



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

APPLICATION DETAILS

Application No.:	DA20/0240
Modification No.:	N/A
Council File No.:	D/2020/0240
Date of Lodgement:	29/05/2020
Applicant:	Quintal Super Fund 7303 Holbrook Rd SPRINGVALE NSW 2650 Brad Quintal
Proposal:	Alterations and Additions to Warehouse and New Strata Subdivision
Description of Modification:	N/A
Development Cost:	\$935000
Assessment Officer:	Steven Cook
Determination Body:	Council - POL046
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	6/7/20 - 20/7/20
Advertising:	N/A
Owner's Consent Provided:	28/5/20
Location:	South-eastern corner of Lawson Street and Schiller Street

SITE DETAILS

Subject Land:	Common Property and Lot 10, 3-7 Lawson St EAST WAGGA WAGGA NSW 2650 Lot 10 SP 18513
Owner:	Quintal Superannuation Pty Ltd

REPORT

DESCRIPTION OF DEVELOPMENT

The proposed development is for an approximately 650m² addition to a building used for the purposes of a warehouse. The addition is to the southern side of the existing building, and is approximately 21m long and 30.3m wide and will provide additional ancillary office space for the current warehouse/industrial tenant of the adjacent

building (Pioneer Seeds). Also proposed is a new car park with 19 parking spaces, a modified access off Lawson Street, connection to the existing southern egress from the site, and associated new landscaping.

The site is currently subdivided by a Strata Plan. The additions extend over the existing common area of the Strata Plan, and as such, a new Strata Plan of Subdivision is proposed for the addition.

Plans indicating new business identification signage were also submitted under the Development Application, however, the Statement of Environmental Effects states that these signs are Exempt Development. As such, they will not be further assessed under the Development Application.

THE SITE & LOCALITY

The site, being Strata Plan 18513, 3-7 Lawson Street, East Wagga Wagga, is located on the south-eastern corner of Lawson Street and Schiller Street. The Strata Plan consists of 10 Strata lots, subdividing 4 separate blocks. Block 1 consists of 2 lots, Block 2 of 5 lots, Block 4 of 2 lots, and Block 3, to which the additions are proposed, consisting of a single lot. Each lot has a designated area of open space immediately adjacent to it, with the remainder of the site (including parking and vehicle movement areas) being common property.

The proposed additions and car park area are proposed on common property, however, as discussed in the description of the development, a new Strata Plan is proposed to create an additional 11th lot to house the building additions.

The site also includes extensive landscaping areas, including a number of tree plantings.

The broader locality contains a mixture of industrial and warehousing type uses.

Easements and Covenants

No easements or covenants are identified on the SP.

Previous Development Consents

The existing development on the site was approved by Council as “factory units” on 3/11/78 under BA817/78.

SUMMARY OF MAIN ISSUES

Vegetation removal

Characterisation of use

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)**Local Environmental Plan****Wagga Wagga Local Environmental Plan 2010**

Under the provisions of the Wagga Wagga Local Environmental Plan (WWLEP) 2010 the site is zoned IN1 General Industrial. The use of the additions, which is to be used by Pioneer Seeds, is considered to be predominantly a 'warehouse', but potentially also in part a 'general industry' which are both permitted in the zone. There is no specific consent in place for the current use of the building, however, the original 1978 BA for the site uses an undefined description of "factory units". The description appears to be a reference to Class 8 buildings under the BCA, which in planning terms would usually be defined as a type of industry. Under *State Environmental Planning Policy (Exempt and Complying Development) 2008*, subject to meeting relevant development standards, changes of use from a general industry to a warehouse is Exempt Development. Therefore, if the existing use meets all development standards, it is likely that development consent would not be needed for the use.

The additions do include office space, but this area is to be used to support the existing warehouse/industry undertaking on the site. It is recommended that a condition of consent be imposed requiring that the use of the office area be ancillary to a warehouse or industrial use of the building, and cannot be used as an independent office use.

The objectives of the IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

The proposed development directly furthers the objective of providing a range of industrial and warehouse land uses and encouraging economic opportunities by facilitating the use of the land as a general industry.

Clause 7.1A relates to earthworks and is as follows:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*

- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The site is relatively flat. No significant earthworks are proposed under this Development Application, with only a small amount of earthworks required to level the building pad. The works are unlikely to disrupt or have a detrimental effect on drainage patterns or soil stability, or impact on watercourses, drinking water catchments or environmentally sensitive areas. Given the disturbed nature of the site, disturbing relics is considered unlikely. Any works will be to facilitate the use of the site. It is recommended that a condition of consent be imposed requiring any fill imported to the site meet Excavated Natural Material (ENM) classification. Matters under 7.1A have been considered in full and no significant impacts or concerns are considered to exist.

The site is mapped as being subject to inundation in a 1 in 100 year flood event and as such clause 7.2 applies. Clause 7.2(3) states that:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is outside of the main city levee and is subject to flooding. The site is modelled as being subject to inundation to a depth of approximately 200mm in a 1 in 100 year flood event, with a flood hazard of H1 (which is the lowest flood hazard category and identified in the 'Wagga Wagga Revised Murrumbidgee River Floodplain Risk Management Study and Plan' as "generally safe for people, vehicles and buildings"). The development is modelled to be above the 1 in 20 year flood level. The development proposes maintaining the existing floor level of the premises for the addition, which is greater than the 1:20 year flood level, the flood height that Council plans to for industrial development in this area. Given the proposed floor height, the minimal earthworks involved, and that the addition is to an existing building (which is non-residential and has no permanent habitation), it is considered that the development is consistent with the matters set out above, will not unreasonably impact on adjoining land, and that the development is compatible with the flood hazard of the land.

Given the matters outlined above, it is considered that the matters listed under clause 7.2(3) can be satisfied by the development.

Clause 7.3 - 'Biodiversity' requires that the consent authority take into account a number of matters relating to biodiversity before granting consent, for land identified as 'Biodiversity' on the 'Terrestrial Biodiversity Map' of the WWLEP 2010. A small part of the site is mapped as such, and thus the clause applies. The clause is as follows:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

(a) any potential adverse impact of the proposed development on any of the following:

- (i) a native vegetation community,*
- (ii) the habitat of any threatened species, population or ecological community,*
- (iii) a regionally significant species of plant, animal or habitat,*
- (iv) a habitat corridor,*
- (v) a wetland,*
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route,*

(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.

The site itself contains no significant stands of remnant vegetation, with vegetation on the site being landscaping (including a number of trees) planted as part of the development. The development does result in the removal of 10 of these trees (approved previously under a Tree Management application).

The site is heavily modified and has been used for industrial purposes for a number of years. It is considered that there is minimal biological importance associated with the land, and as such it is considered that there will be no significant impacts on those matters listed under Clause 7.3.

In addition, the WWLEP 2010 has been bio-certified for the urban area and as such any Development Application located within the certified area is taken to be development that is not likely to significantly affect any threatened species, population or ecological community, or its habitat.

Clause 7.6 applies to land identified as "Groundwater" on the Water Resources Map of the WWLEP 2010. The subject site is such land. The controls in this section apply to "industries" and thus are potentially relevant to the development, given that, in part, the landuse has industrial tendencies:

(3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development-

- (a) is unlikely to adversely impact on existing groundwater sources, and*
- (b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and*
- (c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal*

facilities.

It is considered that the nature of the industry, and the fact that it is already occurring on the site and the additions are contained within a building, with sealed floors, that the development is unlikely to impact on groundwater and the matters set out in this clause are satisfied.

Clause 7.9 - Primacy of Zone B3 Commercial Core applies to all development and requires that:

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The proposed development is for an addition to a warehouse/industry (with the office space being ancillary to these uses). These types of uses are not permissible in the B3 zone, and do not compete with uses located in the CBD. As such, the development is considered unlikely to undermine the primacy of the B3 zone as the principal business, office and retail hub of Wagga Wagga.

Clause 7.11 applies where the consent authority is satisfied that the proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Wagga Wagga Airport. The subject site is around 183m below the OLS and as such, Council cannot be satisfied that the development will penetrate the OLS and the clause does not apply.

There are no other provisions of the WWLEP 2010 relevant to this application.

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of SEPP 55 requires that:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

With respect to this, the site is identified on Council's Potentially Contaminated Land register due to a former use on the site of wool storage. As such a Phase 1 Preliminary Site Investigation was carried out. The Preliminary Site Investigation identified three sources of potential contamination namely:

- Agriculture
- Aerodrome
- Wool Storage

The PSI concluded that:

- *The site has had limited exposure to land use that may have caused contamination which correlates with the site inspection and soil analysis that meets the criteria for the proposed commercial development.*
- *The road base and asphalt material from the 150m² car park is pre-classified as general solid waste (non-putrescible) and can be disposed of at an appropriately licenced landfill, NSW EPA (2014).*
- *The site is considered suitable for the proposed development, pending the above recommendations, with a low risk of harm to human health and the environment regarding contamination.*
- *No further investigation is required.*

As such, in accordance with the requirements of SEPP 55, Council has considered whether the land is contaminated, and it can be concluded that it is suitable for the proposed development.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of SEPP (Infrastructure) 2007 requires that Essential Energy be notified where development is “within 5m of an exposed overhead electricity power line”. The subject lot is immediately adjacent to an overhead line in Lawson Street, and works to the driveway beneath the line are proposed, thus the clause applies. Essential Energy raised no objection and provided general comments only, including a request that landscaping in proximity to the powerline be kept to a maximum height of 3 metres. Where relevant these comments should be included as conditions of consent.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP regulates clearing that is not ancillary to development requiring consent. Clearing that is ancillary to development requiring consent is assessed as part of the development assessment process. It is noted that a number of trees have been identified for removal, however, consent has been previously granted separately for their removal under a Tree Management Application, with the works already carried out, and as such their removal does not form part of this application.

There are no other SEPPs relevant to the Development Application.

(a)(ii) - The provisions of 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

(a)(iii) - Any development control plan1.10 - Notification of a Development Application

The application was notified to adjoining neighbours from 6th July to 20th July 2020 in accordance with the provisions of the WWDCP 2010. No public submissions were received.

2.1 Vehicle Access and Movement

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

Access is via an existing driveway, which is not from an arterial road.

C2 A Traffic Impact Study may be required where adverse local traffic impacts may result from the development. The traffic impact study is to include the suitability of the proposal in terms of the design and location of the proposed access, and the likely nature, volume or frequency of traffic to be generated by the development.

The scale of the development is such that it does not warrant a dedicated traffic study.

Traffic impacts are unlikely to be significant.

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

Access arrangements for existing buildings are unaltered. Vehicles accessing the new additions will be able to enter and exit the site in a forward direction.

C4 Provide adequate areas for loading and unloading of goods on site. The loading space and facilities are to be appropriate to the scale of development.

The development is within a large site with substantial area for the loading and unloading of goods.

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

The access driveway is existing (with minor modifications proposed). No concerns are raised regarding this access.

C6 Ensure adequate sight lines for proposed driveways.

The access driveway is existing (with minor modifications proposed). No concerns are raised regarding sight lines.

2.2 Off Street Parking

The following controls of this section are relevant to this development:

C1 Parking is to be provided in accordance with the table below. For uses not listed, similar land uses should be used as a guide in assessing car parking requirements.

The table lists "office" as requiring 1 space per 33m² of GFA and warehouse/distribution centre as requiring 1 space per 300m² GFA.

The total GFA of the office component of the additions is approximately 310m², this equates to 9.4 spaces. The total GFA of the warehouse component of the development is 300m², which equates to 1 space. Therefore additions require 10.4 spaces (11 rounded up).

17 new spaces on the site are shown on plan and as such the development complies.

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

Initial assessment demonstrates that the car park complies with relevant Australian Standards. It is recommended that conditions of consent be imposed requiring the parking comply with the relevant Australian Standard.

C3 Parking spaces are to be provided for disabled persons. Accessible parking spaces to comply with the relevant Australian Standard at the time of lodgement of the application.

Two accessible parking spaces are proposed. Standard conditions relating to accessible parking will be imposed and these will be considered at Construction Certificate stage.

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

The submitted plans indicate the provision of sufficient trees within the carpark to satisfy this control.

C10 Planting beds located within a car park are to have a subsoil drainage system connected into the stormwater system of the site.

Sufficient planting beds are proposed within the car park area.

C11 To ensure sightlines are maintained for drivers and pedestrians, trees used within or adjacent to car parking areas shall have a minimum clear trunk height of 2.5m, with shrubs and ground covers not to exceed 500mm in height.

Noted. Proposed plantings raise no concerns.

2.3 Landscaping

The site already contains extensive landscaping. A landscape plan has been submitted for the development site, which includes 16 new trees. Council's Supervisor Tree Planning & Management in the Tree Management Application had requested 10 replacement trees for the trees removed from the site. As such the plan is considered acceptable to offset the removal of 10 existing landscape trees from the site.

2.4 Signage

As discussed in the description of the development, the Statement of Environmental Effects states that the signage is exempt development.

2.5 Safety and Security

The proposed development does not introduce any significant new safety and security issues. The development is an extension of existing development on the site and therefore there is limited scope to fundamentally change the design of the development.

2.6 Erosion and Sediment Control Principles

It is recommended that standard conditions relating to sediment and erosion control are imposed on this development.

4.2 Flooding

This section of the WWDCP 2010 sets out controls for development within the floodplain on a precinct basis. The subject site is within the precinct known as "East Wagga Industrial Area".

Control C31 requires development in the East Wagga Industrial area to comply with the provisions of Table 4.2.7. Requirements for 'industrial and high impact commercial' development under table 4.2.7 are as follows:

Floor levels

- *All new developments to have floor levels greater than the 20y ARI flood level*

(plus freeboard).

- *New developments to be consistent with flood hazard and evacuation needs.*

Structural soundness

- *Engineers report to certify that any new structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100y ARI (excluding sheds <20m²).*
- *Fencing to be constructed in a way, and of materials which permit flood waters to equalise on either side.*

Evacuation

- *Encourage the development of a Flood Plan by owner including evacuation of employees and storage of material above 100y ARI flood level plus freeboard.*

Management and Design

- *Applicant for new non habitable developments to demonstrate that area is available to store goods above the 100y ARI flood level (plus freeboard).*
- *Parts of building below the 100y flood level (plus freeboard) to be constructed from flood compatible materials.*

The site is located above the 1 in 20 year flood event level, and therefore no minimum floor height is required.

A condition of consent is recommended that requires engineer's certification for the structural soundness of the building in accordance with this section.

No new fencing has been proposed. A flood evacuation plan is not considered necessary given the nature of the use and the warning time that exists for riverine flooding within this precinct.

Conditions of consent should be imposed that adequate storage space above the 100 year flood level is provided and that parts of the building constructed below the 100 year flood level are constructed out of flood compatible material.

The proposed development is assessed as being consistent with the provisions of this section, and appropriate conditions of consent have been recommended.

5.4 Environmentally sensitive land

Environmentally sensitive land - biodiversity (Outside "biocertified area")

The site is mapped on the biodiversity map, however, as it falls within the bioceritified area, there are no controls applicable.

Natural Resources Sensitivity - groundwater

This section of the WWDCP 2010 requires the submission of a report addressing impacts on groundwater, for development on land mapped as such. The Statement of

Environmental Effects addresses the groundwater controls of the WWLEP 2010 and is considered sufficient to satisfy the controls in this clause. Groundwater is discussed further in part (a)(i) of this assessment report.

Section 11 - Industrial Development

11.2 Siting and setbacks

C1 Front setbacks for industrial development:

All areas - 10m or the average of setbacks of buildings on immediately adjoining sites to a minimum of 7.6m (whichever is the greater) unless control C2 below applies.

For land fronting Glenfield Road, Copland Street, Chaston Street, Mortimer Place, Norton Street and Lake Albert Road - the minimum front setback is to be consistent with setbacks of buildings on immediately adjoining sites or a minimum of 6m, whichever is the greater.

The proposed additions slightly decrease the front setback to Lawson Street, however, it remains a minimum 15m and thus complies.

C2 The front setback area is to be landscaped. The setback area may be used for site access and parking provided that at least 15% of the setback area is landscaped.

Across the site, well in excess of 15% of the front setback area is landscaped and thus the development complies.

C3 Sites with a secondary frontage are required to provide an appropriate amount of landscaped area to the secondary street frontage.

The site has a secondary frontage, however it is not altered by this development.

C4 Side and rear setbacks determined in accordance with the Building Code of Australia.

Noted. Compliance will be assessed at Construction Certificate stage. Conditions of consent will ensure the buildings meet the provisions of the Building Code of Australia.

C5 Awnings may project into the front setback to a maximum depth of 2m. The awning is to be designed as an integrated element of the façade.

A small porch, around 1.17m in depth is proposed. The porch is designed as an integrated element of the façade and the development is considered to comply with this clause.

11.3 Building design

C1 Contemporary architecture and design innovation is encouraged.

The proposed addition is of acceptable design.

C2 Minimise expanses of blank walls and blank facades, especially on front facades. A change in plane in each elevation addressing a street frontage is required every 25m of wall length.

The addition does not have any blank wall or facades facing the street, with windows and articulation proposed in this elevation.

C3 Use non-reflective materials and finishes.

C4 Combine materials and finishes to achieve innovative design outcomes.

The design is considered acceptable. The building proposes a mixture of building materials

C5 Full sheet metal fencing is not encouraged forward of the building line. Where fencing is required at the property boundary or in front of the building line, it should be open in character and a maximum of 1.8m in height, and be complemented by quality landscaping. Black mesh fencing is the preferred form of open fencing.

No front fencing is proposed.

There are no other provisions of the WWDGP 2010 relevant to the application.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreements under Section 7.4 of the Act relevant to the development have been entered into or offered to enter into.

(a)(iv) - the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

It is considered that the matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied.

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

Context and setting

The proposed development will have minimal impact on the context and setting of the locality, as it is an addition to an existing land use, with no new activities to be introduced to the site.

The additions incorporate design features such as articulation, as well as a mix of materials, that add visual interest, improve on the quality of the existing development on the site, and positively contribute to the streetscape of Lawson Street. New landscaping has been proposed, which helps minimise the impacts of the removal of existing landscaping.

The proposed development does not raise any concerns with regards to compatibility with adjoining uses.

Access, transport and traffic

Access to the site is considered acceptable, with adequate space on site for loading, unloading and manoeuvring of vehicles. The development is unlikely to result in significant traffic generation and the capacity of the local road network is considered sufficient to support the development.

Services

Existing services are in place and capable of servicing the development.

Heritage

There are no known items of environmental heritage on the site. Given the disturbed nature of the land, it is considered that items of Aboriginal Cultural Heritage on the site are unlikely.

Natural Hazards

The site is subject to flooding. This is discussed in detail, particularly with regard to riverine flooding in part(a)(i) and (iii) of this assessment report.

The site is not identified as being subject to overland flooding.

Human-Made Hazards

Potential contamination is discussed under the SEPP 55 assessment.

Economic Impact in the Locality

The development will result in job creation during the construction phase, as well as during the ongoing operation of the businesses that will occupy the tenancies.

Social Impact in the Locality

The development is unlikely to result in any significant social impacts in the locality.

Pollution and off-site environmental effects

The nature of the development is such that it is unlikely to result in significant pollution or offsite environmental effects.

Flora and fauna

Ten trees have been removed from the site under a Tree Management approval already granted. Whilst strictly not a matter for consideration under this Development Application, as the works have already occurred, as the site is part of the bio-certified area of the WWLEP 2010, this vegetation removal is considered to not have a significant impact on threatened species.

Noise and Vibration

The development is for a warehouse and office extension to an existing building in an industrial area. As such, significant noise and vibration impacts are considered unlikely to result from the development.

Energy Impacts

The proposed development will result in no significant energy impacts.

Site Design and internal design

The design of the site raises no significant concerns or issues.

Construction

Standard conditions of consent to manage construction related impacts should be imposed.

Cumulative Impacts

The development, when considered in conjunction with other developments on the site, adjoining, in the locality, or in the local area generally, whether at the same time or cumulatively over time, is not likely to result in greater impacts than that likely for this development when considered in isolation.

The Principles of Ecologically Sustainable Development

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

(c) - The suitability of the site for the development

It is considered that the site is suitable for the proposed development and that all impacts identified under part (b) are acceptable and can be adequately mitigated through appropriate conditions of consent.

(d) - any submissions made in accordance with this Act or the Regulations Referrals

Referrals were sent to Riverina Water and Essential Energy as well as standard internal referrals.

Notification

The application was notified to adjoining neighbours from 6th July 2020 to 20th July 2020 in accordance with the provisions of the WWDCP 2010.

Advertising

In accordance with the provisions of the WWDCP 2010 the application was not required to be advertised.

Public Submissions and those from public authorities

A submission was received from Riverina Water. Riverina Water requested the imposition of standard conditions of consent.

A submission was also received from Essential Energy which is discussed in part (a)(i) of this assessment report.

(e) - the public interest

Ongoing construction activity generates positive economic impacts in the city. Impacts can be managed through appropriate conditions of consent. The development is considered to be in the public interest.

Other Legislative Requirements

Section 1.7 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.

Therefore, no further consideration of these matters is required.

Council Policies

POL046 - Processing Development Applications Lodged by Councillors, Staff and Individuals of Which a Conflict of Interest May Arise, or on Council Owned Land Policy
The Development Application has not been lodged by, or on land owned by a Councillor. A Councillor is, however, listed on the Development Application form as a person authorised to act on behalf of the Applicant in relation to the Development Application. POL046 does not provide direct guidance for these circumstances, however, it is considered appropriate, and in the public interest, to deal with the Application under the policy as though the Applicant or land owner is a Councillor.

As such, per Section 2.1.2 of the Policy, the Development Application will be reported to Council for consideration and determination.

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are available on the file.

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

Section 7.11 & 7.12 Contributions

Section 7.11 and 7.12 of the *Environmental Planning and Assessment 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. As the cost of the development exceeds \$100,000, a s7.12 contribution applies. The contribution is as follows:

$$\begin{aligned} &0.01 \times \$935,000 \\ &= \$9350 \end{aligned}$$

Section 64 Contributions

Section 64 of the Environmental Planning and Assessment Act 1979, 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.

Stormwater

A stormwater contribution has not been previously paid for the lot, and therefore a contribution is payable for the additional hardstand resulting from this development.

The development results in approximately 1085m² of additional hardstand

The calculation for industrial alterations and additions is as follows:

$$\frac{\text{Net impervious area (m}^2\text{)}}{800\text{m}^2} \times \frac{1}{0.74} \times \text{developer charge} \times \text{CPI}$$

The developer charge for 'Urban East of Willans Hill' is \$1721

$$\frac{1085}{800} \times \frac{1}{0.74} \times \$1721 \times \text{CPI}$$

= \$3154.20 (no CPI added)

With current CPI (117.1/87.9) this makes the contribution as follows:
\$3154.20 x (117.1/87.9) = \$4202.01

Sewer

The lot is outside the sewer contribution area under the current plan. No s64 sewer contribution is payable.

Other Approvals

No other approvals have been sought.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that application number DA20/0240 for Alterations and Additions to Warehouse and New Strata Subdivision 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 (Including Attachments and Plans, other than Attachment D - Plans Further Specified Below)	Habitat Planning	B	26/5/20
5481/5	Landscaping Plan & Sewerage Layout (within Attachment A of SEE)	Project Planning and Design		3/1/20
5481/1	Site Layout Plan (within Attachment A of SEE) (Parking as per Landscaping Plan	Project Planning and Design		3/1/20

	& Sewerage Layout Plan)			
5481/3	Ground Floor Layout Plan (within Attachment A of SEE)	Project Planning and Design		3/1/20
5481/4	Elevations & Sections Details (within Attachment A of SEE)	Project Planning and Design		3/1/20
	Sketch Plan of Proposed Strata Plan of Subdivision of Common Property of SP 18513	T.J. Hinchcliffe & Associates		18/6/20
	Site Layout Plan (Parking as per Landscaping Plan & Sewerage Layout Plan)	Lance Ryan Consulting Engineers Pty Ltd	1	25/6/20
	Preliminary Site Investigation	McMahon Earth Science	0	29/6/20

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

- a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:
 - i) Structure - Section B- (Part B1)
 - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
 - iii) Access and Egress - Section D- (Parts D1, D2, D3)
 - iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
 - v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
 - vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)

vii) Special Use Buildings- Section H- (Parts H1, H2, H3)

viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)

C.3 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$1000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Council's fees and charges.

NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

C.4 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$9,350 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics. The CPI at the time of determination is 117.4.

- NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent.
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.
- C.5 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.
- NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.
- NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.
- NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- NOTE 5: The Section 64 Sewer base figure is \$0

The Section 64 Sewer contribution (updated by the CPI 117.1) required to be paid is \$0
- NOTE 6: The Section 64 Stormwater base figure is \$3154.20

The Section 64 Stormwater contribution (updated by the CPI 117.1) required to be paid is \$4202.01
- NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to

ensure no further CPI increases/decreases have occurred since the date of this consent.

C.6 Prior to the release of the Construction Certificate, plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, showing adequate storage space for the storage of goods above the 1% ARI flood event level, plus 500mm freeboard.

C.7 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The certification shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

C.8 A revised and detailed landscape plan and legend shall be submitted to Council, to the satisfaction of the General Manager or delegate, prior to the release of the Construction Certificate.

- (1) Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.
- (2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.
- (3) Locations of plantings shall be clearly identified.

Requirements before the commencement of any works

C.9 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.10 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.11 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.12 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.13 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and any other Council infrastructure fronting the site. The absence of such notification shall indicate that no damage exists and the applicant may be responsible for the repair of any damage to kerb and gutter or Council infrastructure fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.14 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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

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

C.15 No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

Requirements during construction or site works

- C.16 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <<https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath>> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.17 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.18 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.19 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.20 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 NSW Environment, Energy and Science Guidelines.
- C.21 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.22 Any fill imported to the site must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, or Excavated Natural Material (ENM), as defined by the Excavated Natural Material Order 2014, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision

Certificate.

- C.23 Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- C.24 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) 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.25 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.26 The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.
- C.27 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 before a Subdivision Certificate can be issued

- C.28 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

- C.29 Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement (to be made to the Contestable Works Section at Essential Energy);
- ii) APA Gas: Certificate of Acceptance;
- iii) Riverina Water: Certificate of Compliance;
- iv) Certification from an approved telecommunications provider.

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

- C.30 Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.
- C.31 Prior to the issue of any Occupation Certificate, evidence of registration of the approved Strata Plan shall be provided to Council, to the satisfaction of the General Manager or delegate.
- C.32 Prior to the issue of any Occupation Certificate, all landscaping in the amended landscape plan approved under condition C.8 shall be completed, to the satisfaction of the General Manager or delegate.
- C.33 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.34 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.35 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.36 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.37 The office area must only be used for office/administration functions ancillary to a lawful and permissible use on the land, and not as an independent office use.
- C.38 Landscaping and tree plantings in proximity to powerlines must be managed to be kept at a maximum heights, at maturity, of 3 metres.
- C.39 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.
- C.40 A minimum of 11 car parking spaces must be made available on site at all times for use in association with the proposed additions. This is in excess of any existing car parking requirement on the land. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.
- C.41 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

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

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

N/A
