



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA20/0673
Modification No.:	N/A
Council File No.:	D/2020/0673
Date of Lodgement:	17/11/2020
Applicant:	DR Draper 6 Campaspe CI SPRINGVALE NSW 2650
Proposal:	24m x 8m shed, 2 x 10,000 litre water tanks and amendment to the building envelope
Description of Modification:	N/A
Development Cost:	\$35000
Assessment Officer:	Emma Molloy
Determination Body:	Council - More than a 10% variation to a numerical control in which a submission was received.
Other Approvals	AA21/0090 - Part B4 Sewer & Part B5 Stormwater
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 24 December 2020 to 11 January 2021
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the eastern side of Campaspe Close, approximately 83 metres from the intersection of Campaspe Close and Lloyd Road.

SITE DETAILS

Subject Land:	6 Campaspe CI SPRINGVALE NSW 2650 Lot 6 DP 1037020
Owner:	DR Draper

PLANNING CONTROLS / STATUTORY CLASSIFICATION

*Pursuant to Part 4 (Division 1)***Description of Development**

The proposed development seeks consent for a 24m x 8m shed within the eastern portion of the site. The development includes a bathroom, two 10,000 litre water tanks and an additional building envelope to encompass the shed and the water tanks. The additional building envelope will be secured via a condition of consent.

It should be noted that the building envelope has previously amended by DA20/0126 which approved the use of various existing outbuildings that were constructed outside the building envelope. The amendment to the building envelope was imposed as a condition of consent.

The Site and Locality

The subject site is legally described as Lot 6 DP1037020 and is located at 6 Campaspe Close, Springvale. The site is located on the eastern side of Campaspe Close approximately 75 metres from the intersection of Campaspe Close and Lloyd Road and comprises of 8563m² in area. The subject site currently contains an existing dwelling, various outbuildings and a pool.

The surrounding locality is characterised as rural residential in nature with large lots containing dwellings, various outbuildings and pools.

Easements and Covenants

The subject land contains a transmission easement in the eastern portion of the site, a water supply easement on the eastern boundary and restriction to user - building envelope. The proposed development is located outside of all easements including the designated building envelope. The restriction on the 88B instrument states that no main building shall be located outside of the building envelope, given the structure is not considered to be a main building rather an ancillary structure used in conjunction with the residential use of the land an out building outside of the building envelope can be considered. In addition, there are no constraints on the site that would preclude the proposed location of the shed from development. Therefore, the location is considered reasonable and a condition of consent will be imposed to require an additional building envelope on the site to encompass the proposed shed and water tanks.

It should be noted that the proposed development was referred to both Riverina Water and Essential Energy. Comments received by Essential Energy will be discussed later in this report. No concerns were received regarding location of the proposed shed in regards to the water supply easement.

Previous Development Consents

- DA20/0126 - Use of existing carport, extension to shed, timber deck, garden shed and water tank. The outbuildings included in this consent were also built outside the prescribed building envelope, the building envelope was required to be amended to encompass the existing outbuildings via a condition of consent;
- DA09/0912 - Proposed Garage, Games Room & Extend Pergola;
- DA04/1096 - Fibreglass Inground Swimming Pool;
- DA03/1222 - Steel Frame Verandah; and
- DA03/0093 - Proposed dwelling, Shed & Pergola.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the R5 Large Lot Residential zone.

The development is permissible with consent.

Part 2 Permitted or prohibited development Land Use

1 Objectives of zone

- 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 proposed development is for a shed to be used as an ancillary structure to the existing dwelling onsite. The shed is positioned as to minimise impacts on sensitive areas and does not increase demand for public services. In addition, no clearing of native vegetation is proposed. Therefore, the proposed development is considered to be consistent with the objectives of the zone.

Part 7 Additional Local Provisions

7.3 Biodiversity

The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation. The location of the proposed shed is clear of any native vegetation and therefore no removal of native vegetation is proposed. As such the proposed development is not considered to have an adverse impact on biodiversity.

7.5 Riparian Lands and Waterways

The objectives of this clause are to protect or improve riparian habitats, catchment protection to prevent increased sediment loads and stream bank erosion from entering lakes, rivers and waterways. The subject site is within the Lake Albert Catchment, a condition of consent will be imposed to require sediment erosion control prior to the commencement of works to mitigate impact on the catchment area and the surrounding lots.

7.9 Primacy of Zone B3 Commercial Core

The objectives of this clause are to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that the development does not conflict with the hierarchy of commercial centres and to

strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts. The proposed development is for a shed to the rear of an existing dwelling within a residential area therefore the primacy of the commercial core will be maintained.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 requires that the consent authority where development is carried out within or immediately adjacent to an easement for electricity purposes (whether not the electricity infrastructure exists) must give written notice to the electricity supply authority and take consideration any response that is given within 21 days after the notice is given.

The proposed development for was referred to Essential Energy whom provided the following response:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<https://clicktime.symantec.com/3XuD7ARXutGyraFrfrHpDDi7Vc?u=http%3A%2F%2Fwww.safework.nsw.gov.au%2F>>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.

To ensure compliance with the above relevant comments will be imposed as conditions of consent.

State Planning Policy No. 55 - Remediation of Land

Clause 7 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site was subdivided for residential use and is not identified on Council's contaminated land register. As such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

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

State Environmental Policy No 55 - Remediation of Land has been subject to recent public consultation and is currently under review. In addition, the Contaminated Land Planning

Guidelines are currently under review. The proposed changes to the SEPP do not alter the current core considerations under Clause 7 and as such will have no bearing on this assessment in regards to SEPP 55.

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

Wagga Wagga Development Control Plan 2010

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

Section 1 - General

1.10 Notification of a Development Application

Surrounding landowners were notified in accordance with Council policy for a period of 7 days from 24 December 2020 to 11 January 2021. Three submissions were received during the notification period. Submissions will be addressed later in this report.

1.11 Complying with the Development Control Plan 2010

The proposed development seeks to vary C4 and C6 within Section 9.4.4. The development seeks to vary C4 by more than 10% and submissions in regards to this control have been received. Therefore, the proposed development must be determined by Council. An assessment against all variations is contained within Section 9.4.4 of this report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle Access and Movements

Access is provided from Campaspe Close via three existing driveways one of which services the existing outbuildings behind the dwelling on the northern boundary. This driveway will be used to access the proposed shed.

2.2 Off-street Parking

Off-street parking is provided within the existing garage accessed from Campaspe Close which is considered acceptable and satisfies the objectives and controls within this section.

2.5 Safety and Security

The site has a clearly defined entrance with no blank walls along the street frontage or areas of potential concealment. In addition, the proposed shed will provide additional secure storage within the site. The proposed development is considered to comply with the objectives and controls within this section.

Section 4 - Environmental Hazards and Management

5.4 Environmentally Sensitive Land

Environmental sensitivities have been previously assessed in Section 7.3 and 7.5 of this report.

Section 5 - Natural Resource and Landscape Management

5.3 Native Vegetation Cover

The proposed shed is located outside the area identified for native vegetation plantings. Therefore, no concerns are raised.

Section 9 - Residential Development

9.2.1 Site Layout

The proposed development is located in the rear portion of the site. Whilst the shed is proposed outside the prescribed building envelope the location does allow for the shed to be sited fully behind the dwelling and not visible within the street as viewed from Campaspe Close. In addition, the location will allow for access to the shed whilst not compromising access to private open space and will avoid underutilised space within the rear yard. As such the proposed development is considered to comply with the objectives and controls within this section.

9.2.2 Streetscape

The proposed shed is located in the rear of the site behind the existing dwelling. The shed will not be visible from the street and therefore no concerns in regards to the streetscape have been raised.

9.3.4 Solar Access

The proposed development is located to the rear of the site with adequate separation between adjoining properties. The site contains a large hedge in the rear which will provide a screen to mitigate overshadowing impacts on the adjoining properties. The impact is considered reasonable given the separation between the proposed shed and the adjoining land, and the existing impact of the hedge.

9.3.7 Side and Rear Setbacks

The proposed development is located 9.5 metres from the southern boundary, 35.5 metres from the northern boundary and 6.5 metres from the eastern boundary. As such the shed is adequately setback in accordance with the controls within this section.

9.4.2 Materials and Finishes

The proposed shed will be constructed from Colourbond which is consistently used for outbuildings therefore no concerns are raised.

9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. The proposed development does not raise any concerns. The existing boundary fencing and landscaping provides an adequate screen between the lots.

9.4.4 Garages, Carports, Sheds and Driveways

C3 states that outbuildings on land over 4000m² can be considered on merit. The subject site is 8563m² and therefore the size of the shed can be considered on merit. The proposed shed is 192m² and is setback behind the existing dwelling, is well separated from neighbouring properties and from boundaries therefore the impact of the structure is negligible and is considered appropriate given the nature of the subject site.

C4 requires that the total cumulative area of all outbuildings on any one property shall not exceed 8% of the site area or a maximum area of 300m², whichever is the lesser. The proposed development will result in a cumulative floor area of 411.8m² which exceeds the control by 111.8m². The proposal also seeks to vary C6 which requires that the height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level whilst the development proposes a maximum height of 5 metres which exceeds the control by 200mm. Written justification was received by the applicant stating that "the shed is specifically proposed to be placed to the back right side of the property with the front of the shed to have a west facing aspect. Due to the slope and drainage run off to the north/east of the block, positioning the shed as shown in the site plan allows for ease of water run off on the property". Whilst the justification is not relevant to the

controls being varied the shed is sited as to avoid underutilised spaces within the rear yard and given the size of the site, the shed will not result in the site being overdeveloped. The shed will be effectively screened by the existing 3 metre high hedge and there are no constraints on the site that would preclude development in the location of the proposed shed. In addition, whilst the cumulative floor area of all outbuildings is 411.8m² which exceeds the control by 111.8 m², the area of the site covered by outbuildings is 4.8% which is considered acceptable. The variation in height is considered negligible given the size of the site, separation from boundaries and the established vegetation in the rear of the site. Submissions were received in regards to the controls being varied, submissions will be addressed later in this report.

9.4.5 Site Facilities

Adequate area for facilities is provided on site.

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

No planning agreements have been entered into under section 7.4.

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

Matters prescribed by the regulations have been satisfied.

Section 4.15(1)(b) - likely impacts of the development

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development is located in the rear yard behind the existing dwelling clear of the easements on the site. The site is large with ample area for private open space and the shed will be effectively screened by the existing vegetation within the site therefore the location is considered suitable and the shed is acceptable in regards to the context and setting of the site.
Streetscape	x			The proposed development is located in the rear of the subject site and as such will not have an adverse impact on the streetscape as viewed from Campaspe Close.
Traffic, access and parking	x			The site contains three vehicle crossovers. The shed will be accessed via an existing driveway on the northern boundary which currently serves the existing outbuildings.
Public Domain	x			None identified.
Utilities	x			All services are connected and available to the site.
Heritage	x			The subject site is not located in the Heritage Conservation Area, is not a listed item and is not known to be an area of significance therefore no concerns are raised in relation to Heritage.
Other land resources	x			None identified.
Water Quality & Stormwater	x			The shed will be connected to two 10,000 litre water tanks to manage stormwater within the site. Any overflow should be disposed of in an acceptable area as not to have an adverse impact on adjoining lots, a section 68 application has been lodged to ensure this.

Soils, soil erosion	x			Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments.
Air and microclimate	x			No concerns have been raised.
Flora and Fauna	x			The proposal does not include removal of vegetation.
Waste	x			Conditions of consent will be imposed to ensure waste is disposed of in an appropriate manner.
Energy	x			No adverse impacts have been identified.
Noise & vibration	x			Noise is expected as part of the construction of the proposed development conditions of consent will be imposed to require works to be undertaken within acceptable hours.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area map	x			The subject site is not identified as flood or bushfire prone.
Technological Hazards	x			None identified.
Safety, security and crime prevention	x			No adverse impacts have been identified.
Social impact in locality	x			The proposed development will allow for additional secure storage within the site.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and related industries.
Site design and internal design	x			The proposed development makes good use of the site and addresses the sites constraints and opportunities.
Overlooking - overshadowing	x			No concerns are raised in regards to overlooking and overshadowing given the location of the proposed development, setbacks from boundaries and location of the existing vegetation.
Landscaping	x			The proposed development will not result in overdevelopment of the site. An adequate area for landscaping will remain after construction of the shed.
Construction	x			To comply with the BCA.
Private open space	x			No concerns are raised.
Cumulative Impacts	x			None identified.
Disabled access			x	Not applicable.
Signage			x	Not applicable.
Setbacks, Building Envelopes	x			The proposed shed is located outside of the building envelope. As addressed in this report the 88B instrument states that the main building must be within the building envelope, the proposed shed is not considered to be a main structure and therefore can be considered on merit. The development is clear of the easements within the site and is located in an area free of constraints that would inhibit development. The proposed shed is considered acceptable in the proposed location and a condition of consent will be imposed to require an additional building envelope to encompass the shed and water tanks.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

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

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

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

The proposed development will not result in any anticipated irreversible environmental damage, the proposal utilises an existing residential site for redevelopment and therefore is not considered to impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

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

The subject land located at 6 Campaspe Close is considered to be suitable for the proposed development because it is a residential lot being developed for a residential purpose generally in accordance with the WWLEP and WWDCP.

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

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

Notification - Adjoining landowners were notified in accordance with Council policy for a period of 7 days from 24 December 2020 to 11 January 2021. Three submissions were received.

Public Submissions and those from public authorities

Three submissions were received during the notification period. The submissions raised concerns in regards to the proposed use of the shed, consistency with the DCP, development outside of the building envelope and stormwater management.

The submissions raised concerns that the shed will be used for steel fabrication or welding. It should be noted that the applicant has applied for a residential shed and therefore the use of the shed is considered to be ancillary to the existing dwelling. However, to mitigate concerns of the use a condition will be imposed to require the shed to be used for purposes ancillary to the dwelling only and no commercial undertakings shall be permitted within the shed at any time.

Concerns were raised in regards to consistency with the DCP stating that the proposed shed does not comply with C4 and C6 of 9.4.4 in regards to height and total cumulative area. The proposed shed will be a maximum of 5 metres in height which does exceed the control by 200mm. Also, the proposed shed will result in a cumulative area of 411.8m² which exceeds the control by 111.8m². It should be noted that C3 of 9.4.4 states that outbuildings on lots over 4000m² will be assessed on merit. The subject site is 8563m² and therefore outbuildings will be assessed on merit. The proposed shed is well located in the rear of the yard and will be effectively screened by vegetation. The proposed shed is not considered to result in overdevelopment of the lot and is not considered to have an adverse impact on the surrounding lots. The proposed shed is considered an acceptable inclusion to the site.

The proposed shed is located outside of the building envelope, the submissions raised concerns about the suitability of a structure outside of the building envelope. The 88B instrument of the subject site states that the main building must be inside the building envelope. The proposed shed is not a main building rather a building used for ancillary purposes therefore the location of the structure can be considered. Also, there are no constraints in terms of overland flow, vegetation or other considerations that may impede on development. With exception of the transmission easement in which case the application was referred to Essential Energy whom raised no concerns in regards to the proposed development. As such the location outside of the building envelope can be considered. A condition of consent will be imposed to require the creation of an additional envelope to encompass the proposed development.

Stormwater management was also raised as a concern. Additional information was asked of the applicant to provide more detail in regards to the size and location of the proposed water tanks. The submissions requested that the water tanks have a minimum capacity of 6,000 litres. The water tanks will, as indicated on the submitted site plan have a capacity of 10,000

litres and there will be two located on the southern elevation of the shed which is in excess of the request. Also, the submission raised concerns in regards to the installation of the water tank and overflow from the tank. Installation of the tanks are considered to be stormwater works and a Section 68 Activity Approval has been submitted, this will ensure the water tanks are installed appropriately and will include an appropriate location for the overflow of the tanks.

The submissions also raised concerns in regards to a shipping container onsite and its location within the transmission easement. The application does not include a shipping container nor has a shipping container been approved on the site. Therefore, concerns regarding this are not relevant to this assessment however the concerns have been referred to Council's compliance section.

The proposed development was also referred to Essential Energy whom provided the following

response:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <https://clicktime.symantec.com/3XuD7ARXutGyraFrfrHpDDi7Vc?u=http%3A%2F%2Fwww.safework.nsw.gov.au%2F>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.

To ensure compliance with the above relevant comments will be imposed as conditions of consent.

Section 4.15(e) - the public interest

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

Other Legislative Requirements

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

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

It should be noted that the Biodiversity Certification has since lapsed however as the application was lodged prior to 21 December 2020 that Biodiversity Certification was current at the time of lodgement and therefore, no further consideration of these matters is required.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

The subject site is not identified as flood prone and therefore no further assessment is required.

Bush Fire Risk Assessment

The subject site is not identified as prone to bushfire therefore no further assessment is required.

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

Section 7.11 of the EPA Act, 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. The lot was subdivided after 1984 and

therefore developer contributions have been previously paid.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure. As stated previously developer contributions have been charged previously.

Referrals:

Building Surveyor: N/A

Plumbing Inspector: N/A

Subdivision Engineer: Yes, no concerns were raised. Standard conditions of consent will be imposed.

Environmental Officer: N/A

Parks & Recreation Officer: N/A

Other Approvals:

AA21/0090 - Part B4 and B5 Sewer and Stormwater Private.

Conclusion:

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

- The application is for a shed with a bathroom, 2 water tanks and an additional building envelope in the R5 - Large Lot Residential Zone which is permitted with consent.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought within the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant provisions within the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

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

RECOMMENDATION

It is recommended that application number DA20/0673 for 24m x 8m shed, 2 x 10,000 litre water tanks and amendment to the building envelope be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Applicant		14.12.2020
219-278A	Site & Locality Plans & General Information	Applicant		23.03.2021
ESWPT40480	Plan View	Endurance Sheds Wagga Wagga		17.11.2020
ESWPT40480	Elevations	Endurance Sheds Wagga Wagga		17.11.2020

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 release of the Construction Certificate, the applicant shall:

- i) Provide to Council, for its review and endorsement, a Deed of Covenant pursuant to s88 Conveyancing Act 1919 and appropriate plan of subdivision for the modification of the existing building envelope.
- ii) Submit the endorsed Deed of Covenant and plan to NSW Lands Registry Services for registration, and provide a receipt of this lodgement to Council.

The amended building envelope shall contain all parts of the proposed shed and rainwater tanks and shall not encroach on any easements.

Requirements before the commencement of any works

C.3 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.4 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.5 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.6 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.7 Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- C.8 Essential Energy’s records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- C.9 The proposed shed and water tanks must be contained entirely within the confines of the new building envelope as approved under condition C.2 of this consent. Prior to the issue of any Complying Certificate for the footings and concrete floor slab, a survey report prepared by a registered land surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the structure is contained within the approved building envelope and does not encroach on the adjacent overhead power line easement and the water supply easement to the rear.

Requirements during construction or site works

- C.10 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.11 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.12 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection

- ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.
- C.13 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.14 There is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<https://clicktime.symantec.com/3XuD7ARXutGyraFrfrHpDDi7Vc?u=http%3A%2F%2Fwww.safework.nsw.gov.au%2F>>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.
- C.15 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

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

- C.16 Prior to the release of the Occupation Certificate, the applicant shall provide Council with evidence of the registration of the Deed of Covenant required under Condition C.2 of this consent by the NSW Land Registry Services.
- C.17 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.18 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.19 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.20 The shed must not be used for commercial or industrial purposes or storage of goods associated with industrial or commercial undertakings.
- C.21 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).
- C.22 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- C.23 Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

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

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

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

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

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.

N/A

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

N/A
