

# Statement of Environmental Effects

85 Hillary St, North Wagga Wagga

## Continuing Use of Structures and Temporary Land Use for Events

23 June 2022



CAMILLA ROCKS  
Town Planner

This Statement of Environmental Effects has been prepared by Camilla Rocks, on behalf of Nicole Lofts (the proponent) for alterations and additions to holiday cottages at 85 Hillary St, North Wagga.

Material is provided for the assessment of a Development Application only. If material is required for any other use, the user is to contact Camilla Rocks for permission.

Camilla Rocks

[camilla.rocks@bigpond.com](mailto:camilla.rocks@bigpond.com)

[www.camillarocks.com.au](http://www.camillarocks.com.au)

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# Contents

1	Introduction .....	4
1.1	Overview of the Proposal.....	4
1.2	Property Description & Site Analysis .....	4
1.3	Supporting Documentation .....	7
2	The Proposal .....	7
2.1	Proposed Development .....	7
3	Assessment of the Development .....	14
3.1	NSW Environmental Planning and Assessment Act, 1979 & Regulation 2000 .....	15
3.2	NSW Local Government Act, 1993 .....	15
3.3	Biodiversity Conservation Act 2016 .....	15
3.4	State Environmental Planning Policy – Exempt and Complying Development .....	15
3.5	State Environmental Planning Policy – Resilience and Hazards 2021.....	15
3.6	Liquor Act 2007 .....	16
3.7	Wagga Wagga Local Environmental Plan 2010.....	16
3.7.1	Part 1 Preliminary .....	16
3.7.2	Part 2 Permitted or Prohibited Development.....	16
3.7.3	Part 5 Miscellaneous Provisions .....	20
3.7.4	Part 7 Additional Local Provisions.....	21
3.8	Wagga Wagga Development Control Plan 2010.....	22
3.8.1	Section 1 – General .....	22
3.8.2	Section 2 – Controls That Apply to All Development.....	22
3.8.3	Section 3 Heritage .....	24
3.8.4	Section 4 Environmental Hazards and Management .....	24
3.8.5	Section 5 Natural Resource and Landscape Management .....	24
3.8.6	Sections 8 - 16 .....	24
3.9	Draft Environmental Planning Instruments .....	24
3.10	Summary .....	24
4	Assessment of Environmental Impacts.....	25
4.1	Context and Setting.....	25
4.2	Transport, Access and Parking .....	25
4.3	Noise .....	25
4.4	Privacy, Views and Overshadowing .....	26
4.5	Waste .....	26

4.6	Fire Safety .....	26
4.7	Odour .....	26
4.8	Social Impact .....	26
4.9	Physical and Chemical Impacts .....	27
4.10	Biological Impacts .....	27
4.11	Environmental Hazards .....	27
4.12	Heritage.....	27
4.13	Cumulative Impacts .....	27
5	Conclusion.....	28
Appendix 1. Essential Energy Information .....		29

## Table of Figures

Figure 1	Identification of subject site (Source: WWCC Intramaps) .....	4
Figure 2	Location of site in relation to Wagga Wagga (Source: WWCC Intramaps) .....	5
Figure 3	Survey extract illustrating easement .....	5
Figure 4	Aerial view of subject site (Source: SIXmaps 2020) .....	6
Figure 5	Views of paved area beside pergola .....	9
Figure 6	Existing pergola and function area and amenities block .....	9
Figure 7	Minimum Clearance Requirements for NSW.....	10
Figure 8	Minimum Clearance to Insulated Overhead Services.....	11
Figure 9	Portable amenities block installed on site – front and rear views.....	12
Figure 10	View of western side of shipping container.....	13
Figure 11	Proposed Site Layout .....	14
Figure 12	Image of 2012 flood affectation of subject site (Source: WWCC Intramaps).....	20
Figure 13	Existing access.....	23

# 1 INTRODUCTION

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## 1.1 OVERVIEW OF THE PROPOSAL

This Statement of Environmental Effects (SEE) has been prepared by Camilla Rocks on behalf of Chris and Nicole Lofts (the proponent) to accompany a Development Application (DA) for the site located at 85 Hillary Street, North Wagga Wagga (the subject site). The DA has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for submission to Wagga Wagga City Council (Council).

A development application (PAN-187127) was lodged on the NSW Planning Portal on 4 February 2022 and placed on exhibition. As a result of the exhibition and concerns raised by neighbours, the scope of the development was amended by the proponents. The proposed revised development seeks to gain approval for works undertaken at the existing holiday cottages (hotel/motel accommodation) and add a temporary land use for functions but at a smaller scale than was originally sought.

## 1.2 PROPERTY DESCRIPTION & SITE ANALYSIS

The site is formally identified as 85 Hillary Street, North Wagga Wagga, comprising of Lot 1 DP 829597. It is located on the northern side of Hillary Street, between the main southern railway line and Byrnes Road, in the locality of North Wagga Wagga and within the boundaries of Wagga Wagga City Council, as identified in Figure 1 below. It is approximately 1.5 km north-east of North Wagga Wagga and 1.2km south of the Bomen industrial precinct.

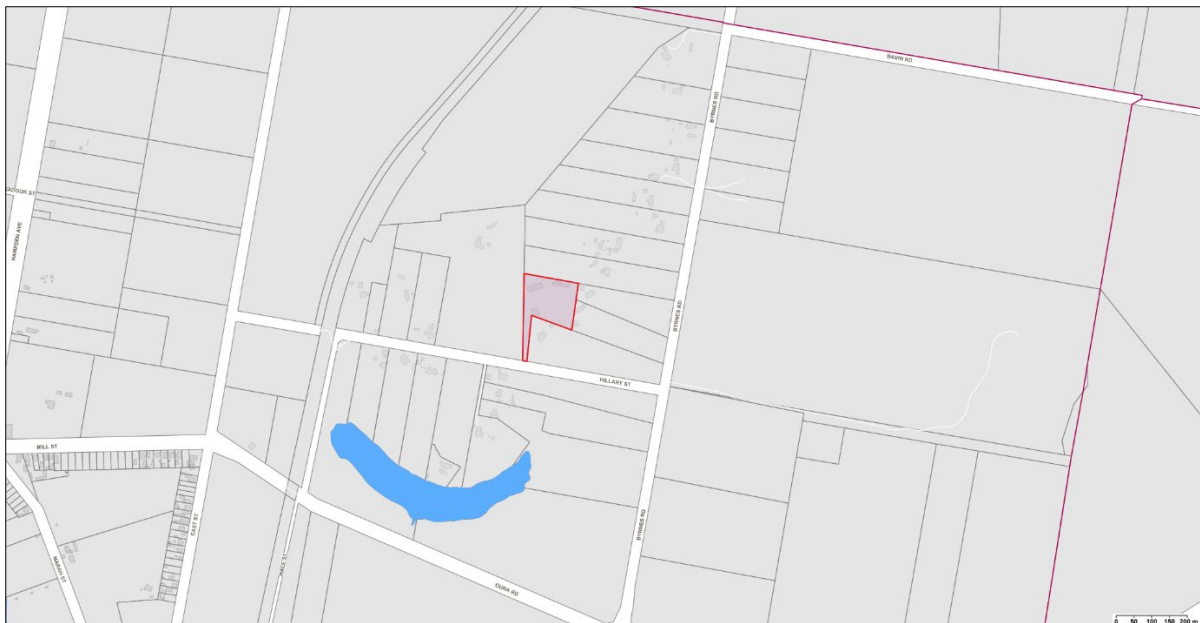


Figure 1 Identification of subject site (Source: WWCC Intramaps)

A broader view of the site in terms of its regional context is provided at Figure 2 below.

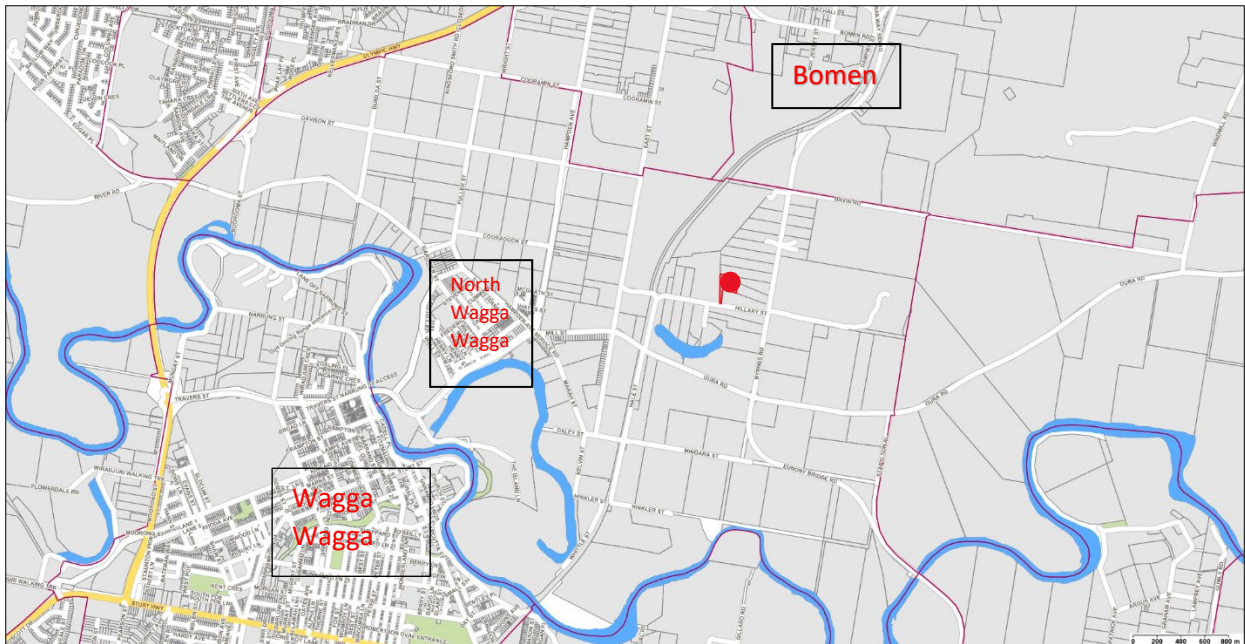


Figure 2 Location of site in relation to Wagga Wagga (Source: WWCC Intramaps)

This site is a small rural residential lot, with a main dwelling, swimming pool and ancillary outbuildings as well as 4 accommodation cottages on the site. The land is zoned RU4.

Access to the site is from Hillary Street. The access is within a long narrow handle with a driveway that leads to the main buildings on the site.

The site is surrounded by similar rural residential lots on all sides. The dwelling site immediately west of the subject site is associated with a turf farm. The site immediately west currently has a development application with council for a solar farm. The Bomen industrial precinct is approximately 1.2km to the north of the site.

Frontage to Hillary Street is approximately 12 metres, with a handle of approximately 130 metres and total depth approximately 244 metres. The lot is 2 hectares in size.

There is a T shaped 10m wide transmission easement over the northern part of the site as indicated below:

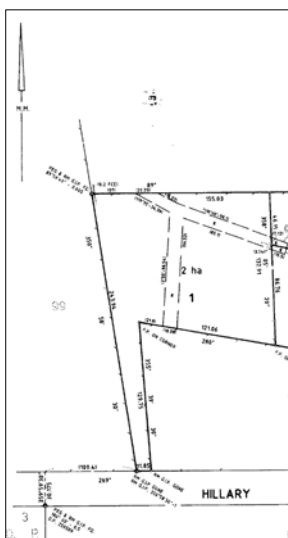


Figure 3 Survey extract illustrating easement





Figure 4 Aerial view of subject site (Source: SIXmaps 2020)

#### **1.2.1.1 History of the Site**

The site was part of a larger agricultural holding until the lot was subdivided in 1992. The main dwelling was constructed in approximately 1990. The holiday cottages were constructed in the early 2000s and were progressively staged, with the final cottage constructed in 2012.

The accommodation aspect of the site was approved as hotel/motel accommodation and retains existing use rights for this land use, as the 2010 WLEP prohibits this use.

#### **1.2.1.2 Electrical Transmission Easement**

As mentioned above, the subject site is burdened with a transmission easement in favour of Essential Energy. Following notification of the Development Application when lodged, Essential Energy raised concerns about the safety of the development due to the proximity of the development to the transmission lines and easement.

A response to the submission has been prepared and is annexed to this report.

### 1.3 SUPPORTING DOCUMENTATION

- Site and Floor Plan, prepared by the Woehler Design & Drafting
- Statement of Environmental Effects, prepared by Camilla Rocks
- Event Management Plan, prepared by Nicole Lofts

## 2 THE PROPOSAL

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### 2.1 PROPOSED DEVELOPMENT

This application is lodged as a result of compliance action taken against the proponent by Council in late 2021. The site is currently used as a dwelling, with tourist accommodation. The proposed development is for the site to be used for events (the relevant land use being a function centre, as defined in the WWLEP Dictionary), on a temporary basis, with a limited number of events per year. Infrastructure to support the events was installed/constructed by the proponent, in the belief that the work was exempt from requiring approval under the Codes SEPP.

The application originally sought approval for the following:

- Temporary events on the site for 20 days each year
- Pergola (48sqm) with retaining walls and fireplace – continued use of existing
- Amenities block (transportable) – continuing use of existing
- Continuing use of existing shipping container for storage
- Earthworks for carpark – continuing use of existing

Following the exhibition of the application and concerns raised by both council and adjoining property owners, the scale of the development was reduced. The objections to the development were analysed for the main issues and the proponents held an information and discussion session with adjoining owners on 25 May 2022 to further hear their concerns. The proponents amended the development in response to the issues raised. The amended proposal is, we believe, a compromise that could operate harmoniously in the locality.

With the reduced scale of development, the original carpark is not required and has been deleted from the application.

The application seeks approval for the following:

- Temporary events on the site for no more than 20 days each year with conditions applied (see below)
- Amenities block (transportable) – continuing use of existing
- Continuing use of existing shipping container for storage
- Pergola (48sqm) with retaining walls and fireplace – continued use of existing

#### Temporary events on the site for up to 20 days each year

The proponent seeks to hold up to 20 events on the site under the pergola and adjoining terrace. Capacity would be capped at 50 people, which includes the 18 people staying in the cottages, and hours limited, in recognition of the close vicinity of dwellings and the proponent's own family home. When required for weather protection, a marquee/pop-up gazebo or similar will be erected over the



concrete slab adjacent to the pergola. Any marquee would be limited in size therefore would comply with the exempt development standards for marquees, subject to approval of the land use.

Events are proposed to be held as follows:

- 1) Duration of Temporary use as a function centre:
  - i) In place while the proponents own the property
  - ii) If the property is sold, then the future owner(s) are to apply for their own temporary use
- 2) 20 events to be held each year, with a maximum of 6 night events, and the following conditions:
  - i) Maximum of 2 night or evening/twilight events within a 4-week period
  - ii) Night event, means:
    - Held on a Friday night, Saturday night or the night preceding a public holiday
    - Music ceases at 11pm
    - Events to cease by 12pm
  - iii) Evening/twilight event means:
    - Held on any night of the week
    - Events with music:
      - (1) **Music** ceases at 8pm during non-daylight saving time periods, and 9:00pm during daylight saving time periods
      - (2) **Events** to cease by 8:30pm during non-daylight saving time periods, and 9:30pm during daylight saving time periods
      - (3) Events where music is not requested or is background music which is provided and controlled by the owners using their speaker system, such as for a dinner party or corporate event, to cease by 10pm
  - iv) Day event means:
    - Held on any day of the week
    - Events to cease by 7pm
- 3) Noise management:
  - i) Music to be limited to a small ensemble, acoustic, speaker/sound system
  - ii) Aim is to target functions where background music is the focus, not 'dancing' music
  - iii) Plant hedges and/or screening plants on fence lines as a noise barrier for the adjoining property owners that are located behind the property and to the east (the side of the property where the vineyard is). The use of vegetation for noise attenuation has been studied and debated, with a summary article here:  
<https://www.agroengineering.org/index.php/jae/article/view/889/773>
- 4) Community engagement:
  - i) Hold a minimum one community engagement session with adjoining property owners each year to monitor any adverse impact
  - ii) Work collaboratively on solutions, where required

Events will involve the setting up of chairs and tables in the area of the pergola and adjoining hardstand and music will sometimes be played, either live or pre-recorded. The proponent will require that all accommodation cottages must be booked in order to hold an event at the site, with 3 cottages available sleeping 6 each. Any function would allow for an addition of up to 32 people to the site. The pergola is available for use by the occupants of the accommodation cottages without requiring additional consent because it forms part of the facilities of the hotel/motel accommodation. It is the commercial use of the area by additional visitors to the site that requires consent.



Figure 5 Views of paved area beside pergola



Figure 6 Existing pergola and function area and amenities block

#### Pergola (48sqm) with retaining walls and fireplace – continuing use of existing

The proponent constructed the pergola in the belief that the structure fell within the standards for exempt development as ancillary use to the dwelling and accommodation. The proximity of the structure to the electrical easement meant that the structure did not meet exempt provisions and consent is required (must be located at least 1m from any registered easement). The pergola is a roofed structure over a concrete slab, with a brick wall along the northern end, and an open wood fireplace/cooking appliance. It is located adjacent to the existing dwelling, to the east.

The pergola is located partially within the electrical easement that transverses the site. The location of the pergola was selected on site with Mitchell Bellenger, Network Assurance Facilitator, Customer Installation Inspector, South Western, Essential Energy to ensure that the structure had a 5 metre distance from the centre of the wires. The minimum requirements are outlined in the plan below, which Mitchell sent to the owner. A clear version will be annexed to this report.

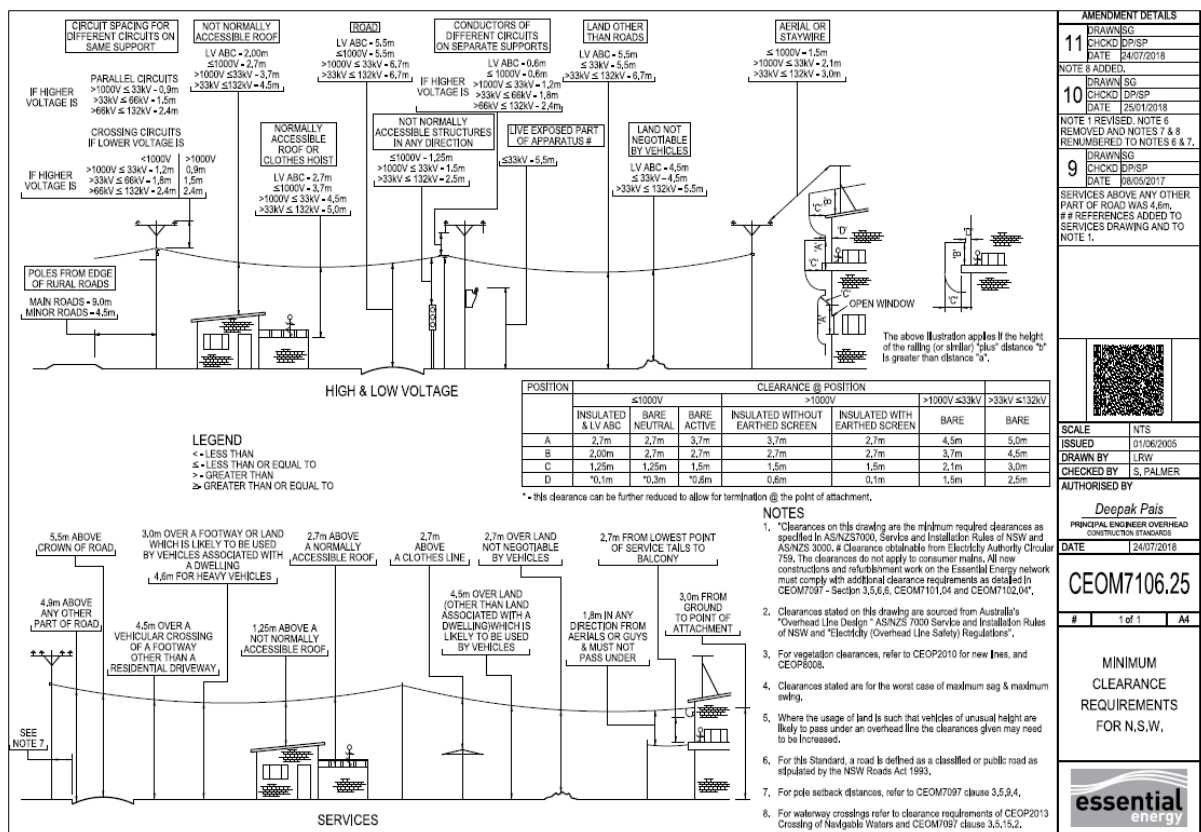


Figure 7 Minimum Clearance Requirements for NSW

The structure was also designed with reference to the table in Figure 8, as recommended by Mitchell. Whilst on site, the owners also discussed planting under the wires with Mitchell and subsequently selected hedging plants that do not exceed 4 metres in height. The structure should therefore satisfy Essential Energy requirement for clearance and access.

From the insulated service conductors to the surface of:		Minimum clearances (metres)
1	Any part of a freeway or arterial road	5.5 vertically
2	The centre of a carriageway of a public road	5.5 vertically
3	Any part of a carriageway of a public road (other than the centre)	4.9 vertically
4	Vehicular crossing of a footway in a public road (other than a residential driveway)	4.5 vertically
5	Vehicular crossing of a footway in a public road for a residential driveway and any other part of a footway	3.0 vertically
6	Land which is not associated with a dwelling and which is likely to be used by vehicles, including non-urban small acreages and hobby farms	4.5 vertically
7	Land which is, or is likely to be used by vehicles and is associated with a dwelling	3.0 vertically
8	Land not likely to be used by vehicles	2.7 vertically
9	Those parts of any structure normally accessible to persons. (See Note 1)	2.7 vertically
10	Any area above a roof	1.25 metres
11	Any area around a radio or TV aerial	1.8
12	Those parts of any structure not normally accessible to persons. (See Note 2) (including below a projecting slab, balcony or sign)	0.1 in any direction
13	The edge of any opening window, balcony, verandah, clothes line or fence etc	Out of normal reach (see Note 4)
14	Point of Attachment	3m vertically not normally accessible without a ladder or other device (see Notes 1-4)
15	Farmland where mechanical equipment is used	5.5 vertically
16	Trees and shrubs	0.5 in any direction
17	Vicinity of boat ramps, launching areas (avoid if possible)	10.0 vertically
18	Communications conductors	0.6 in any direction

Figure 8 Minimum Clearance to Insulated Overhead Services

#### Amenities block (transportable) – continuing use of existing

The proponent installed the modular amenities block in the belief that it was exempt development. Council subsequently advised that consent is required. We note that the structure is placed within the electrical easement. This was discussed on site with the representative of Essential Energy, Mitchell Bellenger. Should Essential Energy need to conduct maintenance on the infrastructure in the vicinity of the toilet block, the block is easily removed with a forklift for the period of maintenance.

The amenities block is located within the subject lot and has plumbing fixtures connected to the septic system (approval pending). The amenities block was placed on site for the daily use of the housekeeping staff, gardeners and agriculture workers who work in the site, as well as guests. The owners have a legislated requirement under WHS legislation to provide amenity facilities to workers and the toilet block meets this requirement. Removal of the amenities block is simple as it can be craned onto a truck, the services capped and the ground restored. The owners selected this model of toilet block in preference to a Portaloo.

The block contains 2 toilets with wash basins and one accessible toilet with wash basin and baby change table. The block is a portable structure, purchased from Ryebucks Portables and has been



installed per manufacturer's instructions. The structure is clad with Colorbond Bondor panels, with Surfmist roof and walls, Monument fascia and front wall.



*Figure 9 Portable amenities block installed on site – front and rear views*

#### Continuing use of existing shipping container for storage

The proponents placed a shipping container on the site, behind the western cottage, for the storage of tables and chairs and other household items. The shipping container has been painted white and placed on a compacted bed of 200mm road base for stability, in lieu of a shed. The owners have engaged an engineer to certify the structure for stability. The Codes SEPP does not make provision for the installation of a shipping container as exempt development under this circumstance therefore we seek to formalise consent for this structure.



*Figure 10 View of western side of shipping container*

The existing wastewater treatment system approval will be amended under a separate application and existing plumbing works will also be amended under a separate application (Section 68).



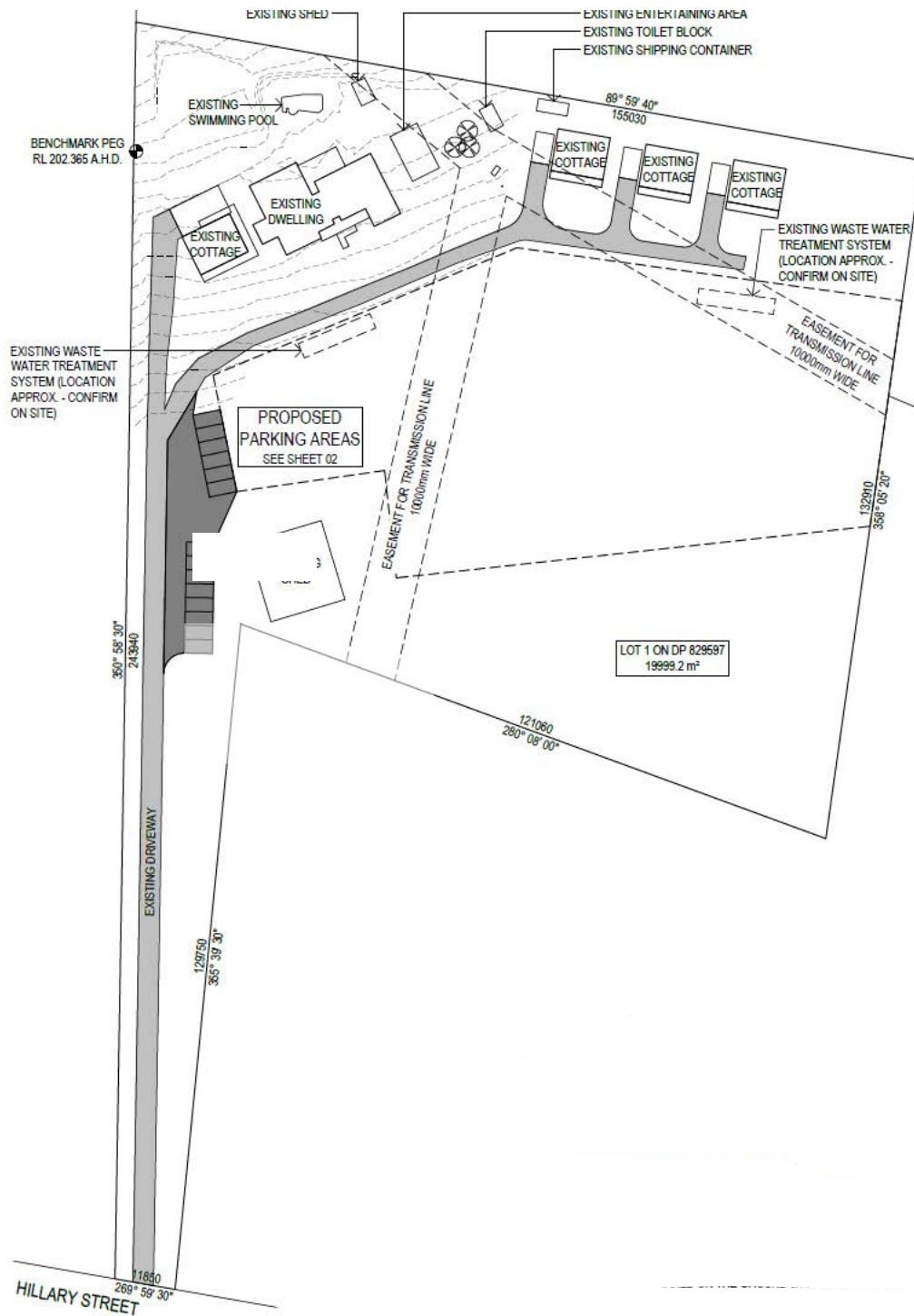


Figure 11 Proposed Site Layout

### 3 ASSESSMENT OF THE DEVELOPMENT

This section provides our assessment of the proposed development against the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following plans are applicable to the proposed development:

- ❖ Wagga Wagga Local Environmental Plan (WLEP) 2010
- ❖ Wagga Wagga Development Control Plan (WDGP) 2010

however other legislation and policy is referenced here for clarity.

### **3.1 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 & REGULATION 2000**

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) provides the legislative framework for the preparation of State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), and Local Environmental Plans (LEPs). The latter includes the WLEP2010. An assessment against the relevant provisions of the WLEP 2010 is included within Section 4.7 below.

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment. Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.

Division 4.11 of the Act contains provisions relating to existing uses. The subject site falls under this definition of existing use because it was approved for hotel/motel accommodation prior to the gazettal of the WLEP, which had the effect of prohibiting this particular land use. Nothing in the Act prevents the continuation of the land use. The Regulations contain provisions governing existing uses. Under the Regulation, an existing use may be altered or extended, with development consent.

### **3.2 NSW LOCAL GOVERNMENT ACT, 1993**

There are new connections to water/sewer infrastructure proposed in addition to an outdoor fireplace therefore there is a requirement for approval under Section 68 of this Act. A separate application will be submitted to comply with this requirement.

### **3.3 BIODIVERSITY CONSERVATION ACT 2016**

The subject site is not identified as an area of outstanding biodiversity value on the biodiversity values map. No native vegetation is proposed to be removed. Given that no native vegetation is being removed and that there is no recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the proposed development will significantly affect threatened species or ecological communities or their habitats. Based on the above, we consider that the development will not trigger the Biodiversity Offset Scheme.

### **3.4 STATE ENVIRONMENTAL PLANNING POLICY – EXEMPT AND COMPLYING DEVELOPMENT**

The subject proposal does not fall under the provisions of this instrument as the proposed land use and structures requires consent.

### **3.5 STATE ENVIRONMENTAL PLANNING POLICY – RESILIENCE AND HAZARDS 2021**

The information publicly available about former uses of the site indicates that the site has been part of a larger agricultural holding since European occupation of the area, with use for rural grazing. Since 1992, the site has been a rural residential holding.

The use of the land for rural residential purposes is not listed as a contaminating land use. The previous agricultural use may be associated with contaminating activities however, aerial photographs dating back to 1970 do not indicate that the site hosted a sheep dip, yards or shedding.

No further assessment of potential land contaminating activities is considered warranted. We consider that Council can be satisfied that the site is suitable in its current state for the proposed use.

### 3.6 LIQUOR ACT 2007

The proponent will not be providing or selling liquor and will not require a liquor licence. Any events that propose alcohol be sold and consumed will require that the organiser arranges their own appropriate liquor licence.

### 3.7 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010

Only clauses relevant to the proposed development have been addressed in this report.

#### 3.7.1 Part 1 Preliminary

This section confirms that the subject site falls under the provisions of this plan and provides administrative information for the application of the WLEP.

#### 3.7.2 Part 2 Permitted or Prohibited Development

##### *3.7.2.1 Clause 2.8 Temporary use of land*

Clause 2.8 has been the subject of consideration in several decisions of the Land and Environment Court. The principal decisions are:

Marshall Rural Pty Limited v Hawkesbury City Council [2015] NSWLEC 197; and

EMRR Pty Limited v Murray Shire Council [2016] NSWLEC 144.

Bradley Allen Love Lawyers provided the following advice on their website, which provides a good benchmark for assessment in light of the Court findings: *A number of key principles can be identified in these decisions:*

1. *The clause applies despite any other provision of the LEP and allows the approval of a temporary use of land that would otherwise be prohibited.*
2. *The temporary use may be approved for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. The use can still be temporary even if it continues over a number of years or even indefinitely.*
3. *The 52 day maximum does not include days spent preparing for or packing up following the actual event.*
4. *It is the use of the land that is temporary – the use may be carried out in permanent structures (such as stables, sheds etc).*
5. *To be capable of being approved under cl.2.8, the consent authority must be satisfied of each and every matter listed in cl. 2.8(3), i.e:*
  - *that the temporary use will not prejudice the future use of the land in accordance with the LEP or any other environmental planning instrument;*
  - *that the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood;*

- *that the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land; and*
  - *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*
6. *Clause 2.8(3)(b) imposes a different standard to that which applies in the consideration of an application to carry out development that is permissible under the LEP. Rather than a consideration of whether the likely impacts associated with the development will be acceptable, the clause requires the consent authority to be satisfied that there will be no adverse impact.*
  7. *The assessment of impact should take into account the ameliorative effect of any conditions to be imposed on the development consent; however, the effect of those conditions must be to remove any impact, not merely to render the impact acceptable.*

The proposal is for temporary events, which is defined as a function centre in the WLEP Dictionary, and the use is prohibited in the RU4 zone.

The WLEP specifies a maximum period of 20 days in any 12 month period. The proponent is proposing the consent operates while they are the property owners.

The maximum period does not include time for setting up and packing up and this is noted.

The advice is that a temporary use may be carried out in permanent structures, which permits the use to be undertaken in the pergola and surrounding area.

Council must be satisfied that the temporary use will not prejudice the future use of the land. The temporary use of the land for events would not compromise future development of the land because it is a land use that does not require construction. The pergola and landscape structures form part of the approved dwelling and hotel/motel accommodation. A transportable amenities block has been installed but is easily removed from the site and services capped to allow for future development of the land. The first requirement of this objective is therefore satisfied.

Council must be satisfied that the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood. The structures and objects to be used for the temporary land use are already in place and do not have any impact on adjoining land in terms of views, setbacks, fire safety, visual amenity or the like. At the level now proposed, we do not consider that the temporary land use will have adverse impacts on adjoining land or amenity. As the proponents live on the site, they intend to manage the temporary events so that they themselves do not experience adverse impacts. If there are no adverse impacts within the site, we do not expect that there will be adverse impacts off site. In this section, we are interpreting the term 'adverse impacts' to refer to impacts that are greater than the existing impacts of the development. The standards for this proposal are a different standard to that which applies in the consideration of an application to carry out development that is permissible under the LEP. Rather than a consideration of whether the likely impacts associated with the development will be acceptable, the clause requires the consent authority to be satisfied that there will be no adverse impact.

We note that at present, the maximum 18 people staying on site could congregate in the pergola every day/night, with no regulation apart from POEO Act regulations. The regular residential noise regulations stipulate time restrictions when noise should not be heard in a habitable room in a

neighbour's residence. The restricted hours are before 8am and after midnight on any Friday, Saturday or the day immediately before a public holiday and before 8am and after 10pm on any other day.

Given the potential noise that could be generated from the site, under current approvals, we submit that up to 20 controlled events per year, capped at 50 people (including the number already on the site) can be managed so as not to create adverse impacts on adjoining properties. Noise is defined under the *Protection of the Environment Operations Act 1997*, and includes sound and vibration.

The Act defines "offensive noise" as noise:

"(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations."

The development has been scaled back significantly so that the original additional car parking will not be required to be constructed. There is sufficient formal parking for the existing accommodation and additional vehicles (expected to be no more than 11 vehicles based on 4 people per vehicle) can park safely and without affecting the movement of vehicles through the site, as indicated on the plans. The removal of the carpark and earthworks from the development will remove the potential environmental impacts/risk of natural hazards.

Under the booking terms developed by the proponent, events may only be booked in conjunction with booking of all the accommodation on site. Events would typically be family reunions, small weddings, dinner parties, birthday parties and corporate events that are compatible with booking the accommodation fully. A significant majority of the 20 annual events would be daytime to early evening events as the attraction of the site is the beautiful outlook.

Typical events at the site would be capped at 50 people, including the guests staying in the accommodation, with examples being:

- Gathering of corporate organisations where some staff are accommodated on site, attend team building activities on or off site during the day and have a meal/s together on site
- Family reunion based at the site, where the pergola forms a base for meals, a display of family memorabilia, bonding activities or simply gathering to catch up
- Wedding ceremony and photography on site, with a small ensemble/acoustic band/sound system providing music for the event. The reception could be held on or off site
- Dinner party or milestone birthday party
- Gathering of a group or club, with a display of items/memorabilia and a main meal on site

This application seeks approval for the temporary use of the land for the maximum allowable number of days, being 20 days in any period of 12 months, while they are the property owners. Events would typically be held on weekends, however, the proponents also encourage corporate

events during the week therefore the limit on 20 events would suit the proponent and give certainty to adjoining residents that the development will not cause a nuisance. The development is similar, though of a much lesser scale, than Foodiam, which operates a cooking school and function (wedding) centre on the southern side of the city, in a similar semi-rural area. That business has been operating successfully for many years now and we understand that council does not regularly receive complaints about the impacts of the premises. The venue has conditions in place to manage any adverse impacts on neighbours and the Foodiam website indicates there are no limits to the number of guests. The owners of the subject site do not wish to operate a business as large as this. Their motivation is to share the picturesque location without detrimentally impacting their own enjoyment of their property however we use Foodiam as an example that the site could operate as a venue for events without adversely impacting neighbours.

The use of part of the site for events would not have a detrimental economic impact on the land and would, in fact, have a positive economic impact because it will create employment in the event industry and in the servicing of the site. Social impacts would be positive because events provide for the meeting of groups of people for interaction. The collaborative approach the proponents have with the adjoining owners also has the potential to build the sense of community in the locality.

Given the scale and location of the development as proposed, we do not consider that nearby properties would experience adverse impacts as a result of the development. Furthermore, we note that the site is adjacent to a turf farm and within 1500 metres of the Bomen industrial precinct and is already subject to potentially adverse impacts such as traffic and noise. The proposed development is temporary and of a small scale that would not create impacts above and beyond existing development in the vicinity.

### *3.7.2.2 Land Use Zone and Permissibility*

The site, 85 Hillary Street, North Wagga Wagga, is zoned RU4 Primary Production Small Lots. The objectives of the zone are as follows:

- *to enable sustainable primary industry and other compatible land uses.*
- *to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *to minimise conflict between land uses within this zone and land uses within adjoining zones*

The proposed development is not associated with a primary industry but is not inconsistent with these objectives. The third objective, relating to the minimisation of conflict between land uses is the most appropriate to this development.

The proponent lives on the site and requires the same level of amenity as adjoining residents therefore there is no activity proposed that would contribute to a conflict between land uses.

The site has an existing use for tourist and visitor accommodation (approved as hotel or motel accommodation). This use is prohibited under the provisions of the WLEP however consent was granted for this land use prior to 2010, when the WLEP came into force.

The additional proposed use for the land, albeit on a temporary basis, in accordance with Clause 2.8, is for temporary events, defined as a function centre. Under the Dictionary for the WLEP, **function centre** means a building or place used for the holding of events, functions, conferences and the like,



and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

The pergola and adjoining garden area is proposed for use as a function centre in accordance with this policy, being a place for events and functions.

A function centre is prohibited in the zone, however Clause 2.8 of the WLEP allows for the temporary use of land for a prohibited use, provided a number of matters can be satisfied. These were addressed under part 4.7.2.1.

Other works sought to be consented to under this application are the pergola, amenities block and shipping container.

### 3.7.3 Part 5 Miscellaneous Provisions

#### 3.7.3.1 Clause 5.21 Flood Planning

The site falls within the Flood Planning Area, as defined on the WLEP map. A small portion of the site falls within the 1:100 area, at the entrance and in the south-eastern corner of the main part of the lot. The proposal is for ancillary structures and temporary land use of the site and will not further impact on flood risk and behaviour.



Figure 12 Image of 2012 flood affectation of subject site (Source: WWCC Intramaps)

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

1. *is compatible with the flood function and behaviour on the land*

Comment: the site has been approved for residential and tourist accommodation purposes and has previously been assessed as being a compatible land use with the flood function and behaviour. The introduction of a new land use for temporary events is seen as compatible because the land use will be in a flood free part of the site and, in the event of a large scale flood that cuts off access to the site, events will be cancelled by the proponent. The pergola and amenities block are sited in the flood free area of the site.

2. *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties*

Comment: the new structures are built on a flood free part of the site.

3. *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood*

Comment: In the event of major flooding, the proponent will have adequate time to cancel bookings for the site. An evacuation management plan is already in place for the permanent occupants of the site and the tourist cottages. The proposed development will not require evacuation of people because events will be cancelled if flooding is imminent.

4. *incorporates appropriate measures to manage risk to life in the event of a flood*

Comment: As indicated, the operation of the development already incorporates flood management. Additional people will not be on the site because events will be cancelled when flood warnings are in place.

5. *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses*

Comment: All construction is within the flood free area of the site.

### 3.7.4 Part 7 Additional Local Provisions

#### 3.7.4.1 Clause 7.3 Biodiversity

The site has areas identified as “Biodiversity” on the Terrestrial Biodiversity Map. The mapped areas are not over the subject development site but cover the western side of the lot.

There is no vegetation removal proposed as part of this application. The activities on the site will not be likely to adversely impact on any flora or fauna species or habitat on the site. There will be lighting on the occasions when there is an event however, this will be limited to a few hours no more than 20 times a year, which is not considered likely to adversely impact fauna.

We consider that council can be satisfied that the temporary use of the site and ancillary structures on the site are not likely to adversely impact any native vegetation community, habitat, significant species, wetland or biodiversity values.

#### 3.7.4.2 Clause 7.9 Primacy of Zone B3 Commercial Core

Although tourist accommodation and function centres are permitted with consent in the B3 Commercial Core zone, the main uses in the zone are business related – office, commercial and retail. The development as proposed maintains the primacy of the Wagga Wagga CBD as the main retail centre, given it is for the infrastructure to support temporary events on the site of existing tourist accommodation and is of a scale that will not compete with existing facilities in the CBD.

#### *3.7.4.3 Clause 7.11 Airspace Operations*

There is no construction proposed that would penetrate the OLS for Wagga Wagga Airport.

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

#### **3.8.1 Section 1 – General**

The proposal is consistent with the Guiding Principles outlined in this section. Temporary events are not listed in the notification table therefore notification and advertising will be at the discretion of council staff.

The proponent does not intend to vary any controls to permit approval of this application.

#### **3.8.2 Section 2 – Controls That Apply to All Development**

##### **Vehicle Access and Movements**

The proposal is for use of an existing development for temporary events and does not propose any amendment to the existing vehicle access from the Hillary Street.

We do not consider that a Traffic Impact Study should be required due to the minor scale of the development. Visitors to the site will be in single vehicles or a mini-bus, where required. The existing dwelling and tourist cottages have sufficient parking available in garaging and marked spaces adjoining. Vehicles for events will be accommodated alongside the existing driveway as indicated.

The proposal is consistent with all the controls relating to vehicle access. The new parking will be compressed gravel topped with road base, in keeping with the rural character of the site. The large area of the site enables all vehicles to enter and leave in a forward direction. The site has sufficient area to enable any delivery vehicles to enter for loading and unloading of goods then depart in a forward direction. Deliveries will take place during normal business hours to minimise disruption in the vicinity.



*Figure 13 Existing access*

### **Off Street Parking**

The proposal is generally consistent with the objectives. The existing driveway will not be altered under this proposal. The parking table does not address temporary events however, for function centres, requires 1 space per 10m<sup>2</sup> GFA or 1 space per 3 seats, whichever is greater. As the events area is outdoors, the GFA calculation will not be appropriate. All events will be capped at 50 people and generally 18 of those people will be staying on the site. Car parking is therefore to be calculated for the additional visitors (32) therefore 11 car spaces would be required. Most events would be arranged so that external visitors to the site are transported in a mini bus, to reduce traffic and the need for additional parking.

As indicated on the submitted plans, 13 car spaces are to be provided on the site. In keeping with the rural setting, the proponents will place a small “Parking” sign to direct visitors to the area but otherwise leave the area informally laid out with compressed road base. There is an accessible parking space adjacent to the pergola, as indicated on the plans.

### **Landscaping**

The site around the dwelling and cottages is currently landscaped. The perimeter of the pergola and adjoining hardstand area has also been landscaped. The proponents are prepared to plant hedging plants or similar along fence lines to absorb and filter any noise. Large leafed evergreens have been shown to be the most suitable plants for this use.

### **Signage**

No change to existing approved signage is proposed.

### **Safety and Security**

The proposal is consistent with the objectives of this section. The site layout will clearly define entrance, parking and private areas, with appropriate internal wayfinding to guide visitors.

The development is not of a scale that would require a Crime Safety Assessment. The design does not create any potential areas of entrapment. It is noted that adjoining uses are semi-rural. Lighting has been installed for safe navigation between the pergola and amenities area at night but is designed so as not to spill onto neighbouring properties.

### **Erosion and Sediment Control**

Levelling and treatment of the car parking will be undertaken with sediment control to minimise loss of soil from the site. The work will comply with the standard conditions of consent for this aspect of the development.

#### **3.8.3 Section 3 Heritage**

The site is not within a heritage conservation area and there is no listed heritage item on site. There is a heritage item approximately 850 metres from the site however the proposed land use is not likely to affect the heritage significance of this building.

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

The site is not bushfire prone. It is connected to the mains water supply on Hillary Street, suitable for firefighting if required.

The site is partly mapped as flood prone. All structures are located within the flood free area of the site. Access may be cut off in a major flood event, for which the proponent is prepared and will cancel any events scheduled.

#### **3.8.5 Section 5 Natural Resource and Landscape Management**

The subject site is mapped as a sensitive area and the issue has been addressed in the LEP section of this report. The sensitive areas relate to vegetation that is not within the development area. The proposed use will not contribute to groundwater contamination, loss of habitat or impacts on the waterways in the vicinity.

#### **3.8.6 Sections 8 - 16**

These sections do not apply to RU4 land or the proposed land use.

### **3.9 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft EPIs that would be relevant to this proposal.

### **3.10 SUMMARY**

This application does not seek to vary any of the DCP controls as the proposal is compliant with all relevant controls and consistent with all the objectives.



## 4 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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The following impacts have been identified through the evaluation of the site, its history and identification and consideration of how the proposed development will affect its environment. The evaluation was guided by the aims and objectives of the WLEP, WDCP, publicly available GIS resources and anecdotal evidence from the proponent.

### 4.1 CONTEXT AND SETTING

The development is not visually prominent in the surrounding area. The development is consistent with the design and character of the surrounding area. The pergola is located next to the existing dwelling and presents as ancillary development that does not look out of character with the surrounding development. The amenities block is also placed so as to fit the character of the site and surroundings. The shipping container has been painted to blend aesthetically with existing development on the site. The land use for tourist accommodation was approved many years ago and is retained under the proposal.

### 4.2 TRANSPORT, ACCESS AND PARKING

Users of the site would generally travel by private transport, or by a mini bus service supplied by the proponent/event organiser.

The proposal will retain and utilise the existing access to the site from Hillary Street.

The proposed development is for continued use of existing structures and temporary use as a function centre for up to 20 days/events per year. The events will not significantly increase traffic to the area, with the potential for no more than 11 vehicles arriving at the site. The number of vehicles is estimated, based on events being capped at 50 people, with up to 18 attendees already staying on the site and the assumption that a proportion of vehicles will hold more than 1 person.

The proposed development will make provision for 13 vehicles, in a parking area shown on the submitted plan for the development. This number is in addition to the parking required for the existing development on the site and more than the proponents consider necessary given the scale of events.

### 4.3 NOISE

The site is located in a rural residential area located between the city and the Bomen industrial area.

Noise was addressed in detail earlier in this report. Given the level of noise potentially able to be generated from the site under the current approval for tourist accommodation, as well as existing land uses in the vicinity related to the Bomen industrial precinct and turf farm adjoining, the addition of limited temporary events of the nature proposed by the proponent is not considered likely to adversely affect nearby properties. The proposed development has been significantly scaled down as a result of submissions in response to the original notification of the development, with the night events limited to 6 events each year. Events will also be spread out on the calendar to ensure there is no period where there is a cluster of events that may cause a nuisance to neighbours.

The proposed events area, under the pergola, is directly adjacent to the proponent's home therefore any intrusive noise will be addressed by the proponent before it becomes a nuisance to other dwellings in the vicinity.



The impact of noise has been addressed in detail earlier in this report however we reiterate that the proponent lives on the site and will be encouraging the types of events that would be compatible with a residential area, such as those detailed earlier in the report. Daytime, corporate, low key events that enable a group of people to gather and enjoy the rural setting of the site are the primary focus of the proposed development.

#### **4.4 PRIVACY, VIEWS AND OVERSHADOWING**

The development makes use of the existing site layout and is not expected to result in a loss of privacy to adjoining properties. The proposal is being made in order to share the outstanding views enjoyed by the owners of the site but there are no structures proposed that will block the views of any other property. There is no part of the development that would overlook the private space of neighbours to a greater degree than is already experienced. Nonetheless, the proponents are prepared to plant hedging plants or similar along fence lines to assist with any perceived loss of privacy to adjoining properties. Judicious selection of hedge species will also assist in attenuating any noise.

#### **4.5 WASTE**

The proponents supply waste bins from Smallmon Brothers Waste (private contractors) for the waste from guests and as required for events. Generally, 4 x 240L wheelie bins are available for solid waste and 2 x 240L wheelie bins for recycling. Additional skip bins will be provided as part of the hiring package as required.

The type of waste likely to be generated is leftover food from the events, disposable food/drink containers and serving items and bottles/cans. Suitable food and paper scraps will be composted for use on site and other waste will be collected by the contractor.

#### **4.6 FIRE SAFETY**

The premises have been designed to comply with relevant fire safety standards and annual Fire Safety Statements and assessments are currently undertaken, in accordance with Council policy.

#### **4.7 ODOUR**

The use of the site for temporary events is not expected to increase odour in the vicinity. The existing wastewater treatment systems meet the likely demands and this should ensure that there are no unpleasant odours during high usage.

#### **4.8 SOCIAL IMPACT**

“Social impact... refers to the ... social consequences of a proposed decision or action, namely the impacts on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these.” (Planning Institute of Australia). It is not expected the development will have significant or greater adverse impacts on the way of life of any residents of the area than is currently experienced, as a result of the proximity to the Bomen precinct and agricultural uses.

The development will provide diversity in the types of functions available in the city and provide a space for smaller functions which are not catered for in the traditional function centres. The development will support employment in the city, particularly in the hospitality industry but also laundering, floristry, photography and marketing sectors.

## 4.9 PHYSICAL AND CHEMICAL IMPACTS

The proposal is not likely to impact on soil quality or land stability, given the removal of earthworks from the application.

The activity is not likely to affect any waterbody, watercourse, wetland or natural drainage system.

The use and storage of cleaning chemicals will continue to be suitably managed on the site. It is considered unlikely that any substances used on site would build up residues in the environment, given the procedures in place.

## 4.10 BIOLOGICAL IMPACTS

The proposal does not require the clearing of vegetation. The site has biodiversity significance however this is concentrated along the western boundary and not near the subject event area.

## 4.11 ENVIRONMENTAL HAZARDS

The subject development site is not identified as being bushfire prone but is partly flood prone. The proposed development is not likely to affect flood risk or behaviour, as outlined in the WLEP and WDCP sections of this report.

## 4.12 HERITAGE

The subject site has no heritage significance. The proposal will not adversely impact the heritage significance of any items near the site.

## 4.13 CUMULATIVE IMPACTS

The proposed development is for formal approval of development without consent for structures and for the temporary use of the site as a function centre in accordance with the WLEP. We consider that the cumulative impacts would not be detrimental to the rural character and would, in fact, contribute to increased tourism and economic development in the Wagga Wagga area. The subject site is particularly suitable for this development because it has existing tourist accommodation on the site and is a short distance from the city centre. The development will not visually intrude into the landscape and will not be visible from the public domain.

The proposed use is temporary, for a maximum of 20 events of 50 people per year. The proponents is motivated to ensure the impacts are not adverse, given they reside on the site. The main feature of the existing accommodation is the quiet location and there is no intent to damage this feature of the existing development. The proponent has developed a management plan, which has been submitted with this application and this will be placed on exhibition for comment by residents in the vicinity. The proponent is willing to consider other mitigation actions that may alleviate the concerns of nearby property owners.

## 5 CONCLUSION

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The proposal has been considered under the provisions of Section 4.15 of the EP&A Act and is considered acceptable and worthy of approval for the following reasons:

- ❖ The proposal is compatible with surrounding development.
- ❖ The proposed development has been designed in accordance with the provisions of the WLEP 2010 and WDCP 2010.
- ❖ The proposal will not have an adverse impact on surrounding amenity.
- ❖ The proposal is in the public interest. The proposal will provide an additional event destination in the region.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act 1979, we conclude that the proposal represents a positive outcome that would result in no significant environmental impacts. The proposed development should therefore be recommended for approval.

## Appendix 1. Essential Energy Information

22 June 2022

Essential Energy  
C/- Planning Portal CNR-34980

To Whom it May Concern,

RE: 85 Hillary Street North Wagga Wagga CNR-34980

I refer to the response we received from you through Wagga Wagga City Council and as a result of consultation regarding the proposed development on the site listed above.

Essential Energy raised safety concerns about the development. In response to those concerns, we have provided the following information:

- I have attached a copy of the Deposited Plan, illustrating the easement on the site.
- We can clarify that there is a metal pergola within the easement but placed at 5m from the line, as advised by Essential Energy staff on site
- The landowner has placed a transportable toilet block and shipping container within the easement. Both structures can be removed with a forklift (available on site) should Essential Energy require access over those 2 areas. The shipping container is for storage of furniture and surplus housekeeping items for the tourist accommodation on the site. There is no storage of flammable substances or materials that could be a potential cause of a bushfire or public risk
- There is landscaping within the easement, designed after consultation with Essential Energy staff as noted in the attached email
- The corner of the western cabin is located within the easement. The cabins were constructed by a previous owner therefore we cannot confirm how this occurred. The cabins were approved by Wagga Wagga City Council in approximately 2008
- The proposed car park has been deleted from the plan

The current owners consulted Essential Energy prior to constructing the above items on the site and had a staff member visit the site. We understand that the owners and staff member measured the relevant distances for the structures and changed the plans to accommodate the required setbacks.

We trust that this information clarifies the situation and provides the information that Essential Energy require in order to endorse the development.

Regards

Camilla Rocks

**From:** [Melinda White](#)  
**To:** [bradley.robbyn@wagga.nsw.gov.au](mailto:bradley.robbyn@wagga.nsw.gov.au)  
**Subject:** CNR-34980 - DA22/0029 - 85 HILLARY STREET NORTH WAGGA WAGGA 2650  
**Date:** Wednesday, 9 March 2022 3:02:00 PM  
**Attachments:** [image001.png](#)

---

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Essential Energy has safety concerns in relation to the proximity of the development to Essential Energy's powerline and with the existing development.

- Please clarify if a easement is registered on title. The applicant has noted a 10.0 metre wide easement on the property, however, it should be 20.0 metres for the HV and 15.0 metres for the LV open wire.
- The Landowner has constructed an entertaining area, which seems to have some type of covered area on it within the easement and close to Tx pole 71-3365
- The Landowner has constructed a toilet block and shed inside the easement
- It appears they're completing of have completed other works within the easement whether landscaping etc.
- The existing cabins are within the easement
- The proposed car park will be satisfactory only if the ground clearances are maintained for traffic-able land, they must determine clearances and if anything needs to be changed on the network this will be their responsibility to complete (at their expense).

If the applicant believes that the development complies with safe distances then please provide plans (showing distances from the proposed development to Essential Energy's infrastructure under blowout conditions) together with any other relevant information for further consideration.

Council's and the development applicant's attention is also drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Should you require any clarification, please do not hesitate to contact me.

Melinda White  
Senior Conveyancing Officer  
Governance and Corporate Services



T: 02 6588 6778 (Extn 86778) | [conveyancinteam@essentialenergy.com.au](mailto:conveyancinteam@essentialenergy.com.au)

PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  



**From:** [Nicole Lofts](#)  
**To:** [Camilla Rocks, Planning & Heritage Services](#)  
**Subject:** Fwd: 85 Hillary Road, North Wagga  
**Date:** Wednesday, 9 March 2022 5:00:40 PM  
**Attachments:** [image001.png](#)  
[CEOM7106.25.pdf](#)  
[Powerline Clearances.pdf](#)  
[Table 3-4 - NSW SIR.png](#)

---

Hi Camilla

Here is the email from Essential Energy. I'd have to go and see if I have any phone records/texts as to the specific date he was on site (not sure how far back I can go on my phone). What I do know is that he walked the site with me and I showed him where we were looking to place the gazebo. We even moved the gazebo it closer to the house to ensure we achieved the 5m distance from the centre of the wires. I recall the conversation was around 10m as I asked him is it 10m from the edge of each wire or is it 5m either side of the wire. I was told it was 5m from the middle of the two wires and it was for access, if needed. We spoke about if this can't be achieved then what the options were. Mitchell said that council will normally engage Essential Energy to provide advice. The focus was on ensuring access to maintain the wires which our area provides this.

We also spoke about plants and I stated that the plants are hedging only and wouldn't exceed the 4m.

The toilet block is portable which means it can be removed if Essential Energy's vehicles are unable to access the wires. A simple crane or forklift operation. It would be the same as if portaloo's were used on site.

Thanks  
Nicole

Nicole Lofts  
Workforce Capability Consultant (HR, Safety, Quality Systems)  
On Point Enterprise  
M: 0402 340975

----- Forwarded message -----

**From:** **Mitchell Bellenger** <[Mitchell.Bellenger@essentialenergy.com.au](mailto:Mitchell.Bellenger@essentialenergy.com.au)>  
**Date:** Sun, Aug 9, 2020 at 8:42 PM  
**Subject:** 85 Hillary Road, North Wagga  
**To:** [nicolelofts5@gmail.com](mailto:nicolelofts5@gmail.com) <[nicolelofts5@gmail.com](mailto:nicolelofts5@gmail.com)>

Hi Nicole,

As discussed, please find attached some information regarding clearances for your new construction. If you need any more information in the future feel free to get in contact.

Thanks,

Mitchell Bellenger

*Network Assurance Facilitator*

*Customer Installation Inspector*

**South Western**



T: 02 6933 5879 | M: 0477 379 004 | [mitchell.bellenger@essentialenergy.com.au](mailto:mitchell.bellenger@essentialenergy.com.au) | 59-87 Hammond Ave Wagga Wagga NSW 2650 | [www.essentialenergy.com.au](http://www.essentialenergy.com.au) | General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80



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# PLAN FORM 2

SIGNATURE AND SEALS ONLY

*Les R. Young*  
*Les R. Young*

WITNESSED AT SYDNEY THIS 19<sup>th</sup> DAY OF 1993 FOR  
 NATIONAL AUSTRALIA BANK LIMITED BY  
 ITS DULY  
 APPOINTED ATTORNEY UNDER POWER OF  
 ATTORNEY No. BOOK  
 ASSISTANT MANAGER

Crown Lands Office Approval

PLAN APPROVED .....  
 Authorised Officer  
 Land District .....  
 Paper No. ....  
 Field Book ..... pages

Council Clerk's Certificate

I hereby certify that —  
 (a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and  
 (b) the requirements of section 24B of the Metropolitan Water, Sewerage and Drainage Act, 1904 as amended and the Hunter District Water, Sewerage and Drainage Act, 1938 as amended,  
 have been complied with by the applicant in relation to the proposed ..... subdivision  
 (Insert "new road", "subdivision" or "consolidated lot" set out herein)  
 Subdivision No. ....  
 Date .....  
 (Signature) .....  
 Council Clerk  
 Council File No. ....

\* This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water, Sewerage and Drainage Board and the Hunter District Water Board.  
 † Delete if inapplicable.

SURVEYOR'S REFERENCE: SD/9176

Plan Drawing only to appear in this space

OFFICE USE ONLY

DP 829597

Registered 21-4-1993  
 CA NO 920121 OF 6-1-1993  
 Title System TORRENS  
 Purpose SUBDIVISION  
 Ref Map L3610-1  
 Last Plan DP 238566

PLAN OF SUBDIVISION OF LOT 9 IN  
 D.P. 238566

Lengths are in metres Reduction Ratio 1:1500

Municipality WAGGA WAGGA  
 Locality NORTH WAGGA  
 Parish NORTH WAGGA WAGGA  
 County CLARENDON

This is sheet 1 of my plan in sheets  
 (Delete if inapplicable)

LES R. YOUNG  
 of 95 FITZMAURICE ST. WAGGA WAGGA  
 a surveyor registered under the Surveyors Act, 1929 as amended, hereby certify that the survey represented in this plan AS REGARDS LOTS 1, 2 & 3 is accurate and has been made in accordance with the Survey Practice Regulation 1990 and any special requirements of the Department of Lands, and was completed on 24th NOVEMBER 1992  
 Signature .....  
 Surveyor registered under Surveyors Act, 1929 as amended  
 Datum Line of Azimuth "A" - "B"  
 Insert date of survey

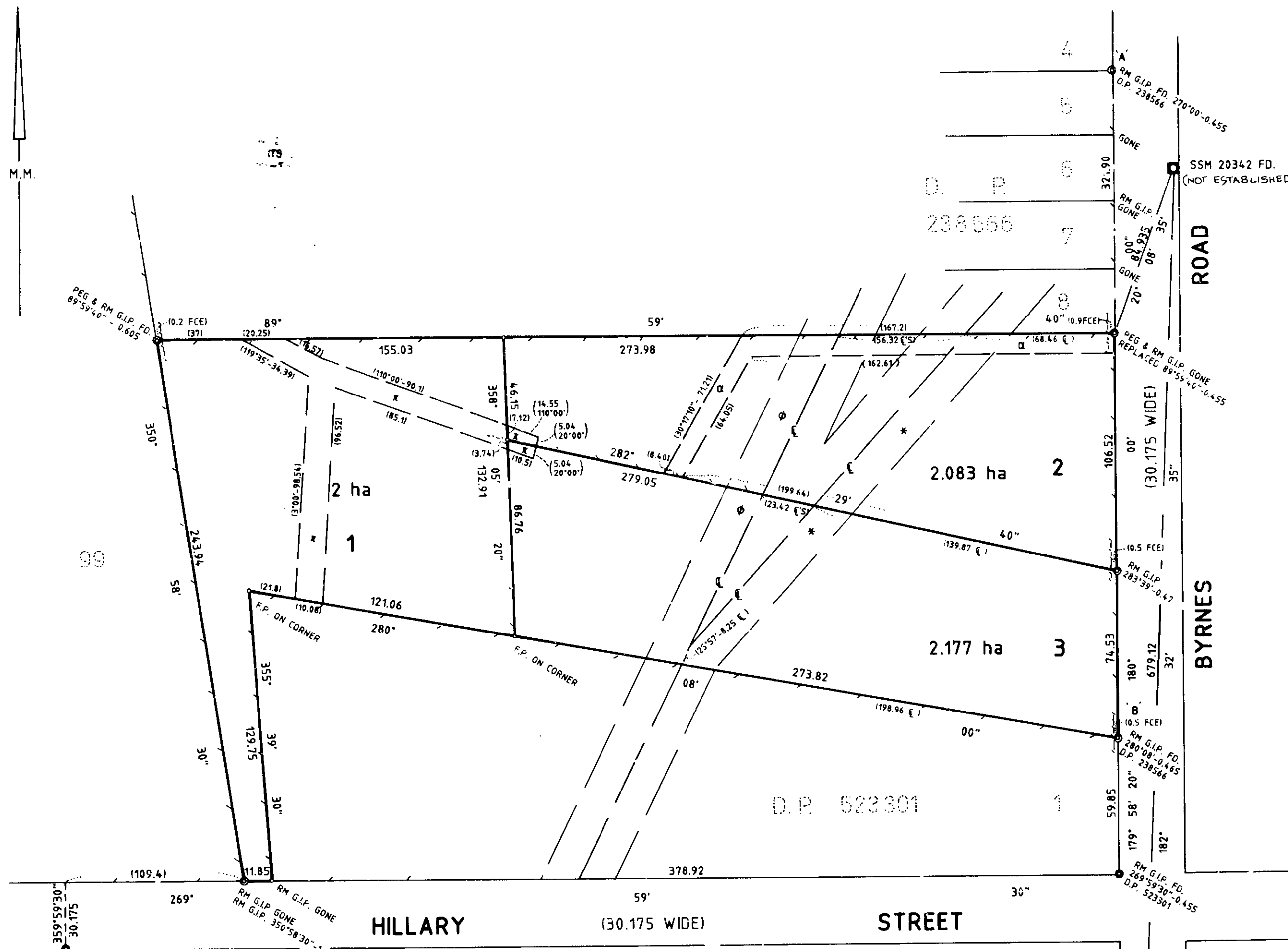
Plans used in preparation of survey compilation  
 DP 238566  
 DP 250509  
 DP 523301

PANEL FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT 1919-1964 IT IS INTENDED TO CREATE:

1. RIGHT OF CARRIAGEWAY 8 WIDE
2. RESTRICTION AS TO USER
3. RESTRICTION AS TO USER
4. RESTRICTION AS TO USER
5. EASEMENT FOR TRANSMISSION LINE 10 WIDE

STATUS OF SSM'S CONFIRMED  
 BY S.C.I.M.S



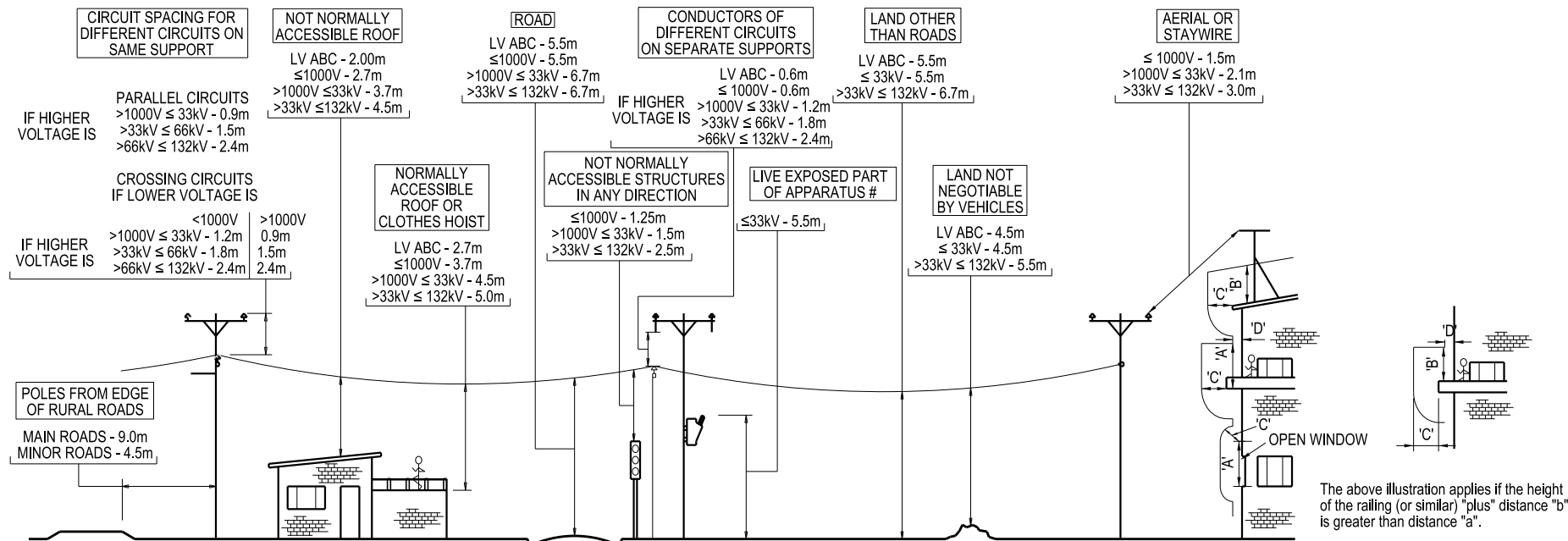
- \* EASEMENT FOR TRANSMISSION LINE 30.48 WIDE (Ms 3095 Wga) - GAZ 1-3-1946 FOL 501
- Ø EASEMENT FOR TRANSMISSION LINE 30.48 WIDE Ms 3037 Wga - GAZ 18-4-1946 FOL 993
- α RIGHT OF CARRIAGEWAY 8 WIDE
- x EASEMENT FOR TRANSMISSION LINE 10 WIDE

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 3rd May 1993

10 20 30 40 50 60 70 Table of mm 110 120 130 140



## HIGH & LOW VOLTAGE

### LEGEND

< - LESS THAN  
 ≤ - LESS THAN OR EQUAL TO  
 > - GREATER THAN  
 ≥ - GREATER THAN OR EQUAL TO

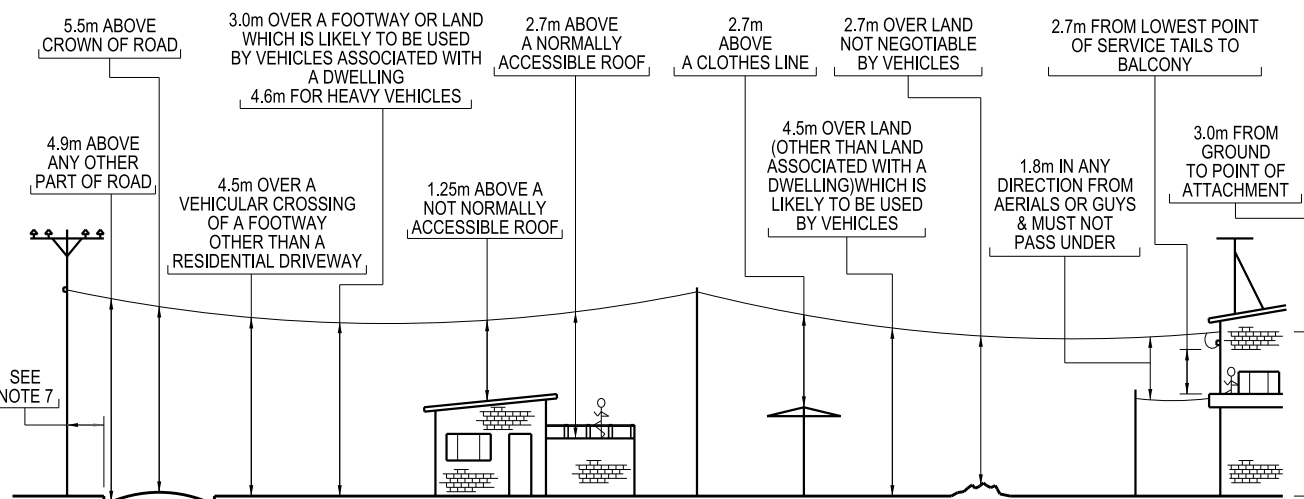
POSITION	CLEARANCE @ POSITION						
	≤1000V			>1000V		>1000V ≤33kV	>33kV ≤132kV
	INSULATED & LV ABC	BARE NEUTRAL	BARE ACTIVE	INSULATED WITHOUT EARTHED SCREEN	INSULATED WITH EARTHED SCREEN	BARE	BARE
A	2.7m	2.7m	3.7m	3.7m	2.7m	4.5m	5.0m
B	2.00m	2.7m	2.7m	2.7m	2.7m	3.7m	4.5m
C	1.25m	1.25m	1.5m	1.5m	1.5m	2.1m	3.0m
D	*0.1m	*0.3m	*0.6m	0.6m	0.1m	1.5m	2.5m

\* - this clearance can be further reduced to allow for termination @ the point of attachment.

### NOTES

- "Clearances on this drawing are the minimum required clearances as specified in AS/NZS7000, Service and Installation Rules of NSW and AS/NZS 3000. # Clearance obtainable from Electricity Authority Circular 759. The clearances do not apply to consumer mains. All new constructions and refurbishment work on the Essential Energy network must comply with additional clearance requirements as detailed in CEOM7097 - Section 3.5.6.6, CEOM7101.04 and CEOM7102.04".
- Clearances stated on this drawing are sourced from Australia's "Overhead Line Design" AS/NZS 7000 Service and Installation Rules of NSW and "Electricity (Overhead Line Safety) Regulations".
- For vegetation clearances, refer to CEOP2010 for new lines, and CEOP8008.
- Clearances stated are for the worst case of maximum sag & maximum swing.
- Where the usage of land is such that vehicles of unusual height are likely to pass under an overhead line the clearances given may need to be increased.
- For this Standard, a road is defined as a classified or public road as stipulated by the NSW Roads Act 1993.
- For pole setback distances, refer to CEOM7097 clause 3.5.9.4.
- For waterway crossings refer to clearance requirements of CEOP2013 Crossing of Navigable Waters and CEOM7097 clause 3.5.15.2.

## SERVICES



### AMENDMENT DETAILS

11 DRAWN SG  
 CHCKD DP/SP  
 DATE 24/07/2018

NOTE 8 ADDED.

10 DRAWN SG  
 CHCKD DP/SP  
 DATE 25/01/2018

NOTE 1 REVISED. NOTE 6 REMOVED AND NOTES 7 & 8 RENUMBERED TO NOTES 6 & 7.

9 DRAWN SG  
 CHCKD DP/SP  
 DATE 08/05/2017

SERVICES ABOVE ANY OTHER PART OF ROAD WAS 4.6m. # # REFERENCES ADDED TO SERVICES DRAWING AND TO NOTE 1.



SCALE NTS

ISSUED 01/06/2005

DRAWN BY LRW

CHECKED BY S. PALMER

AUTHORISED BY

Deepak Pais

PRINCIPAL ENGINEER OVERHEAD CONSTRUCTION STANDARDS

DATE 24/07/2018

CEOM7106.25

# 1 of 1 A4

MINIMUM CLEARANCE REQUIREMENTS FOR N.S.W.



## Keeping structures a safe distance from powerlines

Did you know that electricity can 'jump' across an open space? That means you don't actually need to come into contact with powerlines for your life to be endangered or your property to be damaged.

### What is a minimum safe distance?

A minimum safe distance is the clearance you need to have between a building or other structure and a powerline during strong winds or high temperatures. Under these conditions, the conductor may swing or sag considerably towards the building or structure compared with its usual position, and that needs to be included in the minimum safe distance.

### How do I find out the minimum safe distance?

Minimum safe distances for voltages up to and including 132,000 volts are specified in the Overhead Line Design - Detailed Procedures AS/NZS 7000:2010 and the Service and Installation Rules of NSW. Copies of these publications can be found on the internet by entering their names into your search engine.

For voltages exceeding 132,000 volts, the matter should be referred to TransGrid. See [www.transgrid.com.au](http://www.transgrid.com.au) or phone 02 9284 3000 for more information.

### Radio communications or television aerials

No radio communications or television aerials should be placed so that any part is vertically above a powerline. Where an aerial or its supporting wires are likely to become electrically charged through contact with a powerline (by collapsing or any other cause), then both the aerial and the stay wires must comply with the requirements of Australian Standard AS1417.1 (int) 2011, Radio and Television Receiving Aerials for design and construction, height limitation, mounting and staying.

### Swimming pools

Swimming pools must not be built underneath overhead powerlines

### Easements

#### What is an easement?

An easement is a registered legal right applying to land. Put simply, an easement allows a person to enter

someone else's property so they can install and maintain facilities like powerlines and cables.

#### Do I need permission to build within an easement?

Yes. You cannot build within a registered easement that's connected to a powerline without written approval from Essential Energy. Information about easements can be found in Essential Energy's Easement Policy CEOP8046. You can also obtain a copy by phoning **13 23 91**.

### Buildings and powerlines

- Clearances between powerlines and blank walls should comply with 'D' of the table.
- Clearances between powerlines and windows should comply with 'C' of the table.
- Clearances above normally accessible roofs should comply with 'A' of the table.
- Exterior display signs or similar advertising structures erected near a powerline are required to comply with distances specified in 'C' and 'D' of the table.

**TIP: Essential Energy recommends that no structures be built within 10 metres of overhead powerlines and poles.**

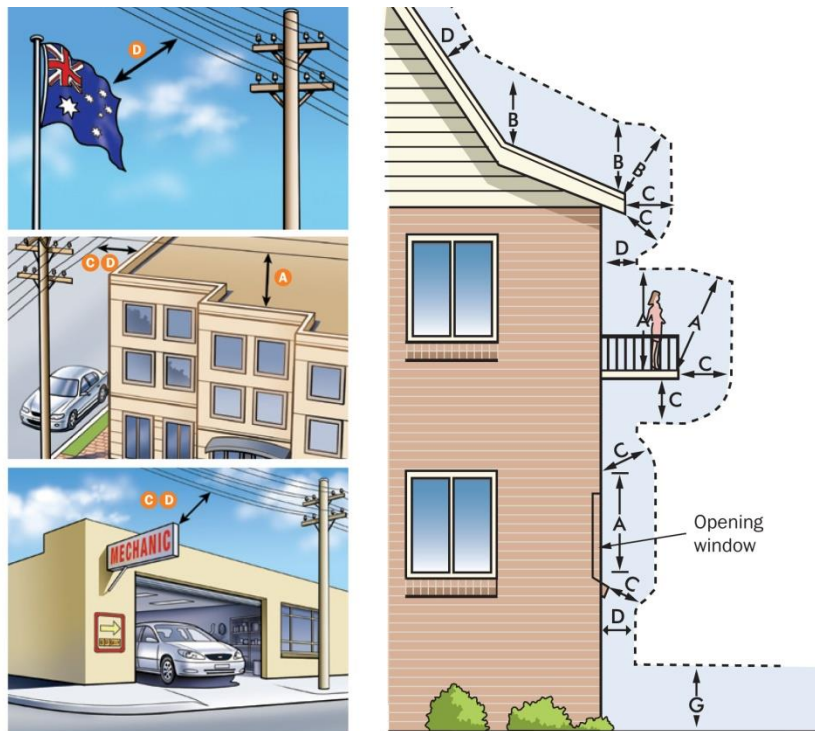
For your convenience, we have included illustrations and a table on minimum safe distances in this brochure. If you are in any doubt, contact Essential Energy on 13 23 91.

*Be safe, because they need you*



# Minimum safe distances

Here is a table showing what the required minimum safe distances must be between parts of buildings or structures and an overhead powerline, after allowing for any swing or sag in accordance with the design of the powerline.



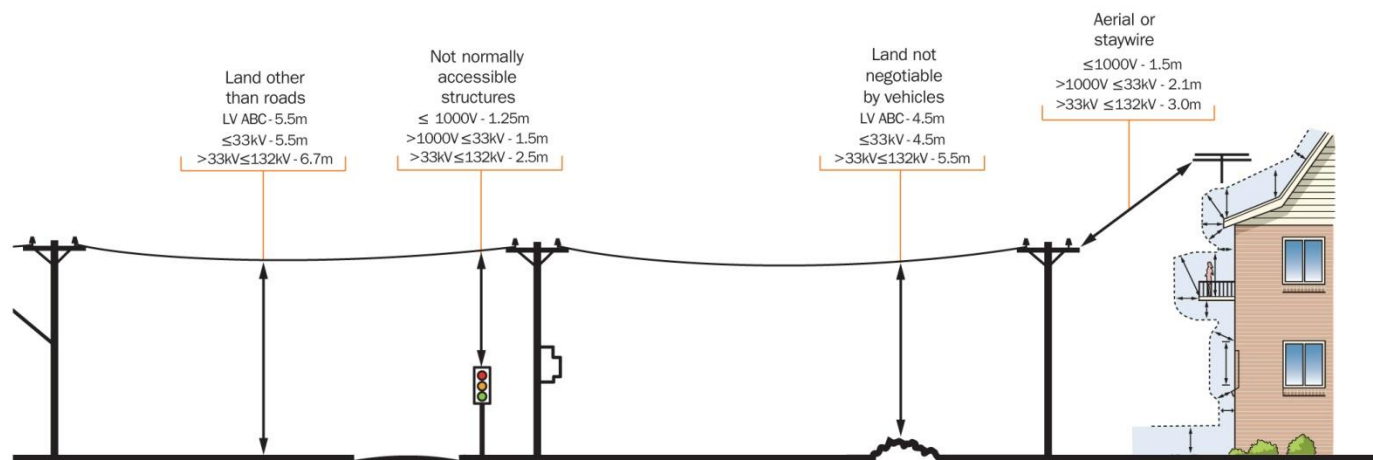
CLEARANCE U = System voltage	U ≤ 1000V			U > 1000V		1000V < U ≤ 33kV	33kV < U ≤ 132kV
	Insulated m	Bare Neutral m	Bare Active m	Insulated with earthed screen m	Insulated without earthed screen m	Bare m	Bare m
<b>A</b> Vertically <sup>1</sup> above those parts of any structure normally accessible to persons.	2.7	2.7	3.7	2.7	3.7	4.5	5.0
<b>B</b> Vertically <sup>1</sup> above those parts of any structure not normally accessible to persons but on which a person can stand.	1.25	2.7	2.7	2.7	2.7	3.7	4.5
<b>C</b> In any direction (other than vertically above) from those parts of any structure normally accessible to persons, or from any part not normally accessible to persons but on which a person can stand.	1.25	1.25	1.5	1.5	1.5	2.1	3.0
<b>D</b> In any direction from those parts of any structure not normally accessible to persons.	0.1 <sup>2</sup>	0.3 <sup>2</sup>	0.6 <sup>2</sup>	0.1	0.6	1.5	2.5
<b>G</b> In any direction from ground.	Please refer to image above, and 'Minimum clearance requirements for completed structures or land (NSW)' image for clearance details.						

<sup>1</sup> This should not be taken as meaning the literal vertical. The actual clearance may also extend outwards in an arc until it intersects with the relevant (C) dimension clearance. <sup>2</sup> This clearance can be further reduced to allow for the termination at the point of attachment.

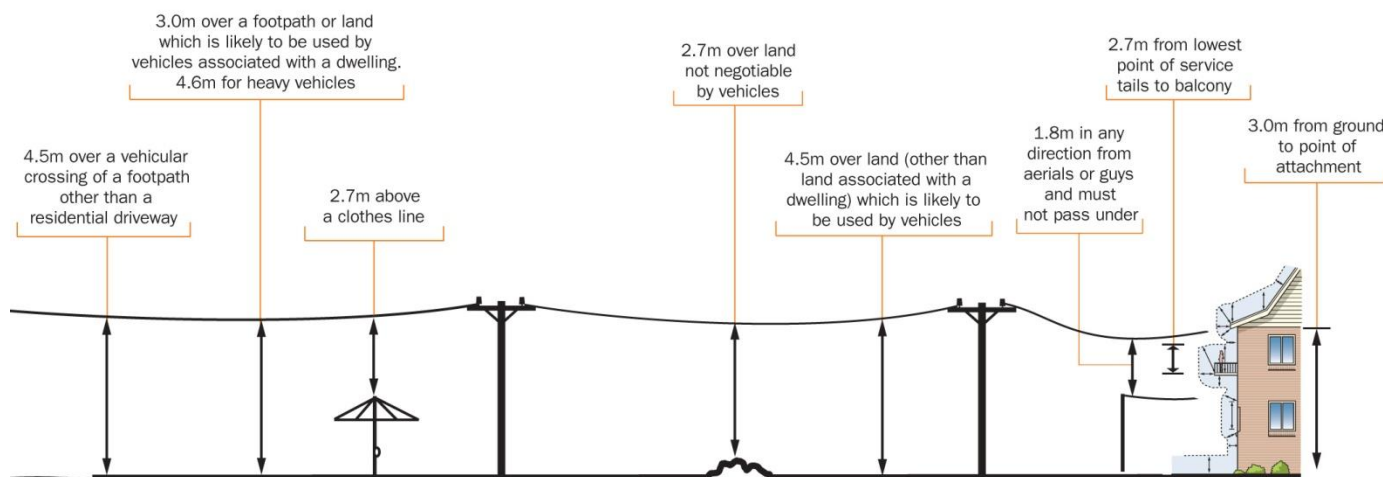


# Minimum clearance requirements for completed structures or land (NSW)

## High and low voltage



## Insulated service lines connecting customer premises to mains



## Notes:

1

These requirements are for powerlines near completed structures or land. They do not represent safe working distances while building or operating machinery near powerlines. Refer to SafeWork NSW Regulation 2001 Chapter 4 Division 8 and relevant SafeWork NSW Codes of Practice for these safe working requirements.

2  
3

Clearances specified on this drawing are for Essential Energy mains only. For clearances of consumer mains see Australian Standard AS/NZS 3000:2007.

Clearances stated on this drawing comply with the Energy Networks Association Overhead Line Design-Detailed Procedures AS/NZS 7000:2010 and the Service and Installation Rules of NSW.

4  
5

Clearances stated are for the worst case of maximum sag and maximum swing.

The clearances given may need to be increased where vehicles of unusual height are likely to pass under an overhead line.

## Legend

- < Less than
- $\leq$  Less than or equal to
- > Greater than
- $\geq$  Greater than or equal to



# LIVING WITH ELECTRICITY EASEMENTS AND INFRASTRUCTURE.



## Easements

Distributors of electricity, such as Essential Energy, require electricity easements to maintain and safely operate their infrastructure.

Essential Energy's infrastructure includes such things as, powerlines (wires), power poles, stays, substations, underground powerlines, switching stations, padmount transformers, pillars, and streetlights. This is not an exhaustive list and Essential Energy should be consulted when electricity assets could be affected.

Essential Energy understands that customers need to know what can and cannot occur in an electricity easement, whether the property is owned or rented.

This brochure is designed to answer some of the most common questions related to electricity easements, activities planned near electricity infrastructure or easements must be approved by Essential Energy prior to the activity occurring.

### What is an easement?

An easement is a registered legal right applying to land. Put simply, an easement allows a person to enter someone else's property so they can install and maintain facilities like powerlines and cables.

Easements can vary in size and width, further information on electricity easements can be found in *Essential Energy's Easement Policy CEOP8046*. You can obtain a copy by phoning **13 23 91**.

### Why are easements necessary?

Easements ensure the safety of residents living, working, and playing near powerlines. They help prevent incidents occurring that could cause serious injury or even death.

Easements are also created to give Essential Energy clear, 24-hour access to its infrastructure. It is important to keep easements clear at all times so regular maintenance, line upgrades, damage or technical faults can be attended to immediately.

### Do I need permission to build near electricity infrastructure or within an easement?

Yes, you cannot build within a registered electricity easement without written approval from Essential Energy.

Written approval is required when there is no registered easement protecting electrical infrastructure protected by the *Electricity Supply Act 1995*, Section 53 of this Act provides protection to the infrastructure similar to a registered easement.

If electricity infrastructure is located near any proposed works, and an easement does not exist over the land, it is your responsibility to contact Essential Energy to obtain approval for the works.

### How does an easement affect what I can do with my property?

An easement affects the use of your property by controlling what you can build, what size trees you can plant and what outdoor activities you can carry out within the easement.

### What are my responsibilities regarding electricity easements?

You must provide continuous, unobstructed access of at least 5.0 metres wide along the full length of the easement to allow Essential Energy staff 24-hour access to its electricity infrastructure.

You must not place any obstruction in the easement within 5 metres of a powerline, transformer, pole, equipment or supporting guy, or within 10 metres of a steel powerline structure.

### How do I know if there are easements on my property?

You can contact your solicitor or the Lands Titles Office regarding further details of easements on your property.

You can also contact Essential Energy should there be electricity infrastructure on your property.

### What happens if I have already completed works near electricity infrastructure or within an electricity easement?

Essential Energy asks that you contact us as soon as possible to discuss the matter. Safety breaches may have been created and may need to be rectified.

The information contained in this brochure is a general guide only. Site specific restrictions may also apply, please refer to *Essential Energy's Easement Policy CEOP8046* for further details.

If there is any doubt regarding your requirements please email [landr.encroachments@essentialenergy.com.au](mailto:landr.encroachments@essentialenergy.com.au)

# LIVING WITH ELECTRICITY EASEMENTS AND INFRASTRUCTURE.



What activities are allowed within an electricity easement or near electricity infrastructure.

## Permitted



Agriculture



Recreation Activities



Gardening



Vehicle parking



Storage



Minor structures

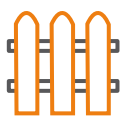
**These activities are permitted in electricity easements or near electricity infrastructure provided Essential Energy's infrastructure remains accessible at all times.**

- Agricultural activities, subject to restrictions on machinery height of under 4.6 metres
- Most domestic recreational activities (excluding the flying of kites and model aircraft)
- Gardening, provided that mature plant height is under 4.0 metres
- Vehicle parking, provided vehicle height is under 4.6 metres and not connected to services
- Storage of non-flammable or non-combustible materials, under 2.5 metres if climbable (no shipping containers)
- Minor structures under 2.5 metres such as washing lines, barbeques, or playground equipment (provided that metallic parts are earthed).

## Controlled



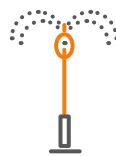
Machinery



Fencing & yards



Landscaping



Irrigation equipment



Utilities



Outbuildings



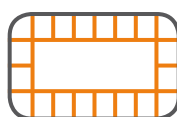
Pergolas & verandahs



Sporting facilities



Swimming pools



Subdivision development



Excavation



Quarrying activities

# LIVING WITH ELECTRICITY EASEMENTS AND INFRASTRUCTURE.



## Controlled

**The following activities may be permitted within electricity easements or near electricity infrastructure with written approval from Essential Energy.**

- Operation of machinery not exceeding 4.6 metres in height
- Building of fencing and yards
- Landscaping (provided that mature plant height is under 4.0 metres)
- Use of irrigation equipment
- Installation of utilities such as electricity, telephone, and water
- Outbuildings such as sheds, stables, garages, and carports
- Additions of unroofed verandas and pergolas to residences
- Sporting and recreational facilities (including tennis courts)
- Swimming pools, if the pool is within 30.0 metres of a powerline structure
- The development of subdivisions (including the construction of roads)
- Excavation
- Quarrying activities, earthworks, and dam construction.

## Prohibited



Construction of structures



Fixed plant & equipment



Flamable materials



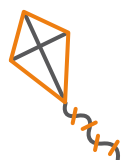
Garbage storage



Tall vegetation



Obstructions



Flying objects

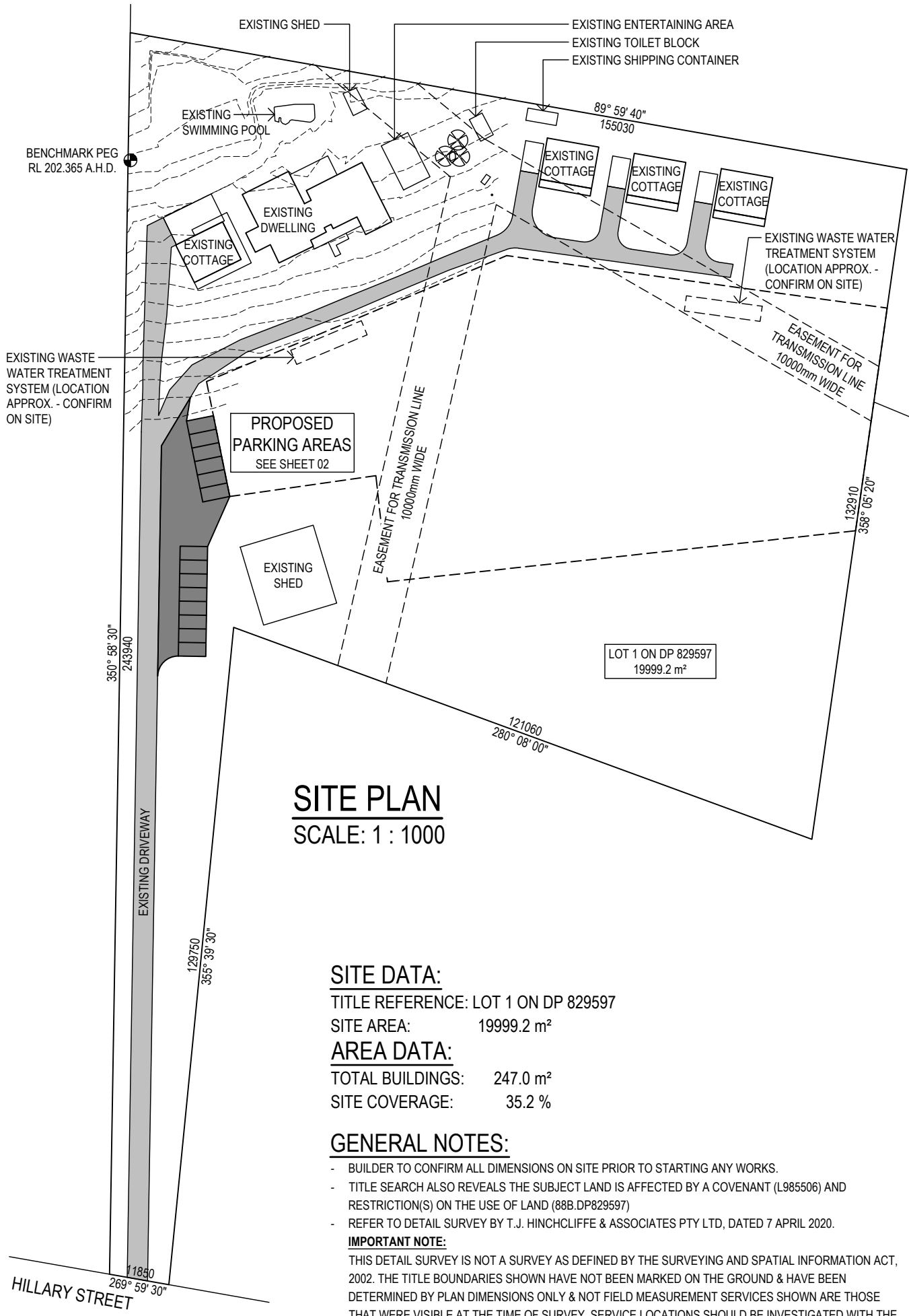
**Some activities are not permitted in an electricity easement or near electricity infrastructure for the safety of both the community and operation of the electricity infrastructure.**

- The construction of houses, buildings, or other substantial structures
- The installation of fixed plant or equipment
- The storage of flammable materials or explosives
- The storage of garbage materials or fallen timber
- Planting of any vegetation which exceeds 4.0 metres in height
- Any obstructions placed within 5.0 metres of any part of a powerline, pole or supporting guy or 10.0 metres of a steel structure
- Flying of kites or model aircraft.

**Table 3-4 Minimum Clearances to Insulated Overhead Services**

<b>From the insulated service conductors to the surface of:</b>		<b>Minimum clearances (metres)</b>
1	Any part of a freeway or arterial road	5.5 vertically
2	The centre of a carriageway of a public road	5.5 vertically
3	Any part of a carriageway of a public road (other than the centre)	4.9 vertically
4	Vehicular crossing of a footway in a public road (other than a residential driveway)	4.5 vertically
5	Vehicular crossing of a footway in a public road for a residential driveway and any other part of a footway	3.0 vertically
6	Land which is not associated with a dwelling and which is likely to be used by vehicles, including non-urban small acreages and hobby farms	4.5 vertically
7	Land which is, or is likely to be used by vehicles and is associated with a dwelling	3.0 vertically
8	Land not likely to be used by vehicles	2.7 vertically
9	Those parts of any structure normally accessible to persons. (See Note 1)	2.7 vertically
10	Any area above a roof	1.25 metres
11	Any area around a radio or TV aerial	1.8
12	Those parts of any structure not normally accessible to persons. (See Note 2) (including below a projecting slab, balcony or sign)	0.1 in any direction
13	The edge of any opening window, balcony, verandah, clothes line or fence etc	Out of normal reach (see Note 4)
14	Point of Attachment	3m vertically not normally accessible without a ladder or other device (see Notes 1-4)
15	Farmland where mechanical equipment is used	5.5 vertically
16	Trees and shrubs	0.5 in any direction
17	Vicinity of boat ramps, launching areas (avoid if possible)	10.0 vertically
18	Communications conductors	0.6 in any direction





**SITE PLAN**  
SCALE: 1 : 1000

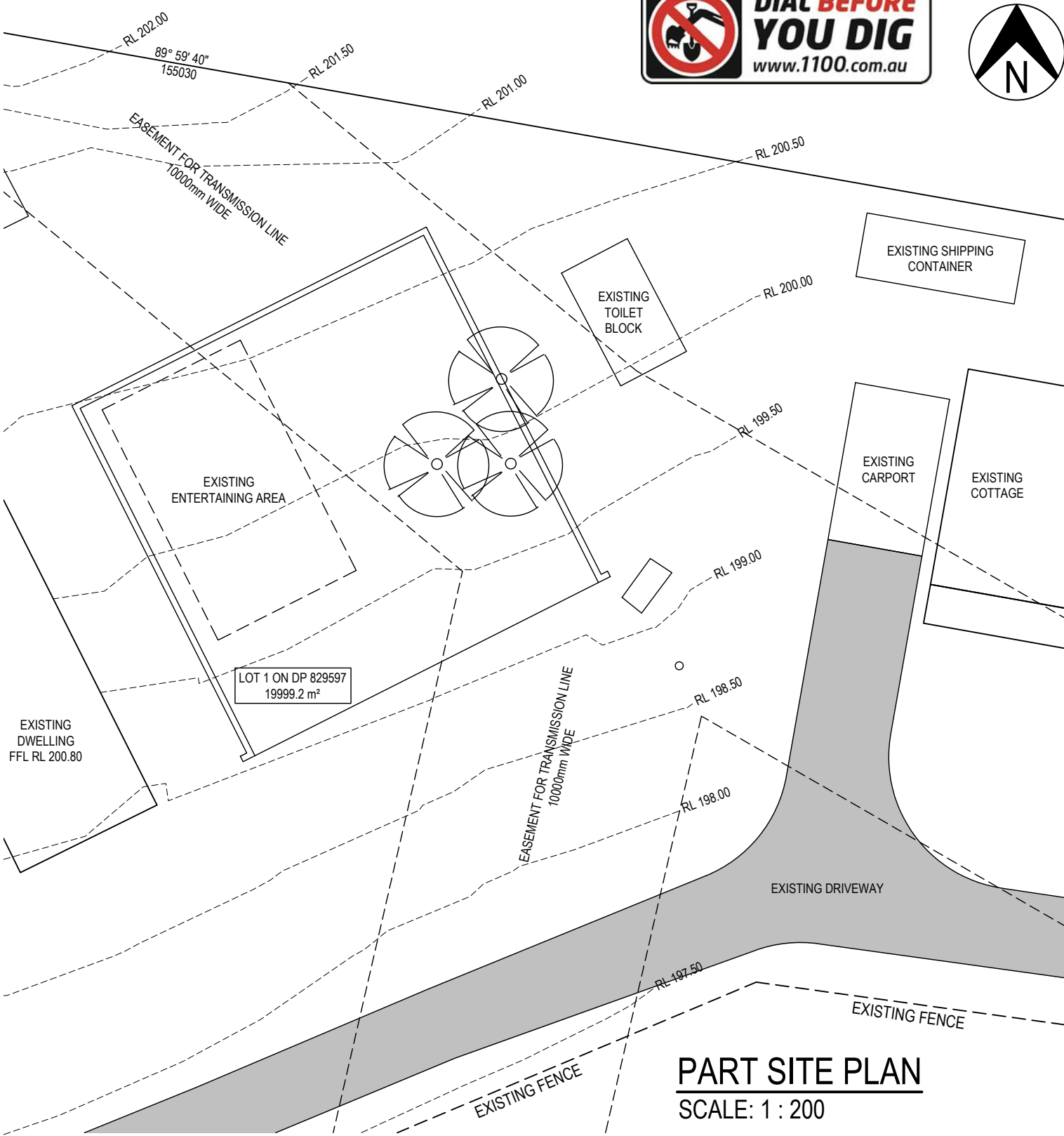
**SITE DATA:**  
TITLE REFERENCE: LOT 1 ON DP 829597  
SITE AREA: 19999.2 m²

**AREA DATA:**  
TOTAL BUILDINGS: 247.0 m²  
SITE COVERAGE: 35.2 %

**GENERAL NOTES:**

- BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO STARTING ANY WORKS.
- TITLE SEARCH ALSO REVEALS THE SUBJECT LAND IS AFFECTED BY A COVENANT (L985506) AND RESTRICTION(S) ON THE USE OF LAND (88B.DP829597)
- REFER TO DETAIL SURVEY BY T.J. HINCHCLIFFE & ASSOCIATES PTY LTD, DATED 7 APRIL 2020.

**IMPORTANT NOTE:**  
THIS DETAIL SURVEY IS NOT A SURVEY AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT, 2002. THE TITLE BOUNDARIES SHOWN HAVE NOT BEEN MARKED ON THE GROUND & HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY & NOT FIELD MEASUREMENT SERVICES SHOWN ARE THOSE THAT WERE VISIBLE AT THE TIME OF SURVEY. SERVICE LOCATIONS SHOULD BE INVESTIGATED WITH THE RELEVANT SERVICE AUTHORITY BEFORE THE COMMENCEMENT OF ANY EARTHWORKS OR CONSTRUCTION



**PART SITE PLAN**  
SCALE: 1 : 200

**NOT FOR CONSTRUCTION**

**Woehler**  
design & drafting

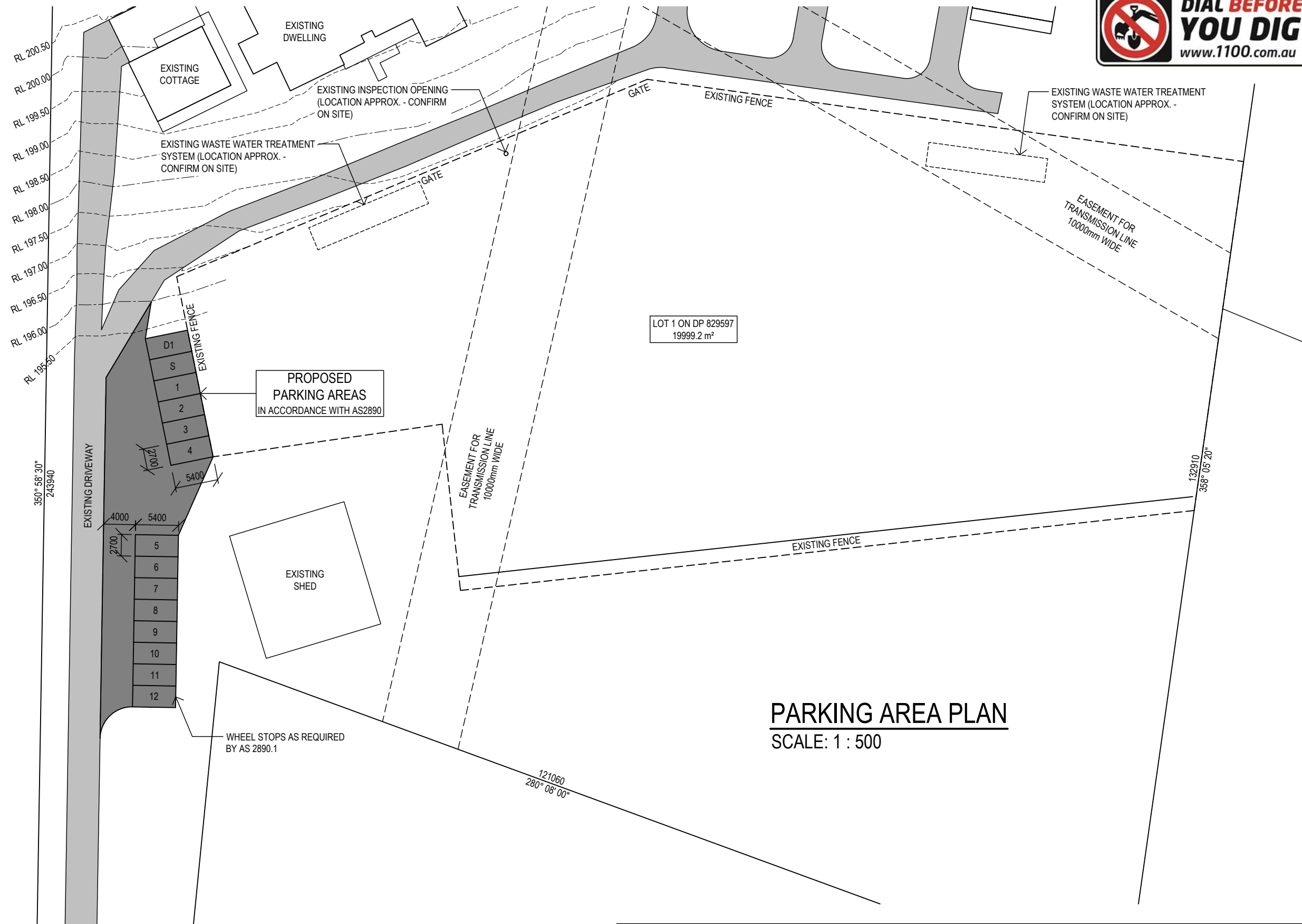
ash@woehlerdesigndrafting.com  
0477 293 605  
www.woehlerdesigndrafting.com  
PO Box 565, Wagga Wagga, NSW 2650  
Tasmanian Licence No.: 695791616  
A.B.N.: 30 244 364 874

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**AS BUILT DRAWINGS & PARKING AREA**  
85 HILLARY STREET, NORTH WAGGA WAGGA, NSW 2650  
**SITE PLAN & PART SITE PLAN**

CLIENT: N. LOFTS	REVISION: ISSUED FOR REVIEW. 21-12-2021
PROJECT No.: 21061	PARKING AREA AMENDED. ISSUED FOR REVIEW. 20-4-2022
SCALE: 1:200, 1:1000	
01	OF 02





PARKING AREA PLAN  
SCALE: 1 : 500

PARKING AREA LEGEND:

- 1 DENOTES PARKING SPACE
- D1 DENOTES DISABILITY PARKING SPACE IN ACCORDANCE WITH AS2890.6
- S DENOTES SHARED PARKING AREA FOR DISABILITY PARKING SPACE

NOT FOR CONSTRUCTION

Woehler  
design & drafting

ash@woehlerdesigndrafting.com  
0477 293 605  
www.woehlerdesigndrafting.com  
PO Box 565, Wagga Wagga, NSW 2650  
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AS BUILT DRAWINGS & PARKING AREA  
85 HILLARY STREET, NORTH WAGGA WAGGA, NSW 2650  
PARKING AREA PLAN

CLIENT: N. LOFTS		REVISION: ISSUED FOR REVIEW. 21-12-2021	
		PARKING AREA AMENDED. ISSUED FOR REVIEW. 20-4-2022	
PROJECT No.: 21061			
SCALE: 1:500			
02	OF	02	