

SEPARATE COVER ATTACHMENT

**PSRP-5 DA15/0711 – Shed, 3 Yathong Street,
Wagga Wagga, Lot 18 Section B DP 13345**

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Justification)**



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.	DA15/0711
Modification No.	N/A
Council File No.	D/2015/0711
Date of Lodgement	04/12/2015
Applicant	CA Kennedy 8 Kildare St TURVEY PARK NSW 2650
Proposal	Shed
Description of Modification	N/A
BCA Classification	10a
Development Cost	\$18484
Other Approvals	Nil
Concurrence Required	No
Referrals	Internal
Determination Body	Wagga Wagga City Council

Reason

In accordance with Clause 1.11 "Complying with the Wagga Wagga Development Control Plan 2010" the application has been referred to Council for determination as the proposed shed does not comply with Control C3 under Section 9.4.4 of the Wagga Wagga Development Control Plan 2010 by greater than a 10% variation from this control.

Meeting Date

Policy and Strategy Meeting 8/2/15
Council Meeting 29/2/15

Assessment Officer:

Sam Robins

SITE DETAILS**Subject Land**

3 Yathong St WAGGA WAGGA NSW
2650

Owner

Lot 18 Sec B DP 13345

BJ Kennedy & CA Kennedy

Owner's Consent Provided

4/12/15

Location

The subject site is located on the northern side of Yathong Street three lots east of the hospital redevelopment

STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument

Wagga Wagga Local Environmental Plan
2010

Zoning

Under the Wagga Wagga Local
Environmental Plan, 2010 - R3 Medium
Density Residential

Land Use Definition

Dwelling (shed)

REPORT

DESCRIPTION OF DEVELOPMENT

This application is for the construction of a 9.4m x 7m x 3.8m high pitched roof colourbond shed. The shed is proposed to be located along the rear boundary adjoining the rear lane. Any approval and construction will require the demolition of an existing shed on site. It is likely that the existing shed was constructed as exempt development some years ago and therefore can be demolished without the need for approval.

THE SITE & LOCALITY

The site, being Lot 18 DP 13345, Section B, 3 Yathong Street, Central Wagga is located on the northern side of Yathong Street, three lots east of the Base Hospital.

The site measures 537.6m² and currently contains a detached dwelling and small detached shed to the rear. Council records indicate that a building certificate was issued for these structures in 2009 under BC09/0059.

The site is flat, contains one tree that will not be impacted by the proposal and is free of any easements. The site has rear lane access from the lane referred to as 'Yathong Lane'.

The site is located in close proximity to the hospital and therefore a number of properties in close proximity to the dwelling are in use by health care professionals even though the area is zoned medium density residential and in close proximity to general residential zoning. With the hospital in such close proximity the area would be considered more mixed use than residential.

A site visit was undertaken on 10/12/15 by the assessing officer.

SUMMARY OF MAIN ISSUES

Impact on character of the area

Impact on the amenity of adjoining neighbours

Compliance with Councils Development Control Plan 2010

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(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 79C(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 (LEP 2010)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned R3 - Medium Density Residential

The objectives of the zone that would be considered relevant are;

To provide for the housing needs of the community within a medium density residential environment.

- *To provide a variety of housing types within a medium density residential environment.*
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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Under the LEP 2010 the proposal would be considered an outbuilding that is ancillary to the existing dwelling.

Under Part 3 of the land use table, Dwellings are permitted with consent. The development is seen to be consistent with the objectives of the zone.

Part 7 - Additional Local Provisions

7.6 - Groundwater Vulnerability

As the application site is identified as 'Groundwater' on the Water Resource Map, the shed would be subject to assessment under this clause.

As the application is for a residential use on a residential block the impact on the existing groundwater sources will be minimal. The proposal is therefore not considered to be detrimental to any of the issues under this section of the LEP 2010 and therefore complies with this section of the LEP 2010.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the site has previously been occupied by any use that could have led to contamination of the site. Furthermore the land is not identified on Councils register of contaminated sites. Accordingly it is not considered necessary to request any investigation reports on the subject site.

(a)(ii) - The provisions of any draft environmental planning instrument

Draft local environmental plans

N/A

Draft state environmental planning instruments

N/A

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

1.11 Complying with the Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance.

Council may consent to an application which departs from any control, whether a “numeric” or non-numeric control. In such cases, a written submission must be lodged with the Development Application.

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but limited to the following circumstances;

- *Where any numeric control is not being varied by greater than 10%*

The application proposes a variation to Control C3 of Section 9.4.4 of the DCP by greater than 10% therefore Council staff do not have delegation to approve such an application and it has therefore been referred to Council.

The applicant has submitted written justification for the variation and Council may consent to the proposal if deemed acceptable.

The issues surrounding the variation have been discussed throughout this report, particular attention is drawn to Section 9.4.4 of the DCP.

2.1 Vehicle access and movements

The proposed shed will provide two doors to the rear laneway that will be setback 1.5m from the rear boundary. The vehicle access to the site will be improved and will be consistent with surrounding properties.

2.2 Off-street parking

The following control is relevant to this development:

C1 Parking is to be provided in accordance with the table below.

The development would be subject to the following controls:

- 1 spaces/3 bedroom house or larger.

This provision is easily met given the proposed shed.

The proposal complies with all other controls in this section.

2.3 Landscaping

Not required for alterations and additions to single dwellings. No vegetation will be damaged or removed as part of this application.

2.5 Safety and security

The objectives and controls of this section that are relevant for this development are as follows:

Objectives

O3 *Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

Controls

C1 *Use good site planning to clearly define public, semi-public and private areas.*

- C2 *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*
- C3 *Minimise blank walls along street frontages.*
- C4 *Avoid areas of potential concealment and 'blind' corners.*
- C5 *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*
- C6 *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.*

The design of the shed raises no safety or security concerns. The proposal is considered generally compliant with the controls and would meet the relevant objectives of this section of the DCP.

2.6 Erosion and Sediment Control Principles

Conditions of consent will ensure that appropriate control measures are put in place during any construction. Given the flat nature of the site and minimal earthworks involved it is not expected that erosion and sediment issues will arise.

Section 5 Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clause 7.6 of the LEP above, given the minor nature of the works and the existing structures on site negligible issues are expected.

Section 9 Residential Development

9.2.1 Site layout

The site layout raises little concern. The shed is to the rear and addresses the laneway. The proposed location of the shed is flat and free of vegetation.

9.2.2 Streetscape

The shed will not be visible from Yathong Street and therefore raises no issues under this section of the DCP.

9.3.2 Site cover

Within the R1 zone and for dwelling houses on lots of this size the maximum site cover is 60%. It would appear from information available that the dwelling is approximately 150m², the proposed shed is 65.8m² giving a site cover of 215.8m². 60% of the site is 322.5m². The site cover would easily comply.

9.3.4 Solar access

The relevant objectives and controls of this section that apply are as follows:

Objectives

- O1 *Ensure that the amenity of the occupants of dwellings is achieved by designing so that they receive adequate daylight and natural ventilation to habitable rooms and sunlight to private open space areas.*

- O2 *Ensure non-habitable rooms such as garages, laundries and bathrooms are positioned so that living areas, open space and habitable rooms receive maximum winter solar access and ventilation.*
- O3 *Maintain reasonable sunlight access to adjoining properties.*

Controls

- C3 *For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).*
- C5 *For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).*
- C6 *Proposed development design should take into account the location of any adjacent private open space and avoid overshadowing of that space*

The shed is located along the northern boundary of the site adjoining the laneway and adjoining the rear yards/outbuildings of the neighbouring properties. The siting of the shed will ensure that it will have negligible impact on the solar access of the existing dwelling on site, any neighbouring dwelling or the private open space of any neighbouring property. The shed therefore raises no issues with regards to impact on solar access.

9.3.5 Private open space

The shed will take up a proportion of the private open space. However the remaining private open space would greatly exceed the requirements under this section. No issues are raised.

9.3.6 Front Setbacks

- C1 *Minimum front setbacks for residential development*
Primary street frontage (other roads) 6m

The shed is located to the rear of the property and raises no issues with regards to front setback.

9.3.7 Side and Rear Setbacks

There are no specific controls for side and rear setbacks in the R3 zone. The shed has been proposed to be 1m off the eastern boundary, 3m off the western boundary and 1.5m off the northern boundary with the lane. All three setbacks provide adequate space for maintenance and given the adjoining properties to the west and east both have outbuildings in similar locations and of similar size or larger the impacts on the amenity of these properties would be negligible.

The shed will be approximately 14m from the dwelling.

9.4.2 Materials and finishes

The materials and finishes would not raise any issues.

9.4.3 Privacy

The shed has been well located and designed to raise no additional privacy issues.

9.4.4 Garages, carports, sheds and driveways

The relevant controls are as follows:

C2 Garages, carports and sheds that open up to a laneway must be setback a minimum of 1m from the property boundary.

The shed is proposed to be 1.5m from the rear laneway and therefore compliant with this control.

C3 The floor area of an outbuilding on a residential lot must not be more than the following:

(a) 8% of the site area if the lot has an area of less than 600m²,

The proposed shed would be considered an outbuilding as it is detached from the dwelling. The shed has an area of 65.8m² and the 8% control equates to a site area of 43m². The percentage of the site cover proposed is 12.24% which exceeds the 8% numerical control by 53%. The applicant has provided the following justification:

- Due to the redevelopment of the hospital we have very limited access to street parking. We have no driveway to the front of the property therefore all parking must occur along the rear laneway.
- Due to the size of the lot and residence we do not have any further space for a garden shed/storage so plan to utilise the attached storage on this proposal to fulfil those requirements.
- Garage has been designed to help secure the premises.
- We have taken into consideration the neighbouring properties and they too have garage/sheds at the rear of the property the same (if not larger) size than what we are proposing and span the width of the block.

Whilst the variation from the control is large the impacts are not. The relevant objective of the section talks about '*minimising the visual dominance of garages in the streetscape*'. As discussed, the shed is not visible from any surrounding street. The shed is simple, well located, consistent with surrounding sheds and has negligible impact on the amenity of the neighbouring properties. The shed complies with all other controls of the DCP. Council staff see no reason why the variation should not be supported and the shed approved.

C4 The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area or a maximum area of 300m², whichever is the lesser.

With the demolition of the existing shed the proposal will be the only outbuilding on site and therefore compliant with this control.

C5 Sheds may only be erected on residential land where a dwelling house is constructed or under construction and must be used for purposes ancillary to the residential use of the land.

The site contains a dwelling and therefore the shed is considered ancillary

C6 The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing). The

building shall be single storey construction with a maximum roof pitch of 27 degrees or steeper to match the roof pitch of the house.

The maximum height of the outbuilding is 3.8m and therefore complies with this control.

(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreement has been entered into under section 93F.

(a)(iv) - any matters prescribed by the regulations

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

(b) - The likely impacts of the development

Context and setting

The proposed shed is located on an appropriately zoned and sized lot.

The shed has been located to the rear of the site fronting the laneway. The laneway is characterised by large sheds some of which would not meet the current controls. The shed would be considered in keeping with the context and setting.

Access, transport and traffic

As mentioned above access to the shed/dwelling is considered appropriate and raises no concerns.

Noise and vibration

Minimal impact during construction and will be controlled by conditions of any consent granted.

Natural Hazards

The site is not flood prone or bush fire prone.

Waste

Conditions of consent will ensure that the site is kept in an appropriate state during demolition and construction.

Services/Utilities

As the subject development is located within a developed residential area, all power, water, sewer and telecommunications are available to the site.

Flora and fauna

The proposal will not involve the removal of any vegetation

Public domain

No issues raised

Other land resources

The land is zoned residential and all relevant assessments were undertaken at subdivision stage. No issues are raised.

Water

The site is serviced by water and has appropriate stormwater facilities.

Safety, security and crime prevention

The shed raises no issues in a residential zone.

Site Design

Overall the development would be considered acceptable on a merits based assessment for the site.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

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

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

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

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

2 Intergenerational equity

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

3 Conservation of biological diversity and ecological integrity

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

4 Improved valuation, pricing and incentive mechanisms

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

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

The proposed development would result in a shed located in the rear garden of an existing dwelling in a residential zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

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

Suitability of the site in terms of the likely impacts identified under (b)

The site is currently zoned residential and contains a detached dwelling and surrounded by residential developments. The site is considered suitable for a shed. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Referrals

Internal only

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified for a period of 14 days on the following dates 11/12/15 to 21/12/15 and referred surrounding tenancies. No submissions were received.

Public Submissions and those from public authorities

Nil

(e) - the public interest

Federal, state and local government interests and general community interests

It is considered that this application will not have a detrimental affect on the public interest.

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species)

The following factors must be taken into account in making a determination under this section:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**
- (d) in relation to the habitat of a threatened species, population or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,**
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The development is in a residential zone and not removing any vegetation; the development will have minimal impact and not impact on any threatened species in the vicinity. No further assessment is required under this section.

Section 79B(3)

As mentioned above there is unlikely to be significant impact and a species impact statement is not required. Therefore concurrence is not required from the Director General of National Parks and Wildlife.

Council Policies

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions

No contributions are required for alterations and additions of this size in this location.

Other Approvals

Nil

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, the Building Code of Australia (Housing Provisions) and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that the Wagga Wagga City Council approve Development Application DA15/0711 for Shed, 3 Yathong St WAGGA WAGGA NSW 2650 , Lot 18 Sec B DP 13345 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Site Plan	Applicant	-	11/12/15
-	Shed elevations	Riv-Steel	-	7/12/15
-	Floor plan	Riv-Steel	-	7/12/15
-	Statement of Environmental Effects	Applicant	-	2/12/15
-	Additional information (supporting justification)	Applicant	-	4/12/15

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 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

2. **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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **A CONSTRUCTION CERTIFICATE pursuant to Section 109C 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.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **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.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **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.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. **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.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

7. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**

a) in the case of work done by a licensee under the Act:

- i) has been informed in writing of the licensee’s name and contractor license number, and**
- ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**

b) in the case of work to be done by any other person:

- i) has been informed in writing of the person’s name and owner-builder permit number, or**
- ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

9. **At least two (2) days prior to the commencement of any works, the attached ‘Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority’, must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

10. **If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall

	has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate 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 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

11. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. **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.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. **The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. **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
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

15. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the**

relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

16. **An Occupation Certificate, must be obtained pursuant to Section 109C 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.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. **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.

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

General

18. **(1) For the purposes of Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the**

person having the benefit of the development consent must, at the person's own expense:

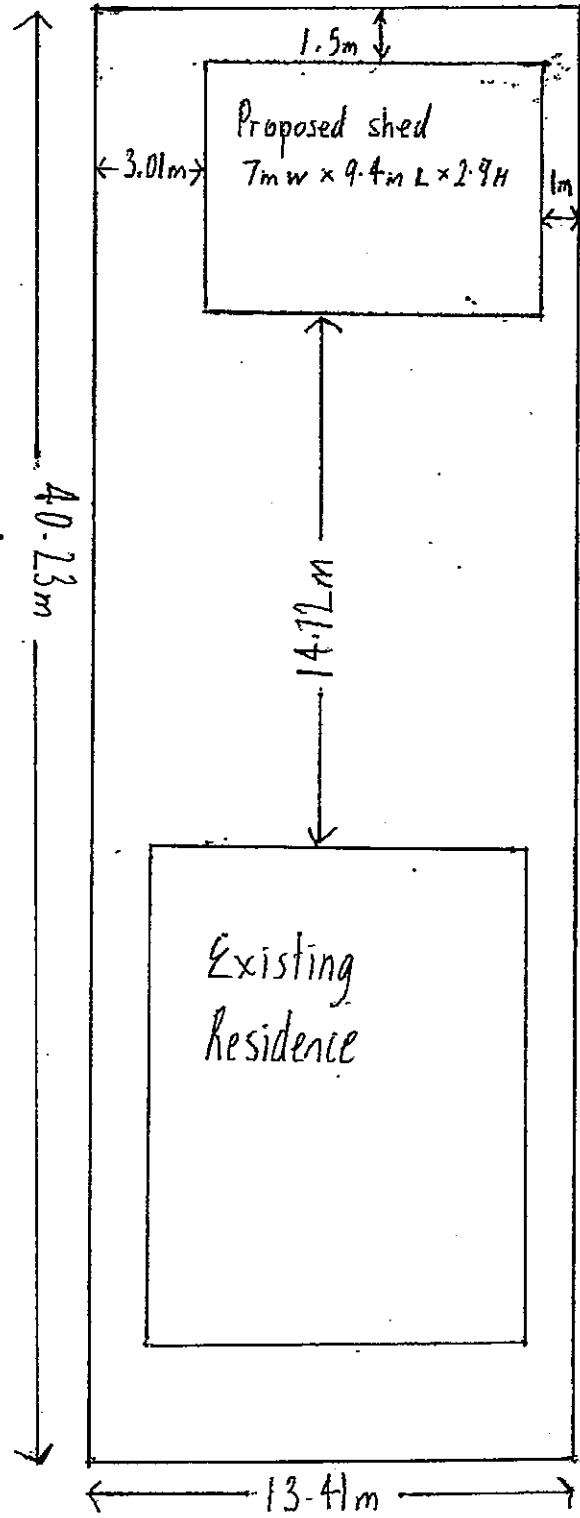
- (a) protect and support the adjoining premises from possible damage from the excavation, and**
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.**
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

AMENDED
PLAN

Side Plan

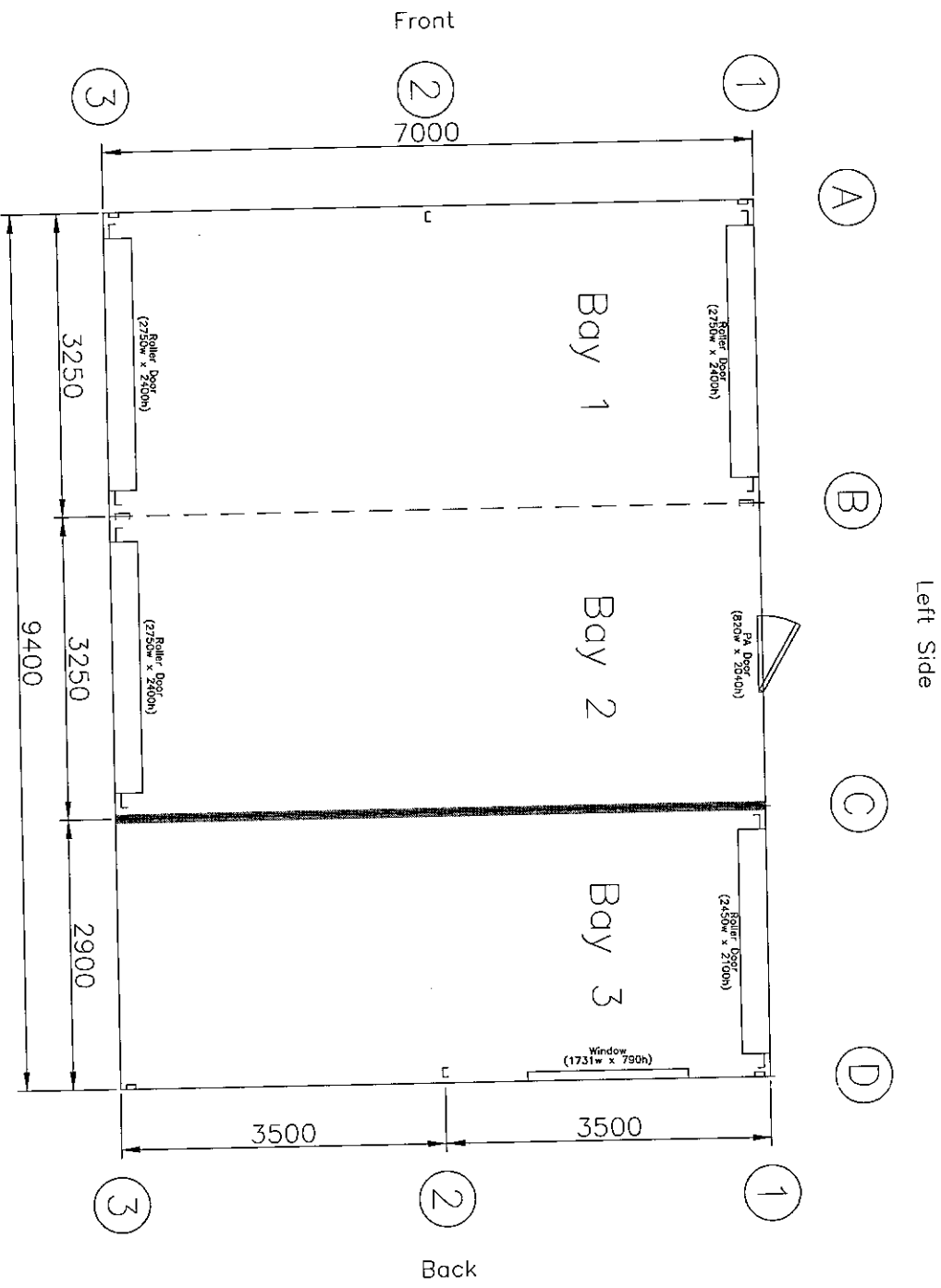
11/12/15



Scale 1:200

Cherul Kennedy, 3 Yathong street Wagga Wagga

sec.	Column
A1	C10012
A2	C10015
A3	C10012
B1	C15019
B3	C15019
C1	C15019
C2	Partition
C3	C15019
D1	C10012
D2	C10015
D3	C10012



Floor Plan (Scale = 1:75)



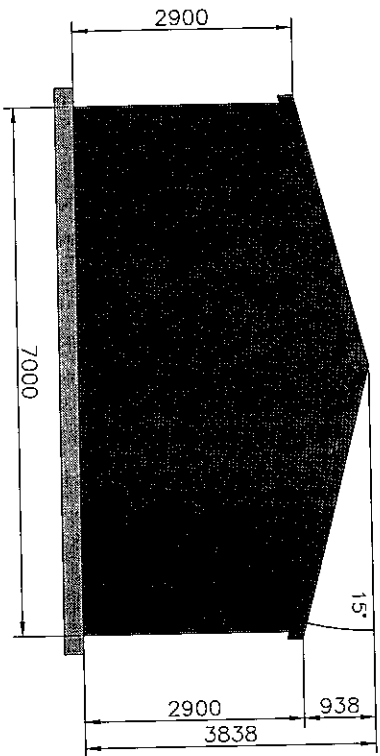
Capital Steel Buildings Australia
 PO Box 54, Narrellan 2567
 Email: info@capitalsteelbuildings.com.au

Supplied By: Riv-Steel
 Phone (02) 6922-8108 Fax (02) 6922-8109
 3871 Sturt Hwy Wagga Wagga

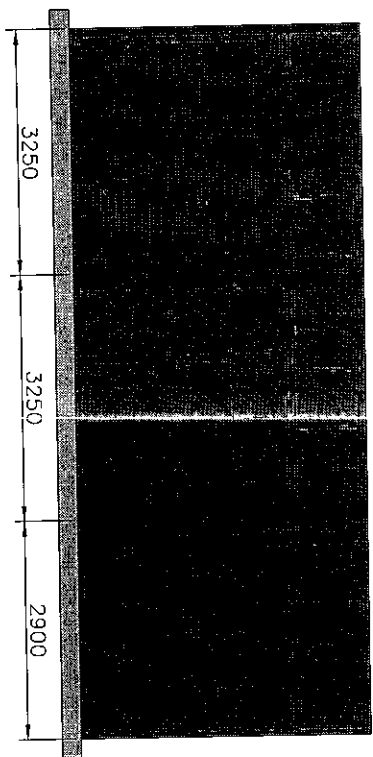
Customer: CHERYL KENNEDY
 3 YATHONG STREET, WAGGA WAGGA, NSW 2650 7 DEC 2015

SCANNED

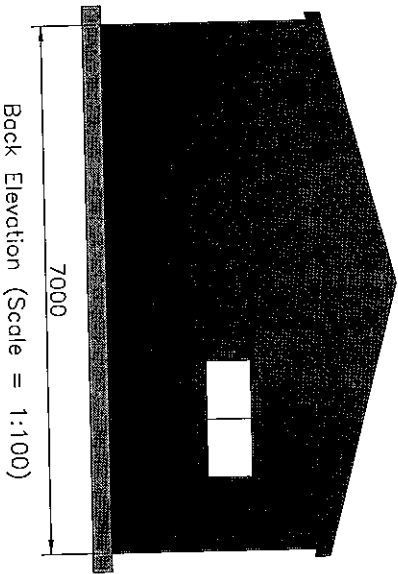
RECORDS



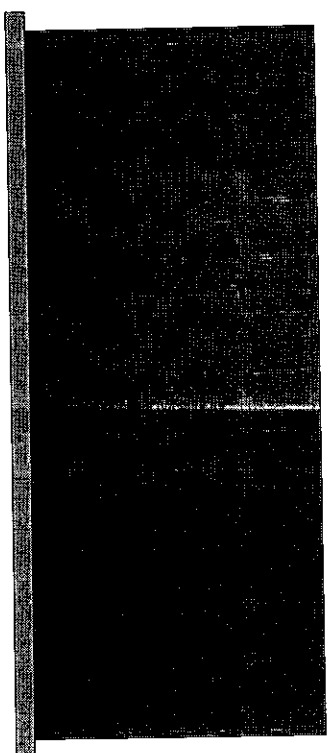
Front Elevation (External)



Left Elevation (Scale = 1:100)



Back Elevation (Scale = 1:100)



Right Elevation (Scale = 1:100)



Capital Steel Buildings Australia
PO Box 54, Narellan 2567
Email: Info@capitalsteelbuildings.com.au

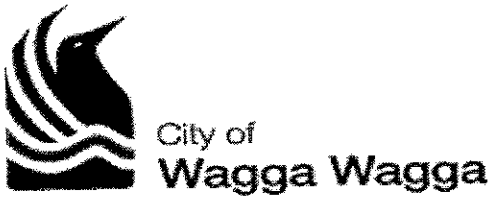
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3871 Sturt Hwy Wagga Wagga

Customer: CHERYL KENNEDY
3 YATHONG STREET, WAGGA WAGGA, NSW 2650

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STATE OF ENVIRONMENTAL EFFECT (SEE)

APPLICABLE DEVELOPMENT TYPE:

Domestic building (Steel Kit Shed)

3.1 Description of development

The proposed application is for the construction of a free standing shed at 3 YATHONG STREET WAGGA WAGGA, NSW 2650 the shed will be 7m (WIDE) x 9.4m (LONG) (65.80M²) at a height of 2.9m to the eaves and 3.838M to the pitch. The shed will be located 1.0m from the side boundary & 1m from the rear boundary. The colour of the shed will be Woodland Grey & Woodland grey. The total cost of the development including materials, erection & slab will be \$18,484.00 INC GST

3.2 Description of Site

The site location is at

3 YATHONG STREET WAGGA WAGGA, NSW 2650

The size of the block is approximately 537.5m²

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3.3 Planning controls

Is your proposal permissible in the zone?

Yes

Is your proposal consistent with the zone objectives?

Yes

Is your proposal in accordance with any relevant development control plan? **Yes**

3.4 Site suitability

Potential Impacts

Impact on adjoining land

Zoning of the land

Steps taken

The site is considered to be suitable under all relevant controls for the development.

3.5 Present and previous uses

The land is identified as residential land in accordance with all relevant controls. Currently the site has a dwelling house the construction of a shed is seen to be in accordance with the zoning of the land.

3.6 Operation & management

Potential impacts

Nil

How identified

Development is simply for a steel frame shed.

Steps Taken

N/A

3.7 Social impacts

Nil

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3.8 Economic Impact

The development will have a positive economic impact with the sale and construction of the shed.

3.9 Pedestrian and vehicle movements

The development will have minimal vehicle movements but will have no outstanding impacts on the area.

3.10 Privacy views and overshadowing

Potential impacts

Impacts on adjoining properties

How identified

Size and scale of the development

Steps Taken

Appropriate size and scale of development with minimal effects on any adjoining properties.

Acoustic privacy

The development will not create or impact acoustic privacy of any adjoining properties

3.11 Air and noise

Nil impacts

3.12 Soil & water (Storm water)

Potential impacts

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Rain water overflow to adjoining properties.

Steps Taken

Installation of gutters and downpipes all connected to the storm water.

(Waste water)

Nil

(Soil erosion control)

Potential impacts

Run Off from any storm water over flow

Steps Taken

Sediment control – lawn & fencing

3.13 Energy efficiency

Potential impacts

n/a

How identified

There are no energy efficiency controls relevant.

3.15 Fire Safety and other building upgrades

Potential impacts

The development is for domestic use. For the purpose of Parking cars and storage.

3.16 Demolition management

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Potential impacts

The development does not involve any demolition

3.17 Landscaping

Potential impacts

Reduction of landscaping

How identified

- Through new design of new shed

Steps Taken

Appropriate amount of landscaping area retained.

Applicant Declaration

- I declare to the best of my knowledge and belief, that the particulars stated on this document are correct in every detail and that the information required has been supplied. I acknowledge that the development application may be returned to me if information is found to be missing or inadequate.

Applicant's name (printed): Cheryl Kennedy

Applicant Signature:



Date: 02/12/2015

SCANNED
- 7 DEC 2015
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Thursday 03 December 2015

RE: Development application – 3 Yathong Street Wagga Wagga (Lot 18 DP13345)

Description: 9.4m x 7m colorbond 2 car garage with lock up shed

We are applying for special consideration on development approval on the attached application (9.4m x 7m 2 car garage with lock up storage) based on the following grounds:

Due to the recent re-development of the Wagga Wagga Base Hospital, we have very limited access to street parking in Yathong Street at any time of the day. We do not have a driveway located at the front of our premises therefore the house occupants and visitors must park at the rear via laneway access.

Due to the size of our lot and residence, we do not have any further space for a garden shed/storage so plan to utilise the attached storage on this proposal to fulfil those requirements.

Our garage has been designed to ensure we have made our premises as secure as possible. As the hospital and facilities on hospital grounds are located within very close proximity, the movements of some patients utilising the hospital services is of some concern to us, so the proposed shed will increase security to our residence.

We have taken in to consideration the neighbouring properties and they too have garage/sheds at the rear of the property the same (if not larger) size than what we are proposing and span the width of the block.

Your consideration on the above points when determining our application is appreciated.

Regards,


Cheryl Kennedy

4.12.16

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- 7 DEC 2015

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