



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA21/0492
Modification No.:	N/A
Council File No.:	D/2021/0492
Date of Lodgement:	06/08/2021
Applicant:	CG Napier 64 Hammond Ave EAST WAGGA WAGGA NSW 2650
Proposal:	Place of Public Worship
Description of Modification:	N/A
Development Cost:	\$250000
Assessment Officer:	Amanda Gray
Determination Body:	Council - more than ten submissions received in objection to the development.
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	31 August - 14 September 2021
Advertising:	31 August - 14 September 2021
Owner's Consent Provided:	yes
Location:	On the northern side of Gregadoo Road approximately 150 metres to the east of Plunkett Drive.

SITE DETAILS

Subject Land:	53 Gregadoo Rd LAKE ALBERT NSW 2650 Lot 4 DP 1142732
Owner:	CG Napier, BR Holt, WP Doven

REPORT

Description of Development

The application is for a place of public worship to be built on an existing vacant residential lot. The development consists of a single storey building, car parking and driveway. Landscaping is proposed to the front, rear and side boundaries.

The premises are described by the applicants as a meeting hall, the hall has been designed to reflect the style of a residential dwelling and will be constructed of brick with metal roof. Internally the premises will include a hall, a lobby and amenities. There is an entry porch at the front and also to the rear providing two points of access in and out of the lobby space.

Thirteen car-parking spaces are proposed including one garage space, the spaces are laid out alongside the eastern side of the meeting hall and accessible via a new driveway that runs parallel to the eastern boundary for the full length of the site.

The proposed hours of worship are Sundays: 6am-7am and Mondays: 6.00pm -7pm. Arrival and departure times to each of these worship times are anticipated to add 15 minutes to the times that the subject site and premises will be used. The premises will not be used at any other time for any other purpose throughout the week. The congregation numbers on both Sunday morning and Monday evening will be no more than 50 persons.

The Site and Locality

The land to which this development application relates is known as 53 Gregadoo Road and is legally identified as Lot 4 in DP1142732. The subject site is on the northern side of Gregadoo Road approximately 150 metres to the east of Plunkett Drive and extends to an area of 2518sq.m.

There are existing established residential dwellings on all sides of the subject site. Opposite the site to the south are rural residential lots and to the south west of the site is The Grange seniors housing development. Further to the east of the site is a cluster of educational uses consisting of Mater Dei Catholic College, Mater Dei primary school and a day care centre.

Easements and Covenants

There is a sewer and drainage easement of 2.5 metres in width parallel to the rear boundary of the site.

There is a building envelope that requires a set-back of 15 metres from the Gregadoo Road frontage.

The proposed development is clear of the easement and contained within the building envelope.

Previous Development Consents

DA08/0423 and SC10/0014- Residential Subdivision. Approved 27.2.2009
DA17/0295 - Place of Public Worship. Withdrawn 27/11/2017.

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 R5 Large Lot Rural Residential. The objectives of the zone are as follows:-

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

The development does not provide housing but proposes a land use that is permitted with consent. Each of the lots that abut the subject site are developed with detached residential properties presenting in a similar bulk and style to the street. The development of a place of public worship using the bulk and form of a single residential dwelling does not detract from the existing rural residential setting in this location and is not considered to impact on the orderly development of urban areas. The limited hours of use associated with the place of public worship are not expected to unreasonably increase the demand for public facilities or services in this locality.

The proposed place of public worship has the potential for impacts that may be different to a dwelling and these impacts need to be considered. The place of public worship proposed requires a specific early morning worship on a Sunday that will result in the movement of vehicles and persons to and from the premises prior to 6am each week with the potential to cause noise disturbance. The worship period is for a limited period of one hour and does not involve the playing of any music. The applicants have prepared a draft operational plan that outlines how noise disturbance to neighbouring properties will be limited. The plan references the fact that families (average of five persons) will travel in one vehicle and that some families will walk both of which will limit vehicle movements. Furthermore, attendees will not congregate outside the hall and vegetation is proposed to provide a buffer and screening to adjacent residential properties. Parking of vehicles and potential overspill is another potential area of conflict but as noted above large family groups travel in one vehicle and some families will walk. With a maximum congregation of fifty persons the proposed thirteen parking spaces is sufficient for the anticipated need.

There are similar places of public worship throughout residential neighbourhoods including both Tatton and Bourkelands that have the same worship times and that have not led to any complaints being received from neighbouring properties. Subject to conditions and management the ability for a church and residences to co-exist within the same land use zone with minimal conflict is entirely expected.

The applicants have attempted to gauge feedback from neighbours by both door knocking with information leaflets and hosting a bar-b-q. Only one neighbour attended the bar-b-q and the door knock did provide some idea of the neighbourhood feeling against the proposal. The feedback influenced the preparation of the application with reduced capacity and limited worship times.

There will be no clearing of native vegetation as a result of this development.

Based on the above assessment the proposed development whilst not providing residential housing is for a land use that is permitted with consent and is considered to be suitable within the R5 zone in this location.

Part 2 Permitted or prohibited development Land Use

A place of public worship is defined as follows:

means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The land use table for the R5 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 *place of public worship* is not one that is listed in any of these three categories. At the end of the land uses that are specifically listed as permitted with consent (3) it states, 'any other development not specified in item 2 or 4'. Accordingly, as a use that is not nominated it is referred to as an unspecified land use and one that is permitted with development 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

4.1 Minimum subdivision lot size

Under this clause, the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot size Map in relation to that land. The minimum lot size for the subject site is 2ha. The development application does not propose subdivision, the subject site has an area of 2518sq.m which is already less than the minimum lot size and comparable to the surrounding residential land parcels.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions that apply to the application.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

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 place of public worship that could be accommodated within the CBD. However, as it is not a core commercial land use it is not anticipated that it will detract from the primacy of the B3 zone and therefore the control is satisfied.

State Environmental Planning Policies (SEPPs)

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 states the following:

- (1) *A consent authority must not consent to the carrying out of any development on land unless-*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is-*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land-*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site is not listed on Council's potentially contaminated land register and there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The lot is part of a residential subdivision that was approved approximately 12 years ago and the site is considered suitable for the intended use 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

Nil

Section 4.15(1)(a)(iii) - The provisions of any development control plan Wagga Wagga Development Control Plan 2010

The proposed development has been assessed against the applicable objectives and controls of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.5 Guiding Principles

The guiding principles are used to inform assessments and decisions made on development applications and decisions are to be consistent with the Guiding Principles. The following two principles are considered to be of relevance to the subject application.

GP2 Site responsive development

- i. To design for compatibility with topography, physical characteristics and setting
- ii. To achieve a positive contribution to the streetscape and/or natural environment

GP3 Design quality

- i. To achieve quality sustainable development
- ii. To respond to site conditions

The design of the place of public worship is responsive to the existing characteristics of the large lot residential zone and does not detract from the existing streetscape. The development is consistent with the site conditions and compliant with the listed guiding principles.

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 31 August to 14 September 2021 in accordance with the provisions of the DCP. Fifteen submissions were received in objection to the application during the notification period and are discussed under section (d) of this report.

As more than ten submissions in objection to the development have been received the application is required to be reported to Council.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

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

The proposed access to the property is from Gregadoo Road. Gregadoo Road is a non-arterial road from which an access driveway is suitable and appropriate. The driveway to the site was established as part of the residential subdivision and consists of a 4 metre wide driveway on the eastern boundary of the site that is attached to a driveway of the same width on the western boundary of the adjacent dwelling. This pattern of double driveways occurs along the Gregadoo frontage to limit the number of driveway points joining onto the road.

The application proposes to widen the driveway to 6 metres. The wider driveway is to allow for greater visibility when exiting the site particularly for larger people carrier vehicles that are anticipated to be used by congregation members. There is an 88b restriction that relates to the driveway and is worded as follows:-

“Vehicular access for Lots 1-6 inclusive is restricted to within 4 metres of the common boundary indicated by (AC) on the Deposited Plan.”

The proposed widening of the driveway by 2 metres does not result in the relocation of the entry point or increase the number of driveways accessed from Gregadoo Road and therefore raises no concerns. The development application process allows for the 88b restriction to be varied.

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.

A traffic impact assessment was not requested as part of the application.

The vehicle movements to and from the premises are likely to occur at a greater intensity than a single dwelling for the two worship periods each week. In total however across the week the number of vehicle movements will be less than that anticipated at a single dwelling.

The two worship times proposed are not considered to cause a conflict with other peak travels within this locality. The existing peak travel movements in this area are associated with the school drop off and pick up times during the day Monday to Friday.

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

The site is large enough and has sufficient manoeuvring capacity that allows for vehicles to enter and leave the site in a forward direction. Additional areas of hardstand at the front of the property allow for vehicles to manoeuvre safely out of the site. The provision of large driveways to the front of properties along this part of Gregadoo Road is not unusual or out of character.

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.

It is not anticipated that the church will require loading and delivery facilities beyond those of a standard car parking area. Any delivery would occur through one of the proposed entry points into the building.

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

The location of the proposed access driveway onto Gregadoo Road is acceptable and was established at subdivision stage.

C6 Ensure adequate sight lines for proposed driveways.

Sightlines in and out of the site onto Gregadoo Road are satisfactory.

2.2 Off-street parking

Objectives

O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians.

O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.

O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.

O4 Soften the impacts of larger car parking areas through the use of landscaping.

O5 Provide both shade and solar access to car park users by means of purpose designed tree planting

This section requires developments to provide off-street parking to meet anticipated demands. The DCP outlines minimum parking standards for different identified land uses. The parking requirement for a place of public worship is 1 space per 4 seats or 1 space per 10sq.m of gross floor area whichever is greater.

The maximum number of attendees is 50 which would equate to a need for 12.5 (50/4) spaces; the worship hall extends to an area of 123sq.m equating to a need for 12.3 (123/10) spaces. The proposed provision of 13 spaces including one garage space complies with this control.

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

Car parking will be required to be set out to meet the requirements for general parking and this will be secured by condition. A turning area is included at the front of the garage to allow for the manoeuvring of vehicles from the garage.

C9 Provide trees within the parking area at a rate of 1 tree per 5 spaces in a row. Each tree to have a minimum mature spread of 5m and to be located in a planting bed with minimum width of 1.5m (between back of kerbs) and minimum area of 3.5m².

New trees and shrubs are proposed adjacent to the car-parking area.

2.3 Landscaping

The site is clear of vegetation other than grass that is maintained as required. An indicative landscaping plan has been provided with the application and consists of a mix of trees and shrubs predominantly to the rear and side boundaries.

A condition is proposed that a detailed landscape plan be prepared that includes more substantial planting to the northern boundary to assist in screening and buffering the impacts of the development. The condition will also seek to reduce the area of hardstand proposed at the front of the property and provide additional landscape within the front setback.

2.4 Signage

No signage is proposed as part of this application.

2.5 Safety and security

The place of public worship can be accessed from a front and rear porch both of which lead into an internal lobby area. The porch area is easily identifiable and windows to the main hall area face towards the street offering natural surveillance. There are no blank walls or concealed areas. Lighting is proposed to the car park, this will be required to illuminate parking areas only and be manually controlled during worship times. These details will be included within an operational management plan.

2.6 Erosion and Sediment Control Principles

Standard conditions of consent will be included.

2.7 Development adjoining open space

The development does not adjoin open space.

Section 3 - Heritage Conservation

The site is not within the conservation area and is not identified as a heritage item. There are no cultural heritage items identified on or within proximity of the site.

Section 4 - Environmental Hazards and Management

The subject site is not identified as flood prone or bush fire prone land.

There are no applicable controls within Sections 5, 6, 7, 8 of the WWDCP2010.

Section 9 - Residential Development

The subject site is within a large lot residential area. The controls within section 9 are for residential development and therefore the majority are not applicable to this application. The following controls are considered to be of relevance to the development.

9.2.2 Streetscape

The existing presentation to Gregadoo Road is a vacant residential lot with detached dwellings on either side. The proposed development presents as a detached structure with similar bulk and scale to a dwelling. The building is set back from the street and includes landscaping within the front setback. Nearby dwellings include large areas of hard stand with driveways at both the front and side leading to rear outbuildings. The key difference with the subject site is the proposed parking area alongside the building although the setback and landscaping will assist in limiting the impact of this area upon the streetscape. An updated landscape plan will be secured by condition that will require enhanced planting to the front setback.

There are no gates or boundary fencing features forward of the building line and subject to enhanced landscaping within the front set-back that will be secured by condition the streetscape presentation is one that is considered acceptable. Whilst other similar places of public worship do include fencing in this location the applicants were advised that this would not be suitable and agreed to remove such a feature from the plans. A condition of consent is proposed that no fences be constructed forward of the building line at any time.

9.3 Site area, building form and envelope

The site area, building form, scale and bulk should be appropriate to the established or intended built form of the locality. The proposed place of public worship is smaller in size than the surrounding dwellings but is of an appropriate building form and contained within the building envelope. The development maintains the low density pattern of development throughout the R5 zone.

9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. The users of the place of public worship will spend very limited periods of time outside of the building due to both the early hours of worship and minimal worship times. The provision of landscaping to the site boundaries together with existing solid boundary fencing will ensure that there will be

negligible impact upon existing levels of privacy. As noted earlier in the report the noise sources from the development will predominantly be from the movement of vehicles to and from the premises and persons going in and out of the building. The minimal use of the site, the operations of existing comparable places of worship and a proposed operational plan will result in acoustic impacts that are manageable and acceptable in this location.

There are no applicable controls within Sections 10, 11, 12, 13, 14, 15 or 16 of the WWDCP2010.

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

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

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

92A Additional matters that consent authority must consider for Wagga Wagga
In determining a development application for development on land to which the Wagga Wagga LEP 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 April 2021.

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

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

Context and setting

The surrounding area is characterised by single detached residential properties. On the southern side of Gregadoo Road the residential lots are greater in size extending to between 2-7ha and consisting of large properties that are set back from the road by over 60 metres.

Within the context of the site there is also a seniors living development known as The Grange. The Grange is on the southern side of Gregadoo Road and is accessed via its own dedicated access road, this is approximately 350 metres to the west of the subject site. In addition there is a child care centre, primary school and high school that are also all to the west of the site. The primary school is accessed directly from Gregadoo Road and the high school and child care centre are accessed via Plunkett Drive. The locality is not solely a residential street and the traffic movement and activity varies throughout the day.

Lake Albert and the walking track around the lake are approximately 400 metres to the north and easily accessible by foot.

Streetscape

The streetscape to Gregadoo Road consists of detached dwellings with landscaped frontages. The proposed development will change the streetscape by developing a vacant lot. The building is set back consistently with adjacent dwellings and the parking is alongside the building.

Landscaping to the front is proposed but could be further enhanced to assist with softening the areas of hard-stand and a condition is proposed that requires a revised landscaping plan with increased landscaping to the front set back. The impact to the streetscape is considered acceptable.

Access, transport and traffic

The proposed access to the property is from Gregadoo Road. Gregadoo road is not an arterial road however it is a main connecting road servicing the south eastern part of the city. It is not solely a residential street and traffic movement and activity is experienced here at varying hours throughout the day.

The application proposes to widen an existing 4 metre driveway to 6 metres. The wider driveway is to allow for greater visibility when exiting the site particularly for larger people carrier vehicles that are anticipated to be used by congregation members. The proposed widening of the driveway does not result in the relocation of the entry point or increase the number of driveways accessed from Gregadoo Road and therefore raises no concerns. Parking has been provided in accordance with DCP requirements.

There are no traffic conflicts anticipated as the worship times are different to peak travel times to and from the nearby schools.

Noise and vibration

The proposed hours of worship are 6am-7am on Sundays and 6pm-7pm on Mondays. It is anticipated those attending will arrive approximately 15 minutes before the start and leave within a similar timeframe afterwards. Gregadoo Road, being a main connecting road, is unlikely to be void of any vehicle movements at this time of day and impacts from noise along Gregadoo Road are anticipated to be negligible.

The use of the site has the potential to result in noise disturbance from the noise of cars manoeuvring into spaces, car doors closing and persons moving in and out of the building. There have been other development applications for comparable places of public worship in residential neighbourhoods that have been approved with the same worship times starting at 6am. Both of these are operational with the capacity for larger congregation numbers and have not resulted in any noise complaints to Council.

The subject application proposes a smaller congregation number of 50 and less worship times during the week both of which will be controlled by condition. The applicants have prepared a draft operational plan and this will be further revised prior to operation to ensure that the management of the site is appropriately controlled.

Overall the noise impacts are not anticipated to have significant detrimental impacts upon existing levels of residential amenity.

Services

The site is fully serviced. Recommended conditions of consent require a stormwater design for the site that identifies overland flow paths and limits post development flows to that of pre-developed flows. This design is required to be approved prior to any construction commencing and may include, for example, an on-site detention system.

Heritage

The site is not within the conservation area and is not identified as a heritage item. There are no cultural heritage items identified on or within proximity of the site.

Natural Hazards

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.

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment is not required as the development is not mapped as being on flood prone land or bush fire prone land.

Man-Made Hazards

The site is not subject to any known man-made hazards.

Pollution and off-site environmental effects

No anticipated impacts as a result of this application.

Flora and fauna

As noted in the report there is no vegetation removal proposed as a result of the development. New vegetation will be planted in association with the place of public worship.

Socio- Economic Impact in the Locality

The construction phase of any development would result in the employment of trades for a period of time having a positive economic impact. The facility has a positive social impact as a place to gather and worship with the other members of the congregation.

Construction

Construction of the place of public worship would be subject to standard hours of operation.

Site Design and internal design

Internally the proposed place of public worship is functional for its needs consisting of the worship meeting hall, a lobby space and amenities. The building has a porch and verandah to break up the elevation and is set back from the street with a comparable building line to adjacent dwellings.

Whilst the building is smaller in size than the surrounding dwellings it is of an appropriate building form and contained within the building envelope. The development maintains the low density pattern of development throughout the R5 zone.

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. No vegetation will be removed as a result of this development and therefore there is not considered to be any 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 site is a vacant land parcel within an R5 zoned rural residential location. The proposed use is consistent with the requirements of the WWLEP and WWDGP and as outlined throughout the report is suitable subject to conditions and an appropriate management plan.

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. Recommended conditions of consent have been included.

Advertising

The application was advertised from 31 August - 14 September 2021 in accordance with the provisions of the DCP.

Notification

The application was notified to adjoining neighbours from 31 August - 14 September 2021 in accordance with the provisions of the DCP.

In response to the notification and advertising fifteen submissions were received in objection to the development application. The grounds of the submissions are detailed below:-

1. *The development is in breach of an existing 88B instrument that requires all buildings to be used as a private dwelling house.*

Comment: In accordance with Clause 1.9A of the LEP 2010, the developer covenant does not apply to the extent necessary to enable development to be carried out in accordance with the LEP

2. *The development is in breach of an existing 88B instrument that stipulates no fencing and gates to the front of the property.*

Comment: There is no fencing or gate proposed forward of the building line.

3. *The use does not benefit the majority of the community and therefore is in breach of the intent of the LEP.*

Comment: The use is one that is permitted with consent in the R5 zone. Any requirement for a particular level of community benefit is not a relevant matter for consideration.

4. *The proposed hours of use and exorbitant numbers of vehicles will result in excessive noise generation causing significant disturbance to the neighbourhood.*

Comment: The proposed hours of use and limited number of days are not considered to be excessive and the maximum patron numbers will limit the number of vehicle movements to and from the premises.

5. *Any noise generated in association with a 6am service is not considered appropriate in a residential area. No other business would be allowed to start at this time and nor should this unless within a commercial area. Can this time be changed to 8am.*

Comment: Whilst the early worship time is acknowledged the minimal hours of use, maximum congregation numbers and proposed operational plan are considered appropriate measures to minimise impacts.

6. *Under the NSW noise legislation, time restrictions when noise should not be heard are: - 'noise source: motor vehicles (except when entering or leaving residential premises)- before 8am and after 8pm on weekends and public holidays; before 7am and after 8pm on any other day'. Even with the best intentions the noise emission from vehicles entering and leaving the site, car doors opening and shutting and people talking cannot realistically be completely mitigated and will inevitably exceed noise level and disrupt serenity of Sunday early morning hours.*

Comment: See comment under point 5 above.

7. *The development should be treated as commercial premises and located within a commercial precinct.*

Comment: The development is not a commercial premises which are specifically prohibited in the residential zone. The use is a place of public worship and is permissible within the R5 zone and may therefore be considered on merits.

8. *The development is more akin to a function centre being a large hall that is providing a meeting place for groups of people. Function centres are prohibited in the R5 zone.*

Comment: The development is not a function centre which are specifically prohibited in the residential zone. The use is a place of public worship and is permissible within the R5 zone and may therefore be considered on merits.

9. *Hours of Use are likely to increase in the future to be consistent with other existing places of worship. How will this be controlled and policed and what is to stop additional hours being approved if this gets built.*

Comment: The application, if approved will be subject to controlled hours of use and any additional use of the premises will be in breach of the consent and subject to compliance action.

10. *Mis-use of prime residential land to allow a development to be used only a few hours each week when there is such a shortage of residential land.*

Comment: There are numerous uses that are acceptable in residential areas and the land use is one that is permitted with consent and an acceptable use of residential land.

11. *Gregadoo Road is a busy thoroughfare and this site is in close proximity to schools that generate high traffic volumes; an additional 40-60 vehicles turning on and of this road is a safety concern for the community and requires an RMS Study.*

Comment: The existing schools and the proposed place of public worship will not be in use at the same time and the numbers of vehicles will be considerably less than anticipated in this submission. State legislation (SEPP Infrastructure) identifies the types of development that must be referred to Transport for NSW (former RMS) and the proposed development does not meet the listed criteria.

12. *The community consultation should be dismissed as there are new property owners and there is no record of any meetings or feedback. Furthermore this was prepared by the applicants and cannot be seen as an independent report.*

Comment: The neighbour sentiment report was prepared by the applicants to assist in the preparation of their application and influenced the proposed capacity numbers and worship times. There is no reliance on the report by Council in terms of the assessment.

13. *A building that is empty for so long during the week is likely to attract crime and could act as a screen for criminals trying to enter other neighbouring properties.*

Comment: The development of a vacant block is seen as more of a positive measure with regard to safety and security rather than the land remaining empty. The development does not include any security fencing as this would appear out of character with the streetscape. The operational plan will secure the ongoing maintenance of the site.

14. *The development is not in keeping with the character of the surrounding area and the size of building does not suit the large lot size.*

Comment: The proposed place of public worship is smaller in size than the surrounding dwellings but is of an appropriate building form and contained within the building envelope. The development maintains the low density pattern of development throughout the R5 zone.

15. *The development does not benefit the local community as it is for a minority group of people who do not mix within the mainstream community.*

Comment: The extent of the community serviced by the development is not a matter for consideration.

16. *Impact upon existing property values within this neighbourhood.*

Comment: Property values are not a planning consideration that can be used to determine

the suitability of a development application.

17. *The application is not clear with regard to the fact that it is for the Plymouth Brethren the same group who applied in 2017 for a similar development but with longer hours and larger congregation numbers. Other sites operated by the Brethren across the city are clearly not for "public worship".*

Comment: The use of the building regardless of the denomination is consistent with the land use definition as it is "a building or place used for the purpose of religious worship by a congregation or religious group."

18. *Concern about surface run-off from the excessive hard-stand areas that are proposed.*

Comment: Recommended conditions of consent require a stormwater design for the site that identifies overland flow paths and limits post development flows to that of pre developed flows. This design is required to be approved prior to any construction commencing and may include, for example, an on-site detention system.

19. *Concern that the stated congregation numbers and parking provision are underestimated just to get the application approved. The building has a greater capacity than fifty and a similar sized building in the 2017 development application was for 180 people.*

Comment: The application, if approved will be subject to capacity limits and any use of the site by a greater number will be in breach of the consent and subject to compliance action.

20. *There is no capacity for overflow parking onto the road as there are only grass verges, parking and pedestrian movement along the road reserve would cause considerable hazards.*

Comment: The proposed number of parking spaces complies with the DCP controls for car-parking. Furthermore the application references the use of large family vehicles by many attendees and therefore no overflow parking onto the road is anticipated.

21. *Gregadoo Road is in a poor state with the road edges crumbling away in many places, this is not a safe location for the development due to the existing road condition and likelihood of cars parking on the road reserve.*

Comment: The site has an established driveway location that will be utilised to service the development. The overall use of the driveway across a standard week is anticipated to be less than that associated with a dwelling in this location.

22. *Car-park should be to the rear of the building to improve streetscape presentation*

Comment: The car-park area at the side of the property is not dissimilar to a driveway leading to a large shed at the rear of a dwelling. If parking is all at the rear the potential for disturbance to properties at the rear increases and results in an overall site layout that does not reflect that of a residential property.

23. *Potential for light pollution and disturbance particularly when the hall is unoccupied if lighting to the car-park and driveway is automatic.*

Comment: The operational plan can be updated to include a reference to car-park lighting only being used when the site is in use and no use of sensor lighting. A condition requiring an updated operational plan is proposed.

24. *Other similar premises within the city are in residential suburbs zoned R1 with more urban characteristics including on-street parking and street lighting hence why they are specifically listed as acceptable in the LEP in these areas. The zoning for the proposed development is inappropriate.*

Comment: As noted throughout the report the use is not prohibited in the R5 zone. The location has been selected as being in close proximity to a number of the congregation that would attend for worship.

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 of a place of public worship results in an alternative, permissible land use within a residential zone that is considered suitable. The place of public worship proposes operational hours that have the potential to result in impacts to neighbouring properties particularly with respect to noise and light pollution (during winter months.)

Having considered the limited worship times, the low congregation numbers and the preparation of a draft operational plan to manage impacts associated with the use of the site, the development as proposed is one that will not adversely impact upon the wider public interest.

The character of the R5 zoned area that attracts residents to these areas is not adversely affected and any impacts associated with the development can be appropriately managed.

Other Legislative Requirements

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

In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need 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 therefore no significant impact upon any threatened species or habitats. There are no recordings of endangered species or communities within this locality.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). There is no vegetation being removed so the threshold is not exceeded.

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 and no further evidence is required regarding the proposed vegetation removal. Relevant matters under the Biodiversity Conservation Act 2016 have been considered.

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

The following contributions will be applicable if the development is approved.

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 7.11 contribution was paid for the lot at subdivision stage and therefore no further contribution is payable.

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.

Sewer

Sewer calculations are based on the impact of a development and are calculated using equivalent tenement (ET) rates. There is no established ET rate for a place of public worship, the impact should be assessed against any amenities and food preparation areas. The building includes four toilets and no food preparation areas.

The vacant lot has a credit of 1 ET, the provision of four toilets that will be used during two worship periods each week is not anticipated to result in any impact above that of a single dwelling. No sewer contribution is payable.

Stormwater

The stormwater calculation is based on the increased area of hardstand resulting from the proposed works. The area of hardstand consists of the building footprint and the car-park and extends to an area of 1380sq.m, a credit of 1ET exists for this lot and is therefore calculated as below.

$$\frac{1380}{800} \times \$1721 = \$2969 \text{ minus } \$1721 = \$1248$$

Plus CPI 118/87.9 = \$1675

Other Approvals

None required

Conclusion

The proposed development for a place of public worship with car-parking is one that is permitted with consent in an R5 zone. The building form is not out of character with the rural residential neighbourhood in which it is proposed to be located and maintains the low density pattern of development.

Impacts associated with the proposal have been discussed throughout the report and subject to appropriate management and conditions the impacts will be minimal and acceptable.

The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies and is recommended for approval subject to conditions.

RECOMMENDATION

It is recommended that application number DA21/0492 for Place of Public Worship be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA21/0492

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
	Site Plan and Landscape Plan	Adaptive Interiors	D	19.8.21

A16012021-2	Floor Plan	Luke Pietrobon Engineering & Design	1	2.3.21
A16012021-3	Elevations	Luke Pietrobon Engineering & Design	1	2.3.21
A16012021-4	Section Views	Luke Pietrobon Engineering & Design	1	2.3.21
	Statement of Environmental Effects	Salvestro Planning	2.0	August 2021
	Noise and Traffic Management Plan	applicant		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** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.
- a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:
- i) Structure - Section B- (Part B1)
 - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
 - iii) Access and Egress - Section D- (Parts D1, D2, D3)
 - iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
 - v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
 - vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
 - vii) Special Use Buildings- Section H- (Parts H1, H2, H3)
 - viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)
- C.3** Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-
- \$3000 for security deposit on the kerb and gutter and footpath
- Plus a non-refundable administration fee as per Council's Fees and Charges.

- NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.
- NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold and ongoing bond.
- NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.
- NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.
- NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.
- NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant
- C.4 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.
- NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. 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 \$1248.

The Section 64 Stormwater contribution (updated by the CPI 118/87.9) required to be paid is \$1675.

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.5 Prior to the issue of the Construction Certificate a revised site plan shall be submitted to the Principal Certifying Authority for approval that indicates;

- i) The stormwater connecting to the spur provided
- ii) The sewer connection to the spur provided
- iii) Stormwater drainage designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations must be provided.
- iv) Finished paving levels demonstrating that the stormwater overland flow path is directed towards the street or an alternative appropriate point of discharge.
- iv) A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties.

C.6 A detailed or revised landscape plan and legend shall be submitted to and approved by the General Manager or delegate prior to the release of the Construction Certificate.

- (1) The 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 landscape plan must include vegetation of a suitable size and type to the eastern boundary that provides screening to the car-park area.

- (4) The revised landscape plan must include an increased landscape area to the front setback area of the site to enhance the streetscape presentation, reduce the hard-stand area and provide screening to this area.
- (5) Details of establishment and maintenance must be included with the plan.

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 contractor's vehicles will be permitted within the public space.

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

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

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

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

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 by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

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

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

Requirements during construction or site works

- C.13 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.14 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.15 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.16 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.17 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.18 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.19 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.20 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.21 Prior to the issue of an Occupation Certificate, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to Council. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.
- C.22 Prior to operation of the premises a revised Operational Management Plan shall be prepared to the satisfaction of the General Manager or delegate. The plan must include, as a minimum, the following details:-
 - a) liaison with neighbours, opportunities for feedback and complaints and how this will be managed.
 - b) lighting details including reference to no sensor lighting
 - c) maintenance and management of the site given its limited occupation
 - d) management of parking
 - e) control of noise

The approved plan must be readily available to all users of the premises at all times.

- C.23 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.24 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.25 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.26 The approved use must only be conducted
- a) on Mondays between the hours of 6.00 pm and 7.00 pm.
 - b) on Sundays between the hours of 6.00 am and 7.00 am.
- C.27 No more than 50 persons may be in attendance at the place of worship at any one time.
- C.28 No fencing and/or gates are to be constructed forward of the building line at any time.
- 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 13 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 All parking of vehicles associated with worship at the premises must be fully contained on site. No on street parking is permitted by this development application.
- C.32 The operational plan approved in accordance with Condition C21 of DA21/0492 must be adhered to at all times.
- C.33 Illumination of the car park during times of use only must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

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