



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

## APPLICATION DETAILS

Application No.:	DA21/0839
Modification No.:	N/A
Council File No.:	D/2021/0839
Date of Lodgement:	21/12/2021
Applicant:	C Rocks 29 Werribee Rd BOURKELANDS NSW 2650
Proposal:	Self-storage units
Description of Modification:	N/A
Development Cost:	\$275000
Assessment Officer:	Hayden Bousfield
Determination Body:	Council
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	21/04/2022 - 06/05/2022
Advertising:	21/04/2022 - 06/05/2022
Owner's Consent Provided:	Yes
Location:	Northwest side of Guttler Street, 4 blocks north of the Intersection with Hardiman Street.

## SITE DETAILS

Subject Land:	43 Guttler St URANQUINTY NSW 2652 Lot 11 DP 1267696
Owner:	Fairview Riverina Pty Ltd

### Description of Development

The Development Application seeks consent for the construction of a self-storage unit facility at 43 Guttler Street, Uranquinty. The facility will be access via a pan handle driveway from Guttler Street and has a principle frontage onto the Olympic Highway. The facility will consist of 26 self-storage units, each unit measuring 3.4m by 6m (20.4m<sup>2</sup>). The units will be contained in a single Colourbond clad building measuring 41.6m by 12m (499.2m<sup>2</sup>). The units can only be accessed externally to the building, i.e. no internal hallways are proposed. The building will be located inside the associated building envelope for the site and vehicles will be able to traverse the site via a 6.4m wide aisle around the building.

The proposed facility will operate between the hours of 8am - 6pm, 7 days a week. The facility will not be permanently staffed but will receive regular maintenance checks. Access to the site will be controlled via the installation of an automatic gate. Each customer will then be given an individual access code that will only grant entry to the site within the approved operating hours (8am - 6pm). No lighting or signage is proposed as part of the development application.

4 trees are proposed for removal as part of the Development Application. However, these trees are less than 8m in height and therefore do not require consent for removal.

### The Site and Locality

Subject site is Lot 11 under Deposited Plan 1267696 and generally known as 43 Guttler Street, Uranquinty. The site is a battle axe allotment that is 2024m<sup>2</sup> and rectangular in shape with a 6m wide panhandle access driveway to Guttler Street. It is noted that the site has a principle frontage to the Olympic Highway on the northwest boundary, however no access is proposed from this frontage. The site is currently vacant and contains 4 trees that are proposed to be removed.

The surrounding locality is in a village area with approved dwellings either under construction or established on the adjoining lots to the southeast and southwest. The subject site is bounded by the Olympic Highway to the northwest and adjoins undeveloped land (former Uranquinty Caravan Park) to the northeast.



### Easements and Covenants

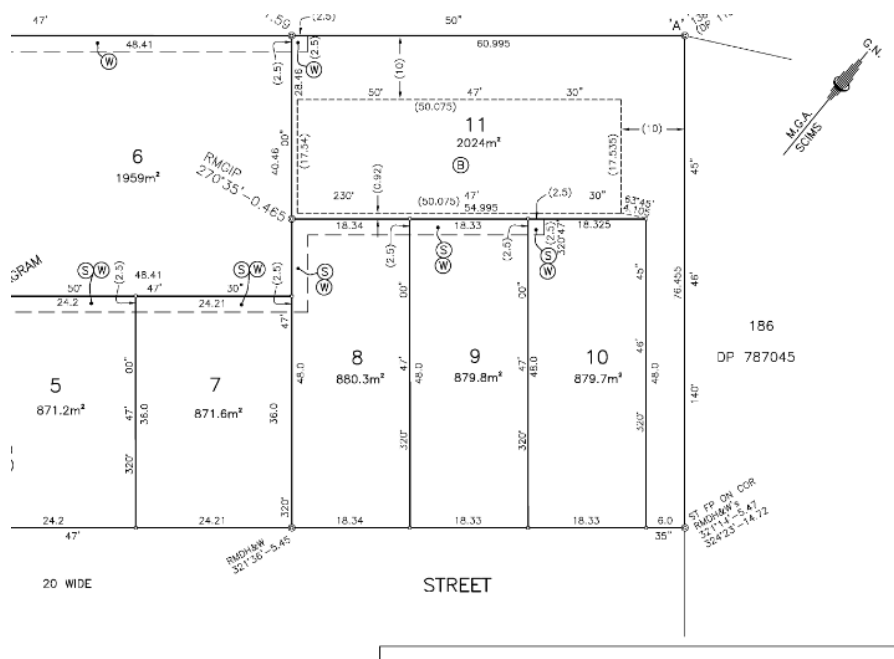
The subject site is encumbered by the following restrictions under the Section 88B Instrument:

**Easement to drain water 2.5 wide, numbered 3 in the plan**

The proposed development is clear of the subject easement.

**Restriction on the use of land, numbered 6 in the plan and shown as B:**

*No dwelling shall be erected upon a lot affected by this restriction, unless it lies within the area denoted as Restriction on the use of land (building envelope) or, a flood impact assessment is undertaken that shows the flood impacts resulting from the dwelling or construction thereof will not exceed the maximum flood impacts specified in development consent DA17/0036.01 held at Wagga Wagga City Council.*



The proposed development is located entirely within the building envelope denoted as B on the Plan shown above and satisfies the restriction on the use of land.

**Restriction on the use of land, numbered 8 in the plan -**

- (a) *No fence shall be erected on the subject land having a height exceeding one metre and 80 centimetres.*
- (b) *No dividing fence shall be erected on any of the subject land to divide it from any adjoining lot owned by FAIRVIEW RIVERINA PTY LTD without the consent of FAIRVIEW RIVERINA PTY LTD. Such consent shall not be withheld if such fence shall be erected without expense to FAIRVIEW RIVERINA PTY LTD and be of a type and construction approved by them.*
- (c) *No building erected on the subject land shall have a roof of material other than concrete tiles, clay tiles, slate or steel painted by the manufacturer of the type commonly referred to as Colourbond.*
- (d) *All grass and other vegetation growing on the subject lot shall be regularly mown and maintained with the subject land to be kept free of all rubbish, refuse or garbage. No waste shall be kept thereon except in the approved Wagga Wagga City Council rubbish and sanitary containers.*
- (e) *No shed, basement, tent, shack, garage, trailer, camper, caravan, or transportable home or outbuilding erected or placed on any lot shall be used at any time as a permanent or seasonal dwelling.*

The proposed development complies with the above restrictions on the use of land.

**Restriction on the use of land, numbered 9 in the plan -**

*Any dwelling constructed on the land must be designed, constructed, and maintained to ensure that the following LAeq levels are not exceeded:*

*(a) in any bedroom in the residential accommodation-35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom, or hallway)-40 dB(A) at any time.*

The proposed development is not for the construction of a dwelling house and therefore the restriction on the use of land numbered 9 in the plan is not applicable to the Development Application.

**Restriction on the use of land, numbered 10 in the plan -**

*(a) There is to be no vehicular or pedestrian access to or from any of the affected lots from the Olympic Highway.*

*(b) Each lot shall establish and maintain a vegetative buffer to the Olympic Highway to a standard to provide a visual screen from the adjoining road and minimise the impact of road related noise and vehicle headlights. A vegetated buffer at least 5m wide and planted with a variety of endemic species and growing to a mature height of up to 5m is to be established and maintained within these allotments. The buffer shall not be within any easements and must be established within 12 months of the release of the Subdivision Certificate.*

The Development Application does not include a proposal to gain vehicular or pedestrian access from the Olympic Highway, which satisfies the above restriction. However, there is no proposal in the application to construction the 5m wide vegetation buffer along the Olympic Highway. This is due to the vegetation buffer being an impediment that diminish the necessary width of the internal aisle pathway for vehicle movement.

In this instance, it is conceded that a 5m wide vegetation buffer is considered an unreasonable impediment and therefore requires a merit-based assessment. It is satisfied that a reduced 2m wide buffer can achieve the same result as the intended 5m wide buffer and still allow for suitable width in the aisle for vehicular movement. Recommended conditions of consent have been imposed to this effect and discussed further under *Section 6 - Villages* of this report.

**MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)**

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

**WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010**

The proposed development is located in the RU5 Village zone under Wagga Wagga Local Environmental Plan (WWLEP) 2010. The objectives of the RU5 Village zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.*
- To protect and maintain the rural village character of the land.*

The village of Uranquinty consists of a large residential area with a small commercial area contained along Morgan Street (the Olympic Highway). The proposed development is considered consistent with the village layout as the primary frontage adjoins the Olympic Highway. A position which is shared with other commercial facilities and services, such as the

Quinty Bakehouse, Uranquinty Pub, grain silos, railway line and the Uranquinty Ampol (fuel station). The subject site adjoins the residential area of Uranquinty along Guttler Street to the south, an area that consists primarily of modern single storey dwellings. However, despite adjoining Guttler Street, the proposed development will not be visible and therefore will not result in an unreasonable impact to the streetscape or village character as the site is blocked by the existing dwellings. Please refer to *Section 6 - Villages* of this report for further detail. Furthermore, the proposed development is designed to provide the adjoining village community with a facility and service for the short- and long-term storage of goods. Accordingly, the proposed development maintains the established layout of the village and provides a suitable service, thus achieving the objectives of the RU5 Village zone.

## Part 2 Permitted and Prohibited Development

The proposed development is for the construction of self-storage units which is defined in WWLEP (2010) as:

*"Premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).*

**Note-**

*Self-storage units are a type of **storage premises**"*

Self-storage units are specifically listed in WWLEP Land Use Table as permitted with consent in the RU5 Village zone. Along with this use, there are a range of other non-residential land uses permitted with consent in the Village zone, including light industries, centre-based childcare centres, recreational facilities, and community facilities. Consequently, development for the purposes of industrial and commercial activities is permitted in RU5 Village zone under the WWLEP 2010, subject to Council consent.

## Part 3 Exempt & Complying Development

There are no clauses under Part 3 of the LEP relevant to this development.

## Part 4 Principal Development Standards

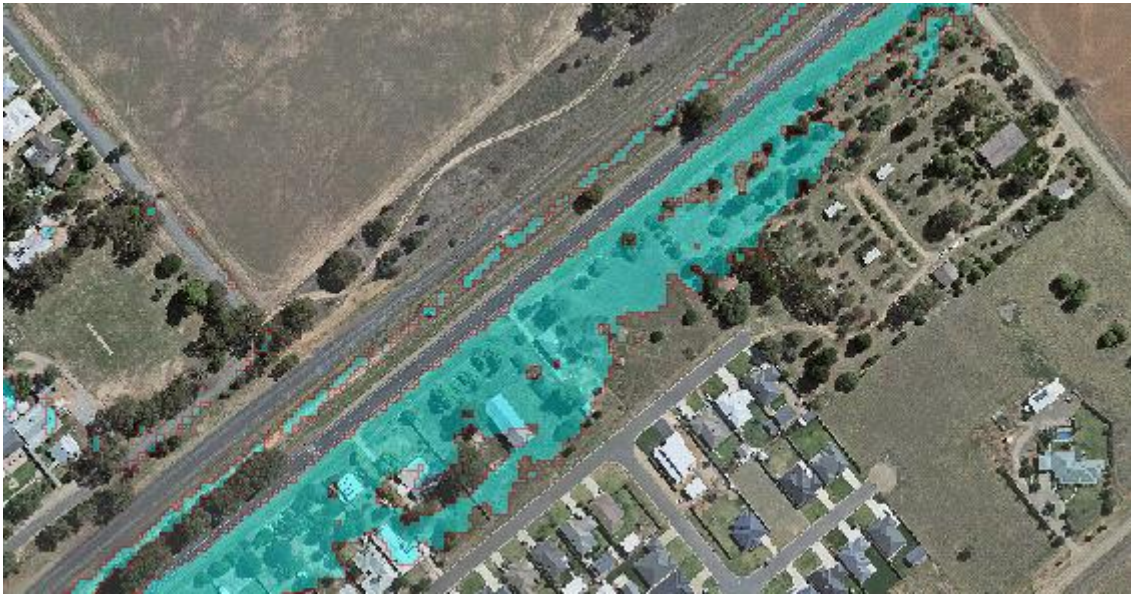
There are no clauses under Part 4 of the LEP relevant to this development.

## Part 5 Miscellaneous Provisions

### Clause 5.21 - Flood Planning

The subject site is not affected by the Riverina Flood Model; however, the site is identified on the Flood Planning Area for Major Overland Flow and is subject to flooding in a 1 in 100-year event. Clause 5.21 (2) requires that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied that the development -

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



The site is impacted by an average of 160mm of overland flow flooding during a 1% event which is considered a low hazard under Council's flood planning system. The application was reviewed by Council's Engineers, who determined that development does not obstruct the natural overland flow, thus it will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation. As a result, the development is considered satisfactory under Clause 5.21. Council Engineers have recommended a condition of consent that prior to the issues of the Construction Certificate, engineer's certification be submitted to Council demonstrating that the building will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1% flood event.

Furthermore, the development is wholly located within the building envelope denoted as B on the Deposited Plan. The intention of which is to prevent structures on site from having an impact on flood storage and dispersing flood water on to adjoining sites. By being within the building envelope the proposed development allows flood waters to flow along natural pathways and prevents the pooling of flood waters and thus runoff onto adjoining sites to the southwest.

### **Part 6 Urban Release Areas**

There are no clauses under Part 6 of the LEP relevant to this development.

### **Part 7 Additional Local Provisions**

#### **Clause 7.3 - Biodiversity**

This clause applies to land identified as 'Biodiversity' on the Terrestrial Biodiversity Map, with the objective to protect, maintain or improve the diversity of the site's native vegetation. The proposed development is located on a site that is partially identified as biodiversity and therefore development consent must not be granted unless the consent authority has considered the following matters-

- (a) any potential adverse impact of the proposed development on any of the following-*
  - (i) a native vegetation community,*

- (ii) *the habitat of any threatened species, population or ecological community,*
- (iii) *a regionally significant species of plant, animal or habitat,*
- (iv) *a habitat corridor,*
- (v) *a wetland,*
- (vi) *the biodiversity values within a reserve, including a road reserve or a stock route,*
- (b) *any proposed measures to be undertaken to ameliorate any such potential adverse impact.*

The subject site contains 4 trees proposed for removal. The trees are less than 8m in height and therefore do not require consent for removal. The site is void of any other significant vegetation and therefore, the consideration of the matters listed under Clause 7.3 deem that the development will not have any significant environmental impacts and will not adversely impact on the matters set out in this clause.

#### **Clause 7.9 - Primacy of Zone B3 Commercial Core**

Under Clause 7.9 development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office, and retail hub of Wagga Wagga.

The development is for self-storage units in the RU5 Village zone. The use is of a type that would not be permissible in the B3 Commercial Core and could not be considered appropriate, nor reasonably housed in the commercial core. Therefore, it is considered that the development is unlikely to impact on the primacy of the B3 Commercial Core zone of the city centre

### **STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)**

#### **SEPP (Resilience and Hazards) 2021**

##### **Clause 4.6 - Contamination and remediation to be considered in determining development application**

Clause 4.6 of SEPP (Resilience and Hazards) 2021 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.

Approved DA17/0036 for a 11-lot residential subdivision, tree removal, and demolition of sheds, identified that the subject site may have been previously used for fuel storage. As part of that Development Application a Preliminary Site Investigation (PSI) was submitted to Council that concluded the land was suitable for residential land use with low risk to human health and/or the environment. Consequently, Council has previously determined the subject site is suitable for use in its current form.

#### **SEPP (Transport and Infrastructure) 2021**

##### **Clause 2.118 - Development with frontage to a classified road**

The subject site has a frontage to the Olympic Highway on its north western boundary. The Olympic Highway is a classified road and therefore Clause 2.118 of SEPP (Transport and Infrastructure) 2021 applies. An assessment against this Clause 2.118 is as follows:

- (2) *The consent authority must not grant consent to development on land that has a frontage*

*to a classified road unless it is satisfied that-*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of-*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Access to the subject site will be from Guttler Street off a pan handle driveway. The site does not have direct access to the Olympic Highway, and all existing access points to the highway have been eliminated during the subdivision works approved under DA17/0036.

Consequently, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the design of the access point to the site or the nature, volume or frequency of vehicles using the highway to access the land. Furthermore, as the development is for self-storage units, dust or smoke is not likely to be emitted from the development.

Finally, the development is for self-storage units, which is development not sensitive to road noise or emissions. It is therefore considered that no measures are required to ameliorate potential traffic noise or vehicle emissions for the proposed development.

**Section 4.15(1)(a)(ii) - The provisions of 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

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

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

#### **WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010**

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

##### **Section 1 - General**

##### **1.10 Notification of a Development Application**

The development application has been notified in accordance with the procedure's and requirements under Section 1.10 of Wagga Wagga Development Control Plan (DCP) 2010. The application was notified to the adjoining neighbours from 21 April 2022 to the 6 May 2022.

19 public submissions were received and are addressed later in this report.



## Section 2 - Controls that Apply to All Development

### 2.1 Vehicle Access and Movements

The relevant controls under Section 2.1 are:

- C1** *Access should be from an alternative secondary frontage or other non-arterial road where possible.*
- 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.*
- C3** *Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.*
- C4** *Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.*
- C5** *Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.*
- C6** *Ensure adequate sight lines for proposed driveways*

The proposed development has vehicle access to the site from a pan handle driveway off the northwest side of Guttler. Guttler Street is considered the preferred access point to the subject site as alternative access from the Olympic Highway would be considered unacceptable under SEPP (Transport and Infrastructure) 2021, without significant road upgrades.

Internally, traffic flow will be restricted to a one-way sign posted route around the self-storage units that is designed to minimise traffic conflict on site. The management of traffic flow in a one-way route also ensures the vehicles entering and leaving the site are able to do so in a forward direction with minimal to no reversing required.

It is recommended that the maximum length rigid vehicle be restricted to ensure that all vehicles entering the site are able to manoeuvre on site in a forward direction. Conditions of consent have been recommended to ensure this is managed on site and also appropriately signposted.

The nature of a self-storage premise means that the proposal will not be used for the loading or unloading of manufactured good, and thus a designated loading bay area is not required. However, as individuals will be bringing items in and out for storage, the parking spaces and vehicle aisles in the site have been designed in such a manner that they provide suitable area and access for loading and unloading.

The driveway from the proposed development complies with the Australian Standards and has suitable unobscured sightlines down Guttler Street.

### 2.2 Off-street Parking

The relevant controls under Section 2.2 are:

- 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.*

The parking requirement for a self-storage units is 1 space per 300m<sup>2</sup> of Gross Floor Area (GFA). The proposed development has a GFA of 499.2m<sup>2</sup> resulting in a two (2) parking space

requirement. The proposal contains a total of two (2) parking spaces which complies with the requirements of Section 2.2 of the DCP.

### 2.3 Landscaping

The relevant controls under Section 2.3 are:

- C1** A landscape plan is required for applications for all commercial and industrial developments and residential development (other than dwelling houses).

The applicant originally provided a Site Plan detailing landscaping and screening along the boundaries of the site. However, the landscaping was removed from the Site Plan when the applicant provided an amended plan at the request of Council to illustrate the proposed building entirely located within the building envelope.

The removal of the landscaping is considered unreasonable by Council as landscaped screens and buffers will be necessary to address amenity issues discussed in this report particularly in relation to adjoining residential properties. As a result, a condition of consent will require a Landscape Plan to be submitted and approved by Council prior to the issues of a Construction Certificate. An additional condition will require the ongoing maintenance of the landscaping as part of an operation management plan to be developed and implemented.

### 2.4 Signage

No signage is proposed as part of the Development Application, however, the Statement of Environmental Effects notes that any signage required by the development will be in accordance with the exempt standards under SEPP (Exempt and Complying Codes) 2008.

### 2.5 Safety and security

The relevant controls under Section 2.5 are:

- 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.*
- C7** *Where a site provides a pedestrian through route the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.*
- C8** *Locate public toilets and rest areas to promote their use and maximise public surveillance without creating visual intrusion.*

The proposed development is of a size, scale and use that does not trigger the requirements for a Crime Risk Assessment. Therefore, the proposed development has been considered on its merit with regards to the controls under the section. Accordingly, it has been determined that the proposal has used good site planning by incorporating the following principles of crime prevention through environmental design.

*Natural Surveillance* - The placement and design of the building ensures that patrons have good unobstructed surveillance around the building and the site. This is achieved by limiting areas of potential concealment such as unnecessary landscaping and blind corners and having clearly defined pathways and public areas.

*Access Control* - The development is designed with a clear and single points of access being the driveway and vehicle pathway around the building. The driveway is proposed to be controlled via an electronic gate that only patrons will have an access code for. This is to ensure that unauthorised vehicles or persons are not able to gain access to the site thus, protecting patrons, their property, and adjoining properties. Internal signage will be used to control the movements of vehicles and parking on site. This will ensure safe and efficient movement around the site for patrons.

*Territorial Reinforcement* - The proposal will incorporate fencing, security cameras and gated access to discourage non-patrons from entering the site. A condition of consent will require the introduction of landscaped buffers to the adjoining residential property boundaries to provide further protection in addition to the proposed perimeter fencing.

*Space Management* - The proposal includes a commitment for regular inspection and maintenance. This will ensure that the site is managed and in good condition, thus increasing a sense of ownership that will discourage non-patrons from entering the site. A condition of consent will be imposed to ensure regular and on-going maintenance of the site and landscaping, including the preparation and implementation of an operational management plan.

Accordingly, the development is not anticipated to create a safety and security risk and appropriate security measures have been addressed.

## **2.6 Erosion and Sediment Control Principles**

Standard conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments in regard to soil erosion.

## **Section 4 - Environmental Hazards and Management**

### **4.2 Flooding**

The subject site is identified as prone to overland flooding during a 1% event. There are no controls in the WWDCP 2010 for overland flow, and impacts associated with flooding have been discussed under Clause 5.21 of WWLEP 2010 above.

## **Section 6 - Villages**

### **6.2 Development in the Villages**

The relevant controls under Section 6.2 are:

#### ***Land uses, Interfaces, and development patterns***

- C1** *Refer to village plans for policies on the preferred location of commercial and other non-residential uses (as relevant).*
- C2** *Non-residential uses adjoining residential property are to demonstrate that satisfactory measures are included to minimise potential conflicts with residential amenity. This may require additional setbacks, landscaping, site layout and design measures (including signs) or restrictions on hours of operation.*

The controls and objectives in Section 6 Villages relate to maintaining the consistency of the

village setting and applying the Village Plans to guide the location of residential and commercial developments. In this instance self-storage units can be considered a commercial development for the village and according to the Village Plan for Uranquinty development of this type should be consolidated along the Olympic Highway.

The proposal is consistent with this aim as 43 Guttler Street has a 61m frontage onto the Olympic Highway along its north western boundary. This frontage is the most visible to the public domain and forms part of the northern entry into Uranquinty. To address amenity concerns a condition of consent will require a Landscape Plan be submitted and approved by Council demonstrating a satisfactory landscaping screening buffer along the north west boundary. The intention will be to visually screen the development from the Olympic Highway and assist in creating an attractive street frontage which will benefit the entrance into Uranquinty.

The proposed development will also have boundaries adjoining residential properties to the southeast and southwest. The applicant has identified these residential properties and has identified the following measure in their SEE that minimise potential conflict with the residential amenity.

- *The design of the development is of a scale that would be compatible with nearby residential development, with the only visible part of the building being the roof. The roof will be Colourbond and will blend with roofs of dwellings nearby. The building is approximately 449m<sup>2</sup>, which is comparable with a dwelling and outbuildings on the 2000m<sup>2</sup> block. The external walls will be approximately 2400mm high, with a 15° roof pitch resulting in a building of a similar scale to a single storey dwelling.*
- *The boundaries will be landscaped with deciduous trees that will screen the development without imposing deep shade in winter. (This will be ensured via conditions of consent).*
- *There will be no security lighting to disturb residents.*
- *Signage will be discreet and provided for identification only.*
- *The use as self-storage units will not generate intrusive noise as units will be used for storage of household goods and potentially vehicles such as boats or campervans and would not be accessed on a daily basis. It is not expected that there would be large numbers of people on site at any one time*
- *The village zone allows for non-residential development that is compatible with residential uses. The self-storage units will not generate noise that is any greater than that generated by a dwelling. There is no equipment operated from the site on a regular basis and the site will never be occupied. All visitors will be short term.*
- *Hours of access will be limited to reasonable hours so as not to disturb residents in the early morning or at night. We consider that 8am to 6pm would be a reasonable timeframe for users of the site.*

In additions to the measures identified by the applicant, it is considered that the development will have minimal impact on the residential streetscape, as the proposal will be visibly blocked from the public domain by the existing dwellings. It is recommended that directly adjoining residential properties (and the Olympic Highway) be protected through the establishment of an appropriate landscaped buffer. This shall be in the form of:

- a minimum 2 metres wide planting bed protected by a raised kerb for the full length of the north western (Olympic Highway), south western and south eastern boundaries of the site.

- The species selection shall ensure that the landscaping forms a continuous screen/buffer for the entire length of the boundaries with a minimum foliage width of 2 metres and height of 2.5 metres

Considering the above measures and that the intention of the RU5 Village zone is to provide for more than just residential development, the proposal is considered reasonable with regards to residential amenity.

### **Streetscape, building location and form**

- C1** *The form and scale of buildings is to relate to the particular characteristics of the village. Refer to streetscape reference buildings near the site and Village controls where applicable.*
- C2** *Front setbacks are to correspond to the setbacks of adjoining buildings and the pattern of existing buildings near the site.*
- C3** *Side setbacks are to allow sufficient access for landscaping, maintenance, and separation from adjoining properties. Dwellings in the villages are often sited towards the centre of blocks.*
- C4** *Site cover is to be consistent with the established pattern of the village. Refer to the Character Statement.*

As previously discussed, the proposed development is consistent with the established commercial building pattern and form in Uranquinty. The self-storage units are on a 2024.0m<sup>2</sup> battle axe allotment and the design results in a 24.6% site coverage, which is consistent with the other developments in the village. The setbacks to adjoining boundaries allow for sufficient space for vehicle access and landscaping and the proposal has an acceptable 10m setback to the street frontage on the Olympic Highway that will allow for the establishment of landscaped screening to ensure the development is discreet when viewed from the highway.

### **Landscaping**

- C1** *The villages tend to have an open landscape character. Design and locate new landscaping to reflect the particular landscape character of the village. Take cues from the existing landscape. Note that intensifying the landscaping is not always needed.*
- C2** *Consider use of native species rather than exotic plants.*

A Landscape Plan has been conditioned as part of any development consent as discussed above.

### **Materials and colours**

- C1** *Use materials that are compatible with surrounding development and appropriate to their application taking into consideration orientation, energy efficiency and sustainability.*
- C2** *Use lightweight cladding (timber) and low intensity colours (lighter tones) for all finishes, including roofs.*

The intention is for the proposed building to appear as a shed or outbuilding that is of size and scale similar to other outbuildings seen in Uranquinty. To this end the proposal seeks to use materials and colours for the building that are consistent with other outbuildings in the locality. It is important to note that a condition of consent will require landscaping, which will predominantly screen the development from surrounding areas and reduce any potential visual conflict.

### **Fencing**

- C1** Use low, open, or rural style fencing (without barbed wire) on frontages to roads or lanes, including secondary frontages.
- C2** Paling fences are preferred on rear and side fences (behind the building line).

The proposal does not include any fencing to Guttler Street. An automatic security gate is located within the driveway; however, this will not be visible from the streetscape due to being located behind the building line of adjoining residential properties. Due to the nature of the lot layout this is considered reasonable and supported.

The proposed fencing to the Olympic Highway is to be Colourbond style fencing. The applicant has justified the fencing as being consistent with the existing residential fencing on the Guttler St. However, this is side and rear boundary fencing to residential properties and not the principle frontage onto the Olympic Highway. As a result, the proposed fencing is not supported, and a condition of consent is recommended that prior to release of a Construction Certificate a revised fencing design be submitted to and approved by Council. The fencing shall be in accordance with the fencing controls under this Section so as to be open or rural in style, whilst providing appropriate security to the development.

### **Additional controls - particular villages: Uranquinty**

- C1** Urban extension of the village is to occur in the north east corner within the boundaries of the village zoned land.
- C2** Retain the strong eastern edge of the village. Any development to the east of Connorton Street should comprise large lot residential development that complements the rural character of the surrounding lands.
- C4** New buildings on Olympic Highway/ Morgan Street are to have a nil or small setback and are to follow the vertical rhythm established by the existing built form.
- C5** Retain the low scale character along Morgan Street using the existing buildings as a guide. Pick up elements of the existing built form, with particular reference to ridgelines and the height of verandahs/ awnings.
- C6** Use pitched roof forms and articulation to break up building bulk, including verandahs to the street.

The proposal is part of the north east corner of Uranquinty where the expansion of the village is to occur. The proposal thus does not impede on the eastern edge of the village and maintains the rural outlook in that area.

It is noted that the proposal has a frontage to the Olympic Highway, however, the site is not part of the Morgan Street area referred to under C4 and C5. Therefore, A nil setback to the highway is not considered necessary or desirable along this section of the highway frontage. The site forms part of the northern entry into Uranquinty and thus the proposed 10m setback to the Olympic Highway is considered more appropriate in this instance as it allows greater space for landscaping and prevents inappropriate building bulk and scale from dominating the entry into the village.

The proposal is designed as a single storey building with a pitched roof, similar in scale to the rooves of nearby dwellings and outbuildings. The design thus allows the development to blend

in with the adjoining properties and satisfies control C6.

#### **Section 4.15(1)(a)(iia) - Planning Agreements**

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

#### **Section 4.15(1)(a)(iv) - any matters prescribed by the regulations**

##### **Clause 61 (7) - Additional matters that consent authority must consider**

*In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.*

The subject site is not located within the Special Activation Precinct, nor is it close enough to cause any impact that requires further assessment.

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

##### **Context and setting**

As discussed above, the proposed development is located within the village of Uranquinty, where the established pattern of development consists of commercial uses along the Olympic Highway and Morgan Street and with residential areas located behind. The proposed development is consistent with this pattern of development, as the principle frontage is along the Olympic Highway.

It is noted that the development adjoins onto residential properties at the rear and is accessed via Guttler Street, which is best described as a residential road. However, the amenity impact onto Guttler Street from the development is considered reasonable as the building will not be visible from the public domain, being hidden by the adjoining dwellings. Where the development will directly adjoin residential properties, landscaping required by conditions of consent will ensure that visual privacy and amenity is maintained.

Accordingly, the development is reasonably mitigated to prevent an unreasonable amenity impact to the adjoining residential area.

##### **Streetscape**

The subject site is a battle axe allotment with a pan handle frontage onto Guttler Street 6m wide. The development will not be visible from the public domain on Guttler Street aside from the driveway entrance and thus will not result in an unreasonable amenity impact on the streetscape.

The development has a large frontage onto the Olympic Highway (61m wide). The frontage is on the northwest boundary of the subject site and forms part of the entry into Uranquinty from the north. The self-storage units have a 10m setback from the northwest frontage and a restriction under the Section 88B Instrument requires the site establish and maintain a 5m wide vegetation buffer along the Olympic Highway frontage. A condition of consent will ensure that a suitable Landscape Plan be submitted to Council prior to the issues of a Construction Certificate, that includes appropriate landscaped buffers and a separate condition of consent will ensure the ongoing maintenance of the landscaping.

### Access, transport, and traffic

Refer to discussion under Sections 2.1 and 2.2 of the DCP 2010 with respect to access, on site vehicular movements, loading/unloading and carparking.

The following table provides a summary of the estimated vehicle movements that would reasonably be generated from a self-storage development (for personal storage purposes only) as compared to the development of the site as a single residential dwelling.

The information for an average dwelling is taken from the Guide to Traffic Generating Development (Technical Direction) sourced from RMS. There is no corresponding information available specifically for self-storage developments.

Development	Activity	Vehicle trips per week	Vehicle trips per day
26-unit self-storage	Each tenant (26 tenants) visiting the site on average twice per week plus 2 trips for scheduled site maintenance per week = 54 trips per week	54 trips per week	7.7 vehicle trips per day
Single residential dwelling	7.5 vehicle trips per day average (from RMS technical Direction)	52.5 trips per week	7.5 vehicle trips per day

Given the nature of the self-storage uses, it is anticipated that the above figures are an overestimate of expected traffic movement as tenants would unlikely be visiting the site twice weekly. However, despite this over-estimate, the information identifies that a single residential dwelling would result in similar traffic movements on a daily basis. Having regard to this information, it is satisfied that the development will not have a detrimental impact on traffic with respect to both volume and safety issues in Guttler Street and the wider road network.

### Noise and vibration

The proposed development is for the long-term storage of personal goods and is not a land use expected to be continually accessed on a day to day basis by patrons. Therefore, the development is not expected to generate unreasonable noise or vibrations that would adversely affect the amenity of nearby residential properties.

### Services

The subject site has adequate access to services that can facilitate the proposed development.

### Heritage

The proposed development is not within the vicinity of a heritage item or within a heritage conservation zone.

### Natural Hazards

The proposed development is affected by major overland flow impacts; however, the development sits wholly within the building envelope that has been site to ensure flooding impacts are minimised. The development is thus not expected to cause an unreasonable



impact on stormwater dispersal that would impact on the proposed development or on the adjoining lots.

The site is not subject to a bushfire threat.

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 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.

### **Man-Made Hazards**

The proposed development does not involve any activity that would result in a man-made hazard. Additionally, the site is suitable in its current state for the proposed use as previously discussed under the SEPP (Resilience and Hazards) 2021.

A condition of consent is recommended that the storage of contaminated goods is prohibited.

### **Socio- Economic Impact in the Locality**

It is considered that the proposed development is likely to have a minor benefit to the socioeconomics of the locality. The development will provide a short-term benefit to the local construction industry during building works and a minor ongoing employment benefit during operations in terms of maintenance and repairs. However, the development is proposed to be unattended and therefore the economic employment benefits are considered minor.

### **The Principles of Ecologically Sustainable Development**

The following are principles of ecological sustainability:

#### **1 The Precautionary Principle**

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

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

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

#### **2 Intergenerational Equity**

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

#### **3 Conservation of Biological Diversity and Ecological Integrity**

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

#### **4 Improved Valuation, Pricing and Incentive Mechanisms**

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

- a) polluter pays (that is, those who generate pollution and waste should bear the

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

The proposed development will not result in any anticipated irreversible environmental damage and there is no anticipated impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

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

This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development.

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

##### **Referrals**

The application was referred to relevant internal referral groups.

- Subdivision - Recommended conditions of consent have been included.
- Building - Recommended conditions of consent have been included.
- Contributions - Recommended conditions of consent have been included.

##### **Notification and Advertising**

The development application has been notified in accordance with the procedure's and requirements under Section 1.10 of Wagga Wagga Development Control Plan (DCP) 2010. The application was notified to the adjoining neighbours from 21 April 2022 to the 6 May 2022.

19 public submissions were received, all of which were unique and 18 were in objection. All of the submissions received were identified as being local to the vicinity of the development, being located in the village of Uranquinty. Due to the volume of submissions, each submission cannot be addressed individually in this assessment report. All, however, have been considered in full and have informed the overall development assessment. Issues and key points raised in submissions are addressed below:

##### 1. Traffic

Almost all submissions raised concerns about the proposed development generating significant traffic in the residential area. The issues raised can be summarised as follows:

- Road network (e.g. Uranquinty St, Guttler St) not suitable for increase traffic generation.
- Safety of Pedestrians.
- Noise and vibration impacts resulting from increased traffic
- Concern that no traffic impact study was commissioned for the proposal.
- Concern that the development is located at the end of a cul de sac street and that there

- is little area in the roadway for the movement of large vehicles
- Concern that traffic visiting the proposed development will utilise on-street parking hindering the availability of on-street parking for residents.

As outlined in the above assessment, traffic impacts generated by the proposed development are considered acceptable given the relative minor daily volume of traffic the site is expected to receive. Refer to discussions under Sections 2.1, 2.2 and Traffic Impacts above.

## 2. Out of Character Land Use within the Village

The issues raised can be summarised as follows:

- The area was subdivided and developed for residential purposes and therefore the proposal is inconsistent the context and setting of the area.
- The proposal is not a land use that is required / in demand for the residents of Uranquinty.
- The proposal does not fit in with the village aesthetic.
- The proposal is more appropriate in an industrial zone.
- Concern that it was not disclosed to the purchasers of the adjoining lots that the subject lot was planned for commercial development.

The above assessment report has addressed the commercial use of the site within the context and character of the Village. The report determined that the proposal is suitable given that the location of the site adjoins the Olympic Highway, which is in keeping with the established pattern of the commercial land uses within Uranquinty. The report has also determined that a self-storage premise is permissible with consent in the RU5 Village zone and is development that provides a facility and service that can address the needs of residents. Therefore, a self-storage premise is consistent with the objectives of the zone and not entirely out of character within the village.

## 3. Safety and Security

The issues raised can be summarised as follows:

- Concern that the development will encourage criminal activity in Uranquinty and cause break-ins to surrounding homes.
- Concern that the development being unsupervised will encourage harmful activities on the site.
- Concern raised about the lack of security lighting for the proposed development.
- Concern that the application lacks detail on the security arrangements for the development.
- Concern that the response time of Emergency Service to Uranquinty is insufficient to deal with an emergency at the site.
- Concern that the development will increase insurance for adjoining sites.

As outlined above under Clause 2.5 of the Wagga Wagga Development Control Plan (DCP) 2010, the proposed development is considered unlikely to cause unreasonable safety and security impacts within the locality. The premise has incorporated principles of crime prevention through environmental design using reasonable site planning that ensures good surveillance of the site by patrons, ensures controlled access and territorial reinforcement via the use of electronic gates and fencing, and will provide sufficient site management via regular maintenance, assured by conditions of consent. Therefore, the development has been considered reasonably designed to mitigate safety and security impacts in the locality.

#### 4. Storage of Hazardous Materials

The issues raised can be summarised as follows:

- Concern that an unsupervised site will lead to the storage of hazardous materials.
- Concern that an unsupervised site will lead to the storage of illegal materials.
- Concern that an unsupervised site will encourage the storage of highly flammable materials.
- Concern that hazardous material stored onsite may leak out and affect the health of nearby residents.

Conditions of consent are recommended that at no point are hazardous materials to be stored at the premise.

#### 5. Property Values (Neighbourhood Amenity)

The issues raised can be summarised as follows:

- The proposed will decrease the current values of the dwellings in the surround areas.

The monetary value of surrounding properties is not a planning consideration under the Environmental Planning and Assessment Act 1979 and therefore does not form part of this assessment report. However, the amenity of the surrounding properties is a consideration under the act and this assessment report has established that the surrounding properties will not be unreasonably impacted by the proposal.

The proposal is designed to front to the Olympic Highway on the northern-western boundary which is consistent with the established pattern of commercial developments in Uranquinty and will not be visible from the public domain on Guttler Street. Where the development would be visible from the rear private open space of adjoining properties, a landscaping buffer will be established and maintained to ensure the amenity of adjoining dwelling is maintained. A condition of consent will ensure the establishment and maintenance of the landscaping buffer. Consequently, it has been determined that the proposed development will not result in an unreasonable loss of amenity for the established dwellings.

#### 6. Flooding

The issues raised can be summarised as follows:

- Concern that the development will make the subject site entirely impervious and increase rainwater runoff into adjoining sites.

The proposed development is located entirely within the building envelope denoted as 'B' on the Deposited Plan. The building envelope was established during the subdivision, and approved under DA17/0036.01, for the purpose of ensuring that development on the subject site will not exceed the maximum flood impacts specified under that Development Approval. As the development is entirely located within the building envelope, this assessment report has concluded that the proposal will not result in unreasonable runoff or flooding. The site will also be serviced with suitable stormwater infrastructure and has been reviewed by Council Engineers, who have deemed the stormwater disposal satisfactory.

A condition of consent will require that a satisfactory Landscaping Plan be submitted to Council for approval prior to the release of a Construction Certificate, this is to ensure that the site will not be entirely paved and made impervious.

#### 7. Concern regarding consistency with objectives of the RU5 Village Zone

As previously mention is this assessment report, development for the purpose of self-storage units is development specifically listed as permissible in the RU5 Village zone with development consent under Wagga Wagga Local Environmental Plan 2010. Furthermore, the assessment report has concluded that the proposal is consistent with the objectives of the zone as it provides a facility and service that can be used by the residents of Uranquinty and is consistent with the established commercial pattern and character of the village.

#### 8. Concern with the data submitted the application.

The issues raised can be summarised as follows:

- Concern that the data used to support the development was commission in 2009.
- Concern that the study does not accurately reflect the proposal and the environment of Uranquinty.

The applicant has provided a study commissioned in 2009 by the *Self-Storage Association of Australia* and conducted by Aurecon. The study investigated the users and traffic generation caused by self-storage units and was used by the applicant to justify car parking and traffic generation.

In this instance Councils Officer concur with the issues raised in the submissions and believe the study has no particular relevance to this Development Application. As a result, the study was omitted in the assessment of this Development Application.

#### 9. Hours of Operations

The applicant has proposed hours of operation between 8:00am - 6:00pm. The applicant has considered the hours reasonable so as not to disturb adjoining residents in the early morning or at night. The above assessment has considered the proposed hours of operation satisfactory and a condition of consent will be imposed to ensure that the hours of operation will be limited to 8:00am - 6:00pm, 7 days a week.

#### 10. Noise and Lighting

The issues raised can be summarised as follows:

- Concern that noise from the people loading and unloading good at the site will result in an unreasonable noise impact for the rear of adjoining residences.
- Concern that the site could be used for people's hobbies generating unacceptable noise and vibration levels.
- Concern that the development will incorporate industrial lighting on the site, which will spill lighting onto adjoining properties.
- Concern that the additional traffic will result in increased noise.

The above assessment report has considered noise, vibration, and lighting as an impact of the development and concluded that the impact is considered reasonable. The nature of self-storage unit is that the loading and unloading of goods will be infrequent and only for short durations in time. This naturally limits the opportunity for consistent and unreasonable noise levels to be omitted from the site. Furthermore, the applicant has proposed hours of operation between 8:00am - 6:00pm to ensure that residents are not disturbed in the early morning or at night from activity occurring on the site. As previously addressed above, the proposed hours of operation are considered reasonable and will be enforced by a condition of consent.

A condition of consent will be imposed to ensure that no activities on the site aside from the storage of goods are to take place at the site.

No lighting is proposed as part of the development and will be reinforced by a recommended condition of consent.

### 11. Conflict of Interest

A submission has raised concern that the proposed development was lodged by a Consultant Town Planner and therefore Council would be biased in their favour. It is noted that a large number of applicants that submit applications for assessment by Council are planning consultants however this does not automatically result in a conflict of interest. Council's policy (Policy 046) deals with the processing of Development Applications lodged by Councillors, staff, and individuals of which a conflict of interest may arise. This application has been assessed against this policy and there is no identified conflict of interest with respect to this application.

### **Section 4.15(e) - the public interest**

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

Subject to the imposition of conditions of consent, the proposed development raises no concerns and no detrimental impacts are anticipated on the public interest.

### **OTHER LEGISLATIVE REQUIREMENTS**

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

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

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

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

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

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

Relevant matters under the Biodiversity Conservation Act 2016 have been considered

### Council Policies

Council's policy (Policy 046) deals with the processing Development Applications lodged by Councillors, staff, and individuals of which a conflict of interest may arise. This application has been assessed against this policy and there is no identified conflict of interest with respect to this application. Further to this, no declaration has been made that would require action under this policy.

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

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

Section 7.12 infrastructure contributions are required at 1% of the cost as the cost of the development is \$275,000 (as per the Cost Summary Report).

Section 7.12 = \$275,000 x 1%  
= \$2,750

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.

Section 64 Sewer and Stormwater contributions do not apply as the lot is outside the DSP area.

### Other Approvals

Nil

### Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies.

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## **RECOMMENDATION**

It is recommended that application number DA21/0839 for Self-storage units be approved, subject to the following conditions: -

## **CONDITIONS OF CONSENT FOR APPLICATION NO. DA21/0839**

### **A. SCHEDULE A – Reasons for Conditions**

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

## **B. SCHEDULE B – Deferred Commencement Conditions**

N/A

## **C. SCHEDULE C – Conditions**

### **Approved Plans and Documentation**

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date Received by Council
-	Locality Map	Applicant	-	20/12/2021
-	Site Plan	Applicant	-	22/03/2022
-	Exterior Elevations	Applicant	-	20/12/2021
-	Statement of Environmental Impacts	Camilla Rocks	-	21/03/2022

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

**NOTE:** Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

### **Requirements before a Construction Certificate can be issued**

- C.2 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$2,750 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.



NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 118.5.

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

C.3 A revised site plan shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to the release of the Construction Certificate. The plan shall provide revised details for the maximum vehicle size that can be accommodated on site, and the vehicular movement areas so as to be consistent with the landscape provisions required under the approved landscape plan referred to under condition C.6. The plan shall continue to provide for the one-way circulation of vehicles on the site and shall allow for the provision of a minimum of 2 on site carparking spaces.

C.4 An Operational Environmental Management Plan (OEMP) shall be prepared and submitted shall to the satisfaction of the General Manager or their delegate, prior to issue of the construction certificate. The plan shall incorporate as a minimum:

- Management of site security, site access and hours of operation (including details of security access gate operation) and compliance with all relevant conditional requirements of this consent.
- Management of tenant activities ensuring compliance with all relevant conditional requirements of this consent.
- Traffic management to ensure continued compliance with all relevant conditional requirements of this consent.
- Details of ongoing site maintenance including regular maintenance of all landscaping to ensure continued compliance with the approved landscape plan and conditional requirements of this consent.
- The plan shall identify the person responsible for overseeing each component of the OMP and the continued training of responsible persons with respect to the requirements of the OEMP.
- Procedures for complaint management, including the management of a complaint register and a procedure for addressing complaints, an appropriate site notice including contact details for the receipt of complaints and processes for the regular engagement with neighbouring properties to ensure any concerns are addressed.

The OEMP can be varied from time-to-time with the consent of the General Manager or delegate, to allow for the adoption of improved operational management procedures.

C.5 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The certification shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

- C.6 A detailed landscaping plan shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to the release of the Construction Certificate. The plan shall ensure:
- The provision of evergreen plantings along the north wester (Olympic Highway), south western and south eastern boundaries of the site. The landscaping shall extend for the full length of these boundaries and shall be contained within a minimum 2 metres wide bed protected by a raised kerb. The species selection shall ensure that the landscaping forms a continuous screen/buffer for the entire length of the boundaries with a minimum foliage width of 2 metres and height of 2.5 metres
  - Details of automated irrigation systems to ensure the ongoing maintenance of all landscaping.
  - Details of all existing and proposed boundary fencing. Fencing to the Olympic Highway shall be of an open or rural style and shall provide appropriate security to the development.
  - Final details of the proposed automated security access gate including details on how the gate will operate with respect to the required landscaping and how any mechanical element of the gate will not impact on the immediately adjacent residential property.
  - The plan shall detail a plant schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development.

#### **Requirements before the commencement of any works**

- C.7 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a) a standard flushing toilet connected to a public sewer, or
  - b) if that is not practicable, an accredited sewage management facility approved by Council, or
  - c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

- C.8 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.
- NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.
- NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.
- NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
- C.9 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.
- Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.
- NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.
- NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.
- NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.
- C.10 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-
- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
  - b) Erosion and Sediment Control Guidelines for Building Sites; and
  - c) Soils and Construction Volume 1, Managing Urban Stormwater

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

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

C.11 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.12 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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

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

#### **Requirements during construction or site works**

- C.13 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.14 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.15 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.16 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.17 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

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

- C.18 Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.
- C.19 Prior to the release of the Occupation Certificate, all works detailed in the approved landscape plan referred to under Condition C.6 shall be completed to the satisfaction of the General Manager or their delegate.

- C.20 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.21 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.22 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

### **General requirements**

- C.23 The approved use must only be conducted between the hours of 8.00am and 6.00pm, on any day of the week.
- C.24 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) retained material must have a gradient of at least 5%, and
  - (d) must be constructed in accordance with the approved plans for such work(s).

- (e) must be wholly located within the subject site (including footings of any retaining structures)

C.25 Each individual unit within the premises shall be used only for the purpose of a self-storage unit as defined under the Wagga Wagga Local Environmental Plan (LEP) 2010.

Note: The LEP 2010 defines self-storage units as follows:

*“self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).”*

In accordance with this definition, the storage of any hazardous or offensive goods/materials is prohibited on the site.

- C.26 The Operational Environmental Management Plan (OEMP), as approved by this consent, or as varied in accordance with the terms of this consent, must be complied with at all times.
  - C.27 The Operational Environmental Management Plan (OEMP) shall be reviewed between 12 months and 18 months following the release of the Occupation Certificate, in consultation with Council. Any required amendments to the OEMP shall be to the satisfaction of the General Manger or delegate.
  - C.28 The complaints register, as developed under the OEMP, shall be made available to Council at any time upon request.
  - C.29 Landscaping shall be maintained for the life of the development to provide a visual screen and buffer to adjoining residential properties and the Olympic Highway in accordance with the approved landscape plan referred to under Condition C.6 of this consent.
  - C.30 No security lighting is permitted as part of this development. Other 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 AS4282.2019. “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.
- C.31 Maximum vehicle size permitted on site is to be in accordance with the revised Site Plan approved under Condition C3. and shall be signposted at the security entrance gate.
  - C.32 No storage is permitted external to the building.
  - C.33 No part of the development, including cut, fill, or footings is to encroach the easement.
  - C.34 A minimum of two (2) car parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.

## **D. SCHEDULE D – Activity Approval Conditions (Section 68)**

N/A

## **E. SCHEDULE E – Prescribed Conditions**

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act 1979.

### **E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)**

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

### **E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)**

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

### **E.3 Erection of signs (clause 98A EP&A Reg 2000)**

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

#### E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the



development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A