



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

APPLICATION DETAILS

Application No.:	DA22/0488
Modification No.:	N/A
Council File No.:	D/2022/0488
Date of Lodgement:	15/08/2022
Applicant:	SR White 6 Bull St CURRAWARNA NSW 2650
Proposal:	Dwelling
Description of Modification:	N/A
Development Cost:	\$70000
Assessment Officer:	Emma Molloy
Determination Body:	Council - Section 1.10 of the Wagga Wagga Development Control Plan 2010 requires any application that is the subject of 10 or more objections to be referred to Council for determination.
Other Approvals	Section 68 of the Local Government Act 1993, Activity Approval - Part B4 & B5 Sewer and Stormwater (AA22/0492)
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 14 to 21 October 2022
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The site is located on the northern side of Bull Street where Old Narrandera Road transitions to Bull Street at the entrance of the Village

SITE DETAILS

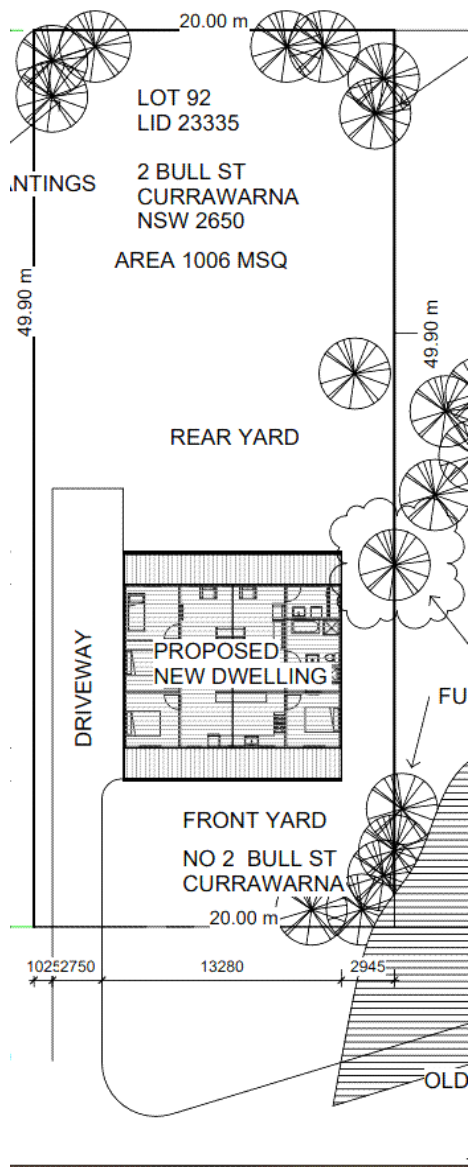
Subject Land:	2 Bull St CURRAWARNA NSW 2650 Lot 92 DP 816412
Owner:	SR White & CE White

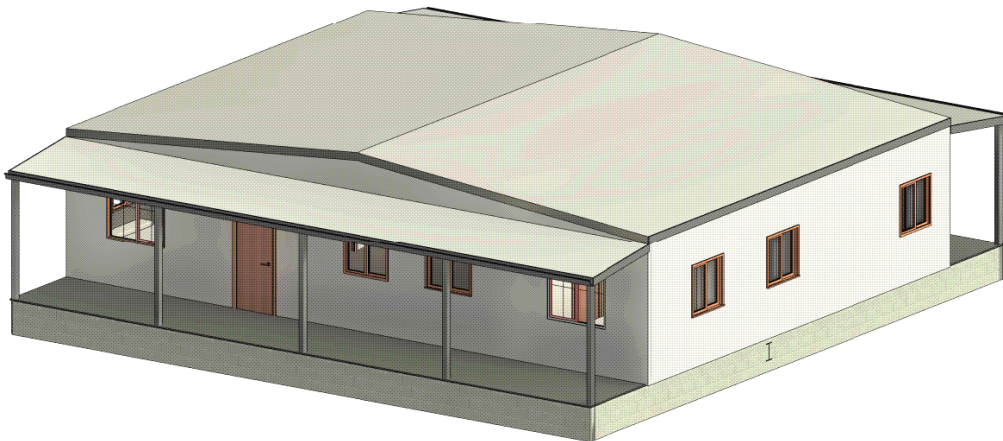
PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Description of Development

The proposed development seeks consent for a dwelling. The dwelling will consist of 4 bedrooms, bathroom, ensuite, lounge and dining area, and kitchen. The works will also include a verandah attached to both the northern and southern elevations and removal of one tree to accommodate the development.

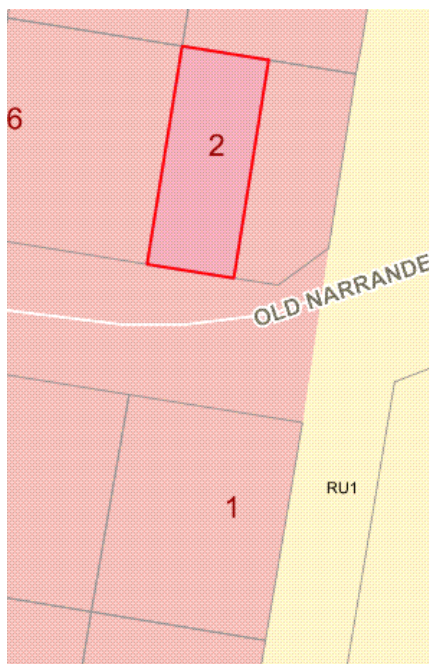




It should be noted that the building is a repurposed worksite building that will be retrofitted to become a dwelling. For ease of reading the building will be referred to in this report as a dwelling.

The Site and Locality

The subject site is legally known as Lot 92 DP816412 located at 2 Bull Street, Currawarna. The site is located on the northern side of Bull Street where Old Narrandera Road becomes Bull Street at the entrance of the Village.



The locality is characterised by low scale single storey dwellings typical of a rural village. The village itself has an open feel and close visual connection to the surrounding rural landscape. The landform slopes gently from the north towards the river on the southern fringe of the village.



Easements and Covenants

The subject land does not benefit or encumbered by any easements.

Previous Development Consents

Nil

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the RU5 Village zone.

The development is permissible with consent.

Part 2 Permitted or prohibited development Land Use

1 Objectives of zone

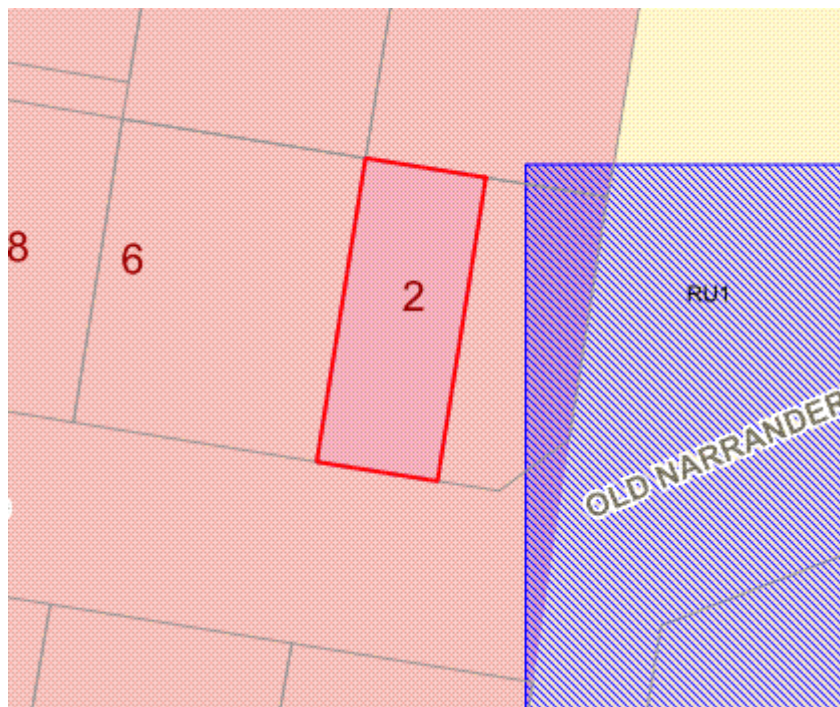
- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To protect and maintain the rural village character of the land.

The proposed development seeks consent for a dwelling. Dwellings are permitted within the RU5 Village zone. Therefore, the proposed development achieves the objectives of the zone as listed above.

Part 5 Miscellaneous provisions

5.21 Flood Planning

As seen below the subject site is not within the Flood Planning Area therefore this clause does not apply.



Part 7 Additional Local Provisions

7.1A Earthworks

The objectives of this clause are to ensure that earthworks for which consent is required will not have a detrimental impact on environmental functions and processes and to allow earthworks of a minor nature without requiring separate development consent. Minor earthworks are expected as part of construction. The earthworks are not considered to have a detrimental impact on the subject site or adjoining land.

7.9 Primacy of Zone B3 Commercial Core

The objectives of this clause are to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure the development does not conflict with the hierarchy of commercial centres and to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, healthcare, culture and the arts. The proposed development is for a dwelling within the RU5 Village zone therefore the proposed development will not conflict with the hierarchy of commercial centres.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on the land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. The land has been vacant and did form part of the land associated with 6 Bull Street. The subject site is not identified on Council's contaminated land register. As such

the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

State Environmental Policy (Building Sustainability Index; BASIX) 2004

A Single Dwelling BASIX Certificate (Certificate number: 1359221S) was submitted with the application. Compliance with BASIX will be addressed as part of the construction certificate and at critical stage inspections for the development.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

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

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 proposed development was notified for 7 days from the 14 to 21 October 2022. Eleven objections to the proposed development were received. Where the number of submissions in the form of objections received in response to an advertised or notified development application is 10 or more, the application will be referred to Council for determination. Objections will be addressed in section 4.15(d) of this report and the application will be determined by Council.

Section 2 - Controls that Apply to All Development

2.1 Vehicle Access and Movements

The proposed development will include a new vehicle crossover to Bull Street. The access will be located within the western portion of the lot. This will mitigate impacts as vehicles travel through the bend on Old Narrandera Road which serves as the entrance to the village. The driveway will be conditioned to be constructed to the appropriate standard and is generally consistent with access within vicinity of the development site.

2.2 Off-street Parking

The development is provided with off-street parking within the site. 1 space is required for a dwelling comprising of 3 or more bedrooms. This requirement is able to be accommodated within the driveway.

2.5 Safety and Security

The proposed development contains a clearly defined entrance from Bull Street. The proposal also includes a verandah which will provide a clearly visible entrance and provide the resident with a sense of personal address in accordance with the objectives and controls within this section.

2.6 Erosion and Sediment Control Principles

Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site and adjoining allotments.

Section 4 - Environmental Hazards and Management

4.1 Bushfire

Development in bush fire prone areas is subject to Planning for Bush Fire Protection 2019 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).

The proposed development is located within Currawarna, the land is within edge of the village zone. The land to the north, south, and west is village zoned land and considered to be managed. The lot to the east is also village zoned land and is considered to be managed. However, the next lot to the east is rural land and is considered to be bushfire prone. The primary vegetation is considered to be grassland. The land is relatively flat. The dwelling is located 22 metres from the bushfire prone land.

The adjoining lot to the east is in the same ownership as the subject site. Therefore, a condition of consent will be imposed to require an 88B instrument to require that the land be managed as an asset protection zone (APZ). That combined with a condition to require that the subject site is managed as an APZ this will result in a Bushfire Attack Level (BAL) 12.5 for the dwelling.

Performance Criteria as per Table 7.9a (Grassland Deeming Provisions):

- APZ - As discussed above
- Construction Standards - Conditions of consent will ensure the building is constructed to relevant standards
- Access requirements - Access is provided from Bull Street in accordance with the requirements of PBP.
- Water and Utilities - Provision of services in compliance with PBP will be covered by the condition of consent. Reticulated water is available to the site.
- Landscaping - The APZ will be in accordance with the PBP with regards to landscaping. Conditions have been imposed.

Section 5 - Natural Resource and Landscape Management

5.2 Preservation of Trees

The proposed development includes the removal of one tree to accommodate the development. The application was referred to Council's Tree Supervisor who did not raise any concerns in regard to the removal of the tree. The site contains an extensive amount of vegetation, therefore the removal of one tree to accommodate a dwelling within village zoned land is considered reasonable. Standard conditions of consent will be imposed to ensure that the remaining trees on the site are protected from construction works and the tree is removed in accordance with the Australian Standard.

Section 6 - Villages

6.2 Development in Villages

Objectives

- O1 allowing for appropriate development while preserving existing levels of village amenity*
- O2 recognising and preserving character of all existing villages while encouraging appropriate forms of development*
- O3 supporting the viability and sustainability of the villages as non-urban places*

The proposed development will result in a dwelling on the subject lot. The structure is single

storey with a verandah attached to the building on the both the southern and northern elevations which is generally consistent with the character of the village. The proposed development is considered to achieve the above objectives.

Streetscape, building location and form

C7 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.

Currawarna is characterised by single storey low scale development. The proposed development is modest in form and scale and is generally consistent with the character of the village.

C8 Front setbacks are to correspond to the setbacks of adjoining buildings and the pattern of existing buildings near the site.

The proposed dwelling has a setback of 6m to the verandah. Throughout the village there is no consistent setback which is considered part of the character of the village. A 6m setback provides separation from Old Narrandera Road (Bull Street) and allows for cars to safely pull off the road and into the lot. The setback raises no concerns in this environment and is considered acceptable.

It should be noted that the plans show the adjoining dwelling with a 6m setback, this is incorrect as the neighbouring property has a zero setback.

C9 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.

The development is sited to allow for a carparking area in the western portion of the site. The development is also 2.9 metres from the eastern boundary which is considered acceptable given the size of the lot.

C10 Site cover is to be consistent with the established pattern of the village. Refer to the Character Statement.

The dwelling is modest in size and therefore no concerns are raised in relation to site cover.

Landscaping

C11 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.

C12 Consider use of native species rather than exotic plants.

Landscaping is proposed within the southern and northern portions of the site which is consistent with the landscape within the village. One tree is proposed to be removed to accommodate the development, no concerns were raised as discussed above.

Materials and colours

C13 Use materials that are compatible with surrounding development and appropriate to their application taking into consideration orientation, energy efficiency and sustainability.

C14 Use lightweight cladding (timber) and low intensity colours (lighter tones) for all finishes, including roofs.

The development includes the repurposing of an existing structure, the materials are not inconsistent with the village. The proposal also involves the construction of a verandah on the southern and northern elevations which will provide a transitional space between the internal living areas and outside. The verandahs will also provide a consistent form and scale with the village.

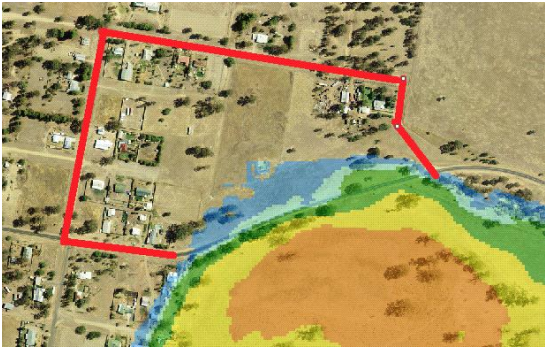
Section 4.15(1)(a)(iia) - Planning Agreements

There are no planning agreements subject to section 7.4.

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

Matters prescribed by the regulations have been satisfied.

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development is for a single storey dwelling. The surrounding village consists of single storey dwellings therefore the development will be consistent with the context and setting of the village.
Streetscape	x			The proposed development is a single storey dwelling appropriately setback within the site. The dwelling appropriately addresses Bull Street and is of a modest size reflective of the character of the village.
Traffic, access and parking	x			Vehicular access is provided from Bull Street, the vehicle crossover has been sited on the western portion of the site to mitigate impacts on Bull Street where Old Narrandera Road enters the village. Off street parking has been provided within the site on the driveway. This is considered reasonable.
Public Domain	x			No adverse impacts identified.
Utilities	x			All services are connected and available to the site.
Heritage			x	The site is not within the Heritage Conservation Area and is not in the vicinity of any listed heritage items.
Other land resources	x			Acceptable.
Water Quality & Stormwater	x			The proposed development will be required to appropriately deal with stormwater. This will be secured via conditions of consent and an approval under section 68 of the Local Government Act 1993.
Soils, soil erosion	x			Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments.
Air and microclimate	x			No adverse impacts identified.
Flora and Fauna	x			One tree will be removed to accommodate the development. Appropriate conditions of consent will be imposed to in regard to tree removal.
Waste	x			Conditions of consent will be imposed to ensure waste is disposed of in an appropriate manner.
Energy	x			No concerns raised.
Noise & vibration	x			Noise is expected as part of installation and construction, conditions of consent will be imposed

				to require works to be undertaken within acceptable hours.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area map	x			<p>As discussed previously, the site is not within the FPA. However, it should be noted that the entrance to the village along Bull Street is mapped as flood prone. Flood free access is provided using Minnie Street and entering Old Narrandera Road from Cleek Street as shown below.</p>  <p>A bushfire assessment is contained within this report. The structure will be conditioned to achieve a BAL 12.5. Other conditions in regard to landscaping and an APZ will also be imposed.</p>
Technological Hazards	x			None identified.
Safety, security and crime prevention	x			The proposed development has a clearly identifiable entrance with windows to habitable rooms facing the street in accordance with CPTED principals.
Social impact in locality	x			The proposed development will provide a variety in housing choice. The structure itself is a repurposed building which is an environmentally conscience choice and will provide an affordable dwelling. In addition, the development will result in new residents within the village.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and related industries and additional people within the village.
Site design and internal design	x			The proposed development makes good use of the site and addresses the sites constraints and opportunities. As such the development is considered to be an acceptable inclusion within the locality.
Overlooking - overshadowing	x			Given the location and the single storey nature of the structure no concerns are raised in regard to overshadowing.
Landscaping	x			No adverse impacts have been identified.
Construction	x			To comply with the BCA.
Private open space	x			The proposed development provides adequate private open space.
Cumulative Impacts	x			Acceptable.
Disabled access			x	Not applicable.
Signage			x	Not applicable.
Setbacks, Building Envelopes	x			The proposed development provides appropriate setbacks consistent with the surrounding village.

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 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

Matters relating to flooding have been previously assessed in the relevant section of the LEP2010. The assessment supports the proposed development.

Bush Fire Risk Assessment

The subject site is identified as bushfire prone, the application has been assessed in regard to the DCP and Planning for Bushfire Protection 2019.

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, the proposal utilises an existing residential site and therefore is not considered to 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

The subject land located at 2 Bull Street, Currawarna is considered to be suitable for the proposed development as the development will provide additional housing within the village and generally complies with the WWLEP2010 and WWDCP2010.

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

Referrals - The proposal was referred to the relevant Council officers. No concerns were raised, standard conditions will be imposed.

Notification - Adjoining landowners were notified in accordance with Council policy for a period of 7 days from 14 to 21 October 2022. Eleven submissions were received.

Advertising - The proposed development was required to be advertised.

Public Submissions and those from public authorities

Eleven submissions were received during the notification period. The submissions raised concerns in regards to amenity, streetscape and issues relating to breaches in previous approved activities.

It should be noted that during the assessment process, the development was amended to include verandahs and the dwelling was bought further forward in the site and amended plans were submitted. The amended plans improved the overall quality of the application.

Issue: Amenity and not in keeping with the character of the village

Comment: The proposal will result in a single dwelling on a standard residential block within a village that contains a variety of dwelling designs and locations. The proposal will be entirely in keeping with the village character.

Issue: Compliance with the Building Code of Australia (BCA)

Comment: The application was referred to Councils Building Section conditions have been imposed that will ensure the building meets the required standards to be a dwelling. The dwelling cannot be occupied until such time as an occupation certificate is issued.

Issue: The development not being in keeping with the streetscape or the village atmosphere

Comment: Development within the village is predominantly single storey residential development. The proposed development will result in a single storey residential development.

Issue: Breaches for approved activities and no confidence that conditions of consent will be adhered to.

Comment: A number of complaints have been made to council regarding a variety of issues with the landowner. These issues are not relevant to this assessment and are not a head of consideration when assessing a development application. If there is a breach in a consent then Council has the ability to take compliance action. This should not inhibit approval of a

development which is assessed on merit in regard to compliance with the LEP and DCP.

Issue: Impact on property values within the village.

Comment: This is not a planning consideration and therefore not relevant to the assessment of this application.

Referrals:

Building Surveyor: Yes, no concerns raised. Standard conditions imposed.

Subdivision Engineer: Yes, no concerns raised. Standard conditions imposed.

Environmental Officer: N/A

Parks & Recreation Officer: Yes, standard conditions imposed.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Other Legislative Requirements

Section 1.7 of the Environmental Planning and Assessment 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)

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

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

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

No

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

One native tree is proposed to be removed. This does not exceed the threshold.

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

One tree will be removed to accommodate the proposed development, the removal of which has been assessed and deemed reasonable. The site does not contain any recorded endangered flora or fauna on the site of the proposed development, is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment it is satisfied that the development will not trigger the

Biodiversity Offset Scheme and no further evidence is required regarding the proposed vegetation removal.

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

The development described in DA22/0488 does not attract any infrastructure contributions. As this is a vacant lot in a village area the lot has one credit for Section 7.11 and is not contained within the DSP area for sewer or stormwater. Therefore, it is not appropriate to charge infrastructure contributions for the dwelling.

Other Approvals:

Section 68 Part B4 Sewer and Part B5 Stormwater (AA22/0492).

Conclusion:

An assessment of the application has resulted in the application being supported on the following grounds:

- The application is for Manufactured home (dwelling) and associated works in the RU5 - Village Zone which is permitted with consent.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought within the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant provisions within the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

The application is subsequently recommended for approval, subject to conditions.

RECOMMENDATION

It is recommended that application number DA22/0488 for Dwelling be approved, subject to the following conditions:-

It is recommended that application number DA22/0488 to modify Development Consent for Dwelling be approved subject to the following conditions:-

It is recommended that application number DA22/0488 for Dwelling be refused for the following reasons:-

It is recommended that DA22/0488 to modify Development Consent for Dwelling be refused for the following reasons:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

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A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Applicant		28.08.2022
1359221S	BASIX Certificate	Final Draft		29.11.2022
A101	Location - Flooding Map	Final Draft		11.11.2022
A102	Plan View	Final Draft		11.11.2022
A103	3D Rear	Final Draft		11.11.2022
A104	3D Cutaway	Final Draft		11.11.2022
A105	Elevations	Final Draft		11.11.2022
A106	Site Plan	Final Draft		11.11.2022
A107	3D Front	Final Draft		11.11.2022

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 Prior to the issue of the Construction Certificate plans and details, prepared by a professional engineer shall be submitted to the certifying authority that demonstrate that the building has been designed and will be able to withstand the most critical loads and forces that it might be exposed to. An Engineers Certificate of Compliance shall also be provided referencing the Australian Standards and the provisions of the Building Code of Australia that the building has been designed to conform to.
- C.3 Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the “Application to Install an On-Site Sewage Management System” to determine the suitability of the site with respect to the on-site disposal of waste water. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

This study must be carried out by an appropriately qualified geotechnical Soil Consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed dwelling and the proposed waste water disposal area are located in a position and are of a design and capacity to ensure that all waste water generated from the activities carried out on site can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE 1: Alterations/modifications to the premise or replacement of disposal areas and or the On-site Sewage Management Systems require a geotechnical soil report to determine if the current system can manage additional loads and/or if the current disposal areas are adequately sized to effectively treat waste water generated by the activities on the premise.

NOTE 2: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is suggested that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

NOTE 3: The final location of the dwelling on the land may be determined by the findings and recommendations of the required geo-technical study. The location of the dwelling should therefore not be finalised until the results of the geo-technical study are known.

- C.4 Prior to the issue of a Construction Certificate, it must be demonstrated that the On-Site Sewage Management System and its associated disposal area situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.
- C.5 Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005.

NOTE: A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

Requirements before the commencement of any works

- C.6 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a) a standard flushing toilet connected to a public sewer, or
 - b) if that is not practicable, an accredited sewage management facility approved by Council, or
 - c) if that is not practicable, any other sewage management facility approved by Council.

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

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

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

- C.7 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.8 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

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

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

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

C.9 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

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

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

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

- C.10 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.

Requirements during construction or site works

- C.11 The dwelling and new construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section 7.5 of "Planning for Bush fire Protection 2019".
- C.12 At the commencement of building works and in perpetuity, Lot 92 and 93 DP816412 must be maintained as an asset protection zones (APZ). APZs associated with the development shall be managed as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for asset protection zones.
- 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 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.

- C.17 Temporary access through Tree Protection Zones during construction requires the approval of Council's Supervisor of Tree Planning and Management who shall be notified of such need and a site inspection will be carried out to determine the level of access.

A root protection layer shall be installed over the root zone to help minimise the effects of soil compaction to the tree's root system. A 150 mm layer of coarse woodchip or other like material shall be placed over the trafficable surface. This should not be considered for long term use.

Services that require passing through or within close proximity of protected tree's root zone shall be installed underground and under bored. Under boring shall start and finish two (2) metres outside of the tree's drip zone with a minimum depth of 900 mm. Utility authorities should make use of a common trench where possible to minimise impact to the tree's root system.

Requirements before a Subdivision Certificate can be issued

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

- C.18 Prior to operation, an all weather driveway from the property entrance of the development site to the edge of the carriageway must be provided and maintained, having a minimum clear width of 3 metres.
- C.19 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.20 Submission of a signed instrument under Section 88B of the Conveyancing Act 1919 for the creation of easements and/or restrictions as to user intended to be created is required prior to the release of the Occupation Certificate. Covenants shall be created, with Council empowered to uplift, to ensure that:
- An Asset Protection Zone for the entirety of Lot 93 DP816412 is to be maintained in

accordance with Appendix 4 of Planning for Bushfire Protection 2019 at all times.

- C.21 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.22 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.23 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.24 Landscaping shall be established and maintained to comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019 and the principles of Appendix 4 of Planning for Bush Fire Protection 2019.
- C.25 Any earthworks (including any structural support or other related structure for the purposes of the development):

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

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

- D.1 The plumbing work/s listed must be inspected as indicated below in accordance with AS/NZS 3500 and Plumbing Code of Australia.

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

- D.2 No works are to be undertaken on the site prior to the issue of a Construction Certificate or Complying Development Certificate. Details of the approved Construction Certificate or Complying Development Certificate are to be submitted with the required “Notice of Works” and approved by Council prior to the commencement of work.
- D.3 Sewerage and stormwater drainage work must comply with AS3500 and the Plumbing Code of Australia except where otherwise provided in the Local Government Act 1993 or the Local Government (General) Regulation 2005. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.
- A copy of the document entitled - Contractor’s Copy shall be provided to the nominated plumbing contractor prior to the commencement of works.
- D.4 Council requires a “Notice of Works” to be submitted and approved by Council prior to the commencement of work. A “Certificate of Compliance” and “Works as Executed Diagram” are to be submitted and approved by Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.
- D.5 " Delete entire row and add N/A if no conditions are added"

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.

E.8 " Delete entire row and add N/A if no conditions are added"

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

F.1 " Delete entire row and add N/A if no conditions are added"
