

PRESENT

Councillor Dallas Tout (Chairperson)
The Mayor, Councillor Rod Kendall
Councillor Yvonne Braid
Councillor Alan Brown
Councillor Greg Conkey OAM
Councillor Paul Funnell
Councillor Garry Hiscock
Councillor Julian McLaren
Councillor Kerry Pascoe
Councillor Kevin Poynter

IN ATTENDANCE

General Manager	(Mr A Eldridge)
Acting Director Commercial & Economic Development	(Mr J Bolton)
Director Corporate Services	(Mr C Richardson)
Director Environmental & Community Services	(Mrs J Summerhayes)
Manager Council Businesses & Property	(Mr G Johnson)
Manager Finance	(Mrs C Rodney)
Manager Community Services	(Ms M Scully)
Manager Engineering	(Mr A Fenwick)
Manager Development Services	(Mr C Farmer)
Manager Executive Support	(Mr S Gray)
Cultural Officer	(Miss T Miller)
Senior Town Planner	(Mr A Stander)
Strategic Partner – Strategy & Communications	(Mr B Koschel)
Corporate Governance & Risk Coordinator	(Mrs J Watkins)
Governance Officer	(Miss B King)

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

APOLOGIES

An apology for non-attendance was received and accepted for Councillor A Negline on the Motion of Councillors K Poynter and K Pascoe.

CARRIED

CONFIRMATION OF MINUTES

PSCM-1 CONFIRMATION OF MINUTES - 7 DECEMBER 2015

Recommendation:

On the Motion of Councillors A Brown and G Hiscock

That the Minutes of the proceedings of the Policy and Strategy Committee Meeting held on 7 December 2015 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

No Declarations of Interest were received.

PUBLIC DISCUSSION FORUM

PSRP-6 DA15/0751 - PROPOSED DWELLING, 14 CHIPP PLACE, LLOYD, LOT 531 DP 1196872

- Mr Geoff, Condron, Condron Constructions – speaking in favour of the report.

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

Recommendation:

On the Motion of Councillors K Pascoe and G Conkey OAM

That Council bring forward consideration of PSRP-6 DA15/0751 - PROPOSED DWELLING, 14 CHIPP PLACE, LLOYD, LOT 531 DP 1196872 to follow the public discussion forum.

CARRIED

PSRP-6 DA15/0751 - PROPOSED DWELLING, 14 CHIPP PLACE, LLOYD, LOT 531 DP 1196872

Recommendation:

On the Motion of Councillors G Conkey OAM and K Pascoe

RECOMMENDATION

That Council approve Development Application DA15/0751 for Dwelling, 14 Chipp Place LLOYD NSW 2650, Lot 531 DP 1196872 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/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
151202 1 of 6	Basix detail	Geoff Condron Homes	-	22/12/15
151202 2 of 6	Proposed floor plan	Geoff Condron Homes	-	22/12/15
151202 3 of 6	Elevations	Geoff Condron Homes	-	22/12/15
151202 4 of 6	Elevations and Sections	Geoff Condron Homes	-	22/12/15
151202 5 of 6	Site Plan	Geoff Condron Homes	-	22/12/15
151202 5a of 6	Additional site plan analysis	Geoff Condron Homes	-	22/12/15
151202 5 of 6	Proposed Landscape plan	Geoff Condron Homes	-	22/12/15
693777S	Basix Certificate	Applicant	-	17/12/15
-	Statement of Environmental Effects	Geoff Condron	-	19/12/15

-	Additional Written Justification	Condron Construction	-	5/12/15
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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 release of Construction Certificate

2. Prior to the issue of Construction Certificate the developer must lodge a bond with Council of:-

\$1,000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee of \$55.00

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number BKG 0335. This ongoing bond will be attached to this development to act as a security deposit on the kerb and gutter and footpath. No further payment under this condition is required.

NOTE 2: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with Council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

3. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

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

4. **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.

5. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

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.

6. **Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-**

- a) **Development Control Plan 2010 (Section 2.6 and Appendix 2)**
- b) **Erosion and Sediment Control Guidelines for Building Sites; and**
- c) **Soils and Construction Volume 1, Managing Urban Stormwater**

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

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.

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. **Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.**

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

11. **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
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
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.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
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.

- 12. 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.

- 13. 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.

14. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

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.

15. 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 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.

16. **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.

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

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

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

18. **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

19. **Prior to issue of an occupation certificate the building number must be**

displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be visible against the background on which it is placed.

REASON: It is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 20. All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.**

REASON: It is in the public interest to ensure that all required and approved works are completed prior to occupation of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 21. The impervious area of the lot that is included in the 80% impervious ratio, shall be made impervious through compaction of the gravel sub-surface, if not through the use of a concrete slab. A compaction report shall be provided to Council prior to the issue of an occupation certificate demonstrating the area has permeability no greater than 1×10^{-7} m/s.**

REASON: To reduce infiltration in accordance with the 20:80 plan for the Lloyd Urban Release Area. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

- 22. 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.

- 23. 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.

- 24. 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.

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

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

General

- 26. All gardens and landscaping are to be constructed and maintained in accordance with the landscaping and garden design guidelines approved as part of the development consent for this allotment.**

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 27. Any cat (Felis catus) living on this allotment and under the ownership or control of a resident of this allotment shall be controlled in such a way so as to prevent them to roam freely outdoors between sunset and**

sunrise.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of cats introduced by new residents on wildlife and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. At all times all impervious areas included in the 20:80 ratio as approved in the development consent for this allotment, shall be drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.**

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 29. The residential allotment must be developed and maintained at all times after an Occupation Certificate is issued for all development on the land so that a pervious to impervious ratio for surface area treatments of 20:80 is maintained. The land area to be included in calculating the 20:80 ratio shall include the entire allotment and the area of the road reserve immediately adjacent to the allotment. The area of road reserve adjacent to the allotment to be included shall be measured as follows:**

The area of road reserve between a line drawn as a continuation of the side boundaries of the allotment (where they meet the front boundary) to the centreline of the road (being a line along the centre of the road equidistant from the front boundaries of the allotments adjacent to it). No area of road reserve shall be apportioned to more than one allotment for the purposes of this calculation. For corner allotments the road reserve to be included in calculations will extend around the corner.

For the purposes of this condition, allotments that are further subdivided under a community title or strata subdivision arrangement, shall be calculated on the underlying Torrens Title allotment.

The plans approved in the subdivision consent for this allotment that illustrate the land area calculation above are adopted for the purpose of interpreting this condition. Land area calculations for the purpose of this condition shall be in accordance with these plans.

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of the development on salinity and to

ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 30. The owner or occupier shall not alter the existing impervious nature or the finished surface of the road reserve immediately adjacent to their allotment from their property boundary to the kerb of the road (being that area defined by the lateral extent of a line drawn as a continuation of the side boundaries of the allotment where they meet the front boundary) unless it is done in accordance with the standards set out in the 'Road Reserve Treatment Standard' and the approved Street Tree Masterplan. There shall be compliance at all times on all future owners with Council's Policy 008 "Road Reserve Policy", as amended from time to time, including acknowledgement and responsibility for the liability implications of using an approved finish on Council's road reserve. All establishment and maintenance works of any alterations shall be at the cost of the land owner.**

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise to impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. The Road Reserve shall be maintained in accordance with the 'Road Reserve Treatment Standard' document approved as part of the subdivision consent for this allotment.**

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 32. No fixed irrigation systems are to be installed between the building line and the road alignment.**

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 33. No grey water reuse system shall be installed on any dwelling erected in this subdivision.**

NOTE: A 'restriction as to user' pursuant to Sections 88B and 88E

of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 34. The dwelling shall have a minimum 5000L rainwater tank and all dwellings in dual occupancy or multi-dwelling developments constructed shall have a minimum 2000L rainwater tank to collect and detain roofwater. All excess rainwater shall be disposed of via Council's stormwater system. The rainwater tank shall be connected to a minimum of one toilet and the cold water tap of clothes washer in the laundry.**

NOTE: A "restriction as to user" pursuant to Sections 88B and 88E of the Conveyancing Act 1919, with Council listed as the authority empowered to uplift, is attached to every residential allotment in the Lloyd Urban Release Area including this restriction.

REASON: To minimise the impacts of the development on salinity and to ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

- 35. All Developments within the Lloyd Master Plan Area shall comply with the requirements of the Wagga Wagga Development Control Plan Section 15 -Lloyd Urban Release Area 2010.**

REASON: To ensure that the development occurs in accordance with Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended.

- 36. (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.

Activity Approval Conditions (Section 68)

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

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

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

38. **At all times all impervious areas included in the 20:80 ratio as approved in the development consent for this allotment, shall be drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.**

REASON: Due to the environmental sensitivity of the Lloyd urban release area. It is in the public interest to ensure that plumbing and drainage works are carried out in accordance with AS 3500 and the relevant provisions of the Plumbing Code of Australia.

39. **Sewerage and stormwater drainage work must comply with AS3500 and the Plumbing Code of Australia except where otherwise provided in the Local Government Act 1993 or the Local Government (General) Regulation 2005. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.**

A copy of the document entitled - Contractor's Copy shall be provided to the nominated plumbing contractor prior to the commencement of works.

REASON: To ensure the activity approval complies with the requirements of Section 98 of the Local Government Act 1993 and Clause 16A of the Local Government (General) Regulation 2005.

40. **Council requires a "Certificate of Compliance", "Works as Executed Diagram" and "Notice of Works" to be submitted and approved by**

Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.

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

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
J McLaren
D Tout

Against the Motion

CARRIED

PROCEDURAL MOTION - ENGLOBO

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council adopt PSRP-7 to PSRP-9, PSRP-11, PSRP-12, PSRP-14 and PSM-1 as recommended in the business papers.

CARRIED

REPORTS FROM STAFF

PSRP-1 RESPONSES TO QUESTIONS/BUSINESS WITH NOTICE

Recommendation:

On the Motion of The Mayor, Councillor R Kendall and Councillor K Poynter

That Council:

- a receive and note the report outlining responses to Questions/Business with Notice**
- b write to the Regional Manager of the RMS requesting a review of the appropriateness of the school speed zone on Bourke Street near Fosberry Street**

CARRIED

**PSRP-2 DA15/0273.02 MODIFICATION TO CHILDCARE CENTRE CONSENT:
AMEND CONDITIONS OF CONSENT**

Recommendation:

On the Motion of Councillors K Pascoe and P Funnell

That Council approve the modification made under Section 96(1)/Section 96(1A)/Section 96(2) of *the Environmental Planning and Assessment Act 1979*, to amend DA15/0273.01 for Childcare Centre: Amend Conditions 8, 41 and 50(a) of the consent, 10 Burrundulla Rd BOURKELANDS NSW 2650, Lot 21 DP 1193051, Lot 22 DP 1193051, subject to conditions of consent as follows:

CONDITIONS

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Date
	Statement of Environmental Effects	IRIS Planning	20/05/15
5402-1	Site Layout and Concept Landscape Plan	Darryl Forbes-Taber	1/05/15
5402-2	Floor Plan	Darryl Forbes-Taber	1/05/15
5403-3	Elevations	Darryl Forbes-Taber	1/05/15

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 release of Construction Certificate

2. Provision must be made in the building and on the site for:
 - a) access to the building for people with disabilities in accordance with the Building Code of Australia;
 - b) toilet facilities for people with disabilities in accordance with the

Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and

- c) motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.

NOTE: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.

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.

4. Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

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

5. Prior to the issue of Construction Certificate the developer must lodge a bond with Council of:-

\$1,000 for security deposit on the kerb and gutter and footpath

NOTE 1: Applicants will be required to reference the INDIVIDUAL kerb and gutter bond number (BKG 0363) when lodging bond monies. Please reference the BKG number on the application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or alternatively reference BKG number when making electronic payment.

NOTE 2: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath

may require you to obtain a *Section 138 Roads Act 1993* approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. Prior to the release of Construction Certificate a compliance certificate under s306 of the *Water Management Act 2000* must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the *Water Management Act* to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the *Water Management Act 2000*, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$12,736.80

The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$13,535.23

NOTE 6: The Section 64 Stormwater base figure is \$0

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

7. Prior to the issue of the Construction Certificate a revised site plan shall be submitted to Council for approval that indicates;

- i) The stormwater connecting to the existing pit in Burrundulla Road**
- ii) The existing sewer spur to be upgraded to a 150mm dia spur**
- iii) Sewer connecting to the new 150mm dia spur**
- iii) The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street**
- iv) A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed a 1 in 10 year event.**

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. Amended and moved to condition 56.

9. No part of the development, including cut, fill, or footings is to encroach the easement. Prior to the release of the Construction Certificate the applicant is required to submit plans that show that the footings address the angle of influence taking into account the depth of existing sewer to stormwater mains in the easement.

REASON: To ensure the integrity of infrastructure within the easement is retained. Section 79c (1) (c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. Prior to issue of the Construction Certificate detailed plans and elevations of the kitchen area shall be submitted in accordance with the requirements of the *Food Act 2003* and the *Food Regulation 2010* and the *Food Safety Standards Code*. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and

chemical storage areas.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

11. Amended and moved to condition 35(b).

Prior to Commencement of Works

12. 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.

13. 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.

- 14. 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.

- 15. 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.

16. **Prior to the commencement of works, an application is required to be lodged for both an Activity Approval under Section 68, Part B - 4, 5 and 6, of the *Local Government Act 1993* for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.**

NOTE 1: Works carried out under a separately approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

NOTE 2: The Section 68 Activity Approval (PUBLIC) may be subject to a works bond payable prior to the release of the Section 68 Activity Approval. The works bond payable will be determined based on the category of works being undertaken. Refer to Council's Section 68 Activity Approval Guide for definition of works categories.

REASON: To ensure that the activity is carried out with the relevant approvals required under the *Local Government Act 1993*.

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

18. **A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

REASON: It is in the public interest that plumbing 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.

19. **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.

- 20. 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

- 21. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 22. 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.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
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 Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
- b) adequate provision must be made for drainage.

NOTE 1: A Retaining wall in excess of 600mm in height or within 1m of the lot boundary or an easement is not exempt development under the provisions of the State

Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and requires an approval.

NOTE 2: Retaining walls which exceed 600mm in height must be designed by a Practising Structural Engineer or installed in accordance with any manufacturer's specification.

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.

24. 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.

25. 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 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.

26. **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.

27. **All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. **Stormwater drainage must be constructed and maintained so as to provide a one (1) in ten year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. **The existing sewer spur servicing the lot shall be upgraded to a 150mm diameter spur to service the development. These works must be carried under a Section 68 (PUBLIC) Activity Approval.**

REASON: To ensure that the sewer servicing requirements of the development are carried out in accordance with Council, requirements. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. **The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.**

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.

31. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant.

REASON: In order to cover the cost of any works to Public Infrastructure as a result of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

32. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the *Food Act 2003 and Regulations 2010* and the Food Safety Standards Code.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

34. 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

35. 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.

35 (a) Amended and moved to condition 56.

35 (b) A detailed or revised landscape plan and legend shall be submitted and approved prior to the release of the Occupation Certificate (or any interim Occupation Certificate).

- (1) Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.**
- (2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.**
- (3) Use plant species in landscaping that are not harmful to children or the environment. Avoid the use of noxious and environmental weeds (as listed on Council's website). A minimum of 3 trees shall be planted in the vicinity of the car parking area.**
- (4) Landscaping must be provided to improve screening to adjoining residential properties.**
- (5) Locate any play structures at least 3m from any property boundary located adjoining a residential property.**
- (6) The landscape plan must illustrate: (a) the separation of play areas for different age groups including the location of low fencing, planting and other structures which divide the areas but allow for interaction between the ages; (b) the separation of outdoor play space into active and quiet zones; (c) the type and placement of any fixed play equipment; and (d) the location and type of shade structures**

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

35 (c) That the applicant at their cost is to undertake road widening in front of the child care centre, in accordance with Council's Engineering Guidelines for subdivisions and development. Such road widening shall be provided to accommodate the short term (parallel) parking of two vehicles and shall be signed posted accordingly.

Prior to any works occurring in the road reserve the applicant shall have lodged with and approved by Council a Section 138 permit application. Details of the road widening, including engineering details shall be submitted with the Section 138 permit application.

The above works and signposting shall be undertaken as per the

recommendation(s) of Council's Traffic Committee and is to be completed prior to the release of the Final Occupations Certificate.

NOTE 1 A Section 138 permit shall be lodged in accordance with application submission requirements and accompanied by relevant application fee.

NOTE 2 The design and nature of proposed parking and signposting is to be reviewed and approved by Council's Traffic Committee prior to the assessment by Council of the required Section 138 permit application.

REASON: to alleviate concerns associated with the safety of vehicle movements and pedestrians in the vicinity of the childcare centre as identified in the submissions to the development application received by Council.

- 36. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.**

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 37. Landscaping as per the approved landscaping plan (refer to condition 35(b)) must be completed prior to the issue of the Occupation Certificate.**

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

- 38. Lots 21 and Lot 22 DP 1193051 are to be consolidated into one lot prior to the issue of an Occupation Certificate.**

NOTE: Evidence of consolidation must be provided to Council

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. Prior to the issue of Occupation Certificate, the building must comply with the Fire Safety Schedule, attached.**

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 40. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted for a Health Inspection and registration of the premises in accordance with the *Food Act 2003* and the *Food Regulations 2010*, Food Safety Standards Code.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 41. Prior to the release of the Occupation Certificate the current Food Authority (Council) must be notified of the Food Business Premise**

REASON: To aid in the storage, preparation and display of food that is safety to be consumed by the public. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 42. 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*.

- 43. 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

- 44. The approved use must only be conducted on Mondays to Fridays, inclusive between the hours of 7.00 am and 6.00 pm.**

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 45. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 46. No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 47. The boundary fence that screens the play area and faces Glandore Street, shall be open style design.**

REASON: To ensure the development has a positive impact on streetscape. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 48. Approval is granted for a maximum of 44 children and six (6) staff members in attendance.**

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

- 49. (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 one (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.

- 50. A minimum of eleven car parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

50(a) Amended and moved to 35 (c).

51. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

52. Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

53. A licence for the operation of the facility must be obtained from NSW Department of Community Services

REASON: The State Government is responsible for licencing child care centres under the *Children and Young Persons (Care and Protection) Act, 1998*.

54. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

55. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (l) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

56. The dB(A)Leq noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB during operational hours at the boundary of any affected residence.

The operator of the childcare centre shall monitor noise levels at the midpoint of each boundary for a period of eight (8) weeks after occupation of the building with an approved noise meter. Noise metering

shall be conducted at appropriate intervals during operations hours, including but not limited to drop-off and pick-up and activity times.

The results of the noise measurements shall be submitted to Council. In the event that the noise levels exceeds 5dB(A) above background levels at any given reading during the eight (8) week period or subsequent reading as a result of noise complaints, the applicant shall develop a Noise Management Plan to be submitted and approved by the Director of Planning and Regulatory Services (or delegate). The Noise Management Plan shall be implemented for the lifetime of the development on the subject site. The main aim of the Noise Management Plan shall be to minimise the loss of amenity to nearby residents due to noise.

The plan shall include:

- noise complaints response procedure to include recording of individual complaints and review and continual improvement of noise management
- provide a program for noise monitoring to be carried out if complaints are received

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
J McLaren
D Tout

Against the Motion

CARRIED

**PSRP-3 DA15/0728 - SHED - 48 EVANS STREET, WAGGA WAGGA, LOT 23
SEC B DP 7096**

Recommendation:

On the Motion of Councillor K Pascoe and The Mayor, Councillor R Kendall

That Council Approve DA15/0728 for the construction of a shed at 48 Evans Street, Wagga Wagga, 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/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
15211-1	General Details	BCM Design Centre		26/11/2015
106477	Elevations	Sheds by design		26/11/2015
	Written submission	Applicant		Scanned 14/12/15
	Statement of Environmental Effects	BCM Design Centre		26/11/2015

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 release of Construction Certificate

- 2. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.**

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.

Prior to Commencement of Works

3. **Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**
- a) **a standard flushing toilet connected to a public sewer, or**
 - b) **if that is not practicable, an accredited sewage management facility approved by Council, or**
 - c) **if that is not practicable, any other sewage management facility approved by Council.**

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

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

4. **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.

5. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

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.

6. **Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-**

- a) **Development Control Plan 2010 (Section 2.6 and Appendix 2)**
- b) **Erosion and Sediment Control Guidelines for Building Sites; and**
- c) **Soils and Construction Volume 1, Managing Urban Stormwater**

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

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.

7. **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.

8. 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.

9. 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.

10. **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

11. **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.

- 12. 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.

- 13. 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.

- 14. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect. The small garage shown on the plans has been removed from the site and is not approved with this application.**

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.

- 15. 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 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.

16. **The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.**

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

17. **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.

18. **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

19. **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.

- 20. 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

- 21. The shed must not be used for commercial or industrial purposes of storage of goods associated with industrial or commercial undertakings.**

REASON: Development consent is for purposes other than commercial or industrial use. Section 79C(1)(a)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 22. (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.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
J McLaren
D Tout

Against the Motion

CARRIED

PSRP-4 DA15/0684 - 9.5M X 5.5M DETACHED PITCHED ROOF SHED, 29 INGLIS STREET, LAKE ALBERT, LOT 6 SECTION D DP7231

Recommendation:

On the Motion of Councillor K Pascoe and The Mayor, Councillor R Kendall

That Council approve Development Application DA15/0684 for a 9.5m x 5.5m detached pitched roof shed at 29 Inglis Street, Lake Albert, Lot 6 Section D DP 7231 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/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Site Plan	Les Young (amended by applicant)	-	24/11/15
103729	Shed details	Sheds by design	-	24/11/15
-	Aerial Photo	Applicant	-	24/11/15
-	Statement of Environmental Effects	Applicant	-	20/11/15
-	Additional information	Applicant	-	3/12/15

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. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

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.

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.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

Division

For the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
A Negline
J McLaren
D Tout

Against the Motion

CARRIED

PSRP-5 DA15/0711 - SHED, 3 YATHONG STREET, WAGGA WAGGA, LOT 18 SECTION B DP 13345

Recommendation:

On the Motion of Councillor K Pascoe and The Mayor, Councillor R Kendall

That 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

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Site Plan	Applicant	-	11/12/15
-	Shed elevations	Riv-Steel	-	7/12/15
-	Floor plan	Riv-Steel	-	7/12/15
-	Statement of Applicant		-	2/12/15

	Environmental Effects			
-	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.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
J McLaren
D Tout

Against the Motion

CARRIED

PSRP-7 ROAD RENAMING PROPOSAL

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council:

- a support the gazettal of Stapylton Place for the old section of Eunony Bridge Road**
- b support the gazettal of Yathong Street for the southern section of Lewis Drive**
- c support the gazettal of Kerfoot Road as the road name for M204**
- d support the renaming of the section of Gap Hall to Downside Road, as Downside Road; and Downside to Shepherds Siding Road located between Coolamon Road and the Olympic Highway, also as Downside Road; and endorse the advertising of the proposal to the community and submission to the Geographical Names Board**

CARRIED

PSRP-8 POL061 HIRING A COUNCIL COMMUNITY CENTRE OR HALL POLICY

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council:

- a note that there were no submissions received during the exhibition period for the Draft POL 061 Hiring a Council Community Centre or Hall Policy**
- b adopt POL 061 Hiring a Council Community Centre or Hall Policy**

CARRIED

PSRP-9 SECOND QUARTER PERFORMANCE REPORT - INTEGRATED PLANNING AND REPORTING QUARTERLY PERFORMANCE REPORT AND QUARTERLY BUDGET REVIEW

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council:

- a note the Integrated Planning and Reporting Quarterly Performance Report for the quarter ended 31 December 2015**
- b note the variations to the 2015/16 original budget for the quarter ended 31 December 2015 as presented in this report**
- c note the Responsible Accounting Officer reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendation made above**

CARRIED

PSRP-10 FINANCIAL PERFORMANCE REPORT DECEMBER 2015

Recommendation:

On the Motion of Councillors G Conkey OAM and P Funnell

That Council:

- a approve the variations to the 2015/16 original budget for the month ended 31 December 2015 and note the forecast balanced budget as presented in this report**
- b note the Responsible Accounting Officer's reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3: Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendations made above**
- c note Council's external investments as at 31 December 2015**

CARRIED

PSRP-11 THE QUINTY MEN'S SHED - SECTION 356 DONATION REQUEST

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council:

- a donate \$7,484.48 to The Quinty Men's Shed Incorporated in accordance with Section 356 of the Local Government Act 1993**
- b note and approve the budget variation as detailed in the budget section of the report**

CARRIED

PSRP-12 WAGGA FUTSAL - SECTION 356 DONATION REQUEST

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council donate \$1,798 to Wagga Futsal in accordance with Section 356 of the Local Government Act 1993.

CARRIED

PSRP-13 LIGHT AIRCRAFT PRECINCT - SUB-LEASE TO MIDDLETON AND GEALE

Recommendation:

On the Motion of Councillors A Brown and G Hiscock

That Council:

- a agree to enter into sub-lease agreements with A & S Middleton and My Chef Cuisine Pty Ltd upon the following terms:
 - i Property – Wagga Wagga Airport – Light Aircraft Precinct – hangar sites 11 & 12**
 - ii Term – three (3) years with subsequent terms of three (3) years to expire no later than 29 June 2025**
 - iii Rental - \$1,786.50 per site per annum excluding GST and subject to annual rent review****
- b note the developments are subject to Wagga Wagga City Council Development Consent and approval from the Department of Defence**

- c authorise the execution of all necessary documents under Council's common seal as necessary
- d note and approve the budget variation/s as detailed in the budget section of the report

CARRIED

PSRP-14 DEDICATION OF PART LOT 63 DP 1193816 AT BOOROOMA FOR ROAD PURPOSES

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council:

- a agree to the dedication of part Lot 63 DP 1193816 at Boorooma as public road
- b authorise the execution of all necessary documents under Council's common seal as necessary
- c note and approve the budget variation/s as detailed in the budget section of the report

CARRIED

COMMITTEE MINUTES

PSM-1 PLANNING ADVISORY COMMITTEE MEETING MINUTES - 16 DECEMBER 2015

Recommendation:

On the Motion of Councillors A Brown and K Pascoe

That Council receive and note the minutes of the Planning Advisory Committee Meeting held on 16 December 2015.

CARRIED

QUESTIONS/BUSINESS WITH NOTICE

The following Question with Notice was raised:

1. Councillor G Conkey OAM raised the issue of a burnt out car on Lake Albert Road near Henwood Park and asked if Council has any power to remove the vehicle and charge the costs of removal back to the owner?

THIS COMPLETED THE BUSINESS OF THE POLICY AND STRATEGY COMMITTEE MEETING WHICH ROSE AT 6.42pm.

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CHAIRPERSON