meeting determined that the election would be conducted by open ballot.

RP-2 ELECTION OF CHAIR, DEPUTY CHAIR AND EXECUTIVE COMMITTEE FOR THE RRL ADVISORY COMMITTEE FOR 2016-2017

Recommendation

On the motion of Mr Trethewey and Cr Verdon

That the Committee:

- a elect a Chairperson and Deputy Chairperson to the RRL Advisory Committee for 2016-2017**
- b elect four (4) delegates to the RRL Executive Committee for 2016-2017.**

MINUTES of the RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE held on Wednesday 30 November 2016.

Chairperson

Cr Tout nominated by Mr Trethewey and Cr Verdon.

Cr Tout accepted the nomination.

There being no further nominations, **Cr Tout** was duly elected Chairperson of the Riverina Regional Library Advisory Committee for the ensuing year.

Deputy Chairperson

Cr Halliburton nominated by Ms Casey and Cr Braid.

Cr Halliburton accepted the nomination.

There being no further nominations, **Cr Halliburton** was duly elected Deputy Chairperson of the Riverina Regional Library Advisory Committee for the ensuing year.

Executive Committee

Cr Braid nominated by Cr Halliburton and Cr Verdon.

Cr Braid accepted the nomination.

Cr Wyse nominated by Cr Halliburton and Cr Kendall.

Cr Wyse accepted the nomination.

Ms Casey nominated by Cr Wyse and Cr Braid.

Ms Casey accepted the nomination.

Mr Trethewey nominated by Ms Casey and Cr Halliburton.

Mr Trethewey accepted the nomination.

There being no further nominations, **Cr Braid, Cr Wyse, Ms Casey and Mr Trethewey** were duly elected, joining the Chairperson and Deputy Chairperson on the Executive Committee of the Riverina Regional Library Advisory Committee for the ensuing year.

CARRIED

Mr Knight invited the Chairperson to take the chair for the remainder of the meeting.

RP-3 MANAGER FINANCIAL SERVICES REPORT**Recommendation**

On the motion of Cr Kendall Mr Trethewey

That the Committee:

- a note the final result for the year ended 30 June 2016**
- b note the budget review for the quarter ended September 2016**
- c endorse the Riverina Regional Library Asset Register as at 30 June 2016**
- d endorse the signing of the 2015/16 Riverina Regional Library Financial Statements pursuant to s413(2)(c) of the Local Government Act 1993.**

CARRIED

PRESENTATION

Mr Knight delivered an Introduction to Riverina Regional Library presentation.

MINUTES of the RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE held on Wednesday 30 November 2016.

RP-4 RRL EXECUTIVE DIRECTOR REPORT

Recommendation

On the motion of Cr Halliburton and Cr Wyse

That the Committee receive and note the report.

CARRIED

RP-5 LIBRARY ACTIVITY STATISTICS REPORT

Recommendation

On the motion of Cr Halliburton and Ms Casey

That the Committee receive and note the report.

CARRIED

RP-6 RRL ADVISORY COMMITTEE MEETINGS 2017

Recommendation

On the motion of Cr Kendall and Ms Twomey

That the Committee endorse the following meeting dates in Wagga Wagga during 2017:

- **Wednesday 29 March 2017**
- **Wednesday 8 November 2017**

CARRIED

RP-7 AMENDED RRL DEED OF AGREEMENT 2012-2018, MEMBER COUNCIL CONTRIBUTIONS TABLE 2017-2018, RRL MANAGEMENT PLAN 2016-2017 AND SERVICE LEVEL AGREEMENTS 2016-2017

Recommendation

On the motion of Ms Twomey and Ms Casey

That the Committee endorse the amendments to the RRL Deed of Agreement 2012-2018, the RRL Member Councils Contribution Table and RRL Management Plan 2016-2017.

CARRIED

MINUTES of the RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE held on Wednesday 30 November 2016.

RP-8 FOOD FOR FINES 2016

Recommendation

On the motion of Cr Kendall and Mr Trethewey

That the Committee:

- a endorse the Food for Fines initiative for consideration by member Councils, for application at their libraries for a 4-week period concluding on Christmas Eve**
- b endorse the restriction of fine exemptions to a maximum of 4 weeks per year, during the specified Christmas period, in each RRL branch library.**

CARRIED

RP-9 RRL TRAINING AND PROFESSIONAL DEVELOPMENT PLAN 2016-2017

Recommendation

On the motion of Ms Casey and Ms Twomey

That the Committee endorse the RRL Training and Professional Development Plan 2016-2017.

CARRIED

RP-10 MOBILE LIBRARY COLLECTIONS FUNDING

Recommendation

On the motion of Cr Wyse and Cr Kendall

That the Committee:

- a endorse the inclusion of \$20,000 additional funding for the Mobile Library collection in the 2017-18 budget**
- b endorse the cost of this funding increase to be divided amongst the member Councils that use the mobile library on the same basis that existing mobile costs are allocated, that being on a percentage of use basis**
- c endorse the Mobile Library collections allocation to be subject to the agreed RRL funding model, which applies the annual rate pegging variation to operational costs.**

CARRIED

MINUTES of the **RIVERINA REGIONAL LIBRARY ADVISORY COMMITTEE** held on **Wednesday 30 November 2016**.

RP-11 SOUTH WEST ZONE DIGITAL LIBRARY UPDATE

Recommendation

On the motion of Cr Kendall and Cr Braid

That the Committee receive and note the report.

CARRIED

RP-12 INDIGENOUS SPACES IN LIBRARY PLACES STRATEGY

Recommendation

On the motion of Cr Wyse and Cr Halliburton

That the Committee receive and note the report.

CARRIED

CORRESPONDENCE

Nil

GENERAL BUSINESS

Nil

PRESENTATION

Ms Heap delivered a Riverina Regional Library Social Media presentation.

CLOSE OF MEETING

The Riverina Regional Library Advisory Committee rose at 11.25am.

RP-10 MOBILE LIBRARY COLLECTIONS FUNDING**Author:** Knight, Robert**Director:** Knight, Robert**Recommendation****That the Committee:**

- a endorse the inclusion of \$20,000 additional funding for the Mobile Library collection in the 2017-18 budget**
- b endorse the cost of this funding increase to be divided amongst the member Councils that use the mobile library on the same basis that existing mobile costs are allocated, that being on a percentage of use basis**
- c endorse the Mobile Library collections allocation to be subject to the agreed RRL funding model, which applies the annual rate pegging variation to operational costs**

Report

The RRL Mobile Library service has never had a separate collection fund, with collection materials having been funded by the collection allocations of Lockhart and Urana Councils. This situation was made possible because both Councils were served only by the Mobile Library in the absence of any static libraries in either LGA.

The expansion of the Mobile Library schedule in July 2015 to incorporate the NSW Councils that were previously members of the Upper Murray Regional Library has put significant pressure on the Mobile Library collection, particularly in terms of stock turnover and increased demand for additional collection items. RRL Administration Centre Collection Services staff have addressed the shortfall insofar as possible by directing high quality donated material to the Mobile Library collection, however this strategy cannot adequately respond to the demand for contemporary items.

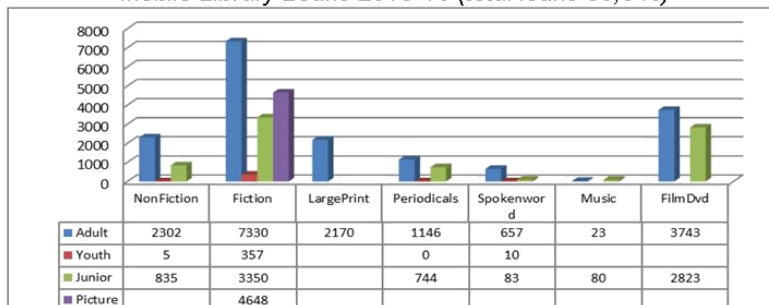
The Mobile Library is a unique and high performing unit in the RRL branch library network, and differs from static branches in the following ways:

- Visits 28 communities in 7 Council areas.
- Serves 28 different demographics.
- Has a high turnover of stock.
- Has comparatively high loan statistics.
- Due to the frequency of visits (2 x weekly; 23 x fortnightly; 3 x 4-weekly), members tend to borrow more items on each visit than do members of static branch libraries that are much more accessible.
- Has relatively low shelf storage capacity, so needs constant refreshment of collection stock.

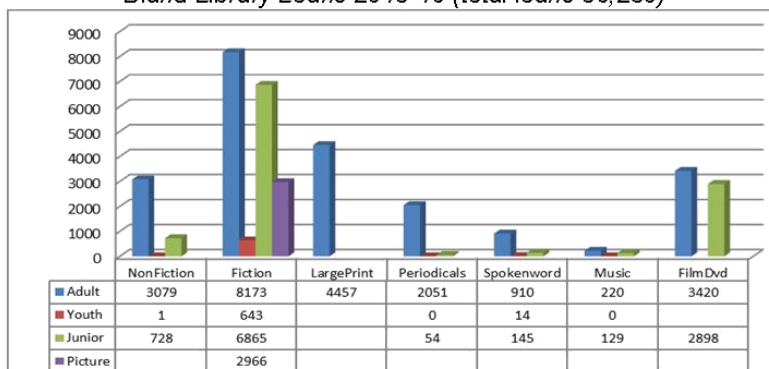
In the following graphs, Mobile Library loans and turnover are compared with Bland Library (the most comparable standalone library for loans in 2015-16). Mobile library collection turnover is 4.2 compared to Bland's 1.9, meaning that on average, every Mobile Library item was loaned more than twice as often during 2015-16. Bland Library's turnover is approximately average for the RRL branch network, whilst the Mobile Library has the region's highest turnover. Bland Library's collections budget in

2016-17 is \$40,267 (including an extra \$16,000 provided by Bland Shire Council).
The Mobile Library collections budget is \$17,071.

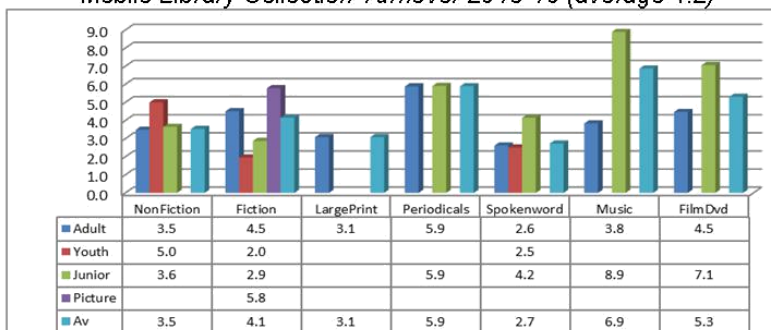
Mobile Library Loans 2015-16 (total loans 30,340)



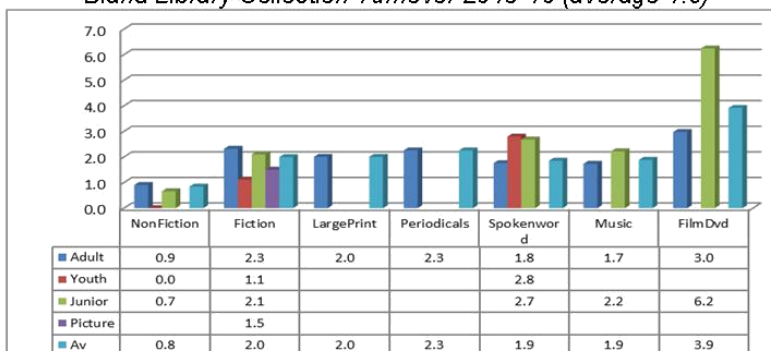
Bland Library Loans 2015-16 (total loans 36,280)



Mobile Library Collection Turnover 2015-16 (average 4.2)

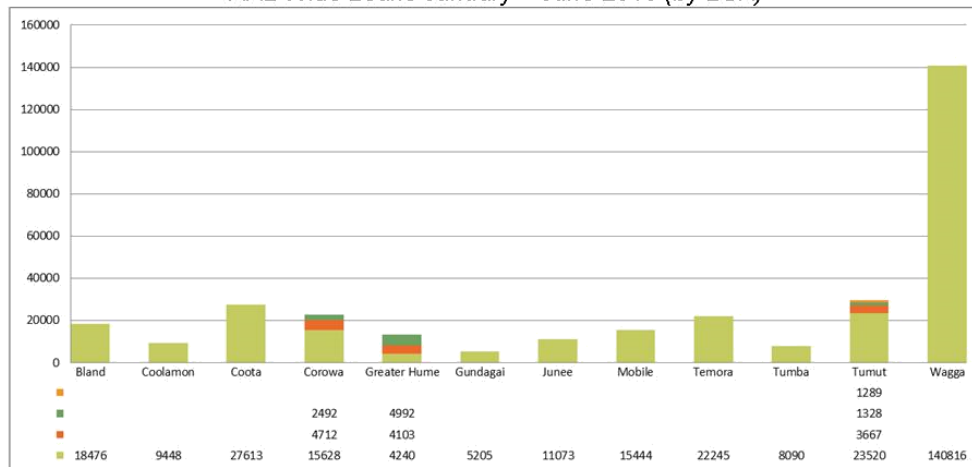


Bland Library Collection Turnover 2015-16 (average 1.9)



The graph below shows loans across all RRL LGAs. The Mobile Library has a higher overall circulation than 4 LGAs across the region.

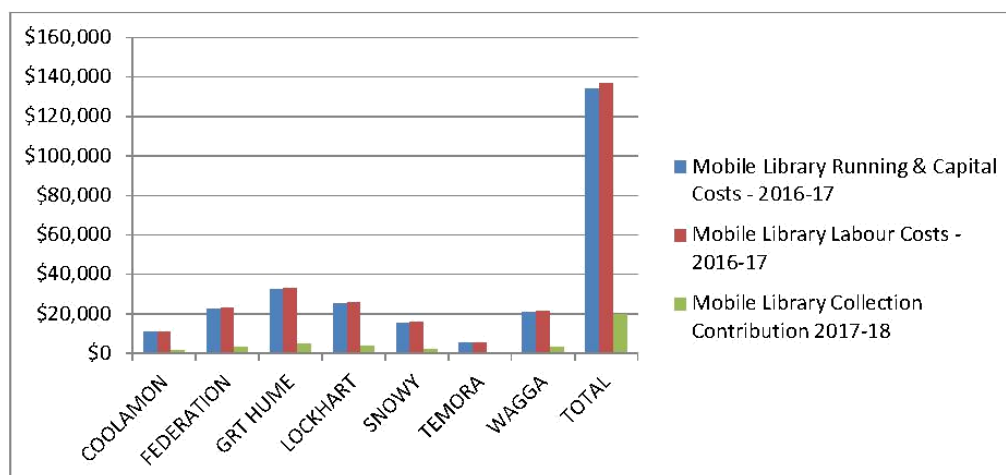
RRL Wide Loans January – June 2016 (by LGA)



The May 2016 amalgamation of Urana and Corowa Councils to form Federation Council means that, after 2016-17, Lockhart Council will be the only Council making contributions to the Mobile Library collection budget. With an allocation of just \$12,441 in 2016-17, an amount that will be increased only by indexation to the 2017-18 rate pegging increase, there will be insufficient funding available to provide the quality, scope and currency required to adequately serve Mobile Library borrowers in 2017-18 and beyond.

It is proposed to include a Collections line in the amount of \$20,000 in the Mobile Library section of the 2017-18 RRL Member Councils Contributions spreadsheet. Based on the 2015-16 population statistics, the apportionment of costs amongst participating Councils is as follows:

Coolamon	Federation	Greater Hume	Lockhart	Snowy Valleys	Temora	Wagga Wagga
\$1,620	\$3,382	\$4,874	\$3,826	\$2,332	\$814	\$3,152



This proposal provides an equitable and long term solution that can be simply applied and managed through the existing annual RRL funding contributions process.

Budget

RRL Mobile Library Collections Budget

Policy

N/A

Link to Strategic Plan

1. We are an engaged and involved community

1.1 We are a community that is informed and involved in decisions impacting us

QUESTIONS/BUSINESS WITH NOTICE

CONFIDENTIAL REPORTS

CONF-1 DISCHARGE OF MORTGAGE

Author: Butterfield, David
Sector Manager: Te Pohe, Natalie

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals.

CONF-2

**WAGGA WAGGA MAIN CITY LEVEE – STAGE 1 TENDER
AND REVIEW OF ENVIRONMENTAL FACTORS
DETERMINATION**

Author: Woods, Darryl

Sector Manager: Angel, Caroline

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

CONF-3

RFT2017/05 SUPPLY OF SWIMWEAR AND ACCESSORIES

Author: Eames, Maurice

Sector Manager: Somerville, Paul

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CONF-4

RFT2017/12 HIRED PLANT, FLEET AND EQUIPMENT

Author: Butterfield, David

Sector Manager: Te Pohe, Natalie

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**CONF-5 EXTRAORDINARY AUDIT AND RISK COMMITTEE MINUTES
- 15 DECEMBER 2016**

Author: Hensley, Ingrid
General Manager: Eldridge, Alan

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals; and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

PRESENT

The Mayor, Councillor Greg Conkey OAM
Councillor Yvonne Braid
Councillor Dan Hayes
Councillor Vanessa Keenan
Councillor Rod Kendall
Councillor Tim Koschel
Councillor Kerry Pascoe
Councillor Dallas Tout

IN ATTENDANCE

Community Sector Manager	(Mrs J Summerhayes)
Commercial Operations Sector Manager	(Mrs C Angel)
Commercial Development Manager	(Mr P Somerville)
Chief Financial Officer	(Mrs N Te Pohe)
Manager Special Projects	(Mr C Richardson)
Acting Manager City Strategy	(Mrs C Priest)
Manager Finance	(Mrs C Rodney)
Manager Community Services	(Mrs M Scully)
Acting Manager City Development	(Mrs A Gray)
Manager Executive Support	(Mr S Gray)
Manager Audit, Risk and Governance	(Mrs I Hensley)
Project Manager	(Mr D Woods)
Manager Project Operations	(Mr S Postma)
Manager Livestock Marketing Centre	(Mr P Martin)
Team Leader Visitor Economy	(Mrs F Hamilton)
Strategic Partner – Corporate Governance & Risk	(Mrs N Johnson)
Communications and Engagement Officer	(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 was received and accepted for the General Manager, Mr Alan Eldridge on the Motion of Councillors V Keenan and D Tout.

CARRIED

LEAVE OF ABSENCE

16/336 RESOLVED:

On the Motion of Councillors V Keenan and D Tout

That Council note a leave of absence was granted at the Supplementary Council Meeting held 5 December 2016 to Councillor P Funnell for 12 December 2016.

CARRIED

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 21 NOVEMBER 2016

16/337 RESOLVED:

On the Motion of Councillors R Kendall and D Hayes

That the Minutes of the proceedings of the Ordinary Council Meeting held on 21 November 2016 be confirmed as a true and accurate record subject to resolution 16/320 CONF-5 RFT2017/013 LAKEHAVEN REAR OF BLOCK DRAINAGE INSTALLATION being corrected to read:

That Council:

- a in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 (LG Regulation), decline to accept any of the tenders submitted in response to the RFT**
- b in accordance with 178(3)(e) of the LG Regulation, authorise the General Manager or their delegate to enter into direct negotiations with any person whether they were a tenderer or not with a view to entering into a contract in relation to the subject matter of the RFT**
- c note that the reason for declining to invite fresh tenders or applications is that it is not expected that further market testing will provide a more satisfactory result**
- d note that the reason for determining to enter into negotiations is the terms and conditions are at variance with those of the tender documentation and will be negotiated to settle the final terms of the contract**
- e subject to successful negotiations authorise the General Manager or their delegate to enter into a contract for the subject matter of this tender**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

CM-2 SUPPLEMENTARY COUNCIL MEETING - 5 DECEMBER 2016

16/338 RESOLVED:

On the Motion of Councillors R Kendall and D Hayes

That the Minutes of the proceedings of the Supplementary Council Meeting held on 5 December 2016 be confirmed as a true and accurate record.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

DECLARATIONS OF INTEREST

Councillor T Koschel declared a Non Pecuniary, Non-Significant Interest in PSRP – 4 POMINGALARNA MULTISPORT CYCLING COMPLEX the reason being that he is a member of the Tolland Cycle Club and remained in the chamber during its consideration.

Councillor T Koschel declared a Non-Pecuniary Interest in CONFMM-1 CONFIDENTIAL MAYORAL MINUTE - LIVESTOCK MARKETING CENTRE CANTEEN the reason being that the people in the tender are all clients of his private business and vacated the chamber during its consideration.

Councillor Braid declared a Non-Pecuniary, Non-Significant Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that she is a member of the Wollundry Rotary and remained in the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that he is a member of the Wollundry Rotary and vacated the chamber during its consideration.

The Mayor, Councillor G Conkey OAM declared a Non-Pecuniary Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that he is a member of Wollundry Rotary and vacated the chamber during its consideration.

MAYORAL MINUTE

MM-1 AIRPORT ADVISORY COMMITTEE

16/339 RESOLVED:

On the Motion of The Mayor, Councillor G Conkey OAM

That Council:

- a receive and note the draft Airport Advisory Committee Terms of Reference attached to this Mayoral Minute**
- b consult with members identified in the body of this report regarding the draft Terms of Reference before presenting back to Council for endorsement**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 POLICY AND STRATEGY COMMITTEE MEETING - 5 DECEMBER 2016

The Mayor, Councillor G Conkey OAM requested Councillors to nominate any recommendations from the minutes they wished to discuss.

16/340 RESOLVED:

On the Motion of Councillors R Kendall and T Koschel

That the Minutes of the Policy and Strategy Committee Meeting held on 5 December 2016 be confirmed and recommendations numbered PSCM-1, PSRP-3 to PSRP-8 and PSM-1 contained therein be adopted.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

REPORTS FROM STAFF

PSRP-1 DA16/0185 - DEVELOPMENT APPLICATION FOR 2 x 4 BEDROOM HOUSES WITH TORRENS TITLE SUBDIVISION AT 83, BROOKLYN DRIVE, BOURKELANDS

16/341 RESOLVED:

On the Motion of Councillors R Kendall and D Tout

That Council approve DA16/0185 - DEVELOPMENT APPLICATION FOR 2 x 4 BEDROOM HOUSES WITH TORRENS TITLE SUBDIVISION AT 83, BROOKLYN DRIVE, BOURKELANDS subject to the conditions outlined in the Section 79C Assessment Report for DA16/0185 with the additional conditions below:

Prior to release of Construction Certificate

- 11(a) Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the proposed excavation will not adversely impact the adjoining properties and will be classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.**

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

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

During Works

- 21(a) If it is required or intended to excavate below the level of the base of the footings of a building or structure on the adjoining allotment, including a public place, the person causing the excavation must:**
- (a) Preserve and protect the building from damage;**
 - (b) Take into consideration any cut and fill design works that are**

proposed for any adjoining site(s) in the design of works to the site with the benefit of this consent;

- (c) If necessary, underpin and support the building or structure in an approved manner. Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence; and
- (d) Give at least 7 days notice together with details to the owner(s) of the adjoining allotment of the intention to excavate below the base of the footings;
- (e) Subject to the agreement of the owner(s) of the adjoining allotment, a dilapidation report must be prepared by a qualified structural engineer, for the building or structure on that property, at the expense of the person acting on the consent, and presented to the owner(s) of that property.

Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence.

- (f) engineered design of the retaining structure by a certified practicing engineer prior to the release of the construction certificate

REASON: To minimise the impact of building works on adjoining land and structures and to ensure that all proposed works are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

CARRIED

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

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

PSRP-2 AMENDMENT NUMBER 12 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010

16/342 RESOLVED:

On the Motion of Councillors T Koschel and D Tout

That Council endorse the exhibition of the proposed amendments to the Wagga Wagga Development Control Plan 2010 in accordance with the Environmental Planning and Assessment Act 1979 public consultation provisions.

CARRIED

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

For the Motion

Against the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - FOOTPATH NETWORK CONNECTIVITY

16/343 RESOLVED:

On the Motion of Councillors D Hayes and V Keenan

That Council receives a report as part of the 2017/18 Operational Plan budget process which outlines the gaps and potential funding sources for the consideration of new footpaths to enable improved accessibility and connectivity between the existing footpath network.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

NOM-2 NOTICE OF MOTION - COST SHIFTING OF PUBLIC LIBRARY FUNDING

16/344 RESOLVED:

On the Motion of Councillors D Hayes and D Tout

That Council write to the Premier requesting an update on the progress made by the NSW Government in addressing the inequity in funding for public libraries.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

PROCEDURAL MOTION - ENGLOBO

16/345 RESOLVED:

On the Motion of Councillors V Keenan D Hayes

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 RP-3 and M-1 be adopted as recommended in the business papers.

REPORTS FROM STAFF

RP-1 COUNCIL AND COMMITTEE MEETING DATES AND TERMS OF REFERENCE - DEVELOPMENT ASSESSMENT STANDING COMMITTEE

16/346 RESOLVED:

On the Motion of Councillors R Kendall and D Tout

That Council:

- a endorse the schedule of Ordinary Council meetings for the period January 2017 to December 2017 as outlined in the report**
- b that the remainder of the report be deferred to the January 2017 Ordinary Council Meeting**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-2 FINANCIAL PERFORMANCE REPORT NOVEMBER 2016

16/347 RESOLVED:

On the Motion of Councillors D Tout and T Koschel

That Council:

- a approve the variations to the 2016/17 original budget for November 2016 and note the deficit budget of (\$62K) 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**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-3 PETITION - EMBLEN PARK

16/348 RESOLVED:

On the Motion of Councillors V Keenan and D Hayes

That Council:

- a receive and note the petition in opposition to the Pump/BMX Bike Track proposed for Emblen Park Tolland**
- b receive a further report in March 2017 following further community consultation**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

RP-4 MAJOR EVENTS FUNDING REQUEST

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:30pm.

The Mayor, Councillor G Conkey OAM declared a Pecuniary Interest and vacated the chair and the chamber, the time being 6:30pm.

The Deputy Mayor, Councillor D Tout assumed the chair the time being 6.30pm.

16/349 RESOLVED:

On the Motion of Councillors R Kendall and T Koschel

That Council:

- a authorise the General Manager or his delegate to enter into a one year event support agreement up to an amount of \$20,000 with Wollundry Rotary Club to sponsor the Gears and Beers Festival for 2017**
 - i the one year support agreement is committed from 2016/17 Major Events Sponsorship budget**
- b undertake a review of the Major Events Sponsorship Policy with the objective of creating a competitive multi-year events sponsorship application process in 2017/18**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
V Keenan
R Kendall
T Koschel
D Tout

Against the Motion

D Hayes

Councillor D Tout vacated the chair, the time being 6.38pm.

Councillor K Pascoe re-entered the chamber, the time being 6:38pm.

The Mayor, Councillor G Conkey OAM re-entered the chamber and assumed the chair, the time being at 6:39pm.

COMMITTEE MINUTES

M-1 AUDIT AND RISK COMMITTEE MINUTES - 10 NOVEMBER 2016

16/350 RESOLVED:

On the Motion of Councillors V Keenan and D Hayes

That Council endorse the recommendations contained in the minutes of the Audit and Risk Committee Meeting held on 10 November 2016.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
The Mayor, Councillor R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

QUESTIONS/BUSINESS WITH NOTICE

The following Questions/Business with Notice were raised and answered at the meeting:

1. Councillors D Hayes and V Keenan discussed the recent Forest Hill community consultation and concerns of PFAS contamination. Although Council have no authority or responsibility in this matter, Councillors requested feedback on if Council could assist by providing an update or assist in disseminating information provided by the Government to better inform the community.
2. Councillor D Hayes enquired if Council was aware of grant funding for the Rural Fire Service, with advice provided that Council are currently processing opportunities in partnership with emergency services.
3. Councillor T Koschel requested feedback on what strategies and processes Council have in place and what is planned to proactively share good things that Council does through media and community engagement.

CLOSED COUNCIL

16/351 RESOLVED:

On the Motion of Councillors K Pascoe and D Hayes

That the Council now resolve itself into a Closed Council, the time being 6.49pm.

CARRIED

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

CONFIDENTIAL MAYORAL MINUTE

CONFMM-1 CONFIDENTIAL MAYORAL MINUTE - LIVESTOCK MARKETING CENTRE CANTEEN

Councillor T Koschel declared a Pecuniary Interest and vacated the chamber, the time being 6:55pm.

16/352 RESOLVED:

On the Motion of The Mayor, Councillor G Conkey OAM

That Council:

- a note the lease agreement to the original candidate is no longer proceeding**
- b authorise the General Manager or their delegate to negotiate to enter into a lease for the Livestock Marketing Centre canteen with one of the other applicants noted in the report dated 31 October 2016, or any other party upon similar terms to those detailed in the report**
- c authorise the General Manager or their delegate to execute any necessary documents on behalf of Council**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
K Pascoe
D Tout

Against the Motion

Councillor T Koschel re-entered the chamber, the time being 6:56pm.

CONFIDENTIAL REPORTS

CONF-1 RFT2017/11 ROAD STABILISATION PRODUCTS SUPPLY

16/353 RESOLVED:

On the Motion of Councillors D Tout and K Pascoe

That Council:

- a accept the offers of Boral Cement Limited, Independent Cement & Lime Pty Ltd and Stabilised Pavements of Australia Pty Ltd for the supply of road stabilisation products at the schedule of rates in their respective tender submissions and authorise the General Manager or their delegate to enter into Contracts with the aforementioned suppliers**
- b authorise the fixing of Council's seal to documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

CONF-2 RFT2017/10 CONSTRUCTION OF CATTLE YARDS AND PEN EXTENSION LIVESTOCK MARKETING CENTRE

16/354 RESOLVED:

On the Motion of Councillors T Koschel and D Hayes

That Council:

- a accept the offers of Proway Livestock Equipment Pty Ltd for the construction of cattle yards and pen extension in the lump sum amount of \$2,704,565 excluding GST and authorise the General Manager or their delegate to enter into a Contract with the aforementioned supplier**
- b authorise the fixing of Council's seal to documents as required**
- c note and approve the budget variation/s as detailed in the financial implications section of the report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

Y Braid
G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

REVERSION TO OPEN COUNCIL

16/355 RESOLVED:

On the Motion of Councillors R Kendall and K Pascoe

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7.10pm.

CARRIED

REPORT OF PROCEEDINGS OF CLOSED COUNCIL

16/356 RESOLVED:

On the Motion of Councillors K Pascoe and R Kendall

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

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE
AT 7.10pm.

.....
MAYOR