

# **SEPARATE COVER ATTACHMENT**

## **PSRP-3 DA16/0033 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING**

- 1 S79C Assessment Report**
- 2 Additional written information**
- 3 Plans**
- 4 Statement of Environmental Effects**



# Report of Development Application

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

## APPLICATION DETAILS

<b>Application No.:</b>	DA16/0033
<b>Modification No.:</b>	N/A
	N/A
<b>Council File No.:</b>	D/2016/0033
<b>Date of Lodgement:</b>	22/01/2016
<b>Applicant:</b>	FJ Moloney 6 Lakehaven Dr LAKE ALBERT NSW 2650
<b>Proposal:</b>	Alterations and Additions to an existing Dwelling
<b>BCA Classification:</b>	1a
<b>Development Cost:</b>	\$80,000
<b>Assessment Officer:</b>	Mathew Collins
<b>Description of Modification:</b>	N/A
<b>Type of Application:</b>	Development Application
<b>Other Approvals:</b>	Nil
<b>Concurrence Required:</b>	No
<b>Referrals:</b>	Internal
<b>Adjoining Owners Notification:</b>	05/02/16 - 17/02/16
<b>Advertising:</b>	N/A
<b>Determination Body:</b>	Council
<b>Reason:</b>	The application seeks to vary WWDCP 2010 numerical development control 9.3.7 C2 (a) relating to side setbacks by more than 10% and therefore requires Council to determine the application.
<b>Meeting Date:</b>	29/03/2016
<b>Owner's Consent Provided:</b>	Yes
<b>Location:</b>	On the eastern side of Lakehaven Drive, three lots north of Gregadoo Road in Lake Albert.

# SITE DETAILS

**Subject Land:** 6 Lakehaven Dr LAKE ALBERT NSW 2650  
Lot 78 DP 847296

**Owner:** FJ Moloney

## **PLANNING CONTROLS / STATUTORY CLASSIFICATION**

Pursuant to Part 4 (Division 1)

**Environmental Planning Instrument:** LEP 2010  
**Zoning:** R5 Large Lot Residential  
**Land Use Definition:** Dwelling house (Additions and alterations)  
**Statement of Permissibility:** Permissible with consent

## **Description of Development**

The applicant seeks permission to carry out additions and alterations to an existing dwelling.

Works include:

- Extension to the rear of single storey residence, measuring 6.1m in length
- Internal alterations including the removal of bedroom walls and doors at rear of dwelling.
- Extension to include the addition of living room, Walk-in Robe, Ensuite, kitchenette and French doors

The additional floor space is to be integrated into the existing single family use of the dwelling and will not be used for the purposes of a secondary dwelling.

## **The Site and Locality**

The subject land is Lot 78 DP 847296 known as 6 Lakehaven Dr, Lake Albert. The area is zoned R5 Large Lot Residential.

The lot is within the established residential area of Lake Albert, located on the eastern side of Lakehaven Drive 3 blocks to the north of the intersection with Gregadoo road.

The land adjoins similar residential developments on its north, east, and south boundaries.

### **Site characteristics:**

- Land size is 1093 square meters.
- The lot is rectangular in shape.
- The site is orientated in an East to West direction
- The site slopes gently from rear to front, with a fall of approximately 2m over the lot.

**Building characteristics:**

The building is a single storey brick veneer dwelling with colorbond iron roofing.

**Previous Approvals:** CA 020445 - approved in 2002 for the existing dwelling. There are no relevant conditions of consent relating to the subject proposal.

**Driveway** - There is an existing cross over and driveway that serves the property located on the western property boundary. This driveway remains unchanged by the proposal.

**Covenants** - There are no relevant covenants on the site.

**Easements:** The Deposited Plan for the site depicts an easement to drain stormwater 2m wide running along the southern boundary of the lot. The proposed additions will stand well clear of the easement.

**Summary of main issues:**

- Non-compliance with DCP control
- Impacts on adjoining properties as addressed in this report
- Potential for use of development as a secondary dwelling

**MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)Section 79C(a)(i) - The provisions of any environmental planning instrument (EPI)****Wagga Wagga Local Environmental Plan 2010**

Under the provisions of the WWLEP2010, the subject site is within the R5 General Residential zone. The development is permissible with consent.

**Objective of R5 General Residential zone:**

- 1 Objectives of zone
  - To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
  - To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
  - To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
  - To minimise conflict between land uses within this zone and land uses within adjoining zones.
  - To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

The extension of the residence would be considered as additions and alterations to a dwelling house, which is use that is permissible with consent in the R5 zone. The application is seeking consent and is consistent with the relevant R5 Large Lot Residential zone objectives.

**Part 3 Exempt & Complying Development**

The proposed development is not Exempt or Complying development.

## **Part 4 Principal development standards**

### **4.6 Exceptions to development standards**

The development does not seek exceptions to development standards.

## **Part 5 Miscellaneous provisions**

### **5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The plans and site inspection indicate that no trees require removal of any trees to facilitate the development.

### **5.10 Heritage conservation**

Proposed development is not located in Heritage conservation area as indicated on Heritage Map, nor is it identified as an item of environmental heritage.

## **Part 6 Urban Release Areas**

The land is not located in urban release area.

## **Part 7 Additional Local Provisions**

### **7.1A Earthworks**

The earthworks associated with the preparation of the building pad and footings typical for this type of construction are minor, and are ancillary to the existing use of the site as a dwelling. Therefore, no separate development consent is required for associated earthworks.

### **7.2 Flood planning**

The proposed development is not located on land that is identified as flood prone land. The land is not mapped as being situated within a path of major overland flow as per the Wagga Wagga Major Overland Flow Flood Study, August 2011.

### **7.3 Biodiversity**

The site is not identified as "Biodiversity" layer and is not subject to assessment under this clause.

### **7.4 Vulnerable Land**

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

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

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

### **7.6 Groundwater vulnerability**

The site is not land identified as "Groundwater Vulnerability" as per the Natural Resources Sensitivity Map.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate was provided with this Development Application in accordance with the SEPP.

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

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

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

**Wagga Wagga Development Control Plan 2010**

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

**Section 1 - General**

**1.9 Lodging a Development Application**

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

**1.10 Notification of a Development Application**

This development was notified to adjoining owners for 7 days as it was identified as not complying with a DCP provision relating to side setbacks in R5 zone.

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

**2.1. Vehicle access and movements**

The site contains an existing access point via a concrete driveway from Lakehaven Dr, and the proposed development will not affect traffic and vehicular movements on the site.

**2.2 Off street parking**

As a result of the proposed development, parking demand will not increase on the site. There is an existing garage at the front of the site which provides for parking needs associated with the use of the site as a dwelling.

**2.3. Landscaping**

***Landscape design***

- C1 A landscape plan is required for applications for:
- Commercial and Industrial developments
  - Residential development (other than dwelling houses).

A landscaping plan is not required for this type of residential application, being a dwelling house.

**2.4 Signage**

No signage is proposed as part of this application.

**2.5 Safety and Security**

No safety and security issues are raised by this development and therefore it is considered to satisfy this section of the DCP.

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

The conditions of consent will be imposed and further controlled / confirmed during critical stage inspections to ensure that soil erosion measures are implemented on the site during development. Minor local excavations are required and soil erosion is not major concern.

## **Section 3 - Heritage Conservation**

Subject site is not located within Heritage Conservation Area or Draft Heritage Area and does it contain an item of environmental heritage.

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

### **4.1 Bushfire**

The site is identified as being category 2 bushfire prone land. The development is therefore subject to Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas (AS: 3959).

A desktop assessment combined with a site inspection identified the site as being BAL LOW rated category. The adjoining land and land in the general vicinity is considered managed land, being used for residential purposes. Despite being in the R5 zone, these lots are of a relatively small size and therefore able to be managed for fire risk quite readily.

### **4.2 Flooding**

Subject site is not flood prone as per Council's Flood map. Site is not subject to an overland flow path.

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

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

Proposed dwelling is not located within prominent ridgelines or hills as per WW maps.

### **5.2 Preservation of trees**

These controls support Clause 5.9 of the LEP and apply by reference to species, size or location. The site inspection identified that no significant trees require removal.

## **Section 6 - Villages**

Subject site is not located in village therefore controls under this section are not applicable.

## **Section 7 - Subdivision**

Proposed development does not seek subdivision therefore controls under this section are not applicable.

## **Section 8 - Rural Development**

Subject development site is not located in rural zone therefore controls under this section are not applicable.

## **Section 9 - Residential Development**

### **Complying with this DCP**

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives

of the relevant sections. Equal emphasis must be given to both "numeric" and non-numeric controls relevant to a particular development. Where a proposed development has an unacceptable impact on neighbours or the surrounding environment compliance with controls will not necessarily guarantee approval of an application.

Principles for residential development as outlined in the DCP have been addressed in this section.

## **9.2 Site context and layout**

The question of development being site responsive thus with acceptable impacts has been tested further in this report.

### **9.2.1 Site layout**

#### *C3 Orient living spaces to maximise solar access*

The location the dwelling's living space will not change; it will continue to have generous solar exposure from the northern elevation.

### **9.2.2 Streetscape**

As the proposed alterations and additions are to the rear of the dwelling, no impacts on the streetscape are likely.

### **9.3.2 Site cover**

The site is within the R5 zone therefore site cover controls are not applicable.

### **9.3.4 Solar access**

A well planned home based on passive solar design principles will have north facing living areas that open directly to the main private open space.

#### **Solar access within the development**

*C3 For single dwellings, dual occupancies, secondary dwellings & shop top housing the windows to the main internal living area and at least half the private open space are to receive a minimum 3 hours direct sunlight between 9am and 3pm in mid-winter (June 22).*

Current solar access to main living areas is provided by large windows along the northern elevation of the dwelling.

The home is established on the site with internal configuration set. As such, solar access is governed by current layout and location of the windows. Development is limited to rear part of the dwelling and solar access to internal spaces preserved.

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

*C6 Proposed development design should take into account the location of any adjacent private open space and avoid overshadowing of that space.*

This proposal will not have any impact of the adjoining open space. As the site is relatively flat, and due to the location of the site's existing private open space, solar access will be adequately protected on adjoining properties.

### **9.3.5 Private open space**

Private open space will be adequately maintained and easily comply with the 24 square



meter control under the DCP.

### **9.3.6 Front setbacks**

Proposal is attached to rear elevation and does not form part of front setback area, therefore controls do not apply.

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

Side and rear setbacks are important to maintain amenity between neighbouring sites, and to provide space for landscaping. The proposed extension to the east (rear) elevation has a setback of approximately 14m from the rear boundary

The side setback is 1500 mm to the wall of the proposed extension, which is non-compliant with this part of the WWDCP 2010 which requires a 2m side setback in the R5 zone. Justification for this variation to the control has been provided as follows.

The following is an extract of the objectives and controls included in section 9.3.7 Side and Rear Setbacks of the WWDCP 2010:

#### **Objectives**

O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.

O2 Ensure new development continues the rhythm or pattern of development in the locality.

O3 Provide access for maintenance.

O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.

#### **Controls**

C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.

C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:

a) If the lot is in Zone R5 a setback of 2m

#### **Justification**

The following aims to demonstrate that the design of the proposed development allows it to be undertaken in variation to the 2 metre setback control, whilst maintaining consistency with the above objectives and thereby achieving the purpose of the setback.

- The proposed building addition will maintain adequate separation between the dwelling and the building on adjoining land, with screening provided by a fence and existing landscaping along the boundary. This is consistent with O1.
- The proposed extension maintains the existing dwelling's side setback and pitched roof-design and is therefore consistent with the design, scale and pattern of residential buildings forms, in satisfaction of O2.
- The proposed setbacks are adequate to allow for the ongoing maintenance of the building and the vegetation located between the building and the boundary, consistent with objective O3.
- The proposed extension is a single storey design. No overshadowing of neighbouring dwellings is expected nor will there be interference with any significant views from any neighbouring dwellings. The design and location of

the proposed extension means it will not unreasonably overshadow the private open space of any adjacent properties. This is consistent with objective O4.

- The control creates a separation between developments on adjoining properties and provides a more open character on larger allotments in the R5 zone. This subdivision was created prior to the control being implemented in the WWDCP 2010. The subdivision created a series of smaller allotments (approximately 1200sq. m average) along Lakehaven Drive. Allotments of this size are generally uncharacteristic within an R5 zone which usually accommodates lots between 2000sq.m and 2 hectares. Given the age of this subdivision and the size of the lots, it would be unreasonable to impose the requirements of this control in these circumstances.
- Adjoining northern property's side setback is approximately 0.7m from the boundary to the existing dwelling.

The above analysis of the design of the proposed development in the context of the neighbouring dwellings demonstrates that the development can be undertaken despite the required setback variation whilst still achieving the desired objectives, and not resulting in any negative environmental impacts.

#### **9.4.2 Materials and finishes**

*C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.*

The materials proposed are selected to match existing structure, with face brick, fascia, gutter and roof pitch to match existing.

#### **9.4.3 Privacy**

Visual and acoustic privacy are important for provision of residential amenity.

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

Privacy is maintained in the by the development and no objections are raised under this section.

#### **9.4.6 Changing the landform - cut and fill**

Earthworks (including cut and fill) require development consent under the LEP. This section contains controls for changes to the natural landform through excavation and fill in order to minimise environmental impacts, and to avoid artificial differences between sites, especially in the urban context where significant differences in levels at the boundary can reduce amenity and result in dangerous landforms and structures.

There is no cut or fill works required for this development. Local excavations for slab on ground to form footings is required and confirmed on the site.

*C5 No cut or fill to take place within easements*

Plans demonstrate compliance. There is ample distance from proposed building footprint to stormwater easement.

### **Section 10 - Business Development**

The proposed development is not business development therefore controls under this section are not applicable.

### **Section 11 - Industrial Development**

Proposed development is not industrial development therefore controls under this section are not applicable.

### **Section 12 - Specific Uses and Developments**

Proposed development is not a specific use development therefore controls under this section are not applicable.

### **Section 13 - Bomen Urban Release Area**

Proposed development is not located within Bomen Urban Release area therefore controls under this section are not applicable.

### **Section 14 - Boorooma Urban Release Area**

Subject site is not located within Boorooma Urban Release Area therefore controls under this section are not applicable.

### **Section 15 - Lloyd Urban Release Area**

Proposed development is not located within Lloyd Urban Release area therefore controls under this section are not applicable.

### **Section 79C(1)(a)(iiia) - Planning Agreements**

There are no planning agreements that have been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Sec 93F.

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

Demolition of buildings AS 2601 - CI 66 (b) - Proposed development does seek permission for partial demolition. Appropriate condition will be imposed.

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

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

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire have been considered. A risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Proposed development is to construct extension to rear of building. It is considered that there wouldn't be any additional impact on flooding as subject site is not flood prone land. Site is bushfire prone land and relevant bushfire attack level has been assessed. Relevant conditions of consent will be imposed to ensure new works comply with bushfire provisions.

### **Flooding Risk Assessment**

Subject site is not flood prone land as per WW LEP 2010 maps.

## Bush Fire Risk Assessment

Subject site is bushfire prone land as per WW LEP 2010 maps. Risk assessment has been carried out. It is considered that combination of conditions of consent and inspections can address bushfire risks on the site and ensure their compliance.

<b>Section 79C(1)(b) - likely impacts of that development</b>				
	<b>Satis facto ry</b>	<b>Not Satis facto ry</b>	<b>Not Rel eva nt</b>	<b>Comment</b>
Context & Setting	X			Extensions to rear of dwelling are considered acceptable given the setting.
Streetscape			X	No impact.
Traffic, access and parking	X			There would be no impact; all parking provisions provided on site with existing access point available from street.
Public Domain	X			The proposed development does not impede public amenity in any way.
Utilities	X			All services are connected and available to the site.
Heritage			X	The proposal is not located within the Wagga Wagga Conservation area.
Other land Resources			X	No other land resources are known to be present on the site.
Water Quality & Stormwater	X			Stormwater is required to be discharged to a legal point and conditions of consent will be imposed.
Soils, soil erosion	X			Soil erosion measures will be imposed as conditions of consent and their implementation controlled during construction.
Air and microclimate	X			The development has considered that the air impacts associated with the proposal will not lead to deterioration in air quality. Dust levels are to be kept at minimal practical levels during construction.
Flora and Fauna Trees	X			The proposal does not involve the removal of any significant vegetation.
Waste	X			The proposal has no issues subject to conditions being incorporated into the consent.
Energy			X	BASIX certificate is not applicable due to value of the works threshold not being met (under \$100,000).
Noise & vibration	X			The construction of the development will generate some noise. Hours of construction works apply.
Hours of operation			X	Hours of operation as defined in the Wagga Wagga DCP 2010 are not applicable.

Natural hazards - Flooding - Bushfire Prone	X			Site is bush fire prone land. Appropriate conditions of consent will be imposed on consent. Site is not flood affected.
Safety, security and crime prevention	X			No issues raised.
Social impact in locality	X			Positive social impact due to increased development in the area.
Economic Impact in Locality	X			The development will provide local employment and expenditure during the development.
Site design and internal design	X			The dwelling is well designed. Amenity is provided by the design of the dwelling and the alterations.
overshadowing	X			No overshadowing is likely to occur due to the modest height of the dwellings and relatively flat terrain.
Overlooking	X			Proposal is sufficiently compliant and that the amenity of both the future residents of the development and occupants of adjoining properties is not unreasonably compromised.
Landscaping			X	Not applicable.
Construction	X			Conditions of consent will control hours of construction and associated impacts such as dust and noise, ensuring they are kept to an acceptable level.
Private open space	X			Private open space is sufficient on the block of this size.
Cumulative Impacts	X			The development has taken into consideration the potential impacts on the locality and as such it is considered that the potential cumulative impacts will be minimal. The proposal is satisfactory on its merits and cumulatively and in isolation would not warrant refusal.
Disabled access			X	Not required
Signage			X	No signage is proposed.
Setbacks, Building Envelopes		X		The proposal is attached to the rear elevation. It measures 6.1m in length and some 7.7m in width. The side setback by is 1500mm for the length of the extension. Although this contravenes DCP control

				9.3.7 C2 (a), it is considered to be justified in this case due to meeting relevant objectives for that particular section. This is covered in detail in the body of the report.
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**Section 79C(c) - the suitability of the site for the development**

The subject land located at 6 Lakehaven Dr, within the neighbourhood of Lake Albert. The development is generally compliant with planning controls and provisions and will result in acceptable impacts and be consistent with local character of the area.

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

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

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

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

**Public Submissions and those from public authorities** - No submissions were received.

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

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

**Developer Contributions Plans**

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

A Section 94A contribution does not apply due to value of development being below \$100,000 mark.

**REFERRALS:**

- Building Surveyor:- No
- Plumbing Inspector: - No
- Subdivision Engineer:- Yes
- Environmental Officer: - No
- Asset Officer:- No

**Other Approvals**

Nil

## CONCLUSION:

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

- The application for development meets the relevant LEP and majority of DCP controls for the area, with adequate justification of variation of one DCP control
- The development would not result in any negative impacts on amenity of adjoining properties and is in keeping with the general character of the area
- It would be unreasonable not to permit this modest house extension given the generally compliant nature of the development.

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## RECOMMENDATION

It is recommended that DA16/0033 for Alterations and Additions to an Existing Dwelling be approved by Council, subject to the following conditions:-

## CONDITIONS

### Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A01	Site Plan	C.Windsor	-	23/10/15
A02	Floor Plan	C.Windsor	-	23/10/15
A03	Elevations	C.Windsor	-	23/10/15
-	Statement of Environmental Effects	Applicant - F. Moloney	-	21/01/16
A242210	BASIX Certificate	Direct Concepts	-	22/02/16

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.

**OPTIONAL NOTE: Dangerous Goods**

Prior to the commencement of any work, it is the responsibility of the applicant to ensure that the development complies with the relevant notification and legislative requirements for the storage, handling and transportation of dangerous goods.

The storage and handling of dangerous goods in classes 2, 3, 4, 5, 6.1, 8 and 9, as well as the life cycle of explosives (other than their use in a mine) are regulated by WorkCover.

The NSW Department of Trade and Investment regulates the use of explosives in mines.



**The transport of dangerous goods by land is regulated by the NSW Office of Environment and Heritage. It is also the sole regulator for class 6.2 (infectious substances) and class 7 (radioactive substances).**

**The storage of combustible liquids, known as C1 (e.g. diesel), is regulated by WorkCover, while the transportation of combustible liquids is regulated by the NSW Office of Environment and Heritage.**

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 2.8 and Appendix 2)**
  - b) Erosion and Sediment Control Guidelines for Building Sites; and**
  - c) Soils and Construction Volume 1, Managing Urban Stormwater**

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

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

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

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

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

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

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

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

- a) in the case of work done by a licensee under the Act:**
  - i) has been informed in writing of the licensee’s name and contractor license number, and**
  - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) in the case of work to be done by any other person:**
  - i) has been informed in writing of the person’s name and owner-builder permit number, or**
  - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

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

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

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

8. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
  - a) **stating that unauthorised entry to the site is prohibited, and**
  - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
  - c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

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

**NOTE: This condition does not apply to:**

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

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

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

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

#### **During works**

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

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

	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 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 plans and specifications approved with the Construction Certificate.**

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

**12. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.**

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

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

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

- a) **NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.**
- b) **CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.**

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

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

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

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

- d) **Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.**
- e) **A durable notice must be permanently fixed to the building in the electricity meter box indicating:**
  - i) **The method of protection**
  - ii) **The date of installation of the system**
  - iii) **Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.**
  - iv) **The need to maintain and inspect the system on a regular basis.**

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

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

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

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

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

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

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

16. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

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

**Prior to release of Occupation Certificate / Prior to Operation**

17. **The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

**NOTE:** The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been

**complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.**

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

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

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

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

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

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

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

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

- 20. 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**

- 21. The building must not be used for the purposes of a secondary dwelling or separate domicile.**

REASON: Development consent is for purposes other than a secondary dwelling. Section 79C(1)(a)(i) 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.

<b>Report by:</b>  <hr/> <b>Mathew Collins</b>  Date:	<b>Report Approved by:</b>  <hr/>  Date:
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**From:** Fiona  
**Sent:** Friday, 5 February 2016 2:56 PM  
**To:** Collins, Matthew  
**Subject:** Re: Variation of Planning Controls - 6 Lakehaven Drive - alterations and additions

Hello Matthew,

Further to our telephone conversations and meetings could you please present the following points to the council meeting to be held on March 14.

I wish to appeal the decision not to approve my extension at 6 Lakehaven Drive, Lake Albert, which is deemed not to meet control 2 specifications. A meeting with Matthew Collins, my builder and myself indicated that the northern boundary issue is not relevant due to previous building codes and conditions. As my property was built prior to these development laws ( approx 2 years) there would not seem to be any issues with the existing property. Obviously for financial and aesthetic reasons we would wish for the extension to be in line with the house. New rooflines and structures would be an expense and logistical issue that would make building difficult if not impossible. i would ask that you consider the existing building and allow us to continue with our very modest and suitable house extension.

As I have already submitted my DA and relevant paperwork, engaged builders and tradespeople, as Well as committing financially to a bank loan i would appreciate this matter being expedited.

Kind regards,

Fiona Moloney

On 2 Feb 2016, at 6:41 pm, Collins, Matthew wrote:

Good evening Fiona,

I am writing with regards to a Development Application lodged for alterations and additions to 6 Lakehaven Drive, Lake Albert (DA16/0033).

As discussed during our phone conversation, the plans submitted show the proposed extension's side setback to the northern property boundary is approximately 1.5m. As the property is located in the R5 Large Lot Residential zone, this is deemed not to meet Control 2 (a), section 9.3.7 of the Wagga Wagga Development Control Plan 2010 (DCP). Below is an excerpt of the relevant control (Council's planning documents can be found at <http://www.wagga.nsw.gov.au/city-of-wagga-wagga/planning/plans,-policies-and-controls/wagga-wagga-planning-documents-lepdcp2/dcp>):

#### 9.3.7 Side and rear setbacks

Side and rear setbacks are important to maintain amenity between neighbouring sites, and to provide space for landscaping. Side setbacks need to be increased for additional building height.

##### Objectives

O1 Ensure adequate separation between buildings for landscaping, privacy, natural light and ventilation.

O2 Ensure new development continues the rhythm or pattern of development in the locality.

O3 Provide access for maintenance.

O4 Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners.

Controls

C1 The rear setback for detached secondary dwellings is determined by site conditions and the setbacks of similar structures on adjoining and nearby sites.

C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:

- a) If the lot is in Zone R5 a setback of 2m, or
- b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.

As this variation of control C2 is more than 10%, it is Council Policy that the Application be referred to a Council meeting for a resolution to be made whether or not to approve the DCP variation and allow the development to proceed. You will need to provide a written justification of why the control should be varied in this case, and how it meets the objectives outlined above. The following is taken from section 1.11 of the DCP:

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

1. The relevant control(s) and each section of the DCP that is the subject of the request.
2. The extent of each variation (noting that a control may be numeric or non-numeric).
3. Reasons to support the variation. This may include a written statement with diagrams, photographs, sections, plans, or letters from adjoining owners if appropriate. The reasons should be related to demonstrating the following:
  - Whether non-compliance will pre-judice the objectives of the zone and the aims of the DCP.
  - Conformity with both the provisions of the DCP and conformity with the aims and objectives of zones in WWLEP 2010.
  - What aspects of the development do not meet the DCP requirements?
  - To what degree does the proposal depart from the DCP?
  - How the objective(s) is met if the control is to be varied?
  - Justification for the departure in terms of the above circumstances.

The relevant Council meeting date for this DA is 14th March 2016. If you could please provide a written email response to me within the next 10 days or so then I will have ample time to complete my required report to go to the meeting. If you have any questions please don't hesitate to contact me, or to call to arrange a face to face meeting in our administration building to discuss requirements.

Kind regards,

Matthew Collins

Town Planner

Values - Part of everything we do. Trust • Respect • Innovation • Teamwork

City of Wagga Wagga, 243 Baylis Street (PO Box 20), Wagga Wagga, NSW, 2650

Council: 1300 2 WAGGA (1300 292 442)  
Direct: +61 2 6926 9578  
Fax: +61 2 6926 9199  
Email: Collins.Matthew@wagga.nsw.gov.au

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<image005.jpg> <<http://www.wagga.nsw.gov.au/australiaday>> Wagga Wagga City Council  
<<http://www.wagga.nsw.gov.au/>> • Business Wagga Wagga <<http://www.businesswaggawagga.com.au/>> •  
Tourism Wagga Wagga <<http://www.waggawaggaustralia.com.au/>>

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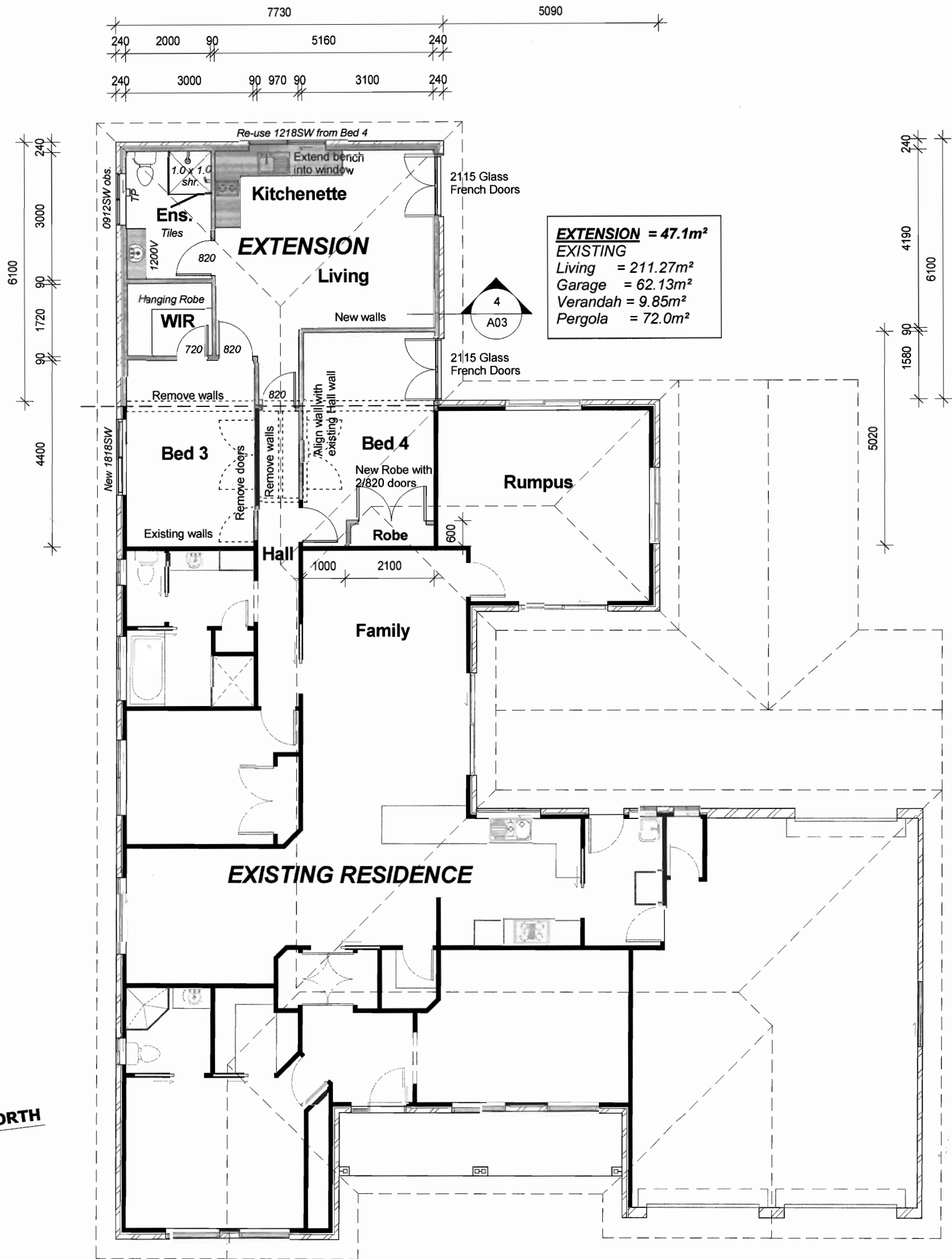
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Think before you print - help save our environment

**BUILDER TO CONFIRM ALL MEASUREMENTS ON-SITE**



**1 Floor Plan**  
1 : 100

DATE	ISSUE/ AMENDMENTS

***Proposed Extension to 6 Lakehaven Drive  
Lake Albert***

Floor Plan		<b>A02</b>
Client	A Smith	
Date	23/10/2015	
Drawn by	C.WINDSOR	
Contact No.	0418 860138	Scale on A3 1 : 100

BUILDER TO CONFIRM ALL MEASUREMENTS ON-SITE

EXTENSION

EXISTING RESIDENCE

1 North Elevation  
1 : 100

EXISTING RESIDENCE

EXTENSION

3 South Elevation  
1 : 100

2 East Elevation  
1 : 100

Selected Facebrick to match existing

Re-use 1218SW from Bed 4

2400

Roof Pitch to match existing  
Matching Colorbond Fascia & Gutter

Roof Pitch approx 22.5°  
Confirm on-site

Selected Colorbond Roof on Metal  
Battens @ 900c/c. Sarking Under.

Roof Trusses @ 900 c/c to  
Manufacturers Specifications

R3.5 Insulation to Ceiling

Colorbond Fascia  
and Gutter

Cement Sheets  
to Eaves

R2.0 Insulation to Walls

Selected Facebrick

Water Resistant Board  
to Australian Standard  
2588 to Wet Areas

2400

Timber Frame  
to AS 1684-2

10mm Plasterboard  
to walls and ceilings

0.2mm PVC Membrane, Termite  
Treatment to AS3660.1

CONCRETE SLAB AS PER  
ENGINEERS DESIGN

4 Section 1  
1 : 50

DATE	ISSUE/ AMENDMENTS

***Proposed Extension to 6 Lakehaven Drive  
Lake Albert***

**Elevations**

Client	A Smith
Date	23/10/2015
Drawn by	C.WINDSOR
Contact No.	0418 860138

**A03**

Scale on A3 As indicated

**BUILDER TO CONFIRM ALL MEASUREMENTS ON-SITE**

Lot 206  
DP 1009824

Swimming Pool

Existing Shed

To be confirmed  
on-site  
1500

Connect Downpipes to existing  
stormwater

**EXTENSION**

Lot 77

Lot 117  
DP 829616

**EXISTING RESIDENCE**

**NORTH**

LAKEHAVEN DRIVE

**1** **Site Plan**  
1 : 200

DATE	ISSUE/ AMENDMENTS

***Proposed Extension to 6 Lakehaven Drive  
Lake Albert***

**Site Plan**

Client	A Smith
Date	23/10/2015
Drawn by	C.WINDSOR
Contact No.	0418 860138

**A01**

Scale on A3 1 : 200



City of  
Wagga Wagga



Civic Centre  
Cnr. Baylis & Morrow Sts  
PO BOX 20  
Wagga Wagga NSW 2650

ABN 56 044 159 537  
Ph 1300 292 442  
Fax 02 6926 9199  
council@wagga.nsw.gov.au  
www.wagga.nsw.gov.au

# Development Application

Environmental Planning & Assessment Act 1979

Rec: 1407091

**Privacy and personal information protection Notice:** The personal information provided is collected for the purpose of processing this application. The Development Application lodged by you or information contained therein may be provided to members of the public in accordance with the provisions of the Government Information (Public Access) Act 2009. Supply of personal information is legally required and failure to supply could cause delay in your application

OFFICE USE ONLY	
DA No:	16/0033
CC No:	
CDC No:	
Date:	22/01/16
CSO:	Sparsell
<b>T B</b>	

### Select the approval(s) you require below

- Development Application
- Construction Certificate
- Complying Development Certificate

### Application for Complying Development Certificate is made under:

- State Environmental Planning Policy (Affordable Rental Housing)
- State Environmental Planning Policy (Infrastructure)
- State Environmental Planning Policy (Exempt & Complying Development Codes 2008)

- Note:** 1. All details must be legibly printed or typed written in ink  
2. Failure to complete the form and supply the required information will result in delays.

## Applicant Details

(also complete Applicant Declaration on page 4)

Title **MRS** Name **FIONA** Surname **MOLONEY**

Company \_\_\_\_\_ ABN \_\_\_\_\_

Postal Address **6 LAKEHAVEN DRIVE** Post Code **2650**

Phone: **02 69226856** Mobile **0917451681** Work **02 69718611**

Email **fionamoloney@gmail.com** Fax \_\_\_\_\_

Signature **Fiona Moloney** Date: **21/1/2016**

By signing above,

- I confirm that the application form is completed and the information (e.g. Number and type of plans, etc) required by Council is attached.
- I licence Council to make all documents lodged with this application of which I am the copyright owner publicly available on Council's website both during the assessment of this application and thereafter, and further licence Council to reproduce all such documents for any purpose associated with the exercise of its functions under the Environmental Planning & Assessment Act 1979 in respect of this application, and for the purpose of complying with its obligations under the Government Information (Public Access) Act 2009.
- I warrant that to the extent that I do not own the copyright in any documents lodged with this application, the Council is licensed by the copyright owner to use the documents lodged with this application in accordance with paragraph 1 above.
- I indemnify the Council against all claims and actions in respect of a breach of copyright arising from any unauthorised use of any documents lodged with this application."

**Note:** ALL correspondence will be forwarded to the address given including determination.

## Undertaking the Work

(for Complying Development and Construction Certificate applications ONLY)

- New Construction     Alterations/ or Additions     Relocation of existing building

If you are building or modifying a structure please tell us who will be undertaking the work

- To be advised     Owner Builder     Builder (provide details below)

Name/Company: JAMES STILLMAN

Address: 23 WARANGA AVE

Phone: 0407481722 Builder's Lic No.: 30410C

**Note:** Nominate Builder prior to issue of Construction Certificate

## Inspections

(for Complying Development and Construction Certificate applications ONLY)

Please select the Principal Certifying Authority who will carry out the nominated inspections.

I, FIONA MOLONEY, the applicant, select:

- Wagga Wagga City Council     To be advised     Private Certifier (provide details below)

Name:  Accreditation No.:

Phone:

Applicant's Signature: Fiona Moloney

**Note:** The Principal Certifying Authority is an appropriately qualified person appointed by the applicant to conduct nominated inspections. This person is to be an accredited certifier under the Environment Planning Assessment Act

## Consent of ALL owner(s) of the subject property

(also complete Landowner Declaration on page 4)

As the owner(s) of the property(s) to which this application relates, I/we consent to this application being made and also given authority for Council officers to enter the site to carry out inspections in relation to this application.

Name: FIONA MOLONEY Signature: Fiona Moloney

Name:  Signature: \_\_\_\_\_

Name:  Signature: \_\_\_\_\_

Name:  Signature: \_\_\_\_\_

(also provide company name and position where applicable)

### Notes:

- If there is more than one landowner, every owner must sign.
- Company Ownership – A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:
  - a) two (2) directors of the company; or
  - b) a director and a company secretary of the company; or
  - c) for a proprietary company that has a sole director who is also the sole company secretary – that director.
- Owners Corporation (Strata plan) – refer to requirements detailed on Pages 12 & 13 of DA guide.
- Refer to requirements detailed on Pages 12 & 13 of the DA guide for other forms of ownership or where the site is in the process of changing hands or has changed hands in the past six months.
- If the proposed works affect a joint wall or fence, consent of both property owners is required.





## DEVELOPMENT APPLICATION CHECKLIST

### Minor Residential Development

This checklist has been prepared for one and two storey single detached dwellings, residential alterations and additions, secondary dwellings, domestic buildings and structures (e.g. swimming pools, carports, and sheds), minor works in the heritage Conservation Area (e.g. painting, cladding, plastering, re-roofing, changing materials, fittings such as doors, windows and screens, etc.).

Please note that dual occupancy and other higher density residential developments will need to use the Residential Buildings Checklist.

Failure to provide the requested information will delay processing of the development application and may result in the application being returned to you for completion.

Use the Minor Residential Development Guide

Applicant to tick	Item	No. copies	Development Guide reference	CSO (office use only)
<b>Fees and Administration</b>				
<input checked="" type="checkbox"/>	Completed Development Application Form	1	1.1	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Payment of all Relevant Application Fees	-	1.1	
<input checked="" type="checkbox"/>	Owners Consent	-	1.1	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Cost Summary Report (s94A)	1	1.1	
<input checked="" type="checkbox"/>	Developer Contributions I understand that my consent may be subject to the requirement to pay monetary contributions under the provisions of Section 94 or 94A of the Environmental Planning and Assessment Act 1979 and/or under Section 64 of the Local Government Act 1993.		1.2	
<b>Always Required</b>				
<input checked="" type="checkbox"/>	Statement of Environmental Effects	2	1.3	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Plans, Elevations and Sections to scale of 1:100 or 1:200	2	1.4	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Reduced Plans and Documents (A4 or A3) or Electronic Copy	1	-	<input checked="" type="checkbox"/>
<b>May Be Required</b>				
<input type="checkbox"/>	Shadow Diagrams to scale of 1:100 or 1:200	2	1.5	
<input type="checkbox"/>	Flood Impact Assessment	2	1.6	
<input type="checkbox"/>	Statement of Heritage Impact	2	1.7	
<input type="checkbox"/>	BASIX certificate (and annotated plans)	2	1.8	
<input type="checkbox"/>	Disclosure statement of political donations or gifts	1	1.9	
<input type="checkbox"/>	Bushfire Assessment	2	2.0	
<input type="checkbox"/>	Lloyd (Urban Release Area) Specific Requirements	2	2.1	



## ATTACHMENT C (Development Application)

### Statement of Environmental Effects (SEE)

A Statement of Environmental Effects (SEE) is required to accompany all development applications. This Statement of Environmental Effects template is designed to form an attachment to the Development Application. It can only be used for certain development types (see below).

✓	Applicable Development Types
.	Single Residential dwelling (single storey and in a residential zone only – excluding Conservation Area)
✓	Residential Alterations or Additions (single storey only)
.	Other Domestic Buildings and Structures (including swimming pool, sheds, carports, etc.)
.	Strata Subdivision of existing buildings
.	Minor works in Conservation Area (e.g. painting, cladding, plastering, re-roofing, changing materials, fittings such as doors, windows and screens, etc.)

**Other development proposals must be accompanied by purpose written statements.**

The SEE must address all impacts that are relevant to your proposal. **Appendix 3** of the *Development Application Preparation and Lodgement Guide* will assist you in ensuring that you have considered all of the potential impacts relevant to your proposal. Other issues not listed in Appendix 3 may also be relevant and should be included in the SEE. You are encouraged to expand upon the material provided in any way you perceive as relevant.

**Where potential impacts are identified, please ensure that you provide relevant comments and information on the measures that are proposed in order to mitigate against those impacts. You may need to provide additional pages/documentation (etc.) as an attachment to this SEE.**

I have provided supporting information on pages/documents attached to this SEE.

Failure to provide the requested items will delay processing of the development application and may result in the application being returned to you for completion or additional information requests being forwarded to you from Council.

Application Details	
Applicant:	FIONA MOLONEY
Lot and DP No.:	LOT 78 DP 897296
Street No.:	6
Street:	LAKEHAVEN DRIVE
Locality:	LAKE ALBERT, WAGGA WAGGA

<b>Description of Development</b>
<p>(Should include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.)</p> <p>EXTENSION OF RESIDENCE RED BRICK / IRON ROOF</p>
<b>Description of Site</b>
<p>(Should include where applicable a description of the physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.)</p> <p>Description:</p> <p>RESIDENTIAL PROPERTY</p>
<p>• What is the present use and previous uses of the site?</p> <p>RESIDENTIAL.</p>
<p>• Is the development site subject to any of the following natural hazards:</p> <p><input type="checkbox"/> Bushfire Prone?    <input type="checkbox"/> Flooding or stormwater inundation?</p> <p>Comments:</p> <p>NO.</p> <p>(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please consult the NSW Rural Fire Service web site <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a>).</p>
<p>• What other constraints exist on the site? (e.g. vegetation, easements, sloping land, drainage lines, contamination, etc.)</p> <p>NIL.</p>
<p>• What types of land use and development exist on surrounding land?</p> <p>NONE - RESIDENTIAL.</p>

**Planning Controls**

- Is your proposal permissible in the zone?  Yes  No
- Is your proposal consistent with the zone objectives?  Yes  No
- Is your proposal in accordance with the relevant development control plan?  Yes  No

If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a town planner or building surveyor before lodging a development application.

Comments:

**Context and Setting**

- Will the development be:
- Visually prominent in the surrounding area?  Yes  No
- Inconsistent with the existing streetscape?  Yes  No
- Out of character with the surrounding area?  Yes  No
- Inconsistent with surrounding land uses?  Yes  No

Comments:

**Privacy, Views and Overshadowing**

- Will the development result in any privacy issues between adjoining Properties as a result of the placement of windows, decks, pergolas, private open space, etc.?  Yes  No
- Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access?  Yes  No
- Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.?  Yes  No
- Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths?  Yes  No

Comments

**Access, traffic and Utilities**

- Is legal and practical access available to the development?  Yes  No
- Will the development increase local traffic movements / volumes?  
If yes, by how much? .....  Yes  No
- Are additional access points to a road network required?  Yes  No
- Has vehicle manoeuvring and onsite parking been addressed in the design?  Yes  No
- Is power, water, electricity sewer and telecommunication services readily available to the site?  Yes  No

Comments:

**Environmental Impacts**

- Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)?  Yes  No
- Does the development have the potential to result in any form of water pollution (eg. sediment run-off)?  Yes  No
- Will the development have any noise impacts above background noise levels (eg. Swimming pool pumps)?  Yes  No
- Does the development involve any significant excavation or filling?  Yes  No
- Could the development cause erosion or sediment run-off (including during the construction period)?  Yes  No
- Is there any likelihood in the development resulting in soil contamination?  Yes  No
- Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)?  Yes  No
- Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance?  Yes  No
- Is the development likely to disturb any aboriginal artefacts or relics?  Yes  No

Comments:

**Flora and Fauna Impacts**

(For further information on threatened species, see [www.threatenedspecies.environment.nsw.gov.au](http://www.threatenedspecies.environment.nsw.gov.au))

- Will the development result in the removal of any native vegetation from the site?  Yes  No
- Is the development likely to have any impact on threatened species or native habitat?  Yes  No

(If the answer is yes to either of the above questions it may be necessary to have a formal seven-part test completed to assess the impact on threatened species – applicants are encouraged to consult Council).

Comments:

**Waste and Stormwater Disposal**

- How will effluent be disposed of?  To Sewer  Onsite
- Will liquid trade waste be discharged to Council's sewer?  Yes  No
- Will the development result in any hazardous waste or other waste disposal issue?  Yes  No
- How will stormwater (from roof and hard standing) be disposed of:  
 Council Drainage System  Other (if other provide details)
- Does the development propose to have rainwater tanks?  Yes  No
- Have all potential overland stormwater risks been considered in the design of the development?  Yes  No

Comments:

**Social and Economic Impacts**

- Will the proposal have any economic or social consequences in the area?  Yes  No
- Has the development addressed any safety, security or crime prevention issues?  Yes  No

Comments:

**Other Relevant Matters**

(Refer to Appendix 3 of the *Development Application Preparation and Lodgement Guide* to ensure that you have considered all of the potential impacts relevant to your proposal. Please provide further details below or attaché additional pages if required.)

Comments:

**APPLICANT DECLARATION**

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

Applicant's name/s (Printed)	FIONA MOLONEY
Applicant's signature/s	<i>Fiona Moloney</i>
Date	21/1/2016

**Legal Reference**

Section 78A(9) of the *Environmental Planning and Assessment Act 1979* states that the regulations may specify what is required to be submitted with a development application.

Section 50(1)(a) of the *Environmental Planning and Assessment Regulation 2000* states that development applications must contain information and documents specified in schedule 1, part 1.

Schedule 1, part 1, subclause 2(1)(c) of the *Environmental Planning & Assessment Regulation 2000* requires the submission of Statements of Environmental Effects (SEEs) with all Development Applications (other than designated development)

Schedule 1, part 1, subclause 4 of the *Environmental Planning & Assessment Regulation 2000* states that such SEEs must show:

- The environmental impacts of the development
- How the impacts have been identified
- The steps to be taken to protect the environment or lessen the expected harm to the Environment
- Any matters required to be indicated by any guidelines issued by the Director-General.