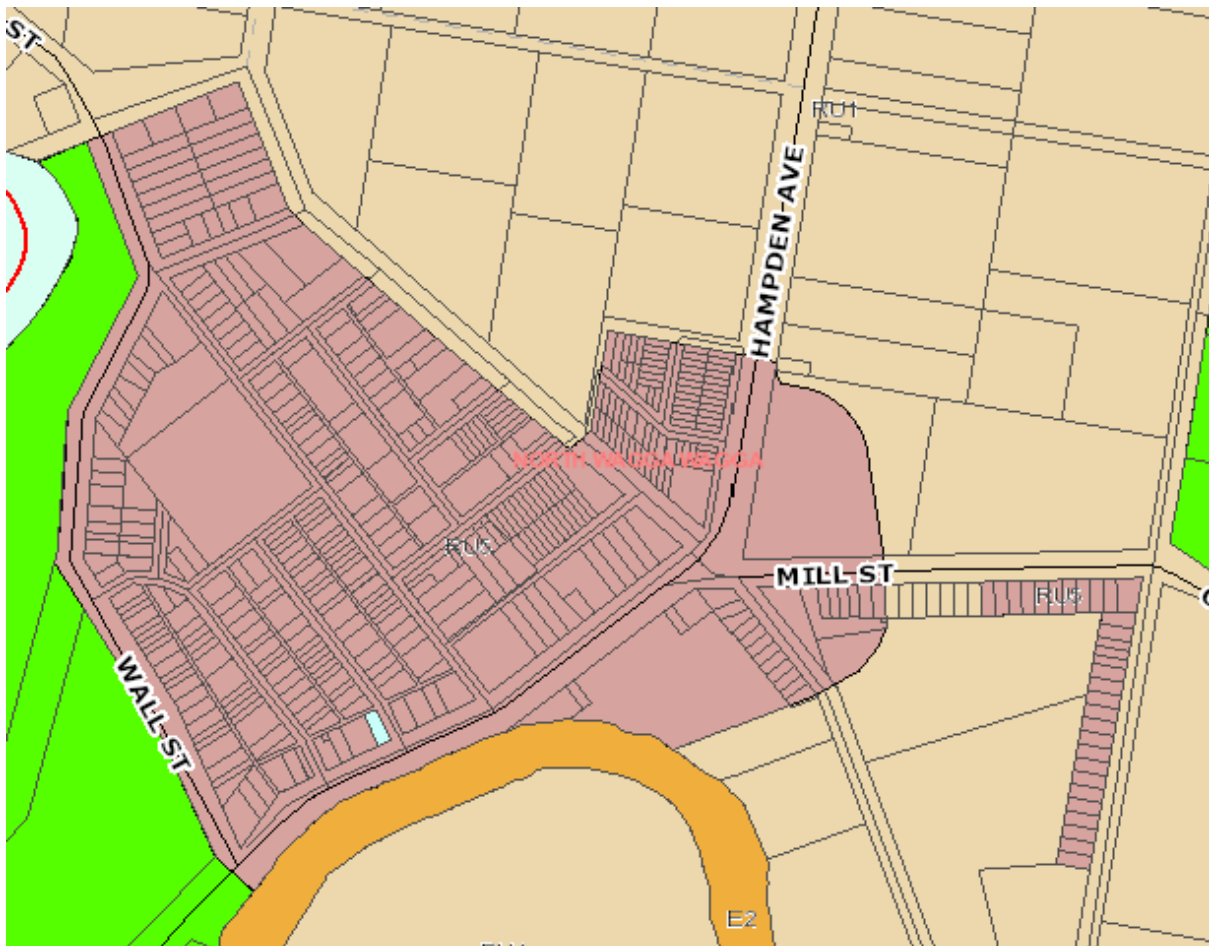


Fact Sheet: North Wagga Development

This fact sheet provides an overview of the controls relating to residential development within the North Wagga levee protected area and how they are applied by Council to applicable developments. The type of residential development covered in this fact sheet includes:

- Demolition of existing dwellings and the erection of new dwellings
- Alterations and additions to existing dwellings

The area to which these controls specifically apply is that land surrounded by the existing North Wagga flood levee protection system and zoned RU5 Village. See below:



This area is further defined as a “special site” on the “North Wagga Wagga Restrictions on New Dwellings Map” contained within the Wagga Wagga Local Environmental Plan 2010. See below:

- Additions to existing dwellings are to be limited to 50m² where the existing floor level is less than the flood planning level (1:100yr ARI flood level plus 0.5m).
- Any extensions, including habitable rooms, in excess of 50m² are to have habitable floor levels 0.5m above the 1:100yr ARI flood level.

These requirements will be explained further below.

What is the difference between “North Wagga” and the North Wagga floodplain area?

The controls relating to development within the North Wagga levee protected area are different to those relating to development outside the levee within the North Wagga floodplain area. Clause 7.1 of the LEP 2010 does not apply outside of the levee protected area and therefore it is possible for additional new dwellings to be erected outside the levee protected area in certain circumstances. There does not need to be an existing dwelling for this to occur.

Approval to erect a new dwelling or to undertake alterations and additions to an existing dwelling outside the levee protected area will be subject to a merits assessment of the proposal against the relevant controls under both the LEP 2010 (Clause 7.2) and DCP 2010.

This fact sheet provides advice on undertaking residential development within the North Wagga levee protected area only.

New Dwellings

Can I build a new dwelling in the North Wagga levee protected area?

Yes, however the dwelling must replace an existing lawful dwelling that is also located within the North Wagga levee protected area. This will generally involve an application to demolish or remove the existing dwelling along with the construction of the new dwelling

All new dwellings must be constructed so that all habitable floor space is at or above the design flood level (i.e. the 1:100yr ARI flood level plus 0.5m).

A development Application will be required for these works.

What is the Design Flood Level?

Design floods are hypothetical floods used for planning and floodplain management investigations. A design flood is defined by its probability of occurrence. It represents a flood which has a particular probability of occurring in any one year. For example, the 1% Annual Exceedence Probability (AEP) or 1 in 100 Average Recurrence Interval (ARI) flood is a best estimate of a flood which has 1 chance in 100 of occurring in any one year. Design flood levels, flows and velocities are determined for 100, 50, 20, 10, 5 and 2 year ARI floods.

The design Flood Level is the 1 in 100 ARI flood plus a freeboard of 500mm.

The design flood level will be provided in Australian Height Datum (AHD). AHD is the national survey datum, where 0.0 m AHD is approximately mean sea level. For example, the design flood level for a property in North Wagga could be 181.38m AHD.

How can I establish what the Design Flood Level is on my property and the required minimum finished floor level for my dwelling?

You can contact Council's Planning and Regulatory Services Directorate to obtain the design flood level for your property. The design flood level will be the minimum finished floor level for your dwelling.

To determine the exact height of the finished floor above the existing ground level on your property, you will need to engage a registered surveyor who will be able to provide you with a spot level survey across your property to determine the existing ground level. Once you have established the existing ground level as a baseline, the design flood level can be used to establish the height of the floor of the dwelling above the ground.

For Example:

- 1 in 100 ARI flood level = **181.38m AHD**
- Design Flood Level (and minimum finished floor level) = $181.38 + 0.5 = 181.88\text{m AHD}$
- Existing surveyed ground level = **179.63m AHD**
- Minimum finished floor level above ground level = $181.88 - 179.63 = 2.25\text{m}$

In this example, the floor level would need to be 2.25 metres above existing ground level.

What parts of my dwelling are defined as "habitable floor space"?

The definition of a habitable room is taken from the Building Code of Australia (Volume 2 – 1.1.1) and includes the following:

" a room used for normal domestic activities and

***Includes** a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre, and sunroom, but*

***Excludes** a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods."*

How does Council confirm that an existing building in North Wagga is an existing legal dwelling?

Council will review its approved dwelling register to clarify the legality of a dwelling proposed to be replaced. In certain circumstances, it may be difficult to clarify the legality of a dwelling. In these circumstances, the proponent may be required to provide appropriate evidence that the existing dwelling is lawful. This evidence may include copies of development consents, photographs or other relevant legal records.

Can I retain my exiting dwelling while my new dwelling is being constructed?

Upon issuing an approval for the erection of a new dwelling, Council will require the removal/demolition of the exiting dwelling. Depending on the circumstances, the removal/demolition of the existing dwelling will be required (by condition of consent) at one of the following stages:

- Prior to the release of the Construction Certificate for the new dwelling (i.e. prior to commencement of constructing works)
- Prior to the issue of any occupation certificated for the new dwelling (i.e. prior to the new dwelling being occupied and used as a dwelling)
- Within a set time period (e.g. 6 months) of occupation of the new dwelling.

It is recommended that you discuss the appropriate timing for the demolition/removal of the existing dwelling with Council officers when preparing your application.

Can I retain the former dwelling to be used for another purpose?

Council will generally require that the existing dwelling be entirely removed from the site or demolished. In certain circumstances, Council may consider a proposal to retain the building to be used for another purpose. This would be subject to specific restrictions that would prevent the use of the building as a dwelling in the future.

Can I replace my existing dwelling on another allotment?

Yes, it is possible to obtain approval to remove/demolish a dwelling on one allotment within the North Wagga levee protected area and to construct the replacement dwelling on another allotment within the North Wagga levee protected area. For example, this could involve the demolition of a dwelling on a property in Wall Street and the erection of a replacement dwelling on a property in Hampden Avenue.

This will generally require the lodgement of 2 applications - an application to demolish the dwelling on the first lot and an application to erect the replacement dwelling on the second lot. As discussed above, restrictions will be imposed on the timing of the removal/demolition of the existing dwelling depending on the circumstances of the case.

In this circumstance, Council may also elect to issue a “deferred commencement consent” for the new dwelling. This effectively prevents the consent for the new dwelling from being acted upon until Council is satisfied that the existing dwelling has been removed/demolished in accordance with the first consent.

Alterations and Additions

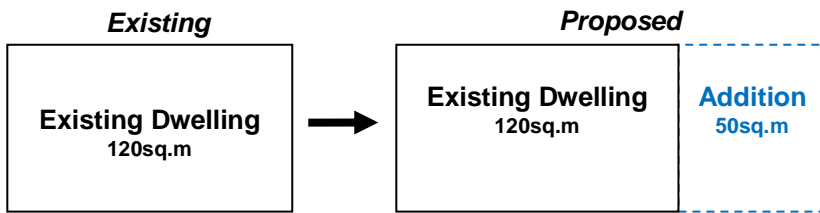
Can I undertake alterations and additions to my existing dwelling?

Yes. Alterations and additions can be undertaken to an existing lawful dwelling within the North Wagga levee protected area subject to those matters discussed below. A development Application will be required for these works.

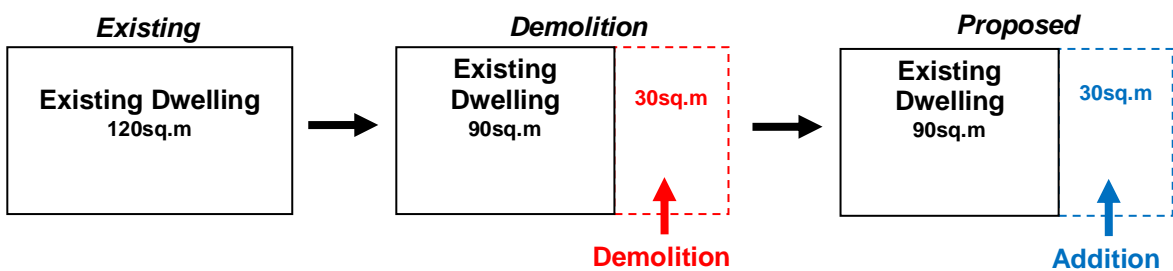
What constitutes alterations and additions?

Alterations and additions may include the following scenarios:

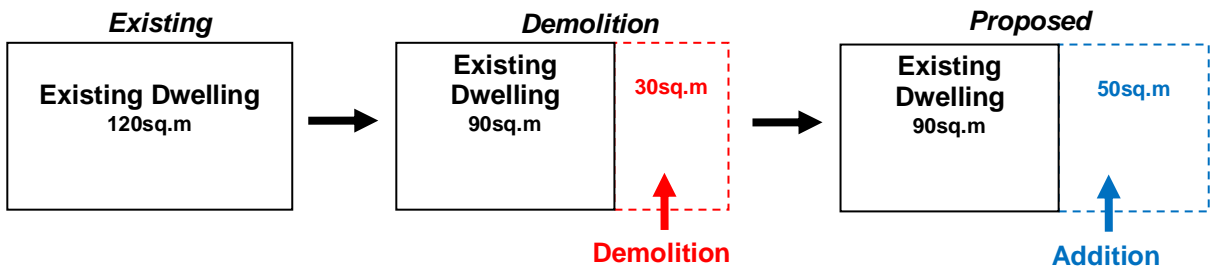
1. The construction of additional floor space as an addition to an existing dwelling.



2. The demolition of part of a dwelling and the construction of new floor space
 - a. resulting in a reduction or the same in overall floor space;



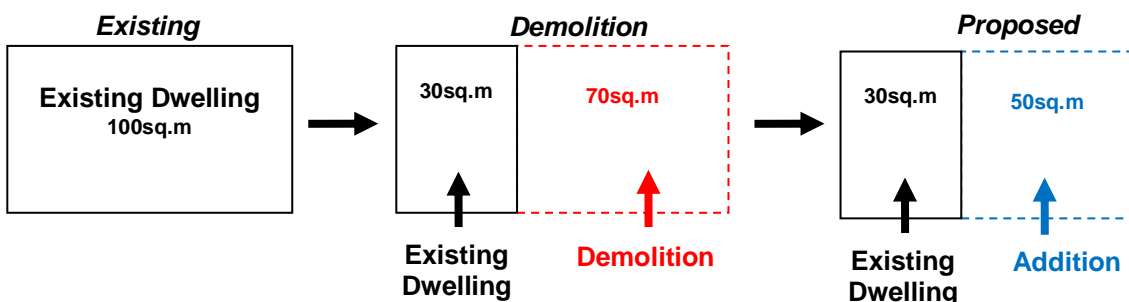
- b. or resulting in an increase in overall floor space



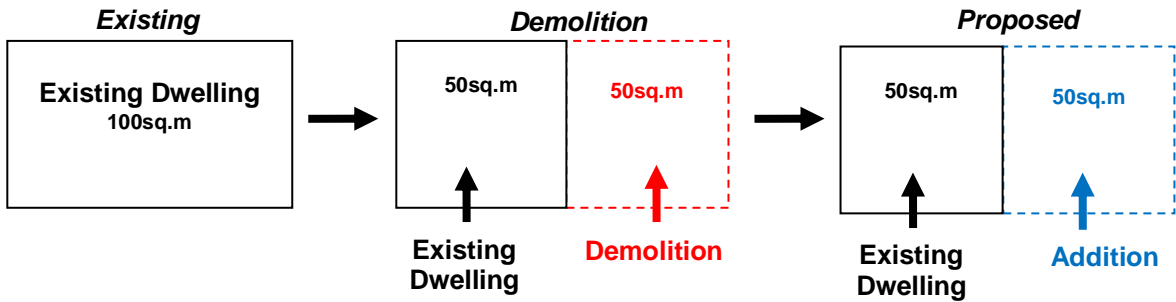
In any of these circumstances, Council will only accept the proposal as being alterations and additions if

1. The total area of the new habitable floor space of the dwelling below the design flood level does not exceed 50% of the total habitable floor space of the dwelling below the design flood level after completion of works.

NOT ACCEPTABLE

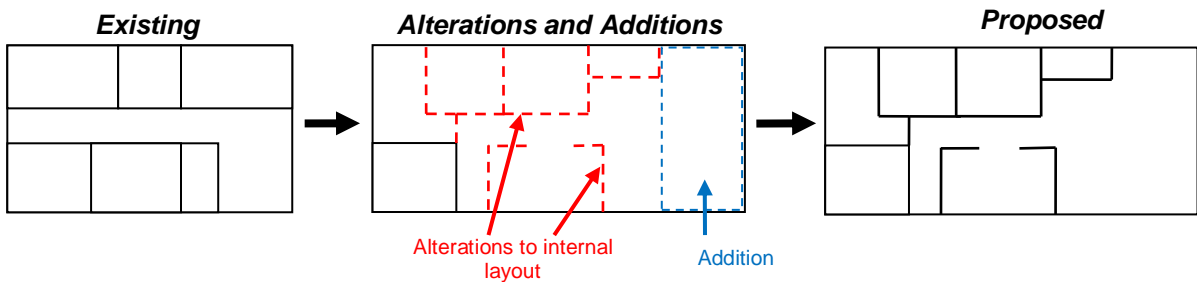


ACCEPTABLE

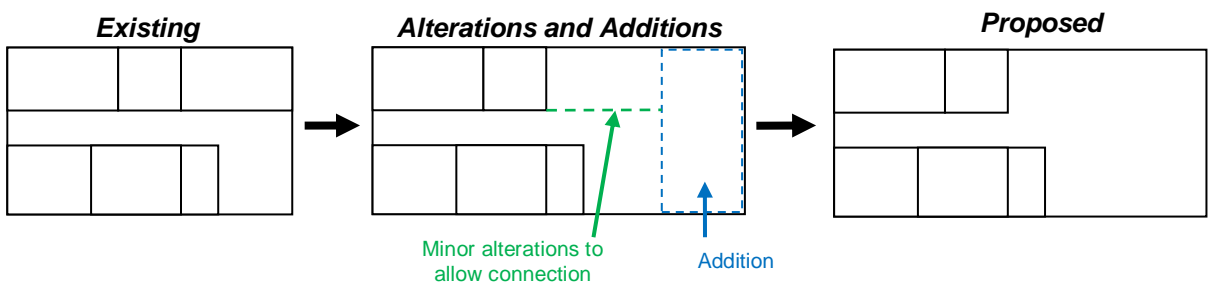


2. All structural components of the retained section of the dwelling shall be maintained including the structural flooring, wall and roof systems. Note - in certain circumstances, Council may require certification from an appropriately qualified person certifying the integrity of these components within the modified building.
3. There shall be no internal reconfiguration of the retained section of the dwelling unless they are minor building alterations that are exempt development or are alterations that are required at the interface of existing dwelling with the proposed addition to allow connection.

NOT ACCEPTABLE



ACCEPTABLE



Where the development does not satisfy these matters, it will be considered that the extent of the works constitutes the erection of a new dwelling and will not be supported. Any new dwelling will be required to have all habitable floor area above the flood planning level.

Can I make an addition to my home that is below the design flood level?

Yes. Where the floor level of the existing dwelling is below the flood planning level (1:100yr ARI flood level plus 0.5m), you can increase the habitable floor space by up to 50sq.m at this level. Any additional habitable floor space above 50sq.m would need to be constructed above the flood planning level.

A development Application will be required for these works.

Can I replace existing floor space below the flood level?

Yes. Approval can be granted for the demolition of existing floor space and its replacement with new floor space. However, the replacement habitable floor space must not exceed 50sq.m in area. Additional habitable floor space in excess of 50sq.m must be constructed at or above the design flood level.

A development Application will be required for these works.

I have previously completed an addition to my home below the design flood level. Can I make a further addition?

The total area of all additions cannot exceed 50sq.m of habitable floor space.

Where a previous addition has already occurred, additional habitable floor space will need to be constructed at or above the flood planning level once the 50sq.m threshold has been reached. If required, Council may request evidence that previous additions below the flood planning level have not already occurred.

Note: Non habitable rooms are not included for the purpose of calculating the 50sq.m threshold. As defined earlier, these rooms may include such things as a bathroom, laundry or toilet.

House Raising

Can I lift my entire dwelling to raise the floor level?

Yes. House raising is permitted however the finished floor level of all habitable rooms must be above the design flood level (i.e. the 1:100yr ARI flood level plus 0.5m).

A development Application will be required for these works.

Further Information

Further information can be obtained by contacting Council's Planning and Regulatory Services Directorate on 1300 292 442.

You may also wish to visit our customer service centre to speak with our Duty Town Planner during business hours, Monday to Friday or make an appointment to discuss the details of your proposal with a Town Planner.