

SEPARATE COVER ATTACHMENT

**PSRP-3 DA14/0375.01 - TWO STOREY
DWELLING - MODIFICATION TO ADD A FRONT
RETAINING WALL - 31 KANSAS DRIVE
TOLLAND NSW 2650 - LOT 22 DP 1090173**

- 1 S79C Assessment Report**
- 2 Applicants Justification**
- 3 Plans**
- 4 Site Photo**



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA14/0573
Modification No.:	DA14/0573.01
Council File No.:	DA14/0573
Date of Lodgement:	30/03/2016
Applicant:	TC Gillard 34 Mirrul St GLENFIELD PARK NSW 2650
Proposal:	Two Storey Dwelling - Modification to add a front retaining wall
BCA Classification:	1a, 10a, 10b
Development Cost:	\$1000
Assessment Officer:	Johanna Duck
Description of Modification:	Dwelling House - Modification of plans to include a front retaining wall.
Type of Application:	Development Application
Other Approvals:	Nil
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	N/A
Advertising:	N/A
Determination Body:	Council
Reason:	The application has been referred to Council for determination as the application seeks to vary a numeric control by greater than 10%. Staff do not have delegated authority to approve applications which vary a numeric control by greater than 10%.
Meeting Date:	Policy and Strategy - 9 May 2016 Council - 30 May 2016
Owner's Consent Provided:	Yes - 30/3/16
Location:	The lot is located on the high side of Kansas Drive backing onto the public reserve, approximately 100m south-west of the intersection of Kansas Drive and Idaho Street.

SITE DETAILS

Subject Land: 31 Kansas Dr TOLLAND NSW 2650
Lot 22 DP 1090173
Owner: TC Gillard

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument: Wagga Wagga Local Environmental Plan 2010
Zoning: R1 General Residential
Land Use Definition: Dwelling House
Statement of Permissibility: Permissible with Consent

Description of Development

The original proposal was for the construction of a new two-storey dwelling house on a vacant lot within the suburb of Tolland. The dwelling includes an attached double garage, new driveway crossing and associated earthworks, retaining walls, landscaping, and paving.

This modification, DA14/0573.01, amends the approved development by adding retaining walls and fill to a maximum height of 1.1m to the front yard of the dwelling to create a flat front yard.

This modification has been referred to Council for determination as the application seeks to vary a numeric control by greater than 10%. Staff do not have delegated authority to approve applications which vary a numeric control by greater than 10%.

The DCP Section 9.4.6 Changing the landform - cut and fill Control C2 requires that fill and associated retaining walls shall be located within 1.5m of the dwelling.

A variation to the control for fill has been requested by the applicant to locate the fill and associated retaining wall on the front boundary which will be a distance greater than 1.5m from the dwelling. Justification for the departure has been provided and the modification meets the objectives of the DCP.

The variation is recommended for approval as discussed within this report.

The Site and Locality

The lot is located at 31 Kansas Drive, identified as Lot 22 DP 1090173. The lot is located on the high side of Kansas Drive approximately 100m south-west of the intersection of Kansas Drive and Idaho Street. The lot backs onto a public reserve. The land has a 7 metre fall from the rear of the site to the front.

The dwellings along the high side of Kansas Drive are one and two-storey dwellings

predominately with pitched roofs. The adjoining lots also have front retaining walls similar in height and materials.

The land is bushfire prone.

Easements and Covenants

The subject land has a 10m wide easement running the length of the rear boundary where development is restricted. The 88B provisions state that the 10m wide easement is to be maintained as an asset protection zone and that no part of the dwelling is to be constructed within this area. The proposed development is consistent with the covenants.

Previous Development Consents

The subject land has consent for the subdivision creating the Lot; refer to 88B covenants above created as part of the subdivision. There are no other relevant consents.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 96

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 96 of the *Environmental Planning and Assessment Act 1979*, have been taken into consideration.

Section 96(1A) Modifications involving minimal environmental impact

(a) it is satisfied that the proposed modification is of minimal environmental impact.

The assessment of this modification has demonstrated that the proposed modifications will have only minimal environmental impact which can be controlled via conditions of consent.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

This modification does not change the development on the land from the approved use as a dwelling house. The modified development has no adverse impacts to the subject site and neighbouring properties. The modified development is substantially the same as original development and is consistent with the provisions of the LEP and DCP.

(c) it has notified the application in accordance with:

i. the regulations, if the regulations so require, or

ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.

Applications under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* will be notified under the provisions of the Wagga Wagga Development Control Plan 2010 at the discretion of Council Officers. This modification was not required to be notified due to the structures being a class 10 structure with minimal environmental impact to the adjoining land and the development is substantially the same as the original development and consistent with the streetscape.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

Section 79C(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the R1 General Residential zone.

The development as modified (front retaining walls ancillary to the dwelling house) is permissible with consent and is consistent with the relevant objectives for the zone.

The nature of the modification is such that the development complies with the Wagga Wagga Local Environmental Plan 2010, as the retaining walls result in only minimal environmental impacts. The previous assessment of all WWLEP2010 provisions remains valid.

State Environmental Planning Policies (SEPPs)

There are no SEPPs applicable to this modification.

Section 79C(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

The nature of the modification is such that the development complies with the Wagga Wagga Development Control Plan 2010, as the relocation of the dwelling results in only minor environmental impacts as addressed below. The previous assessment of all other matters remains valid.

Section 1 - General

1.10 Notification of a Development Application

Comment: Applications under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* will be notified under the provisions of the Wagga Wagga Development Control Plan 2010 at the discretion of Council Officers. Nil submissions were made during the notification and advertising of the original application. The modification is substantially the same as the original development and the landscaping works proposed have minimal environmental impacts as discussed within this assessment. As such this modification is not required to be notified.

Section 9 - Residential Development

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.

Excessive cut and fill reduces the ability to interpret natural landforms, and can exacerbate ground water and salinity issues. Controls are necessary to prevent erosion and sedimentation, and changes to natural creeks and watercourses.

Objectives

- O1 Encourage site responsive development and protect the amenity of adjoining land.
- O2 Avoid excessive earthworks and minimise changes to the natural landform.
- O3 Encourage site layout and building design that is appropriate to the site conditions, including use of split levels, pier foundation or suspended floor house designs.
- O4 Avoid adverse impacts on salinity by minimising the potential for surface water to enter the groundwater in recharge areas.
- O5 Avoid inappropriate fill being introduced to sites.
- O6 Ensure adequate provision of drainage in relation to cut and fill practices.

Controls

C2 Fill is not to exceed:

(a) 1.5m above ground level (existing), and

(b) Must be contained by either:

(i) A retaining wall or other form of structural support that does not extend more than 1.5m from any external wall of the dwelling house, or

(ii) An unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.

Any fill heights exceeding 1m in height across the site may only be considered where there is no impact on the amenity of the adjoining properties (privacy, overshadowing).

The applicant is seeking a variation from this control that is greater than 10%.

Comment: Retaining walls and fill to a maximum height of 1.1m are proposed to the front of the lot. There are no impacts of direct overlooking and no loss of privacy for the subject or adjoining lots due to the location of the walls and fill. No overshadowing will occur. The fill is proposed to be retained by a masonry wall. The wall extends more than 1.5m from the front of the dwelling exceeding the provisions of the control; the applicant seeks to vary this control and has provided the following justification:

- The wall is to create a flat front yard and to aid in controlling sediment and erosion
- The wall will not exceed 1.1m and will match in with the neighbours retaining walls measuring 1.15m to one side and 750mm to the other
- There will be no overshadowing of the neighbours and will match in with the existing retaining walls
- The wall will have drainage installed and will be constructed to engineers details.

This assessment has confirmed the above justification reasons and the variation greater than 10% from this control is acceptable because there are no impacts and no loss of amenity for the subject or adjoining lots. The proposed modification is consistent with the objectives of Section 9.4.6 because:

- The walls are site responsive development (appropriate to the site conditions), do not impact the amenity of adjoining land, and are consistent with the streetscape
- The earthworks are not excessive. - Conditions will be imposed to ensure appropriate drainage is provided.

As such the proposed variations for location of the retaining wall are recommended for approval.

C3 Retaining walls and support for earthworks that are more than 600mm above or below ground (existing) and within 1m of the boundary or more than 1m above the ground level in another location, must take the form of a retaining wall or other form of structural support that:

(a) has been certified by a professional engineer, and

(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and

(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion is:

(i) more than 1m in height and within 1m from a side or rear boundary, or

(ii) more than 3m in height at any other location.

Comment: Conditions will be imposed to ensure the walls are certified by a professional engineer, have appropriate drainage and do not impact on adjoining lots. The retaining wall is proposed at maximum height of 1.1m and will be located within 1m of the boundary. This is a variation of no more than 10% and will not result in any adverse impacts to adjoining properties and as such is recommended for approval.

C5 No cut or fill to take place within easements.

Comment: There is no cut or fill proposed within easements.

C7 Where achievable, any proposed dwelling is to be designed incorporating retaining walls and fill within the dwelling. Should the provision of retaining walls and fill not be achievable within a proposed dwelling due to demonstrated site constraints they should be located as close to the proposed dwelling as is possible, to minimise the impact on the amenity of the adjoining properties.

Comment: The site has a significant slope and generally all earthworks for the site have been retained within the dwelling. The proposed retaining walls are a landscaping element creating visual interest and a useable space at the front of the lot consistent with the adjoining dwellings and streetscape. The development if carried out in accordance with imposed conditions will not have any adverse impacts on amenity of adjoining properties.

C8 All retained material is to have a gradient of at least 5%.

Comment: Conditions will be imposed to ensure the retained material has a gradient of at least 5%.

C9 Fill material is to be substantially from the site only. Imported fill material is not encouraged.

Comment: Fill is not likely to be brought to the site due to the extent of cut required for the construction of the dwelling. Conditions will be imposed however to ensure any imported fill meets the required standards.

C11 Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance. Adequate drainage is to be provided to divert water away from batters.

Comment: Conditions will be imposed to ensure the retaining walls have appropriate drainage and do not redirect sediment or water flow onto adjoining properties.

C12 Earthworks should not be carried out within the angle of repose of adjoining property. Unless such works are supported by certified structural engineer reports and do not impact on neighbouring property.

Comment: Conditions will be imposed to ensure the adjoining properties are protected.

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

There are no planning agreements in place for this proposal.

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

Matters prescribed by the regulations have been assessed and conditions imposed where required.

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

The likely impacts have been assessed and discussed within this report. This modification does not alter the previous assessment of likely impacts associated with the dwelling.

The development as modified will result in only minimal environmental impacts which can be controlled via conditions of consent as discussed within this report. There are no impacts that require refusal of this modification application.

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

The site has been previously assessed as being suitable for the proposed development. The proposed modification will not alter the previous assessment.

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

Referrals: Internal.

Building Surveyor: Referral was not required for this modification.

Plumbing Inspector: Referral was not required for this modification.

Subdivision Engineer: Comments have been received, no additional conditions.

Environmental Officer: Referral was not required for this modification.

Parks & Recreation Officer: Referral was not required for this modification.

Section 79C(e) - the public interest

The public interest was assessed under the original application and the proposed modification will not alter the findings of the previous assessment. As such approval of the modification is in the public interest consistent with the original development.

DEVELOPMENT CONTRIBUTIONS

The contributions payable are not altered with this modification.

CONCLUSION

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 79C of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION

It is recommended that the Wagga Wagga City Council approve DA14/0573.01 made under Section 96(1A) of the Environmental Planning and Assessment Act 1979, to amend DA14/0573 for Two Storey Dwelling - Modification to add a front retaining wall, 31 Kansas Dr TOLLAND NSW 2650, Lot 22 DP 1090173, 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/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	GPG Architecture and Design		7 Nov 2014 (scanned)
A1409-0001 - A	Site Plan and Location Plan	GPG Architecture and Design	A	24/10/14
A1409-0001 - A	Floor Plans	GPG Architecture and Design	A	24/10/14
A1409-3001 - B	Elevations	GPG Architecture and Design	B	14/11/14
A1409-	Wall Details	GPG Architecture	A	24/10/14

3002 - A		and Design		
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As amended by DA14/0573.01 approved plans and specifications as follows:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A1409-0001 - A	Part Site/Floor Plans (Amended to show front retaining wall)	Todd Gillard	-	20/4/16
A1409-3002 - B	Section A-A (Amended to show front retaining wall)	Todd Gillard	-	20/4/16

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 release of Construction Certificate

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

\$1000.00 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 266) 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.

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 2.8 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.

7. **A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation/use 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.

8. **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.

9. **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.

10. **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.

11. **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

- 11A. **All earthworks, filling, 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.**

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) **must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and**
- (b) **must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property,**
- (c) **that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and**
- (d) **retained material must have a gradient of at least 5%, and**

- (e) **must be wholly located within the boundary of the subject lot (including footings of any structure).**

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

12. **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.

13. **13. New construction shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **All proposed Class 10 structures as defined per the "Building Code of Australia" attached to or within 10 metres of the habitable building shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".**

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

15. **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
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.
Sub floor bearers and joists	Prior to the laying of the floor.
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 the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have 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 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.

16. 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.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Section 2.7 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.

17. 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.

18. 18. 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.

- 19. 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.

- 20. All earthworks, cut and fill, 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.

- 21. 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.
Stack Work	When all 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.

- 22. 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

- 23. 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.

- 24. 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.

- 25. 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.

- 26. 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.

26A. 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.

General

27. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

REASON: It is in the public interest that the development be protected from bush fire. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

28. (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.

31 KANSAS DRIVE TOLLAND HEIGHTS

I am looking at building a retaining wall across the front of 31 Kansas drive where a new two story new dwelling is getting built. The purpose for my request is to get a flatter front yard and reduce the fall of the front yard to the street, and also to prevent dirt and other possible other, running into the gutters along Kansas drive.

The retaining wall I wish to build will be a simple wall no higher than 1100 high and also to match in with existing neighbours one which to my right of my house are 1150 in height and 750mm in height on the left side of my block but I wish to step it down to match it in with the left side of the house which might make my wall 750-900mm in height.

*There will be no over shadowing to neighbours and also will match in to existing retaining walls.

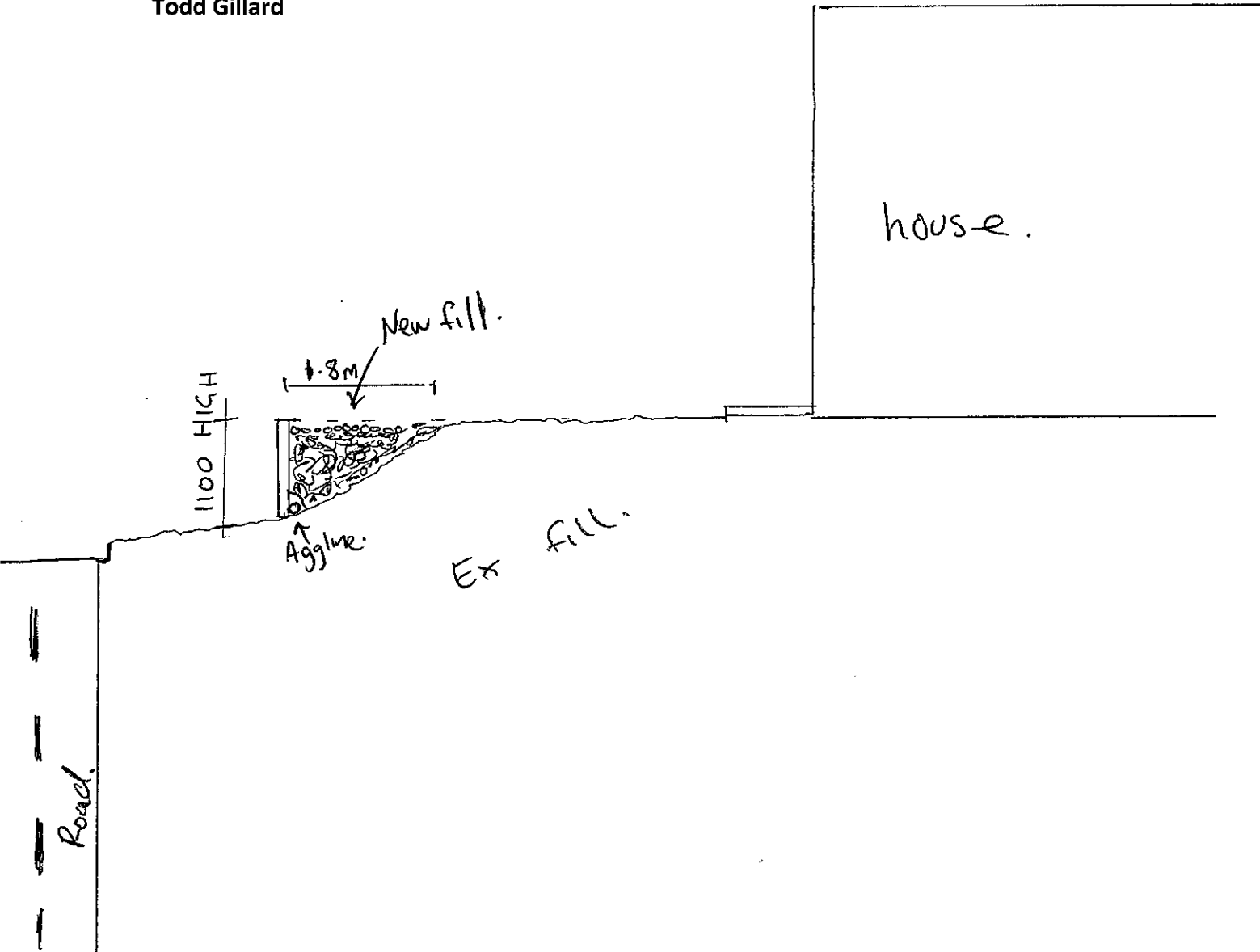
*It will also have agg drainage that will connect into existing stormwater pipes.

*The block wall will be core filled with concrete as shown in the engineers details.

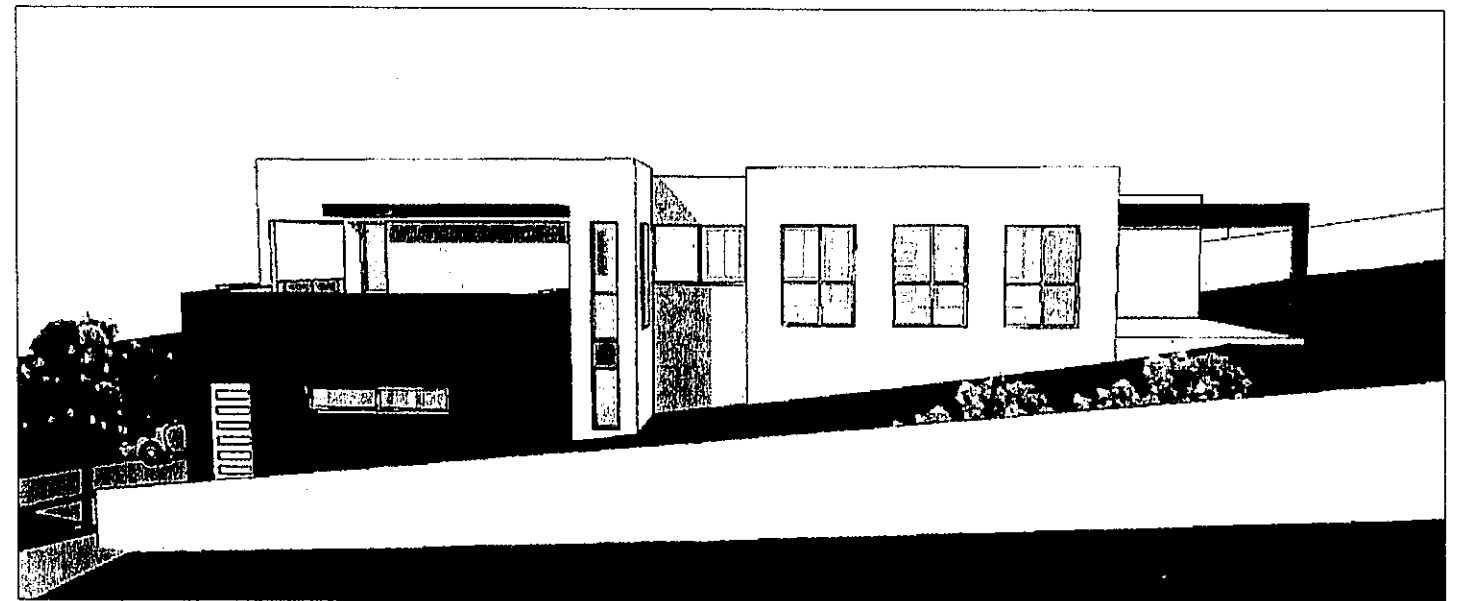
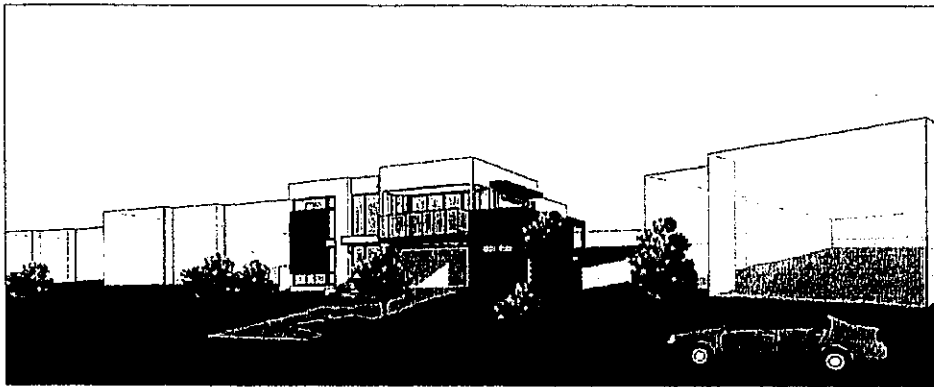
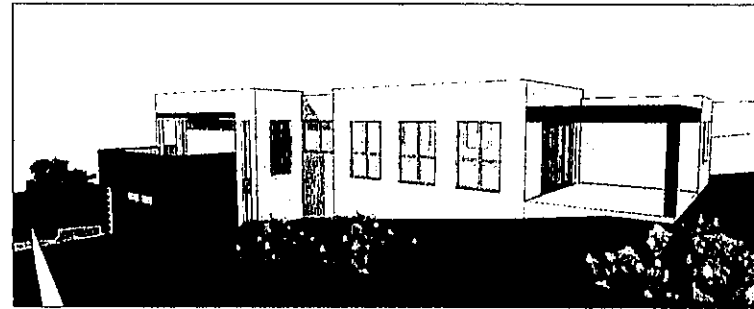
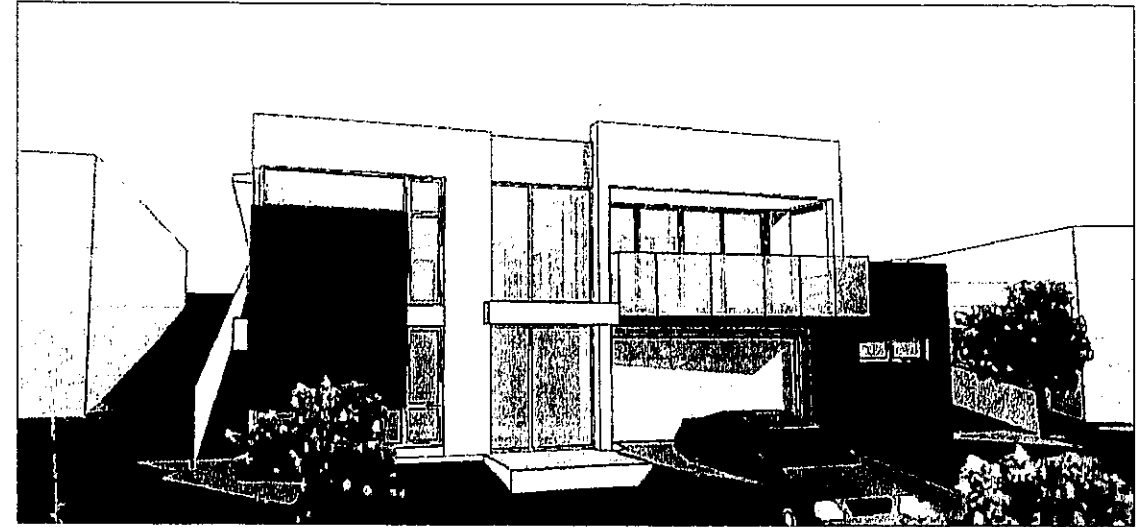
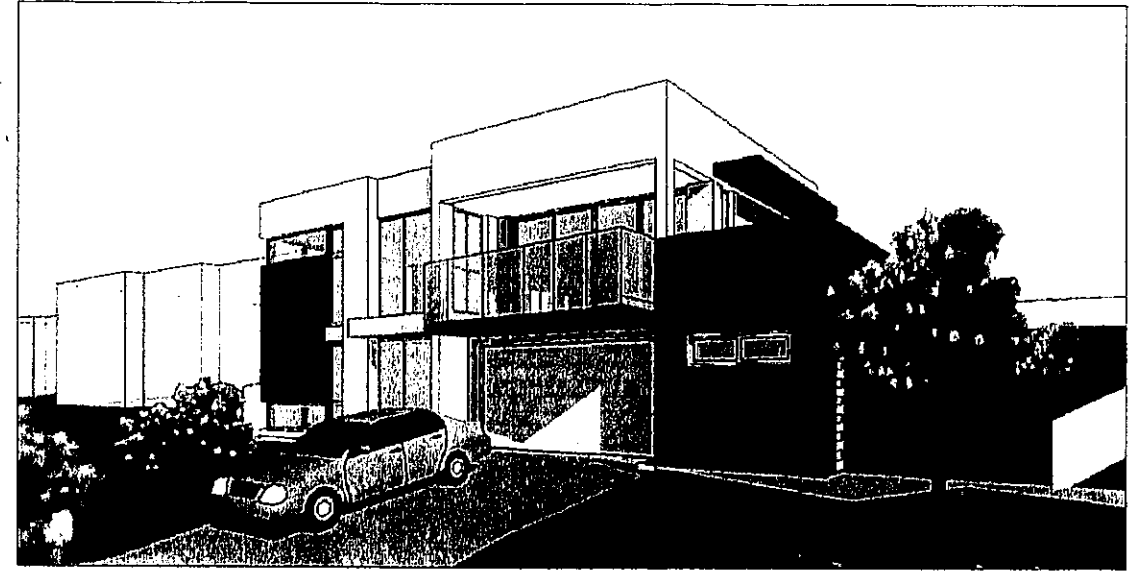
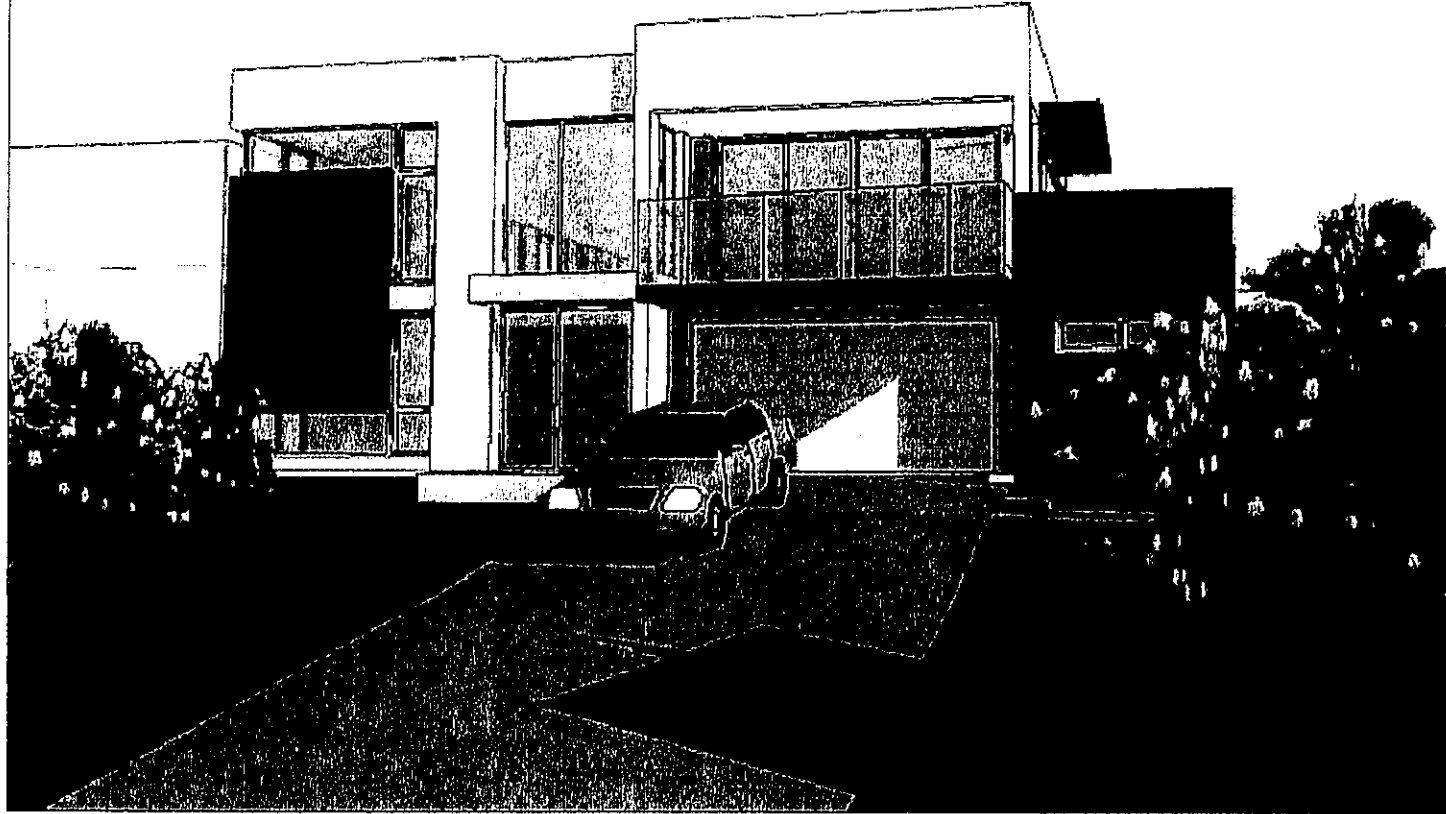
If 1100mm is to high im happy to compromise and go with a 1metre wall across the block instead.

Cheers

Todd Gillard



New Copy's.



GPG architecture & design

Nominated Architect: Gioia Portolan Gianniotis
Registration No: 7497

Email: gioia@gpgarchitecture.com.au
Address: 6 Keane Pl Wagga Wagga NSW 2650
Phone/Fax: 02 6926 5665 Mob: 0413 99 44 08

New House
31 Kansas Drive, Tolland Heights

Lot 22 DP 1090173
Client: Todd Gillard

Todd
042285 7312

Rev	Description	Date
01	Issued for discussion	29.05.14
02	Minor amendments Issued to Structural Engineer for Fee Proposal	04.06.14 05.06.14

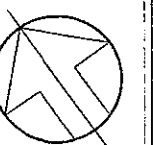
1409 C06 - 3D Views

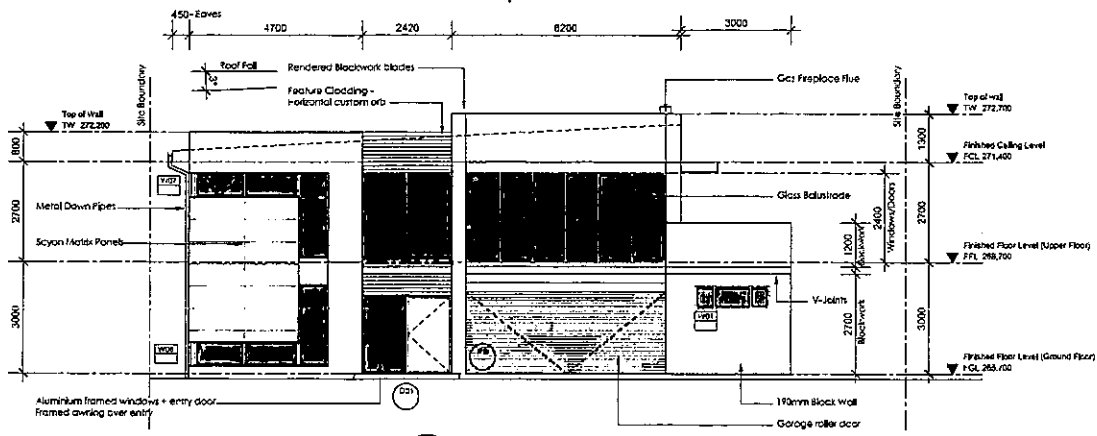
Project No: 1409

Date: 29.05.14

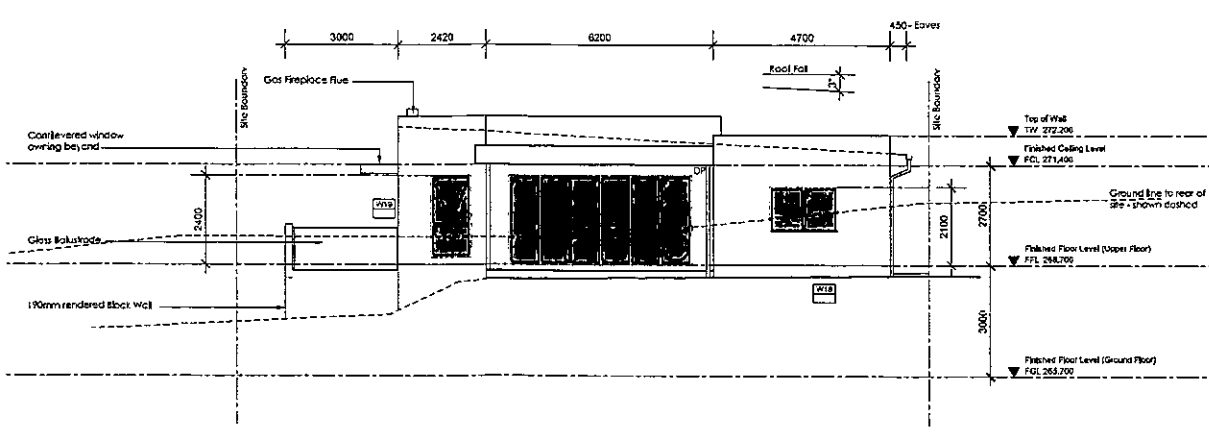
Drawn By: GG/NTT

Scale: 1:100 @ A3

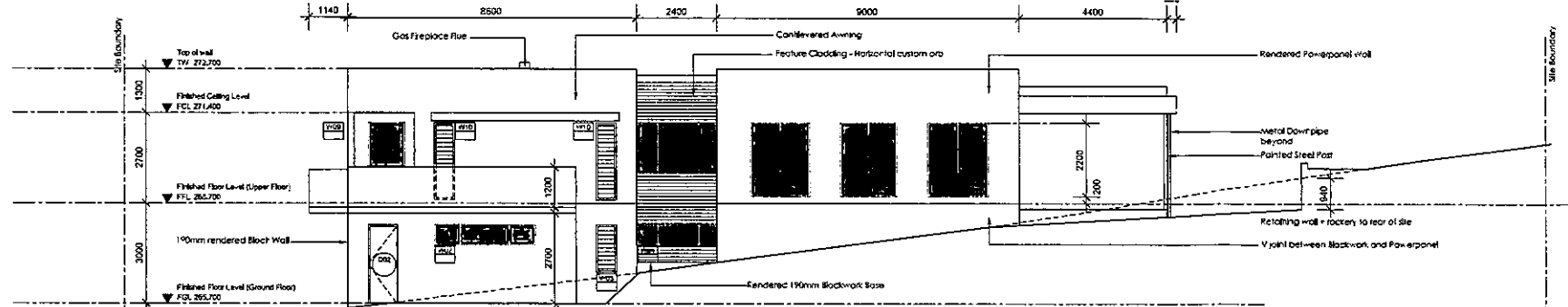




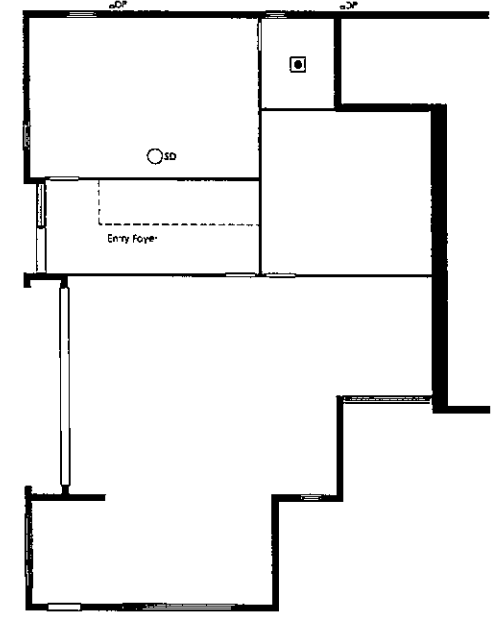
01 Street Elevation - North West
SCALE 1:100



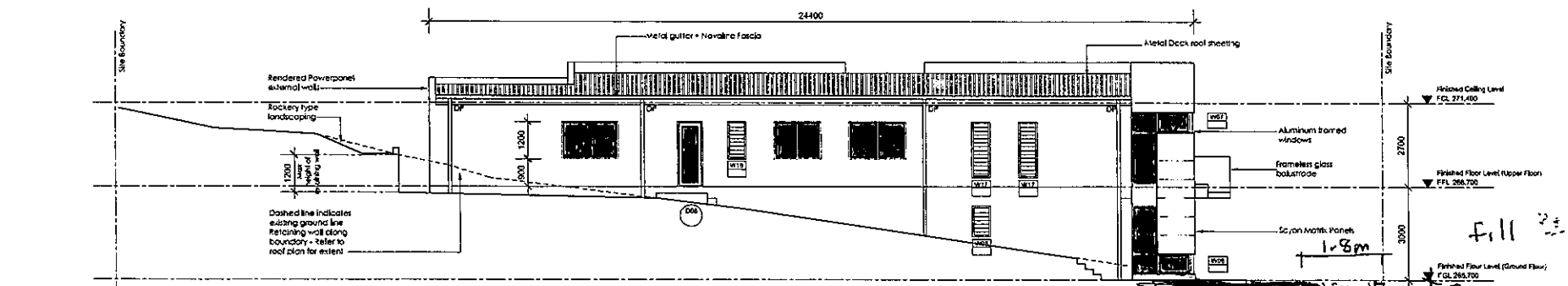
02 Rear Elevation - South East
SCALE 1:100



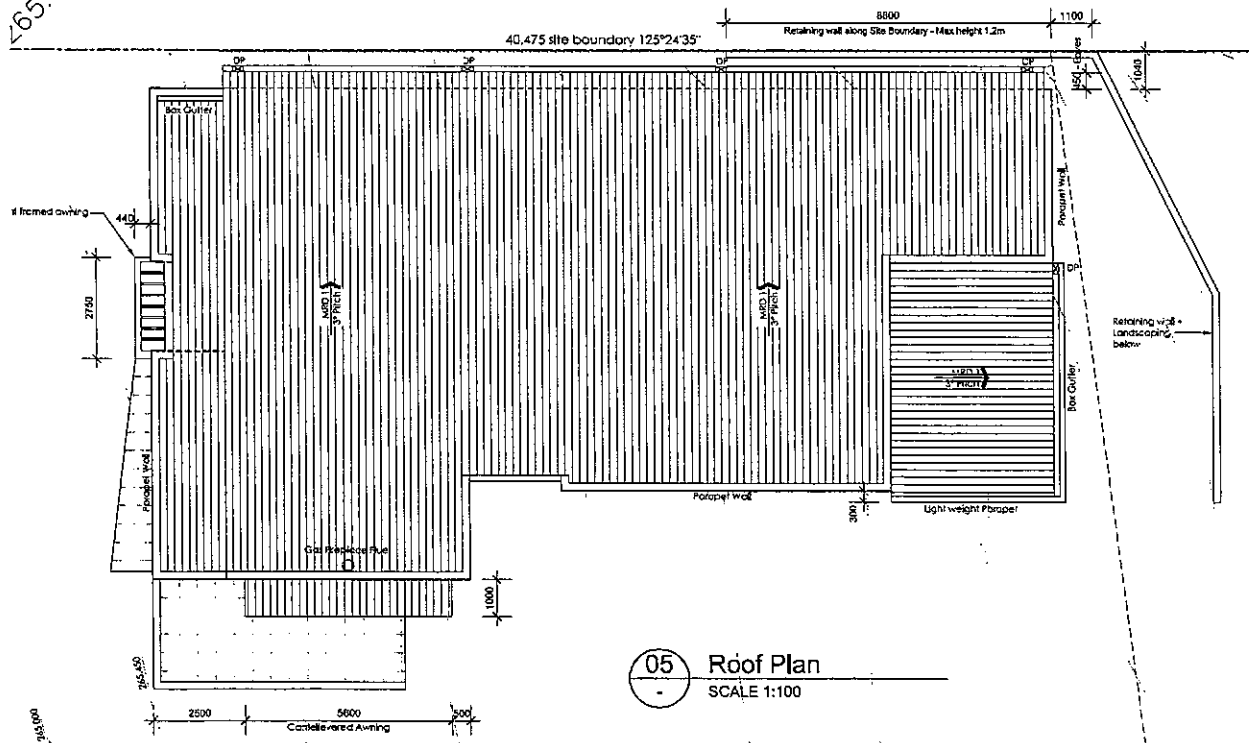
03 Side Elevation - South West
SCALE 1:100



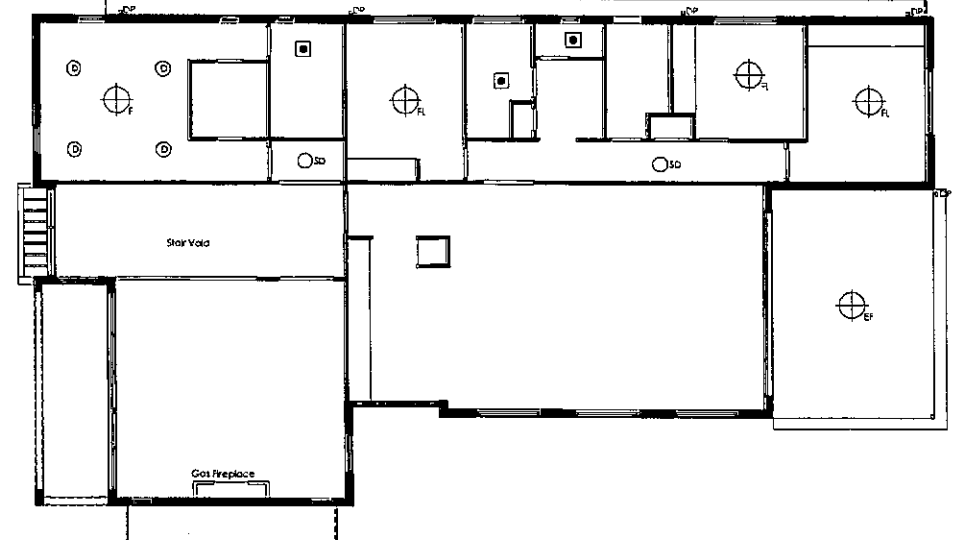
06 Reflected Ceiling Plan - Ground Floor
SCALE 1:100



04 Side Elevation - North East
SCALE 1:100



05 Roof Plan
SCALE 1:100



07 Reflected Ceiling Plan - First Floor
SCALE 1:100

LEGEND

SYMBOLS

- Door Number
- Window Number
- MSB Internal

WALL TYPES:

TYPE A: EXTERNAL WALL
Rendered 190mm Block wall on 100mm wall on 100mm floor slab with 12mm brickwork to 12mm brickwork

TYPE B: EXTERNAL WALL
Rendered 190mm Block wall

TYPE C: INTERNAL WALL
Timber framed 12mm plasterboard partition with moisture resistant plasterboard to wall space

Ceiling legend:

- Smoke Detector - surface mounted
- Downlight
- Single ceiling fan
- Single ceiling fan + light fitting
- External ceiling fan
- Mechanical exhaust ventilation

general note:
The architectural Drawings contain all scope for the Tender only of the proposed works.
The building contractor is to confirm all heights, levels, setbacks and dimensions prior to commencing work.

building code of Australia classification/NCC
Class 1 - Residence
Client's Zone 4
Woggo Woggo City Council
Woggo Woggo LIP - 10th Fl General Residential

schedule & abbreviations

AC	AC UNIT - SPLIT SYSTEM
AP-E	ACCESS PANEL - EXISTING
CA-E	CONTROL ARM - TYPE 1
COF-1	CONCRETE off form - Type 1
COS	CHECK (AND VERIFY) ON SITE
CPD	CUPBOARD
CPT-1	CARPET TYPE 1 - Refer to finishes schedule
CTF	CERAMIC TILE FLOOR
DP	METAL DOWNPIPE
EFT-1	EXTERNAL FLOOR TILE
EGL	EXISTING GROUND LEVEL
EPL	EXISTING PAVEMENT LEVEL
FPL	FINISHED FLOOR LEVEL
FGL	FINISHED GROUND LEVEL
FPL	FINISHED PAVING LEVEL
FSL	FINISHED SLAB LEVEL
GLC-1	WINDOW GLAZING - Refer to window schedule for details
HPI-1	HANDBASE - Post - at Balustrade
HWU	HOT WATER UNIT
MSB	MAIN SWITCH BOARD (Existing - Internal)
MED	METAL ROOF GLAZING - CUSTOMISED PROFILE
PS	PLASTERBOARD
PRMR	PLASTERBOARD - MOISTURE RESISTANT
MRPS	MOISTURE RESISTANT PLASTERBOARD
SP	STEEL POST
TMF	FLOORING TIMBER FLOOR
TP	TIMBER POST - ON STEEL STRIP
WM	WATER MAIN (Existing)

GPG architecture & design
Nominated architect: GPG Architecture
Registration No: 2411
Email: gpg@architecture.com.au
6 Keane Pl Woggo Woggo NSW 2630
Phone/Fax: 02 6726 5665 (Mobile: 0413 99 41 06)

Consultants:
Surveyor: T.J. Hinchcliffe & Associates
Contract: T.J. Hinchcliffe
Phone: 6731 7079 / 0402 009 745
Email: t.hinchcliffe@optusnet.com.au
Structural Engineer: XEROX PROCOLO ENGINEERS
Contract: Rod Bruce
Address: 3 Ave St Woggo Woggo NSW 2630
Phone: 02 6725 5833
Email: woggo@xeroxprocolo.com.au

Rev	Description	Date
A	Issued to WCC - DA - CC	24-10-2014
B	Issued to WCC - Retaining wall amendments	14-11-2014

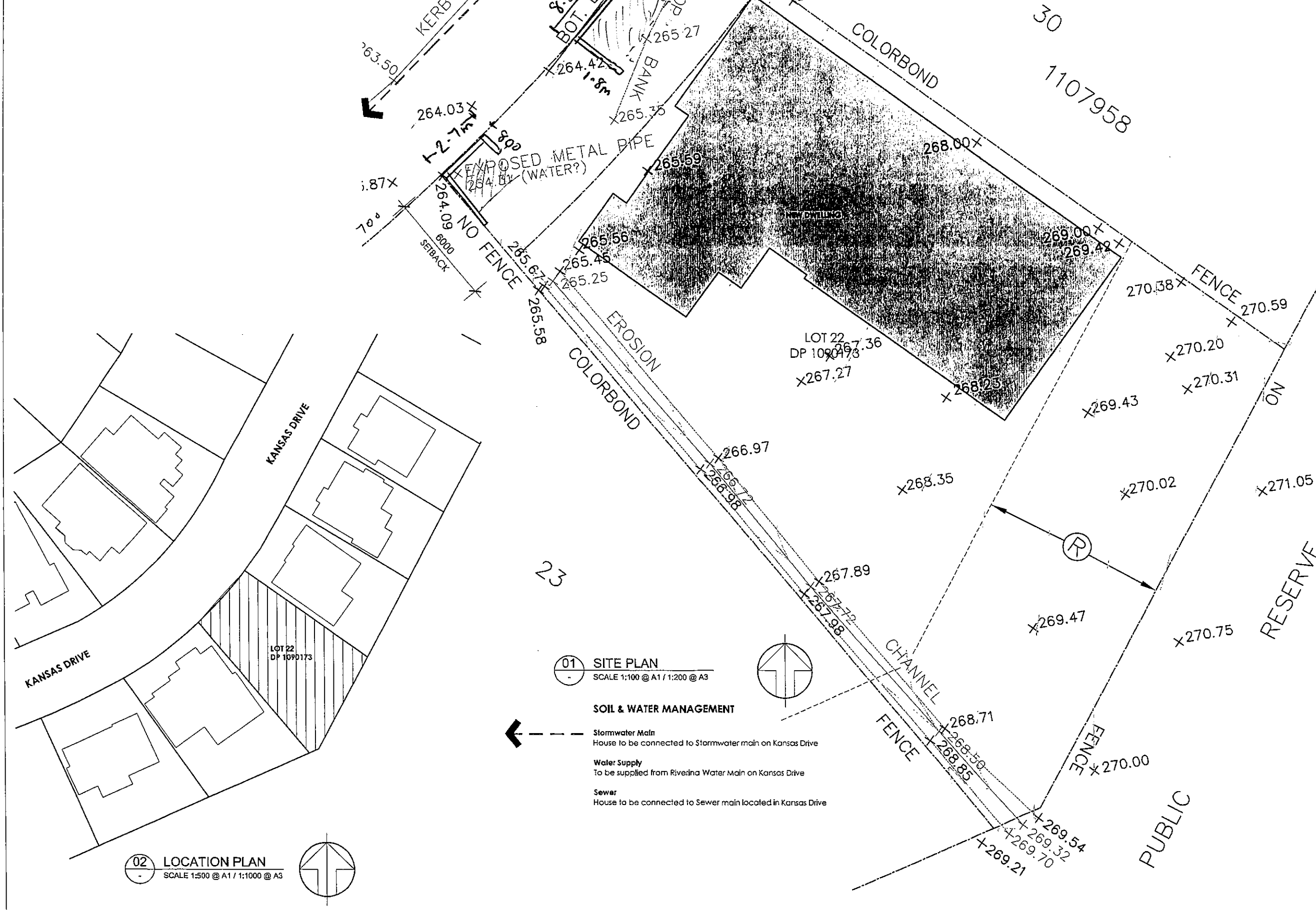
31 Kansas Drive, Tolland Heights

Proposed Residence
for
Todd Gillard
Lot 22 DP 1090173

drawing no: A1409-3001-B
drawing name: Elevations
scale: 1:100

DRAWING LIST		
DRAWING NUMBER	DRAWING NAME	SCALE
A1409-0001	SITE PLAN + LOCATION PLAN	1:200/1:500
A1409-1001	PROPOSED FLOOR PLANS	1:100
A1409-3001	PROPOSED ELEVATIONS	1:100
A1409-3002	ROOF PLAN + REFLECTED CEILING	1:100
A1409-7001	WALL DETAILS AND WINDOW AND DOOR SCHEDULE	1:50

AREA CALCULATIONS	
SITE AREA	= 1044m ²
HOUSE AREA	= 391m ²



01 SITE PLAN
SCALE 1:100 @ A1 / 1:200 @ A3

SOIL & WATER MANAGEMENT

Stormwater Main
House to be connected to Stormwater main on Kansas Drive

Water Supply
To be supplied from Riverina Water Main on Kansas Drive

Sewer
House to be connected to Sewer main located in Kansas Drive

02 LOCATION PLAN
SCALE 1:500 @ A1 / 1:1000 @ A3

LEGEND	
	Door Number
	Window Number
	MSB Internal
WALL TYPES:	
TYPE A:	EXTERIOR WALL Reinforced 75mm Formwork Panel on 300mm wall section, 90mm inner stud with 50mm battens + Gyp. Pl.
TYPE B:	EXTERIOR WALL Handmade 90mm Handmade brick wall
TYPE C:	INTERNAL WALL Timber Panelled 100mm Plasterboard partition with moisture resistant plasterboard on steel studs

CEILING LEGEND:

- Smoke Detector - Surface mounted
- Downlight
- Single ceiling fan
- Single ceiling fan + Light fitting
- External ceiling fan
- Mechanical exhaust + ventilation

SITE PLAN HATCH

PROPOSED HOUSE SHOWN SOLID TONE

GENERAL NOTE:
The architectural Drawings contain all scope for the Tender only of the proposed work.
The building contractor is to confirm all heights, levels, setbacks and dimensions prior to commencing work.

BUILDING CODE OF AUSTRALIA CLASSIFICATION/NCC
Class 1 - Residence
Climate Zone 4
Wagga Wagga City Council
Wagga Wagga LEP - DOME #1 General Residential

SCHEDULE & ABBREVIATIONS

AC	AC UNIT - SPLIT SYSTEM
AP	ACCESS PANEL - EXISTING
C-1	CONCRETE - TYPE 1
C-2	CONCRETE off form - type 1
CD	CHECK (AND VERIFY) ON SITE
CR	CURB
CPT-1	CARPET TYPE 1 - Refer to Finish Schedule
CTF	CERAMIC TILE FLOOR
DP	METAL DOWNPIPE
EFT	EXTERNAL FLOOR TILE
EGL	EXISTING GROUND LEVEL
EPL	EXISTING PAVEMENT LEVEL
FPL	FINISHED FLOOR LEVEL
FGL	FINISHED GROUND LEVEL
FPL	FINISHED PAVING LEVEL
FSL	FINISHED SLAB LEVEL
GLC-1	WINDOW GLAZING - Refer to window schedule for details
H-1	HANDRAIL - Post + rail Balustrade
HWU	HOT WATER UNIT
MSB	MAIN SWITCH BOARD (Existing - Internal)
MSP	METAL ROOF GLAZING - CUSTOMERS PROFILE
PS	PLASTERBOARD
PRR	PLASTERBOARD - MOISTURE RESISTANT
MRP	MOISTURE RESISTANT PLASTERBOARD
SP	STEEL POST
TFF	FLOATING TIMBER FLOOR
TP	TIMBER POST - ON STEEL STUPLUP
WJ	WATERMAIN (Existing)

GPG architecture & design
Nominated architect: Glenda Fordon-Gardner
Registration No: 7417
Email: gpg@gpgarchitecture.com.au
4 Keane Pl Wagga Wagga NSW 2600
Phone: 02 6925 5655
Mobile: 0413 99 44 06
Fax: 02 6925 5655

Consultants:
Surveyor: T.J. Minchin & Associates
Contact: Terry Minchin
Phone: 0731 7097 / 0402 009 795
Email: tminchin@tjminchin.com.au
Structural Engineer: NERON PROJECT ENGINEERS
Contact: Rod Bruce
Address: 5 EYE ST Wagga Wagga NSW 2600
Phone: 02 6925 5655
Email: waggawagga@neron.com.au

Rev	Description	Date
A	Issued to WCC - D4 + CC	24-10-2014

31 Kansas Drive, Tolland Heights

Proposed Residence
for
Todd Gillard
Lot 22 DP 1090173

drawing no: A1409-0001 - A
drawing name: SITE PLAN + LOCATION PLAN
scale: 1:200 / 1:500

