City of Wagga Wagga

Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA22/0568
Modification No.:	N/A
Council File No.:	D/2022/0568
Date of Lodgement:	15/09/2022
Applicant:	RG Moore 6 Blake St WAGGA WAGGA NSW 2650
Proposal:	Construction of shed for use as seven depots with associated parking and landscaping
Description of Modification:	N/A
Development Cost:	$989,200
Assessment Officer:	Amanda Gray
Determination Body:	Council - more than 10 submissions have been received in objection to the development.
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	7-21 December 2022
Advertising:	7-21 December 2022
Owner's Consent Provided:	yes
Location:	On the western side of Marah Street approximately 75 metres to the north of the junction with Arthur Street.

SITE DETAILS

Subject Land:	114-116 Marah St NORTH WAGGA WAGGA NSW 2650 Lot 345 DP 1124792
Owner:	RG Moore

REPORT

Description of Development

The proposal is for the construction of a shed on an existing vacant block within the village of North Wagga. The shed has dimensions of 72.4m by 18.3m and is proposed to be used as seven depots. The depots will vary in size with 4 single bay depots between 110m2 and 112m2 in area, two double bay depots extending to 220m2 and one quadruple width bay of 440m2. Each depot has a full height roller door as well as a pedestrian entry point, the double bay has two doors and the quadruple bay has four doors.

The depots are to be constructed of concrete panel walls and colorbond sheeting with colorbond roof and they are anticipated to be used by sole traders or small companies looking to store plant, machinery and goods that can be collected daily or as required. The building has a wall height of 6 metres extending to a maximum pitch height of 7.7 metres. The height would offer the potential for a mezzanine floor level although none of the depots propose such an inclusion at this time. Racking is proposed at the rear of each depot to facilitate flood free storage space.

Access will be taken from Marah Street, one double width driveway will allow all vehicles to enter and exit in a forward direction. There will be no access to the rear onto Marah Lane. A total of six car parking spaces will be marked out along the southern boundary of the site, the remainder of the hard-stand area is identified as manoeuvring and turning space for larger vehicles that may need to load and un-load at each of the depots. The depots will have capacity for vehicles to drive inside if required. Operational hours of 7.30am to 5pm Monday to Saturday are proposed.

A single unisex, accessible toilet is proposed to the western end of the building, the larger depots (numbered as 5, 6 and 7) each have a single toilet provided. A fence and sliding gate are proposed to the front boundary, the fencing is of an open metal design. Landscaping is proposed within the front setback and alongside the car-parking and manoeuvring areas.

The Site and Locality

The site is legally identified as lot 345 in DP1124792 and is known as 114-116 Marah Street in North Wagga. The property is located on the western side of Marah Street approximately 65 metres to the west of the junction with Arthur Street and extends to 3109sq.m in size. The site is generally flat and vacant with minimal vegetation to the southern boundary. There is a laneway to the rear of the site.

Land on the other (northern) side of Marah Street is rural zoned land in use for grazing predominantly, there are a number of farm buildings of various sizes on the site opposite. The adjoining site to the west is vacant land with sheds at the rear and to the south on the opposite side of Marah Lane there are residential properties some of which are two storey. The land adjoining to the east has a development consent for a similar development to that proposed. The proposal is for four separate sheds to be used as 3 x depots and 1 x industrial premises. This development is under construction and not yet complete.

The surrounding area is a mix of uses including both single and two storey residential dwellings, depots, open rural land and sheds. The site is within the village of North Wagga and is identified as flood prone.

Easements and Covenants

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

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 WWLEP 2010 the land is zoned RU5 Village. The objectives of the zone are as follows:-

> · *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 North Wagga includes a variety of different land uses that operate alongside each other and contribute to the diverse character of the suburb. The village includes retail premises, pubs, industrial units, depots, education uses and recreation grounds as well as residential accommodation. The mix of uses contributes to the character of the village and the proposed depots will provide a facility that can be utilised by existing business owners and sole traders within North Wagga and the surrounding area. The use is not considered to be out of character with the area as there is a very similar development adjoining the subject site and large sheds on the opposite side of the road. Furthermore, there are other approved depots within the village, for example at William Street and Henry Street.

The proposed development is considered consistent with the objectives of the zone.

Part 2 Permitted or prohibited development Land Use

Depots are permitted with consent in the RU5 zone.

The development is defined as a ***depot*** *which means:*

> *a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use but does not include a farm building.*

The land use table for the RU5 zone lists:-
2) development that may be carried out without development consent,
3) development that may be carried out only with development consent, and
4) development that is prohibited.

The defined land use of a *depot* is not one that is listed in any of these three categories. However, “development that may be permitted with consent” specifically includes “any other development not specified in item 2 or 4”. Accordingly, as “depot” is not specified in the land use table (i.e. it is an innominate land use), it is permitted with development consent.

There are wide range of non-residential land uses that are specifically listed in the WWLEP Land Use Table (3) as permitted with consent in the RU5 Village zone. These uses include light industries, self-storage units, centre-based childcare centres, places of public worship, recreational facilities, and community facilities.

The proposed development, being a depot is one that is permitted in the RU5 Village zone under the WWLEP 2010, subject to Council consent.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

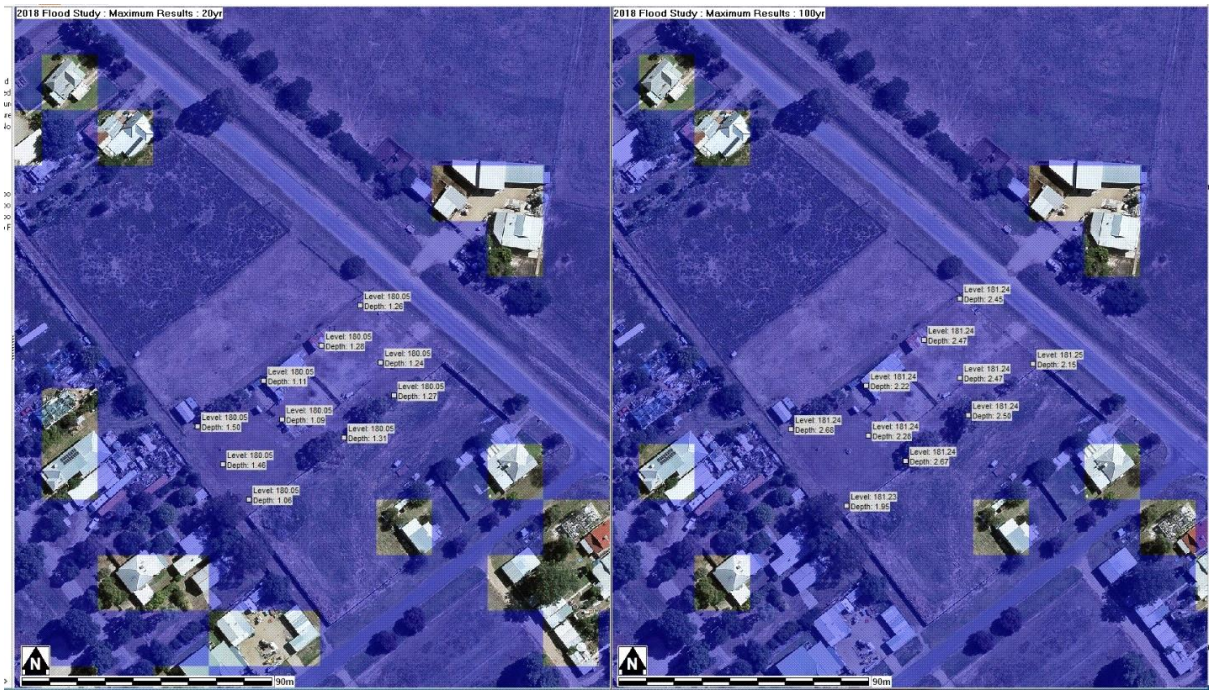
Part 4 Principal development standards

There are no principal development standards that apply to this application.

Part 5 Miscellaneous provisions

Clause 5.21 - Flood Planning

The site is subject to flooding in a 1:20 year and 1:100 year flood event (see modelling extracts below) and as such is within the flood planning area (FPA).



This clause states 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 the development-

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

The development is for depots, as these are a non-residential use the proposal does not increase the number of persons living on the flood plain and given the significant warning times available, is considered compatible with the flood hazard on the land. Recommended conditions of consent will ensure the buildings are constructed appropriately to ensure that they do not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1% flood event.

The site is far enough removed from waterways so as not to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of vegetation or a reduction in stability of riverbanks or watercourses. Furthermore, any required evacuation of the village is not considered to be impeded by the proposed development.

Given the size of the shed and the large extent of the flood in this location Council's development engineer has commented that the addition of the proposed shed will have a negligible affect on flood levels across the broader floodplain. The development is considered satisfactory under Clause 5.21.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1 Restriction on new dwellings at North Wagga Wagga

The objective of this clause is to prevent intensified residential development on flood planning land in North Wagga Wagga, but to allow the replacement of lawfully erected dwellings on that land.

The application does not include residential development and can therefore be considered consistent with the requirements of this clause.

7.6 - Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified as a land use under this clause that would pose a risk to groundwater sources. The development consists of significant hardstand areas resulting in minimal impact to any existing groundwater sources across the site.

7.9 - Primacy of Zone B3 Commercial Core

Clause 7.9 states that 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 a new building to be used as depots. Although this is a use that would be permitted within the commercial core it is not a use that would ordinarily be located within this location. The approval of depots within a village zone is not anticipated to result in any detrimental impact upon the ongoing primacy of the CBD.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires Council to consider whether the land is contaminated and whether the land is suitable for the purpose for which the development is proposed to be carried out prior to granting consent. Consideration has been given to the established building on site and previous commercial uses.

The site appears to have always been in agricultural use (grazing) and agricultural land is considered as a potentially contaminating land use. There was no indication from the site visit that the location of the shed was on a part of the site that had been used for an activity that would be considered potentially contaminating such as sheep dips or fuel storage. Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site.

The development will result in the land being sealed and covered in nearly all covered in hard-stand area. The land is suitable for the intended purpose of a depot within the village in accordance with the SEPP

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

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

Section 1 - General

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 7-21 December 2022 in accordance with the provisions of the DCP. Twenty-eight submissions were received in objection to the development during the notification period.
Furthermore, an online petition raising objection to the proposed development has attracted 203 signatures.

The details of the submissions are discussed under section (d) of the 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 depots will be accessed via a shared double-width driveway from Marah Street. The driveway will lead onto a large, sealed manoeuvring area providing vehicle access into each of the depots for loading and unloading purposes as well as to parking spaces along the southern boundary of the site. There is adequate turning room on site to allow rigid vehicles to enter and exit in a forward direction, a condition of consent is recommended to limit the maximum size of vehicle using the depots and appropriate signage will also be displayed on site. The depots each have full height roller doors allowing vehicles to drive in and out if required when loading and unloading goods.

Marah Street provides suitable access to the proposed depots and connects directly to Hampden Avenue which links to the wider city network. The driveway will be subject to Council approval and will take the form of a concrete cross over to match the profile of the table drain. The location has suitable unobscured sightlines in both directions along Marah Street. There will be no rear lane access and this will be secured by condition and the construction of suitable open style fencing.

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.*

Depots are not a listed land-use within the table, the use is similar to self-storage and warehousing which require 1 space per 300m2 GFA.

The proposed development has a GFA of 1333m^2 resulting in a need for 5 (4.5) parking spaces. The site plan identifies six parking spaces lo be laid out on site which is considered to comply with the objectives of the control and this section of the DCP.

2.3 Landscaping

A landscape plan has been provided for the development. The plan identifies the retention of and the planting of trees along the car-park boundary and to the front setback. In addition, turfed areas are identified to the front and rear of the site.

Given the scale of the building and the blank frontage that is proposed to the streetscape, there is the potential for the further softening of the development by the planting of additional larger trees and vegetation. The total landscaped area has been calculated as 430sq.m which equates to 13.8% of the site area. A condition of consent is proposed seeking an amended Landscape Plan with greater plantings within the front setback and the applicant has indicated a willingness to include additional landscaping.

2.4 - Signage

No signage is proposed as part of the Development Application.

2.5 - Safety and Security

The driveway will have a sliding gate that matches the open style fencing across the front of the site, the gate clearly defines the site entry. Due to the nature of the development there are no administration or public spaces to the depots and the persons associated with these businesses will only spend a limited amount of time on site each day. The fence and gate will provide appropriate security to the site whilst maintaining visibility into the depot area. This is considered important due to the limited opportunities for natural surveillance from the rural and vacant lots

2.6 - Erosion and Sediment Control Principles

Standard conditions of consent will be included.

2.7 - Development adjoining open space

The proposed development does not adjoin any public open space.

Section 3 - Heritage Conservation

The premises are not within the heritage conservation area or in close proximity to listed heritage items.

Section 4 - Environmental Hazards and Management

The site is not mapped as bush fire prone.

4.2 Flooding

As noted above under the LEP section of the report the site and surrounding village of North Wagga are identified as flood prone land.

The key objectives for all development on flood prone land are as follows:-
O1 Minimise the public and private costs of flood damage.
O2 Minimise the risk of life during floods by encouraging construction and development that is "flood proofed" and compatible with the flood risk of the area.

O3 Ensure that development and construction are compatible with the flood hazard.
O4 Require compatibility with the Flood Plain Development Manual 2005 as relevant.

The proposal is for a non-habitable development and will therefore presents no risk of life during floods, the buildings will be required to confirm structural certification ensuring that the development is compatible with the flood hazard of the land.

The following specific controls from section 4.2.3 are applicable to developments in North Wagga.

C9 Industrial and high impact commercial uses are unsuitable for location at North Wagga.
The development is for depots and does not include any industrial or high impact commercial uses. There are other examples of depots across the village of North Wagga.

C10 Seniors living housing is not suitable for North Wagga.
N/A

C11 No new additional dwellings are to be built in North Wagga. Existing dwellings can be replaced in accordance with the provisions of table 4.2.3.
N/A

C12 Where existing dwellings are to be replaced by a new dwelling the replacement habitable floorspace must be located 0.5m above the 1:100yr ARI flood level.
N/A

C13 Additions to existing dwellings are to be limited to 50m2 where the existing floor level is less than the flood planning level (1:100yr ARI flood level plus 0.5m.
N/A

C14 Development in the North Wagga precinct (being the area protected by the levee) is to comply with the provisions of Table 4.2.3.
The development is most similar to “low impact commercial” under Table 4.2.3 and is considered to be compliant based on the following comments.

- The required engineers certification for the building will ensure that the proposed development is consistent with the flood hazard and the lead in time for floods in North Wagga will allow for any necessary evacuation.
- Proposed racking within the sheds will provide flood free storage areas.
- The sheds will be constructed of flood compatible material and structural certification of the buildings will be required with the Construction Certificate.
- Fencing to the site is open in design allowing water to equalise on either side.

Given the size of the structures, its use and its location within a village that is heavily impacted by flooding it is not considered necessary to require a flood affectation report. The development is consistent with the flood controls for development in North Wagga.

Section 5 - Natural Resource and Landscape Management

This issue has been addressed under Clauses 7.6 of the LEP above, given the nature of the works negligible issues are expected.

Section 6 - Villages

6.2 Development in the Villages

C1 Refer to village plans for policies on the preferred location of commercial and other non-residential uses (as relevant).
There is no village plan for North Wagga. The description of the village under 6.1.7 states that *"the village in general is made up of random fencing, open plots and streets without kerb and guttering."* This statement assists in confirming that there is no defining or consistent streetscape that needs to be considered when assessing applications for differing types of development across the village. Marah Street, within the context of the subject site, includes depots of a similar style and size on the adjoining land parcel, vacant blocks, dwellings and farm buildings. Marah Street is the northern edge of the land that is zoned as RU5 with the land to the north being zoned as RU1. The inclusion of a non-residential use in this location is considered suitable within this part of the village.

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 proposed development adjoins two residential blocks to the rear on the opposite side of the laneway. The dwellings to the rear face McPherson Street and are set back approximately 20 metres from their rear boundaries. Existing landscaping within the residential properties assists in screening the proposed development. The existing layout and site characteristics of the residential properties are considered sufficient to not result in detrimental impacts to outlook and or overshadowing. The hours of operation will be limited to standard development hours of 7.00am - 6.00pm Monday to Saturdays.

C3 Most of the villages have a grid pattern. New subdivisions are to respect and complement the existing subdivision pattern, especially where roads fringe the village zone and allow views out to the surrounding countryside.
No subdivision is proposed.

C4 Avoid cul-de-sac and no through road configurations which are not typical of the villages and are generally not appropriate.
No new roads are proposed.

C5 The size and shape of new lots is to be compatible with the predominant characteristics of existing lots in the village. Refer also to any additional controls in Section 6.2 and the Village Plan for particular standards.
No subdivision is proposed.

C6 Subdivisions are to maintain a minimum frontage of 40 metre in the villages other than in the following specific locations (as supported by the Character Statements):

- *Ladysmith (east side of village) - 30m. All other areas 30m or determined on merits of context*
- *Tarcutta (east side of Sydney Street) - 20m; (west side of Hume Hwy) - 40m*
- *Uranquinty (north end of village) - 20m; remainder of village - 40m or determined on merits or context*

No subdivision is proposed.

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.
As noted under C1 above there are no particular village characteristics against which the development must be assessed. Specifically at the subject site there is a similar development on the adjacent lot (110-112 Marah Street) with sheds extended to 6.9m in height and used as light industry and depots. The height of the sheds is comparable with raised dwellings in proximity to the site and the site layout allows for landscaping to assist with softening the development.

C8 Front setbacks are to correspond to the setbacks of adjoining buildings and the pattern of existing buildings near the site.
The setbacks are consistent with the adjacent development.

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 depots do not propose a significant setback to the western boundary but are set well off the eastern boundary to allow for the construction of a shared driveway and manoeuvring area.

C10 Site cover is to be consistent with the established pattern of the village. Refer to the Character Statement.
Site cover equates to 43% which is considered acceptable. There are no controls for the village regarding site cover.

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.
Improved landscaping is provided in association with the proposed development predominantly within the front setback.

C12 Consider use of native species rather than exotic plants.
See C11 above, a further detailed landscape plan is to be secured by condition.

C13 Use materials that are compatible with surrounding development and appropriate to their application taking into consideration orientation, energy efficiency and sustainability.
The materials used for the construction of the shed is consistent with the materials used in similar development in the locality.

C14 Use lightweight cladding (timber) and low intensity colours (lighter tones) for all finishes, including roofs.
The SEE indicates that the sheds will be shale grey colorbond that is consistent with the materials used in similar development in the locality. There are many different colours and materials used for developments throughout the village.

C15 Use low, open or rural style fencing (without barbed wire) on frontages to roads or lanes, including secondary frontages.
The proposed fencing to the front of the lot is of an open metal style with matching sliding gate.

C16 Paling fences are preferred on rear and side fences (behind the building line).
Solid fencing exists to the eastern boundary, the rear laneway fencing is currently a post and rail fence and will be replaced by an open palisade style fence similar to that proposed to the front. The design of the rear fence will be secured by condition.

C17 Avoid further discontinuous kerb and guttering, especially where there is no subsurface drainage system.
No changes to the kerb and guttering are proposed. Stormwater works are proposed to direct water to the northern side of the road where there is a wider table drain for dispersion of water.

C18 Retain the combination of sealed and unsealed roads with swale drains that occur in most villages unless otherwise noted on the village plan.
No changes to the road are proposed.

There are no applicable controls within chapters 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of the WWDCP2010.

Section 4.15(1)(a)(iiia) - 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

61(7) Additional matters that consent authority must consider for Wagga Wagga

In determining a development application for development on land to which the Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must take into consideration 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 & Setting

The depots are large structures that will dominate the immediate context and setting. The locality is predominantly a mix of rural, vacant and residential land parcels with the immediately adjacent site also in use as a depot and light industry. The orientation means the sheds will not cause overshadowing concerns to neighbouring residential lots and whilst they will be visible they will not impede outlook significantly due to the setback of the dwellings within their respective blocks.

The land opposite contains large rural sheds and farm buildings that are clearly visible. Within the village of North Wagga there are a mix of uses and a variety of shapes and sizes of sheds, these are set amongst raised dwellings that are constructed as such to provide suitable flood protection. All goods, plant and machinery is to be stored inside the depots, there will be no external storage permitted and this will be secured by condition. On balance it is considered that the development is suitable within the existing context and setting.

Streetscape

The development faces into the site and proposes a blank wall to the street. The blank elevation does not allow activation to the street but does ensure that all vehicle movements in and out of the building are from within the site, not the road and also provides additional security for the premises as the gates will secure the parking area. The development on the adjoining site presents a blank elevation to the street in a similar manner to that proposed. The development application shows planting within the front setback that will assist in softening the development. There is potential to enhance the landscaping further to have a positive impact upon the streetscape and this is to be secured by condition. The proposed fencing and gate are of an open style which raises no concerns. Fencing to the rear lane will also be of an open aspect.

Traffic, access and parking

Access to the site will be from a new double width concrete driveway off Marah Street. Parking is provided on site in accordance with the DCP requirements and the plans demonstrate adequate manoeuvring space for the largest permitted vehicle (7m rigid) which ensures that all vehicles will be able to enter and exit the site in a forward direction. The depots each have full height roller doors allowing vehicles to drive in and out of the building if required when loading and unloading goods.

Marah Street provides suitable access to the proposed depots and connects directly to Hampden Avenue which links to the wider city network. The increased vehicle movements to and from the site are not anticipated to be detrimental to existing roads within the locality of the development.

Services

The site will be subject to servicing including a stormwater upgrade. There is no stormwater infrastructure in Marah Street or the surrounding streets and runoff is dealt with via roadside table drains. In order to manage the anticipated increase run-off from the site Council's development engineer has proposed that stormwater be piped across Marah Street and discharged into the (larger) table drain located on the northern side of the road. The northern side table drain has a larger profile and is therefore better equipped to handle additional flow. This will ensure there is little to no additional impacts on the properties located to the west of the development in Marah Street. These works will be secured by condition.

Sewer is available in the rear laneway and the development proposes to connect to the existing infrastructure.

Public Domain
Proposed conditions of consent that require stormwater to be extended to the northern side of Marah Street will limit the ponding of water along the southern narrow verge area.

Heritage
NIL

Soils, soil erosion
Standard conditions relating to sediment and erosion control will be included.

Air and microclimate
No impacts identified.

Flora and Fauna Trees
There is no native vegetation being removed from the site and no anticipated impact upon any flora or fauna within the site.

Waste
All forms of waste generated in carrying out the development will be disposed of appropriately.

Energy
No impacts identified.

Noise & vibration

There is the potential for noise and vibration disturbance during site works and construction and this will be controlled by conditions of consent. The ongoing use of the site as a depot is not anticipated to generate significant noise disturbance other than when vehicles are being unloaded and loaded each day or week. The operational hours proposed are standard hours associated with construction industry and will be conditioned accordingly.

Natural hazards

The subject site and surrounding land is identified as flood prone. Structural certification of the buildings will ensure that they are protected during times of flood and flood free storage areas are provided in the buildings. There is no anticipated risk to life as there is no habitable space within the development and there is sufficient lead in time to a flood for any required evacuations to occur.

The site is not mapped as bush fire prone.

Social and Economic Impacts

The proposed development makes use of a vacant site and will provide employment opportunities during the construction. Beyond that time the economic benefits associated with the depots will be minimal. The depot will provide a valuable base for small businesses which may lead to positive socio-economic benefits for those businesses and their employees. The depots have the potential to be located within close proximity to both homes and workplaces providing further positive benefits to the users.

Cumulative Impacts

Each development application is assessed on its individual merit, the cumulative impacts associated with this development are that two similar depot sites are located adjacent to each other making positive use of vacant land. There is no residential dwelling potential on these lots or the adjacent lot and the impacts are considered acceptable.

Setbacks, Building Envelopes
The proposed building has a setback of between m and m from Marah Street. This setback is comparable to the adjacent development and allows for landscaping within the front setback.

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 subject site is vacant having previously been used predominantly for the grazing of horses. There is minimal vegetation on site with no record of any protected or endangered species. The proposed development is not considered to have any adverse 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.

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

The subject site is a vacant block in a village zone. The assessment above has concluded that the proposed depots are permitted with consent and do not detract from the overall character of North Wagga. The sheds will be large and dominant but the location, opposite open rural land minimises the overall impacts of the development. The depots will provide a valuable resource for sole traders and small businesses and are considered suitable in this location.

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, conditions of consent have been included as required.

Advertising
The application was advertised from 7-21 December 2022 in accordance with the provisions of the DCP.

Notification
The application was notified to adjoining neighbours from 7-21 December 2022 in accordance with the provisions of the DCP. Twenty-eight submissions were received during the notification period in objection to the development. In addition, an on-line petition raising objection to the development has attracted 203 signatures.

The grounds of objection are summarised below:-

1. *The development does not satisfy the objectives of the land zoning*

Comment: The proposed depot is assessed as suitable within a village zone that includes a variety of land uses. As discussed earlier in the report under s4.15(a)(i) the LEP permits a range of different uses within villages and is permissible with consent.

2. *The description of the development as a depot does not hide the fact that it is an industrial development.*

Comment: The application is for a depot and is appropriately defined based on the description of the use of the building. There will be no industrial activity carried out on site and this will be secured by condition.

3. *When was North Wagga rezoned to industrial, no-one was notified of the change.*

Comment: There have been no changes to the zoning the land and North Wagga generally remain zoned as RU5 Village in the LEP. As noted above the proposal is not for industrial development.

4. *There are too many similar developments like this being built across North Wagga Wagga detracting from the village character. Such sheds would never be allowed in residential areas like Tatton and Bourkelands and should be moved to Bomen*

Comment: The village zoning allows for depots, light industries, self-storage uses and a range of other land uses that are listed as prohibited in R1 General Residential zones such as Tatton and Bourkelands. The mix of uses including recreational, employment, educational and residential contribute to the village character rather than detract.

5. *Lack of infrastructure to support the development, there is no kerb and guttering and drainage is poor. This is shown by the development next door that causes issues each time it rains. How is stormwater to be managed?*

Comment: The application includes recommended conditions to manage increased stormwater from the development site that will require piping across Marah Street to discharge into the wider table train on the northern side of the road. An isolated section of kerb and guttering would not be recommended in this location. The adjacent development is not complete and will be required to comply with all applicable conditions of approval prior to final certification.

6. *Development will impact water flow during floods.*

Comment: The subject site is within the flood planning area and the flood plain. Council's development engineer has noted that the addition of the proposed shed will have a negligible affect on flood levels across the broader floodplain.

7. *Disturbance to rural character and lifestyle that is enjoyed by the residents of North Wagga Wagga.*

Comment: The hours of operation for the depots are limited to standard working hours (7am - 6pm Monday to Saturday). There will be no activity on site other than the loading and unloading of goods and any impacts upon lifestyle and amenity from the use of the site are considered to be acceptable.

8. *Increased truck movements on rural roads will cause significant damage and make the roads unsafe for children walking, riding bicycles and playing.*

Comment: Marah Street is a sealed road providing direct access to Hampden Avenue that currently serves rural, residential and industrial land users. The development is not anticipated to result in significant truck movements.

9. *The intersection of Hampden Avenue and Marah Street is already very dangerous and this development will make it worse. What works are proposed to improve this?*

Comment: There are no works proposed to the noted intersection, Council's engineers have reviewed this matter and confirmed that there are no issues with the intersection given the expected traffic from the development.

10. *What fencing will be allowed - do not think colorbond should be used yet it exists on the site next door.*

Comment: Solid colorbond fencing will not be permitted across the front of the site. The existing solid fencing on the adjacent site is not approved and will be removed on completion of the approved development. (There is a condition that requires its removal prior to occupation certificate).

11. *No thought is given to the generations of families and residents who are connected to the village? Great sense of community in North Wagga and no-one wants the development.*

Comment: The proposal makes use of vacant land for a permissible land use without any loss of potential residential development. No families will be displaced as a result of the development.

12. *Devalue properties located nearby the development*

Comment: Impact on property valuations is not a matter that can be considered under current planning legislation.

13. *The sheds provide no benefit to the local community and not what the community needs in a residential area*

Comment: The sheds will provide a valuable resource for local businesses by providing accessible and convenient locations for the storage of materials to be used on a daily basis carrying out business within Wagga Wagga.

14. *A recent development application in Uranquinty was refused due to it being unsuitable in the area for all of the same reasons that this development is not suitable.*

Comment: Each development application is assessed on its individual merit and cannot rely upon other determinations within other localities. The application referenced in Uranquinty was not for a depot it was a proposal for self storage units and was recommended for approval by Council's assessment planner.

15. *What will be stored in the depots, is there any control of dangerous goods?*

Comment: It is not known what will be stored in the depots other than that to comply with the land use definition of a depot it must be plant, machinery or other goods (that support the

operations of an existing undertaking) when not required for use. There are Australian safety standards for the storage of dangerous goods that are enforceable under WHS legislation.

16. Noise pollution from trucks coming and going to the depot all day and machinery use.

Comment: The majority of vehicle movement is likely to be at the start and the end of the day as materials are collected and/or un-loaded. There will be no industrial activity on site and therefore negligible machinery use.

17. Not enough car-parking is provided to serve the development.

Comment: The number of car parking spaces complies with the minimum requirements that are adopted in the WWDCP2010. Given the use as a depot where trades vehicles will be loading and unloading goods and materials it is anticipated that some vehicles will park up within the depot area as well as the car-parking spaces. The parking of a vehicle in each depot as well as each parking space would then approximately equate to the total number of anticipated people on site that is listed in the application (10-14).

18. *Heritage impacts - North Wagga is an old settlement and very close to Fitzmaurice Street - the history of the area is valuable and it should not be destroyed with industrial sheds that can go elsewhere.*

Comment: There are no historical buildings on site and the recently installed heritage trail markers throughout North Wagga are not in close proximity to the subject site and therefore will not be impacted by the proposed development.

19. *All new developments need trees and landscaping to assist in managing climate change impacts.*

Comment: The applicant is committed to providing landscaping within the front setback of the site to soften the appearance of the building to the street.

20. *There is an existing housing shortage, why allow industrial development instead of houses that are needed.*

Comment: New dwellings are prohibited in North Wagga unless replacing existing. There is no potential for residential development on the subject site.

21. *There are already a high number of storage sheds available across East Wagga, not necessary to build more in a village. Storage premises are prohibited in RU5 zone.*

Comment: The development is for a depot which is a separately defined land use to either self-storage units or storage premises.

22. *Who will monitor the use of the site to ensure not too many people or cars at any one time.*

Comment: It is not proposed to include conditions of consent regarding maximum number of people or vehicles on site at any one time. Like many land uses there are likely to be peak and off-peak times of day but it is considered that the layout is suitable and in accordance with relevant controls in relation to parking and manoeuvring.

23. Incorrect to state no residential next door as a dwelling could be built there.

Comment: The land next door is currently vacant, the assessment of the application must be made based on existing site conditions and any existing approvals. Furthermore the land currently has no potential for a dwelling.

24. *The sheds are so large they will be unsightly to nearby dwellings resulting in overshadowing, loss of natural light and loss of outlook.*

Comment: Any overshadowing from the shed will be across the parking area and the adjoining sheds on the property to the south. The proposed development has sufficient setback from existing residential properties to ensure that the impacts from users of the site is minimal and managed. In addition there will be some landscaping installed at the rear of the site to assist with softening the development from the rear. Notwithstanding the fact there is no right to an outlook governed under current planning legislation it is unlikely that the development will hinder all existing views from surrounding properties.

25. Lack of fire safety for an industrial building is neglectful

Comment: Conditions of consent will require appropriate fire safety certificates are in place for each of the depots prior to occupation.

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.

The development results in the development of a vacant block within the village and provides the opportunity for sole traders and local businesses from surrounding areas to have a base within the village. All applicable controls relating to North Wagga as well as flood controls have been assessed as acceptable and the development is recommended for approval.

There are no anticipated detrimental impacts to 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)

The development is on land that is zoned as RU5 Village and it contains minimal. In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats (7.3). There is no native 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 native 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, therefore, no further consideration of these matters is required.

Council Policies

None

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.

A Section 7.12 contribution is payable and is calculated as 1% of the development cost as follows: $989,200 x 1% = $9892 plus CPI.

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.

A Section 64 contribution is not payable for this development as it is located outside of the DSP areas.

Other Approvals

None required

Conclusion

The development is considered to be satisfactory based on the foregoing assessment which includes an assessment of submissions received in objection to the development. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies.

RECOMMENDATION

It is recommended that application number DA22/0568 for Construction of shed for use as seven depots with associated parking and landscaping be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA22/0568

Right click & select OR delete if NO deferred commencement consents

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
A01	Site Plan	Design2 consulting	E	18.10.2022
A02	Floor Plan	Design2 consulting	E	18.10.2022
A03	Elevations & Section	Design2 consulting	E	18.10.2022
A04	Landscape Plan & perspectives	Design2 consulting	E	18.10.2022
	Statement of Environmental Effects	Design2 consulting	B	No date

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 $9,892 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

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

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. .The applicable rate of CPI at the time of consent is 123.7.

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

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

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is nil.

NOTE 6: The Section 64 Stormwater base figure is nil.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.4 Prior to the issue of a Construction Certificate, a Stormwater Management Plan must be submitted to the satisfaction of the General Manager or delegate that shows stormwater from the development to be piped across Marah Street and discharged into the table drain located on the northern side of Marah Steet.

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 revised landscape plan and legend shall be submitted to the satisfaction of the General Manager or delegate and approved prior to the release of the Construction Certificate.

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

(2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

(3) The plan is to include additional landscaping including trees within the front setback area and adjacent to the rear fence boundary.

(4) The plan must show open palisade fence (similar to the front) along the rear boundary.

Requirements before the commencement of any works

C.7 If the work involved in the erection or demolition of a building or structure:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

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

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

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

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

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

C.8 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.9 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.10 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.11 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.12 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site AND a Section 68 Approval (PUBLIC) is required prior to the carrying out of stormwater works approved under condition C4.

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.

C.13 Prior to the approved stormwater works commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council. A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council‘s Activities in Road Reserves Officer on 1300 292 442.

Requirements during construction or site works

C.14 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council’s website at- <https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.

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

C.16 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

C.17 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.18 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.19 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.20 Prior to the issue of an Occupation Certificate, stormwater from the development is to be piped across Marah Street and discharged into the table drain located on the northern side of Marah Street.

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

Note: The LEP 2010 defines depots as follows:

"a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use but does not include a farm building."

In accordance with this definition, industrial and manufacturing activities are not permitted at any time.

C.25 The approved use must only be conducted on Mondays to Saturdays, inclusive between the hours of 7.00 am and 6.00 pm.

C.26 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.2019 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

C.27 No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

C.28 No external storage is permitted within any part of the site.

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

C.30 A minimum of 5 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.

C.31 No vehicle access is permitted from the rear laneway.

C.32 The maximum size of vehicle permitted to use the approved depots is 7m, this restriction must be signposted at the entrance to the site.

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