

# **SEPARATE COVER ATTACHMENT**

## **PSRP-4 DA16/0077 - SHED WITH TOILET AMENITIES TO REAR OF DWELLING**

- 1 S79C Assessment Report**
- 2 Site Plan**
- 3 Additional Information**
- 4 Elevations**



# Report of Development Application

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

## APPLICATION DETAILS

<b>Application No.:</b>	DA16/0077
<b>Modification No.:</b>	N/A
<b>Council File No.:</b>	D/2016/0077
<b>Date of Lodgement:</b>	16/02/2016
<b>Applicant:</b>	NAEJ Bond 9 Eaton St ASHMONT NSW 2650
<b>Proposal:</b>	Shed (12m x 9m) With Toilet Amenities at Rear of Dwelling
<b>BCA Classification:</b>	10a
<b>Development Cost:</b>	\$15000
<b>Assessment Officer:</b>	Mathew Collins
<b>Description of Modification:</b>	N/A
<b>Type of Application:</b>	Development Application
<b>Other Approvals:</b>	Nil
<b>Concurrence Required:</b>	No
<b>Referrals:</b>	Internal
<b>Adjoining Owners Notification:</b>	11 - 22 March 2016
<b>Advertising:</b>	Nil
<b>Determination Body:</b>	Council
<b>Reason:</b>	The application seeks to vary numerical DCP control 9.4.4 (C3) by more than 10%
<b>Meeting Date:</b>	26/04/2016
<b>Owner's Consent Provided:</b>	16/02/2016
<b>Location:</b>	On the eastern side of Samson Avenue, three lots south of Barossa St in Estella

# SITE DETAILS

**Subject Land:** 25 Samson Ave ESTELLA NSW 2650  
Lot 119 DP 1187146

**Owner:** EJ Bond & SN Bond

## **PLANNING CONTROLS / STATUTORY CLASSIFICATION**

Pursuant to Part 4 (Division 1)

**Environmental Planning Instrument:** LEP 2010  
**Zoning:** R1 General Residential  
**Land Use Definition:** Dwelling house (shed)  
**Statement of Permissibility:** Permissible with consent

## **Description of Development**

The applicant seeks permission for the erection of a new steel shed with toilet amenities. The shed is 12m long, 9m wide 3.3m high at the eaves and 4.175m high at the apex. The floor area of the shed is 108m<sup>2</sup>.

The shed is located in the rear yard. It is set back 3.6m from the (eastern) rear property boundary, 4.2m from the northern property boundary, and 1m from the (southern) side boundary.

## **The Site and Locality**

The subject land is known as Lot 119 Sec 10, DP 1187146, 25 Samson Avenue in Estella. The area is zoned R1 General Residential.

### **Site features:**

The site is regular in shape and has an area of 1065 sq. m. The site fronts Samson Avenue and runs approximately in an east to west direction. The land slopes from the rear of the lot down to the front approximately 6m.

There is a newly built dwelling on the site with associated rock retaining walls and in-ground swimming pool approved under DA15/0470. The rear of the site has been cut significantly as part of this previous development and as a result sits at a substantially lower level than the adjoining lots to the north and to the east.

**Driveway:** Site has an established legal cross over from Samson Avenue.

**Easements:** There are no easements located on the site.

### **Previous Approvals:**

DA15/0470 - for a dwelling.

### **Summary of main issues:**

- Variation of DCP Control 9.4.4 (C3) relating to site cover of an outbuilding.
- Impact on adjoining land as discussed in this report (views, shadows, privacy)

**MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)Section 79C(a)(i) -  
The provisions of any environmental planning instrument (EPI)**

**Wagga Wagga Local Environmental Plan 2010**

Under the provisions of the WWLEP2010, the subject site is within the R1 general residential zone.

**1 Objectives of zone**

Under the provisions of the WWLEP2010, the subject site is within the R1 General Residential zone. The relevant objectives of the zone are:

- To provide for the housing needs of the community.*
- To provide for a variety of housing types and densities*
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

The LEP provisions would not prohibit the erection of a shed as ancillary development to an existing dwelling. The development is permissible with consent.

**Part 3 Exempt & Complying Development**

The proposed development is not Exempt or Complying Development. The application is seeking consent.

**Part 4 Principal development standards**

**4.6 Exceptions to development standards**

The development does not seek exceptions to development standards.

**Part 5 Miscellaneous provisions**

**5.9 Preservation of trees or vegetation**

There are no formed mature trees present on site therefore proposed development does not seek permission to ringbark, cut down, top, lop, remove, injure or destroyed any tree or other vegetation.

**5.10 Heritage conservation**

Proposed development is not located in the Heritage conservation area as indicated on Heritage Map.

**Part 6 Urban Release Areas**

Subject site is not located within Urban Release Areas as specified in LEP therefore controls are not applicable.

**7.3 Biodiversity**

The subject site is land identified as "Biodiversity" as per the Natural Resources Sensitivity Map-Biodiversity and therefore this clause applies:

(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,*

There are not impacts on vegetation communities that will result from this development.

(ii) *the habitat of any threatened species, population or ecological community,*

The development is minor and ancillary to the existing dwelling and will not threaten the habitat of any ecological communities.

(iii) *a regionally significant species of plant, animal or habitat,*

There are no regionally significant species of plant animal or habitat affected by the development proposal

(iv) *a habitat corridor,*

Not in a habitat corridor.

(v) *a wetland,*

The development is not located near a wetland.

(vi) *the biodiversity values within a reserve, including a road reserve or a stock route,*

No biodiversity values will be affected by the development. The shed is to the rear of the site and away from the road reserve.

#### **7.4 Vulnerable Land**

Subject site is not a land identified as "Vulnerable Land" as per the Natural Resources Sensitivity Map-Land.

#### **7.5 Riparian Lands and Waterways**

Subject site is not a land identified as "Riparian Lands and Waterways" as per the Natural Resources Sensitivity Map.

#### **7.6 Groundwater vulnerability**

Subject site is not a land identified as "Groundwater" as per the Natural Resources Sensitivity Map-Water.

#### **State Environmental Planning Policies (SEPPs)**

N/A

#### **Section 79C(1)(a)(ii) - the provisions of any draft environmental planning instrument**

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

## **Section 79C(1)(a)(iii) - The provisions of any development control plan**

### **Wagga Wagga Development Control Plan 2010**

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

#### **Section 1 - General**

##### **1.9 Lodging a Development Application**

Development Application has been lodged in accordance with The Environmental Planning and Assessment Act 1979 (the Act).

##### **1.10 Notification of a Development Application**

Objective O5 is to identify development applications that will be notified and/or advertised and those persons that will be notified. The development application was determined to require notification of 7 days to adjoining landowners under this section.

##### **1.11 Complying with the Wagga Wagga 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 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.

#### **Section 2 - Controls that Apply to All Development**

##### **2.1 Vehicle access and movements**

The proposed development will not affect established movement systems in an adverse way.

## **2.2 Off street parking**

The proposed development will increase off-street parking on the site via a drive-through garage that will allow vehicles to access the shed.

## **2.3 Landscaping**

Not required for this development.

## **2.4 Signage**

No signage is proposed as part of this application.

## **2.5 Safety and Security**

The shed will provide secure storage of materials and equipment and a vintage car and thus minimise the potential for vehicular theft.

## **2.6 Erosion and Sediment Control Principles**

Soil erosion measures are not specified. Cut and fill has already been undertaken on the site under a previous approval and only local excavation will be necessary for the footings and slab.

## **2.7 Development adjoining open space**

The proposed development is not adjacent to a public open space.

## **Section 3 - Heritage Conservation**

Subject site is not located within Heritage Area or Draft Heritage Area nor does it contain heritage object as per Heritage Map.

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

### **4.1 Bushfire**

The land is not mapped as bushfire prone land. No further conditions are required.

### **4.2 Flooding**

The site is not flood prone land.

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

### **5.1 Development on ridges and prominent hills**

Proposed shed is not located within prominent ridgelines or hills.

### **5.3 Native Vegetation Cover**

The proposal is for shed and Native Vegetation controls do not apply to this type of development. The land is not subject to property management plan.

## **Section 9 - Residential Development**

### **9.2.1 Site layout**

The proposed location of the shed will mean that it is not visible from the street except in very limited circumstances, being well located at the rear. The only times it will be partially visible are when the drive through garage door (the southern bay of the double garage) is open. This is unlikely to be often due to the obvious security concerns this would raise.

The siting of the shed has considered site layout and will maintain useable private open

space in good amounts. The shed will also provide screening from adjoining dwelling to the rear which will increase privacy.

### **9.3 Site area, building form and envelope**

The site area and building form is appropriate for the locality and a lot of this size. There is no building envelope on the site.

#### **9.3.2 Site cover**

The shed is 108 sq. m while the existing site cover is 309.87 sq. m. As the total site area is 1065 sq. m, the total site cover that would result from the development is 39.23%, which is under the 40% requirement for lots between 900 - 1500 sq. m in the R1 General Residential zone.

#### **9.3.4. Solar access**

The shed is located approximately 12.4m from the existing dwelling. The position raises no concern in regards to established solar exposure to the dwelling and the principle private open space.

#### **Protecting solar access to adjoining properties**

*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).*

Due to the existing significant cut on the site, the shed will end up sitting well below the level of adjoining properties living area. This means that no impact on solar access of these dwellings will occur. There would be some impact on the property to the south; however, it is currently vacant with no Council records of a development approval on the site.

#### **9.3.5 Private open space**

The development will allow established private open space to be maintained in accordance with this section of the DCP. The effective screening that will be provided by the shed will increase the privacy of the private open space along both in terms of visual and acoustic privacy.

#### **9.3.6 Front setbacks**

The front setback of the dwelling will not be affected by the proposed shed as it will be located in the rear yard well behind the building line and front elevation.

#### **9.3.7 Side and rear setbacks**

As shown on site plan, shed is positioned 1.0m away from the south side allotment boundary. Setbacks of 3.6m and 5.2m from the east and north boundaries are proposed and this is considered to be acceptable for the purposes of separation and minimising impacts on adjoining properties.

### **9.4.2 Materials and finishes**

Materials and finishes used for the construction of the shed are appropriate to its use. It is a steel structure clad in corrugated steel sheeting over a concrete slab.

### **9.4.3 Privacy**

Visual and acoustic privacy are important for good residential amenity. The proposal is for



a single storey development on a sloping site and potential impacts on privacy and overshadowing of adjoining properties (lots 118 & 120 DP 1187146, lots 108 & 109 DP 1198415) are to be considered.

*O1 Ensure privacy within new developments, and avoid potential impacts to existing properties.*

The following has been considered:

- The shed height is 3.3m to the eave.
- Plans show that there are no windows on the shed facing adjoining land.
- The shed is non-habitable structure used for storage of equipment and materials.

For the reasons above, the privacy of the adjoining land has been carefully considered. Although the development has some minor impacts on the adjoining land as a result of size and scale, this is mostly in relation to views from this property towards the shed (eastern views); the privacy of the adjoining land will not be adversely affected.

*C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.*

There is a direct line of sight between the balcony/alfresco area of lot 108 1DP 198415 and the private open of the subject site. As previously discussed, the screening of the private open space by the shed will have a positive impact on the development and satisfies this control.

#### **9.4.4 Garages, carports, sheds and driveways**

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

*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 600m<sup>2</sup>,*
- (b) 8% of the area or a maximum area of 175m<sup>2</sup>, whichever is the lesser, if the lot has an area of at least 600m<sup>2</sup> but less than 4000m<sup>2</sup>,*
- (c) Lots greater than 4000m<sup>2</sup> will be considered on their merits.*

The floor area of the proposed shed is 108 square meters. 8% of 1065 sq.m block is 85.2 square meters, the shed size therefore does not meet this control. As the shed will cover 10.14% of the site it will constitute a greater than 10% variation of this numerical control and therefore will need to have a determination made at a meeting of Council.

A summary of the applicant's justification for this variation is provided below:

- We want the shed of this size and height for privacy from all surrounding dwellings especially the house directly behind us. As we have a pool being installed and I have a young family. The dwelling behind us is at a substantial height in which looks directly into our back yard and I believe we are entitled to our privacy in our own back yard.*
- The shed would serve to cover and store 2 x show cars, which would prevent them from being stored or moved onto street or driveway maintaining a clean and tidy streetscape.*

- *Going above the 8% area would not only be for our benefit for our privacy but also other dwellings and their occupants this would be of great benefit for all parties as it would restrict vision into all dwellings.*
- *Sheds roof area will also be used to catch natural rain water to fill slimline water-tank to help in lawn watering and also for pool top-ups rather than utilising town water supplies. (rainwater tank is in future plans)*
- *Sheds location at the rear of block will have no impact on streetscape.*
- *Sheds location at rear of block will also have great benefit in shadowing pool site in morning reducing evaporation levels especially with wagga's climate, and the rear of main dwelling will shadow pool in afternoon.*
- *Shed would also be of great benefit to help reduce noise levels when using small and light power tools.*
- *Shed will be built and constructed at rear of block with no further excavation needed.*
- *The only variation from the DCP is that the shed is longer in length and width by a small margin all other objectives are met.*
- *The sheds height, length and width will be below and within the fence boundaries on the northern and eastern sides making the sheds visual impact very low to none. (photos attached)*

The variation of this control is considered acceptable on a merit based assessment as compliance with the following controls for this section has been demonstrated:

Objectives:

*O1 Minimise the visual dominance of garages and driveways in the streetscape.*

As discussed, the shed is to be located to the rear of the site and will be mostly hidden from the streetscape. The only time it will be visible from the street is when the garage door is open due to the drive through southern bay of the double garage. For these reasons, the development is seen to be minimal in terms of its impact on the streetscape and therefore meets this objective

*O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.*

Although not strictly relevant as the application is for a shed, the development will provide some protection from the early morning sun due to its location to east relative to the dwelling. It would not be possible to locate the shed to protect the dwelling from late afternoon summer sun due to the orientation of the site and existing layout.

*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 300m<sup>2</sup>, whichever is the lesser.*

There will only be one outbuilding on the site as a result of this development. Therefore, the above response for C3 also applies to 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.*

There is an existing dwelling on the site constructed with Council approval.

*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 height of the shed is 4.175m at its highest point.

**9.4.6. Changing the land form - cut and fill**

Not cut and fill is proposed. The site has already been excavated substantially for the dwelling and the only excavation will be that associated with pouring the slab and footings.

**Section 79C(1)(a)(iia) - Planning Agreements**

There aren't any planning agreements that have been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Sec 93F.

**Section 79C(1)(a)(iv) - any matters prescribed by the regulations**

Demolition of buildings AS 2601 - Cl 66 (b) - Proposed development does not seek permission for demolition of any kind.

Fire Safety Considerations - building change of use Cl 93 - This is not applicable

Upgrading of Building to comply BCA Cl 94 - This is not applicable

**Section 79C(1)(b) - likely impacts of the development**

**Section 733 of the Local Government Act 1993**

**Flooding Risk Assessment**

The site is not identified as flood prone land.

**Bush Fire Risk Assessment**

The site is not on bushfire prone land.

<b>Section 79C(1)(b) - likely impacts of that development</b>				
	<b>Satisfactory</b>	<b>Not Satisfactory</b>	<b>Not Relevant</b>	<b>Comment</b>
Context & Setting	X			The area is characterised by single storey detached dwellings with detached outbuildings in their vicinity. The location of the shed will not impact on the setting or be out of character with these other development.
Streetscape			X	The structure is located at the rear. There are acceptable streetscape impacts as established in this report.
Traffic, access and parking	X			Existing traffic, access and parking on site will not be affected. The shed will supply increased parking as driveway extends through to the back of the site
Public Domain			X	The proposed development does not impede public amenity.
Utilities	X			All services are connected and available to the site.
Heritage			X	The proposal is not located within the Wagga Wagga Conservation area.
Other land			X	No other land resources are present on the proposed site.

Resources				
Water Quality & Stormwater	X			It is considered that the water impacts associated with the proposal will be within accepted environmental criteria and will therefore not lead to deterioration in water quality. Stormwater will be collected from the roof areas and discharged in approved manner that does not impact adjoining land.
Soils, soil erosion	X			Soil erosion measures will be imposed as conditions of consent and their implementation controlled during construction.
Air and microclimate	X			The development has considered that the air impacts associated with the proposal will be within accepted environmental criteria and will therefore not lead to deterioration in air quality.
Flora and Fauna Trees	X			The proposal will not involve the removal of any vegetation.
Waste	X			The proposal has no issues subject to conditions being incorporated into the consent. Waste collection arrangements on the land are to remain unchanged.
Energy			X	BASIX certificate is not applicable for this type of development.
Noise & vibration	X			The construction of the development will generate some noise; however the impacts are determined to be negligible. Hours of construction works apply.
Hours of operation			X	Hours of operation as defined in the Wagga Wagga DCP 2010 are not applicable.
Natural hazards - Flooding - Bushfire Prone	X			Site is not bush fire prone land or flood prone land.
Technological Hazards			X	Not relevant.
Safety, security and crime prevention	X			The development provides secure storage of materials and equipment.
Social impact in locality	X			Positive social impact due to increased development in the area.
Economic Impact in Locality	X			The development will provide local employment and expenditure during the development.
Site design and internal design	X			The shed is positioned in a logical place to maintain useable private open space and solar access to the dwelling.
Overlooking - overshadowing	X			Overlooking or overshadowing of adjoining properties is considered to be minimal due to the location of the site at a lower level than dwellings on adjoining land.
Landscaping	X			Landscaping is not indicated or required for this development.
Construction	X			Conditions of consent will control hours of construction and associated impacts such as dust and noise, ensuring they are kept to an acceptable level.
Private open space	X			The proposal will ensure private open space is maintained in adequate amounts as per the Wagga Wagga Development Control Plan 2010

Cumulative Impacts	X			The development has taken into consideration the potential impacts on the locality and as such it is considered that the potential cumulative impacts will be minimal.
Disabled access			X	Not required
Signage			X	No signage is proposed.
Setbacks, Building Envelopes	X			Development meets requirements for setbacks. The development is sited at min 1m away from the side boundary and rear boundaries.

**Section 79C(c) - the suitability of the site for the development**

The subject land located at 25 Samson St is within a recent subdivision at Estella. The development meets all relevant planning provisions and will result in a design that is appropriate in scale and form that will not cause significant adverse impacts on the existing built environment, or local character and amenity and will contribute to the social and economic development of the area.

**Section 79C(d) - any submissions made in accordance with the Act or the regulation**  
Nil

**Referrals** - Standard internal Council referrals of the application occurred. The application is supported, subject to conditions.

**Notification** - In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the Wagga Wagga Development Control Plan 2010 the application was notified for 7 days.

**Advertising** - In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the Wagga Wagga Development Control Plan 2010 the application does not require advertising.

**Public Submissions and those from public authorities** - Nil submissions have been received at the time of this report.

**Section 79C(e) - the public interest**

Taking into account the full range of matters for consideration under Section 79C of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

**Developer Contributions Plans**

Developer Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

A Section 94/94A contribution is not applicable for this development as the value of the development is less than \$100,000.

Section 64 contributions do not apply as the development does not involve subdivision.

**REFERRALS:**

Building Surveyor:- No

Plumbing Inspector: - No

Subdivision Engineer:- Yes  
Environmental Officer: - No  
Asset Officer:- No

### Other Approvals

Nil

### CONCLUSION:

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

- The application is for a shed which is a consistent use in the R1 General Residential Zone.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought for the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant sections of the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity. The Variation of one Development Control (9.4.4 C3) by more than 10% is considered acceptable on a merit based assessment as outlined in this report.

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### RECOMMENDATION

It is recommended that DA16/0077 for Shed (12m x 9m) With Toilet Amenities at Rear of Dwelling be approved by Council, subject to 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	C01_ A	16/02/1 6
-	Interior Elevations - sheet 2 of 6	Fair Dinkum Sheds	-	15/02/1 6
-	Internal Frame Section - sheet 3 of 6	Fair Dinkum Sheds	-	15/02/1 6
-	Exterior Elevation - sheet 6 or 6	Fair Dinkum Sheds	-	15/02/1 6
-	Statement of Environmental Effects	Applicant	-	16/02/1 6

-	Additional information letter	Applicant	-	18/03/16
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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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Footings</b>	<b>When the footings have been excavated and all steel reinforcement has been placed in position.</b>

<b>Slab</b>	<b>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.</b>
<b>Wall frame</b>	<b>When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.</b>
<b>Roof frame</b>	<b>When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.</b>
<b>Wet areas</b>	<b>When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.</b>
<b>Final</b>	<b>Required prior to occupation of the building</b>

**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. 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.**

**Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**13. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.

b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

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

c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.

e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:

i) The method of protection

ii) The date of installation of the system

iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.

iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New

Building Work. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. **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.

15. **A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

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

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

16. **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**

17. **The applicant must obtain an Occupation Certificate, 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.**

**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.

- 18. A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.**

**All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.**

**NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.**

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

- 19. Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

**NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.**

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

## **General**

- 20.(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.

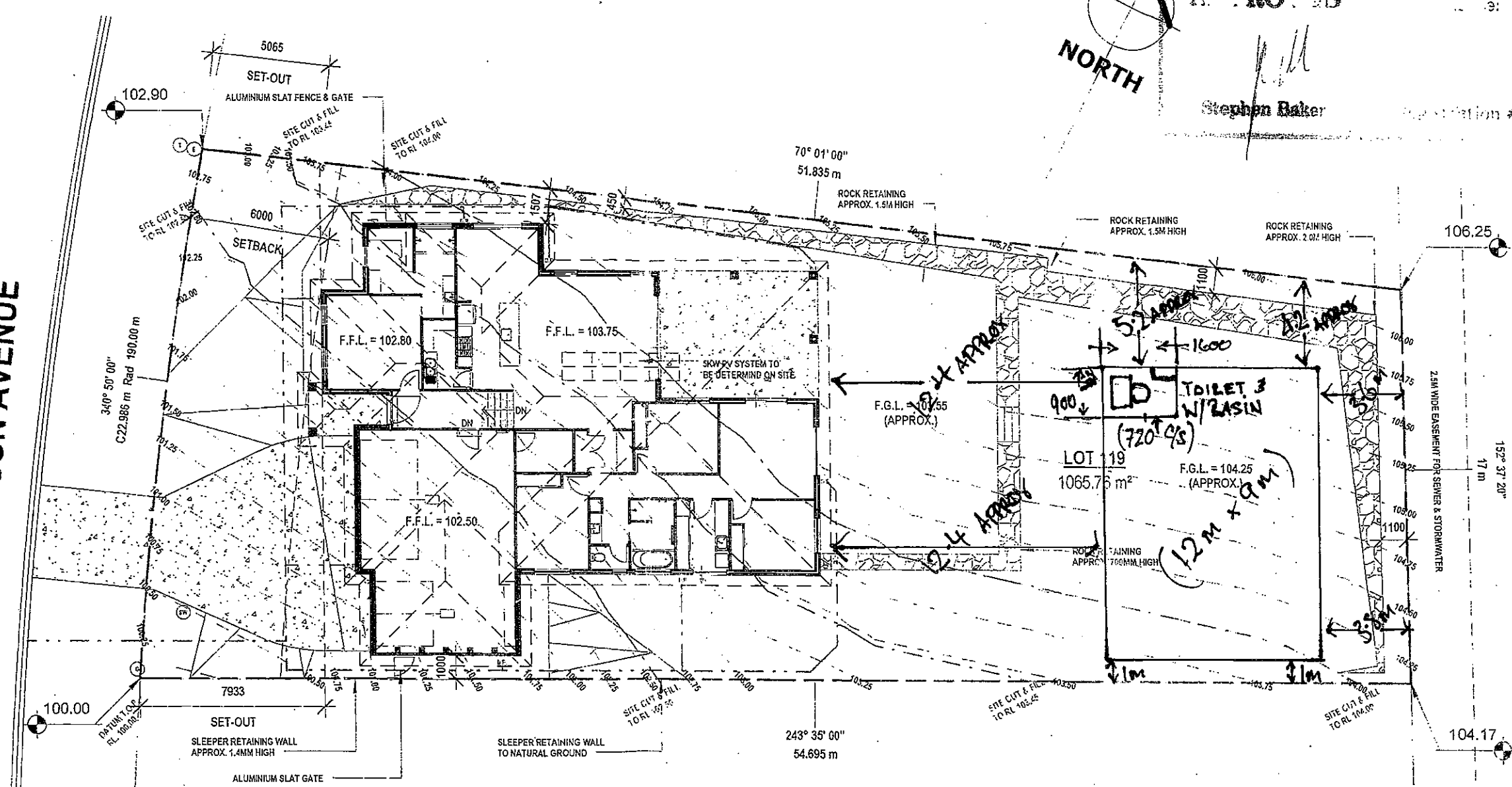
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<b>Report by:</b>  <hr/> <b>Mathew Collins</b>  Date:	<b>Report Approved by:</b>  <hr/> <b>Mathew Collins</b> Town Planner Date:
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**SERVICES LEGEND**

- (ST) STORMWATER
- (SW) SEWER
- (E) ELECTRICAL
- (T) TELSTRA
- (G) GAS
- (W) WATER
- (H) HYDRANT
- (P) POWER POLE
- (D) DATUM POINT

**SAMSON AVENUE**



CONSTRUCTION  
 A. PROTECTED  
 Stephen Baker  
 Registration #

1 Site  
 1 : 200

NOTE:-  
 ELECTRICITY, GAS, TELEPHONE, WATER,  
 STORMWATER & SEWER SERVICES ARE  
 TO BE DETERMINED ON SITE & CONNECTED  
 AS PER LOCAL AUTHORITY REQUIREMENTS.

NOTE:-  
 ADEQUATE GRADING & DRAINAGE MEASURES  
 ARE TO BE PROVIDED AROUND THE BUILDING  
 TO PREVENT SURFACE STORMWATER COLLECTING  
 ADJACENT THE BUILDING.

NOTE:-  
 IF WE THE CLIENT UNDERSTAND THE FULL EXTENT  
 OF SITE WORKS REQUIRED & DISPLAYED ON THESE PLANS.  
 SIGNED..... DATE.....

**WARNING** The is sole property of Hurst homes Wagga Wagga, and may not be used in whole or in part without written or formal consent from Hurst homes Wagga Wagga. Legal action will be taken against any person/s infringing the copyright.

Rev. No.	Revision Description	Rev. Date.
C01_A	RETAINING WALL INFORMATION	31-08-15



**CONTRACT  
 ISSUE**

**PROPOSED NEW RESIDENCE  
 FOR EVAN & SIMONE BOND  
 AT LOT 119 SAMSON AVENUE  
 ESTELLA NSW**

WAGGA WAGGA OFFICE  
 517-25 LAKE ROAD  
 WAGGA WAGGA NSW 2650  
 PH. 02 6921 9988 FAX. 02 6921 8988  
 CONTRACT APPROVAL  
 AS PER CONDITIONS OF CONTRACT THESE DRAWINGS  
 ARE A REPRESENTATION OF WHAT IS TO BE BUILT AND  
 ITEMS NOT SHOWN ON THIS DOCUMENT OR IN  
 SPECIFICATION ARE DEEMED NOT BE PART OF THE  
 CONTRACT.

WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT  
 Client: \_\_\_\_\_ Date: \_\_\_\_\_  
 Client: \_\_\_\_\_ Date: \_\_\_\_\_  
 Builder: \_\_\_\_\_ Date: \_\_\_\_\_

Job No.: IA674  
 Revision No.: C01\_A  
 Date: 31-08-15  
 Drawn By: KB  
 Scale: 1 : 200  
 Sheet No: 1 of 13





Hi matt

Further reasoning in justifying the shed size as a 12x9 are as follows

- \*The shed would serve to cover and store 2 x show cars ,which would prevent them from being stored or moved onto street or driveway maintaining a clean and tidy streetscape.
- \*Going above the 8% area would not only be for our benefit for our privacy but also other dwellings and their occupants this would be of great benefit for all parties as it would restrict vision into all dwellings.
- \* Sheds roof area will also be used to catch natural rain water to fill slimline water-tank to help in lawn watering and also for pool top-ups rather than utilising town water supplies.(rainwater tank is in future plans)
- \* Sheds location at the rear of block will have no impact on streetscape.
- \* Sheds location at rear of block will also have great benefit in shadowing pool site in morning reducing evaporation levels especially with wagga's climate, and the rear of main dwelling will shadow pool in afternoon.
- \* Shed would also be of great benefit to help reduce noise levels when using small and light power tools.
- \* Shed will be built and constructed at rear of block with no further excavation needed.
- \* The only variation from the DCP is that the shed is longer in length and width by a small margin all other objectives are met.
- \* The sheds height ,length and width will be below and within the fence boundaries on the northern and eastern sides making the sheds visual impact very low to none.(photos attached)

Any other questions I am more than happy to answer Evan Bond 0400291195

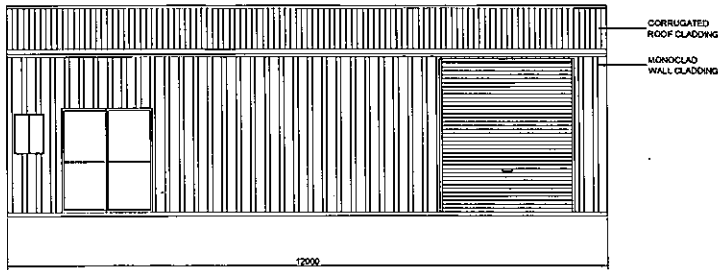
From: evanandsimone [<mailto:evanandsimone@bigpond.com>]

Sent: Thursday, 17 March 2016 10:10 PM

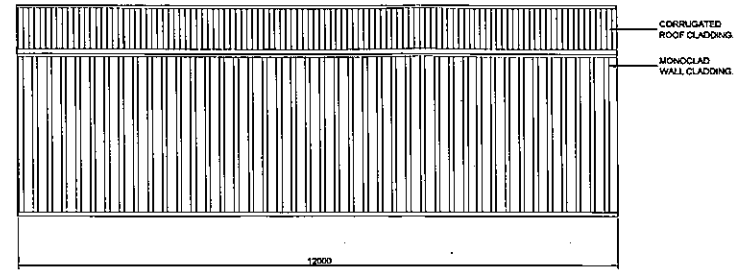
To: Evan Bond <[Evan.Bond@gsahs.health.nsw.gov.au](mailto:Evan.Bond@gsahs.health.nsw.gov.au)>

Subject: Fwd: Further info - zone objectives

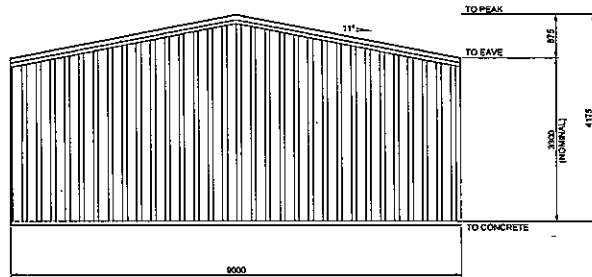
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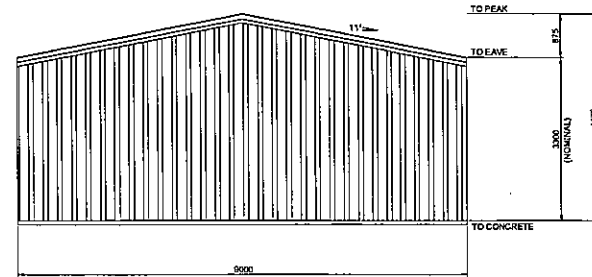
1  
6 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



2  
6 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



4  
6 ENDWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



3  
6 ENDWALL EXTERIOR ELEVATION  
SCALE: 1 = 100

BUILDING COLOURS	
WALL	COTTAGE GREEN
ROOF	ZINCALUME
ROLLER DOOR	COTTAGE GREEN
WINDOW	COTTAGE GREEN
GLASS SLIDING DOOR	COTTAGE GREEN
DOWNPIPE	COTTAGE GREEN
GUTTER	COTTAGE GREEN
CORNER FLASHING	COTTAGE GREEN
BARGE FLASHING	COTTAGE GREEN
OPENING FLASHING	COTTAGE GREEN

6 OF 6 SHEET

JOB NO. WAAGZ8249  
DATE 16/2/2016  
CHECKED TM  
DRAWN FDS

STEEL BUILDING BY (CONTACT) **HAVASHED INDUSTRIES**  
FOR **EVAN BOND**  
AT **25 SAMSON AVE, ESTELLA**

02 6925 5749  
design@nceng.com.au



**NORTHERN CONSULTING** engineers  
Civil & Structural Engineers  
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Curralong, Qld 4812  
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Email: design@nceng.com.au  
ABN 341 008 173 58

Registered Chartered Professional Engineer  
Registered Professional Engineer (Civil & Structural) QLD  
Registered Certifying Engineer (Structural) N.T.  
Registered Engineer - (Civil) VIC  
Registered Engineer - (Civil) TAS

Regn. No. 2558980  
Regn. No. 2995  
Regn. No. 115373E9  
Regn. No. ECM6892  
Regn. No. GC8541M

Mr Timothy Roy Messer BE MIEAust RPEQ  
Registered Professional Engineer 2558980  
Signature *T. Messer*  
Date 15/2/2016  
Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register