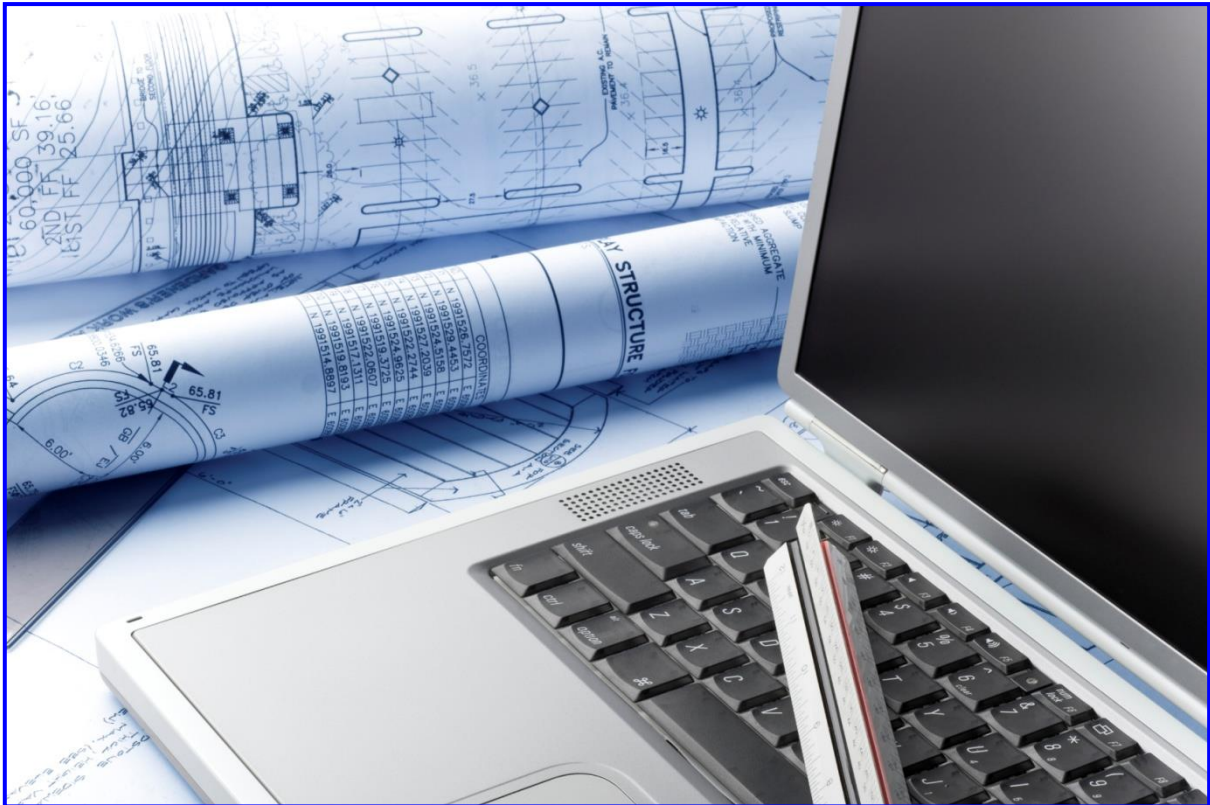




Development Application Preparation & Lodgement Guide



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About this Guide

The Development Application Preparation and Lodgement Guide explains how to prepare a Development Application to Wagga Wagga City Council. It provides a step-by-step guide to all the things that need to be completed prior to submitting an application.

The Guide is to be used in conjunction with Council's **Development Application Checklists**, to assist applicants in preparing and completing your plans and other supporting documentation.

This Guide also includes information on how to Modify a Development Consent (Section 96 application) and how to request a review of the determination of a development application (Section 82A review).

Do you need to submit a Development Application?

Most types of development require a development application. The types of development which will normally need a development application include:

- New buildings
- Alterations and additions to existing buildings, including swimming pools
- Most types of change of use of existing buildings or premises
- Demolition of buildings, including heritage items or buildings in the heritage conservations area
- Alterations or additions to heritage items or buildings in the heritage conservation area
- Subdivision of land
- Strata title subdivision of buildings
- Advertising signs
- Earthworks, filling and clearing

Alternatively, some lesser impacting developments such as sheds, rainwater tanks and driveways, may only require the less onerous Complying Development process, or even be exempt from requiring development approval.

The NSW State Government has also recently introduced the "NSW Housing Code" and a new State Environmental Planning Policy which provides new controls to determine whether developments are either Complying or Exempt.

If you are proposing to undertake complying development, please refer to Council's **Complying Development Checklist** for further information.

Any Questions?

If you require more information or advice, please phone or contact Council's **Customer Service Centre**. See the back cover of this guide for details.

Council also ensures that a town planner and building surveyor are on duty to answer your questions (subject to availability of technical officers from respective business units).

We strongly suggest that after you have prepared a preliminary concept for your development that you consider organising a Pre-Development Application meeting with Council Officers (see Step 1 below).

You can also get more information about Development Applications by visiting Council's website at www.wagga.nsw.gov.au or by emailing us at council@wagga.nsw.gov.au

Related Documents

Please note that Council has developed a series of other guides to assist you with other processes associated with the Development Application process. These guides address matters such as how to prepare and lodge a **Construction Certificate Application**, how to prepare and lodge a **Subdivision Certificate Application** and how to prepare and lodge a **Section 68 (Activity Approval) Application**. To obtain copies of Council's development guides and documents please contact Council's **Customer Service Centre** or click on the Development Tab at www.wagga.nsw.gov.au. For a full list of other related documents see **Appendix 1** of this guide.

Some important websites:

The following is a list of websites that may assist you during the process of preparing your Development Application.

- Access the latest versions of *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Wagga Wagga Local Environmental Plan 2010* as well as all State Environmental Planning Policies from this Parliamentary Counsel site.
www.legislation.nsw.gov.au
- You can access Wagga's Local Environmental Plan 2010 and Development Control Plan 2010 to view or print application forms, other important information and documents from Wagga Wagga City Council website - www.wagga.nsw.gov.au
- Access the Land and Environment Court and the judgements of the Court from this website - www.lawlink.nsw.gov.au/lec
- You can access other relevant information by visiting the NSW Department of Planning and Infrastructure website - www.planning.nsw.gov.au
- You can access information relevant to heritage matters by visiting the NSW Heritage Office website - www.heritage.nsw.gov.au
- You can purchase and download all Australian and New Zealand standards as well as some international standards from this website - www.saiglobal.com/shop
- You can purchase and obtain online access to the Building Code of Australia as well as regulatory impact statements relating to building from this website - www.abcb.gov.au

Step 1 - What Council controls and policies apply?

Ask us first!

The first step in preparing a Development Application (DA) is to find out about Council controls, policies and guidelines that may apply to your development proposal. Before you can start designing your proposal, you need to know about:

- Wagga Wagga's Local Environmental Plan 2010 and any Draft LEPs.
- Any relevant State Environmental Planning Policies (SEPPs).
- Wagga Wagga Development Control Plan (DCP) 2010.
- Any other relevant design principles, guidelines and policies that may apply to your development.

Download these documents from the relevant websites (see '**Important Websites**' above) or contact Council's **Customer Service Centre** to obtain copies as early as possible in the application process.

Council's Customer Service Team is able to answer most procedural enquiries over the phone, or you can call in personally to the Customer Service Centre. If required, they will refer you to specialist staff member that will provide more detailed information regarding:

- relevant development controls
- heritage assessment criteria
- building regulations and construction certificates
- approvals required under the *Local Government Act 1993* and other legislation
- other matters that you may need to consider when designing your proposal

For further information on a specific proposal, Council suggests that you come into Council for a 'DA Pre-Lodgement Meeting' where senior staff and specialist staff are able to provide comments on any specific proposal. If you would like to take advantage of a DA Pre-Lodgement Meeting, please contact Council's Development Services section to arrange an appropriate meeting date and time.

Need other approvals?

Section 68 Activities Approval (Refer to Activity Approval Application Guide)

You may also require approval from Council for certain activities as required under Section 68 of the *Local Government Act 1993*. Some examples of such activities include:

- Installation of manufactured homes or moveable dwellings.
- Sewerage and stormwater drainage work.
- Operate a caravan park or manufactured home estate.
- Install a domestic oil or soil fuel heating appliance

If you require an "Activities Approval" under Section 68 of the *Local Government Act 1993* you may apply for a combined Development Application / Activities Approval by completing **Attachment A (Section 68 Activity Approval)** and including it with your Development Application. Please refer to the **Activity Approval Application Guide**.

Integrated Development

Your proposal may require a further approval, permit or licence from a state agency or department. An application for certain nominated approvals are able to be integrated as part of the Development Application process. The nominated approvals are identified in **Attachment B (Integrated Development)**.

Relevant agencies from which approval maybe required include:

- NSW Rural Fire Service
- NSW Office of Environment and Heritage
- NSW Trade and Investment
- NSW Roads and Maritime Services
- NSW Heritage Branch

The type of approval and the relevant agency depends on the type and location of the proposed development. Where possible, Council is able to assist you identify relevant approvals and agencies (**Appendix 4** provides a further guide as to the types of development that may require integrated approvals). If further approval is required, you may apply as an 'integrated development'. However, if there is an uncertainty as to whether another approval is required, please consult directly with the relevant agency. It is your responsibility to ascertain which approvals are required before lodging your Development Application.

If one of the nominated approvals is required, you may apply as 'Integrated Development' by completing **Attachment B (Integrated Development)** and including it with your Development Application. We also strongly recommend that you consult with the agency concerned before you lodge a Development Application.

Applications for integrated development will be referred to the relevant agency to obtain their 'general terms of approval'. These requirements will then be incorporated in the conditions of any development consent issued by the Council under the heading of General Terms of Approval (GTA).

An additional prescribed fee per approval body referral applies to integrated development (schedule of fees can be obtained from Customer Service or at www.wagga.nsw.gov.au). Cheques for this amount are to be made payable to the applicable approval body.

Are you seeking a review of your notice of determination?

This is referred to as a Section 82A Review. A review request is appropriate where you want the determination in its totality reviewed. You must complete an application form (**Application to Review Determination**) and pay an additional fee for the review. A review cannot be made 12 months after the date on which you received the determination of the application.

Are you seeking to modify your development consent?

This is referred to as a Section 96 Modification. Such an application may be appropriate if you disagree with particular conditions of consent or decide to amend certain aspects of the proposal. You must complete an application form (**Application to Modify Consent**), attach a written justification for the proposed modification and pay the prescribed fee.

There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the development being substantially the same as the approved development. If the development is not substantially the same a new DA will be required. If unsure, ask us for details.

Step 2 - Preparing plans, drawings and other material

Which plans, drawings and other material?

You will need to prepare several types of plans, drawings and other material. The actual material required for your proposal will depend on the type of development proposed and is outlined in Council's **Development Application (DA) Checklists**. The checklists cover various land use proposals and development types including:

- Commercial and Industrial
- Advertising and signage
- Residential Buildings (including dual occupancy and multi-dwelling)
- Minor Residential Development
- Heritage and Conservation Area
- Demolition
- Subdivision
- Entertainment Venue / Events
- Land Use or Change of Land Use (Not involving building or other works)
- Section 96 Modification

Other checklists can be found within the following documents that also relate to this Guide:

- Attachment A - Section 68 Activity Approval
- Attachment B - Integrated Development
- Attachment C - Statement of Environmental Effects (SEE) Template

You will need to select, complete and submit the relevant checklist(s) as part of your Development Application (DA). If your DA includes all the required details as stipulated on the relevant checklist(s), we can deal with it more quickly. Failure to provide the information as outlined within the checklists may result in the subject application being rejected or refused.

What information should my documentation contain?

Once you have selected the appropriate checklist(s) for your development proposal, you will need to refer to the contents of **Appendix 2**. **Appendix 2** outlines in detail the information that your plans, drawings and other material must contain.

Some of the material, such as the specialist and technical reports, may form part of a Statement of Environmental Effects (see Step 3 of this guide).

How many copies?

Generally Council will require a minimum of **3 complete copies** of all plans and documentation submitted with your Development Application. In some instances, such as minor residential development, a lesser number may be required – **please refer to the relevant checklist(s) for exact details for each document type**.

Step 3 - Preparing a Statement of Environmental Effects (SEE)

What is a Statement of Environmental Effects?

A SEE is a written report outlining the likely environmental impacts of the proposal. It also describes how the environmental impacts have been identified and the steps to be taken to protect the environment or to lessen the expected impacts. The SEE includes written information about the proposal that cannot be readily shown on your plans and drawings.

When is a Statement of Environmental Effects required?

All development applications (except those for designated development) require a statement of environmental effects.

Modification applications - Revised SEEs are required for all modification applications. Revised statements need to discuss the environmental issues relating to the amendments and can be in the form of an addendum to the original statement.

Applications for Designated development - Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists designated development types. These are generally large industrial uses, rural works, extractive works, and mining works. An environmental impact statement (EIS) is required for designated development. There are separate requirements for the content of an EIS. It is recommended that you arrange a meeting with Council's planning staff to discuss the requirements for designated development before proceeding.

What to include in a Statement of Environmental Effects

Your SEE should address all the issues that are applicable to your proposal. **Appendix 3** provides a guide to the issues that may be relevant to your proposal and a detailed list of considerations relevant to each of these issues. Other issues not listed in the table 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

Simple Development Applications - Only a very brief statement is required for proposals that are likely to have a negligible impact. In this instance, **Attachment C - Statement of Environmental Effects (SEE)** may be used. The SEE attachment is a blank template that may be used to complete your statement. Alternatively, it can be used as a guide to preparing your own written statement. The template contained in Attachment C can only be used for certain types of development including some single storey residential dwellings, strata subdivision of existing buildings and some minor works in conservation area (for full details refer to Attachment C).

In considering whether issues identified within the template are relevant to your proposal, please refer to the details contained within the corresponding sections of **Appendix 3**. This will assist you in ensuring that you have considered all of the potential impacts relevant to your proposal.

Remember, the Statement of Environmental Effects template can only be used for certain development types (see above). **Other development proposals must be accompanied by purpose written statements.**

Need help writing your statement of environmental effects?

Council encourages applicants to use the services of a professional consulting town planner to assist in the preparation of more complex statements of environmental effects. A list of consultant town planners is available from the Planning Institute of Australia – www.planning.org.au

Why should I bother preparing a statement of environmental effects?

Assisting your application

A thoughtful, well-prepared SEE is an excellent opportunity to demonstrate the merits of your proposal. It allows a timely identification of the issues, ensuring they are processed quickly. The SEE is your chance to bring all matter to the fore and provide Council with logical, rational and reasonable arguments to support your application.

Protecting the Environment

Importantly, identifying adverse impacts in a SEE does not mean that Council will automatically refuse the application. Rather, it is your chance to demonstrate that the environment has been considered in the design stage by highlighting concerns and the means proposed to avoid, minimise, mitigate or manage them.

Satisfying legislative and policy requirements

Council staff are obliged to ensure all assessments are carried out in accordance with a wide range of legislation, regulations, policies, plans and strategies as well as community expectations. The principles underlying the requirement for an SEE is that applications should provide Council with sufficient information to enable a proper determination.

Departure from Planning Guidelines/Provisions

Council acknowledges that it is not possible to account for all possible situations, sites and development scenarios. Consequently when circumstances warrant, council may consent to an application which departs to a minor extent, from the provisions of council requirements. In such cases, a written submission must be lodged with the Development Application, outlining the variation, providing reasons why the variation is necessary or desirable and setting out how the objectives of the particular provisions are satisfied by the proposal.

Legally required

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 (SEE) with all Development Applications (other than designated development)

Schedule 1, part 1, subclause 4 of the *Environmental Planning & Assessment Regulation 2000* states that such SEE's 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.

Step 4 - Completing the application form

(Incomplete/Insufficient applications will be rejected)

Development Application Form

The following sections of the form require particular attention:

Page 1 – Applicant details

Please check that you (and any other applicant listed) have signed the application.

Page 2 – Estimated Cost

This section requires you to provide information in relation to the following 4 matters:

1. Development Cost:

The development cost of the proposed works must be accurate and based on the actual contract value. Development cost includes a genuine estimate of:

- a. the costs associated with the construction of any building;
- b. the costs associated with any preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment);
- c. the construction costs of other work (including, but not limited to carparking, roadways, infrastructure provision, earthworks, landscaping, etc.); and
- d. the costs of any demolition.

If you are unsure, consult an accredited quantity surveyor. If the cost of works is incorrect or understated the DA fee will also be incorrect and this could result in your application being refused or delayed.

2. Capital Investment Cost

This information is only required if the capital investment cost is \$5,000,000 or greater. Capital investment value of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs:

- a. amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 6 or 6A of Part 4 of the Environmental Planning and Assessment Act or a planning agreement under that Division
- b. costs relating to any part of the development or project that is the subject of a separate development consent or project approval
- c. land costs (including any costs of marketing and selling land)
- d. GST (as defined by A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth).

3. Construction Cost

This information is only required if you are applying for a Construction Certificate. Construction cost will be a reflection of the Development Cost (see above) but will exclude items that will not require building or engineering certification such as the installation of plant and equipment and the establishment of landscaping.

4. Subdivision

This information is only required if your development proposal includes subdivision. Please identify the total number of allotments to be created by the subdivision. Please also indicate whether your development proposes opening of a public road (such as the construction of a new street that will be dedicated to Council as a public roadway).

Page 2 – Description of your proposal

You must describe the proposed development in detail. Tell us exactly what you propose to do. Make sure you tell us about relevant operational details in your statement of environmental effects.

Page 2 – Special consideration

You may require approval from Council for certain activities under the provisions of Section 68 of the *Local Government Act 1993*, such as sewer and stormwater works, the installation of a relocatable dwelling or the installation of a solid fuel heating appliance (see Step 1 for further information). **Please complete Attachment A (Section 68 Activity Approval) and include it with your Development Application.**

Under the planning legislation, you must indicate on the application form if you are seeking an approval from another government agency specified in the legislation as part of the DA process. If you are seeking this approval as part of your DA, the proposal is classed as 'integrated development' (see Step 1 for further information).

Attachment B (Integrated Development) provides a general guide to the approvals that can be integrated into the development application process. If further approval is required, you may apply as 'integrated development'. **Please complete Attachment B (Integrated Development) and include it with your Development Application.**

Page 3 – Consent of all owners of the property

You must obtain the consent of the landowner. **If there is more than one landowner, every owner must sign.** If the application form is not signed by the landowner(s), Council will not accept your application. The following are considered to be acceptable forms of owner's consent:

1. Individual Ownership and Joint Owners

All owners **MUST** sign the application form/or provide a letter of authority stating:

- the correct Lots and DP/SP/NPP the application is to be lodged on,
- the site address/es and
- the development description

2. 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.

Note: The application must be accompanied by an Australian Securities and Investment Commission (ASIC) register search that provides proof of the company officers. Visit <http://asic.gov.au/>

3. Owners Corporation (Strata Plan)

When the owner of a lot is the Owners Corporation the corporation must either:

- a) Sign and stamp the application form; or
- b) provide letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so.

When the application is lodged on a Strata Plan the Owners consent is required from the Owners Corporation as well as the owner of the subject lot. This can be in the form of:

- a) A letter on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so; or
- b) The official minutes of Body Corporate meeting giving consent for that particular application. There should be verification of the minutes by seal or signatures by office bearers or at the very least a signed covering letter verifying the minutes.

If either of the above cannot be provided consent is required from all unit owners in the Strata Plan.

5. Department of Education Ownership

If the Principal of a school signs the development application on behalf of the owner they must also provide a letter of Authority from the Department of Education or a letter from the Minister of the Department of Education.

6. Legal representative for the true owner(s)

Where a person is legally authorised to provide consent on behalf of the true owner(s) in a Power of Attorney, Executor or Trustee capacity, documentary evidence of that legal authority must be attached to the application form/letter of authority or in the case of a Power of Attorney they must provide their Power of Attorney Number.

Note: documentary evidence of a person's Power of Attorney, Executor or Trustee capacity is not sufficient by itself. The authorised person must still sign the Development Application form or alternatively provide a letter of authority as outlined at point 1 above.

7. Crown Land

When the application relates to Crown Land the application form/letter of authority must be signed by an authorised officer from the Department of Lands.

8. The site is in the process of changing hands or has changed hands in the past six months

- A settlement letter from a solicitor stating that settlement has taken place and the date of settlement must be provided; or
- The current landowners consent to lodge the application; or
- The transfer of title

9. Applications on Council Owned Land

Applications proposed on Council owned Land must be signed by a delegated officer from the relevant Directorate of Council prior to lodgement of any application. The following list is indicative of the Directorate of Council that you will need to obtain owners consent from on the subject development application –

Infrastructure Services – for the purpose of carrying out development on road reserves and within drainage and stormwater reserves.

Environment and Community Services – for the purpose of carrying out development on Council owned parks, gardens and reserves.

Commercial & Economic Development - for the purpose of carrying out development on land associated with Council owned/operated businesses and on crown reserves under Council management.

Note: If the proposed works affect a joint wall or fence, consent of both property owners is required.

Page 4 – Applicant and Landowner Declaration

This declaration is required to allow Council to process this Development Application in accordance with the provisions of Council Policy 046 (titled "Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land"). The policy provides for a transparent protocol for the determination of Development Applications lodged by Councillors, Council Staff and their respective relatives.

Definitions:

Councillor - Shall mean all elected members of the Wagga Wagga City Council including the Mayor

Relative - Shall mean a relative including, but not limited to – parent, grandparent, brother, sister, uncle, aunt, nephew, niece or an adopted child of the person or the person’s spouse, spouse, partner.

Staff - Shall include persons employed by Wagga Wagga City Council either full-time, temporary, contract or casual basis within the previous 3 months, but shall not include persons engaged by Council as consultants or on a unpaid or voluntary basis. Staff shall also include persons employed by external organisations but whom primarily work at or from a Council facility, such as trainees employed by employment agencies.

Form for modifying development consent – Sect. 96

The following sections of the form require particular attention:

Consent or Certificate to be modified

The development application number of the consent to be modified must be accurately identified. This is particularly important where more than one consent may have been granted for a property and where the modification is for an older consent.

The type of modification that you are seeking must be correctly identified. Correctly identifying the type of modification will assist us in deciding how the application will be processed and in what manner the consent should be modified. There are 4 types of modifications which can be made:

- a. 96(1) - is a modification to a consent where there is an error, mistake or misdescription
- b. 96(1A) - is a modification involving minimal environmental impact
- c. 96(2) - relates to other modifications to a consent
- d. 96AA - relates to modifications submitted to the Council for approval but where the Land and Environment Court granted the development consent

Provide brief details of the manner and extent of the modification proposed and any associated updates to plans and specifications. Also provide evidence that the modified proposal remains substantially the same development as that originally approved.

Consent of all owners of the property

You must obtain the consent of the landowner. **If there is more than one landowner, every owner must sign.** If the application form is not signed by the landowner(s), we will not accept your application. Refer to notes regarding acceptable forms of owner’s consent provided under “Development Application” above.

Form for reviewing the determination of a development application – Sect. 82A

The following sections of the form require particular attention:

Decision is to be reviewed

The decision to be reviewed has to be clearly identified.

The development application number of the determination to be reviewed must be accurately identified. This is particularly important where more than 1 development application has recently been determined for the land.

Please support your case as to why the Council should review its decision

You should refer to any new information not provided with the development application and which supports the review.

Your declaration

We need to know that you were the applicant for the development application which is being reviewed. No one else is entitled to make a review request.

Step 5 - Lodging the application form and fees

How to lodge your application

You are able to lodge your Development Application and supporting documentation by sending it to Council by mail or by lodging it at Council in person. See the back cover of this document for Council's street and postal addresses.

Whilst our Customer Service centre is open between 8:30am and 5:00pm Monday to Friday, please note that, when submitting your application in person, Council can only process its lodgement prior to 4:30pm.

Don't forget to ensure that your development application includes the following:

For all applications

- Completed application form
- Relevant DA checklist(s)
- Signatures of all landowners
- Signature of the applicant
- Application fees (see below)

Where required (**refer to checklists**)

- Reduced plans (A4 or A3 size) or electronic copy - 1 copy
- Plans, elevations and sections - *3 copies
- Statement of environmental effects (see Step 3) and other reports - *3 copies
- Other plans (survey, landscape, soil and water, subdivision) - *3 copies
- Photomontages - 2 copies
- Sample board - 2 copies
- BASIX certificate and annotated plans – 2 copies

(* 2 copies for minor residential development – see relevant checklist)

Council may require further copies for larger development proposals.

Fees

Fees must be paid upon lodgement of your application.

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision). A schedule of fees (for development and construction certificate applications) can be obtained from our Customer Service Centre or from our web site at www.wagga.nsw.gov.au

Payment options:

Cheque: Make cheques payable to 'Wagga Wagga City Council'

Credit Card: All major cards accepted

Cash: For applications lodged in person, you can pay cash between 8:30am and 4:30pm.

After you lodge your application

Acknowledgement

We will formally acknowledge by letter that Council has received your application.

If we need more information

Council may need more information beyond the minimum statutory requirements or the items nominated within applicable development checklists to undertake a proper assessment. If required, Council will request this by letter as soon as possible after receiving the application.

Public notification

Most development applications are publicly notified to enable interested persons to submit comments to the Council. The submission period is 14 days, but for some types of development it can vary between 7 and 30 days. Notification periods are nominated with the relevant section (section 1.10) of the Wagga Wagga Development Control Plan 2010.

Making enquires

If you would like to find out how your application is progressing, you can telephone us for details.

Please do not telephone until at least 2 weeks after commencement of the notification period.

When calling, you can assist us by quoting the development application number and the name of the assessment officer referred to in your application acknowledgement letter.

Alternatively you can view the progress of your Development Application by accessing Council's online Development Tracking System at www.wagga.nsw.gov.au.

Notice of determination

After your application has been determined you will receive a 'Notice of Determination of the Development Application'. The Notice will tell you whether Council has approved or refused your application.

If your application is approved, the Notice will give details of any conditions of consent, and the reasons for those conditions. It will also tell you when the consent becomes effective, and when it will lapse.

If your application is refused, the Notice will give the reasons for refusal. The Notice will also explain your right of appeal to the Land and Environment Court.

Conditions of consent

You cannot alter or vary the development (or the way in which it operates) unless the terms of the consent are modified. To do this, you must make a separate application to modify the consent. An additional fee applies.

Section 94 contributions

Your notice of determination may include a condition under section 94 of the *Environmental Planning and Assessment Act 1979*. Depending on the type of development application that has been lodged, this condition may require a monetary contribution towards the capital cost of the Council providing additional public amenities such as open space, car parking and civic improvements. In some cases the condition may relate to the dedication of land or the provision of a material public benefit.

Information about section 94 contributions is contained in the Council's contributions plan. This plan identifies the type of development for which a monetary contribution or dedication of land may be required, the formulas for calculating contributions, monetary contribution rates, and the programme of capital works on which the funds will be spent. You can view or purchase a copy of the relevant contributions plan at Customer Services. You may also view the plan on our website www.wagga.nsw.gov.au

All section 94 monetary contributions are placed into a special account. They cannot be used for any other purpose.

Section 94A contributions

A condition of development consent may require the payment of a levy toward the provision, extension or augmentation of public facilities or toward recouping their costs, unless:

- you are required to make a section 94 contribution (see above) , or
- you have entered into a planning agreement with the council which specifically excludes the payment of the levy.

Information about section 94A levies is contained in the Council's Section 94A Development Contributions Plan. You can view or purchase a copy of the plan at our Customer Service Counter. You may also view the plan on our website www.wagga.nsw.gov.au

Section 64 developer charges

Section 64 of the *Local Government Act 1993* enables a local government council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to section 306 of the *Water Management Act 2000*.

Depending on the type of development application that has been lodged, your notice of determination may include a condition under section 64 requiring a monetary contribution towards the cost of supplying sewerage and stormwater.

Information about section 64 contributions is contained in the following Development Servicing Plans (DSPs):

- City of Wagga Wagga Development Servicing Plan for Sewerage – February 2006
- Wagga Wagga City Council Development Servicing Plan – Stormwater – November 2007

You can view or purchase a copy of the relevant DSPs at Customer Services. You may also view the DSPs on our website www.wagga.nsw.gov.au

Subsequent approvals

If your proposal involves building or subdivision work, you will need to obtain a Construction Certificate for the detailed building plans, specifications and engineering drawings. You can apply for this either to the Council, or (for building work) to an accredited certifier. You must also appoint a 'Principal Certifying Authority' (PCA) and notify the Council in writing at least 2 days before you commence any construction work. It is your responsibility to obtain any additional approval that may be required before you commence the development. (See Council's **Construction Certificate Preparation and Lodgement Guide** and Checklist for further information).

Disagree with your notice of determination?

If you are dissatisfied with the determination of your development application you may contact us to clarify issues and discuss your options. Options available to you include:

- A review of determination of your application. A review cannot be made: (a) 6 months after the date on which you received the determination of the application, or (b) after an appeal against the determination made to the Land and Environment Court has been disposed of by the Court. You must complete an application form and pay an additional fee for the review. You cannot seek a review if the proposal is 'designated development' or 'integrated development'. If unsure, ask us for details.
- An application to modify development consent. This may be appropriate if you disagree with particular conditions of consent or decide to amend certain aspects of the proposal. You must complete an application form, and attach a written justification for the proposed modification.
- An appeal to the Land and Environment Court. An appeal must be commenced within 6 months of the day on which you received your notice of determination. Before proceeding to a Court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

NOTES: There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the development being substantially the same as the approved development.

Reviews may make changes to developments which do not make the development substantially different from what was approved or refused.

If the development is not substantially the same a new DA will be required. A review request is appropriate where you want the determination in its totality reviewed. A modification is appropriate where you only want to change an aspect of the consent or where you want a condition of consent reconsidered.

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Wagga Wagga City Council

PO Box 20

WAGGA WAGGA NSW 2650

Phone: 1300 292 442

Fax: (02) 6926 9199

E-mail: council@wagga.nsw.gov.au

Web: www.wagga.nsw.gov.au

Customer Services

Civic Centre

Cnr Baylis and Morrow Streets

WAGGA WAGGA NSW 2650

Hours

8:30am and 5:00pm Monday to Friday

Note: Application lodgement required prior to 4:30pm

Development Application Preparation & Lodgement Guide

Appendices

Wagga Wagga City Council

March 2016

(Version 1.12)

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Appendix 1

Related Documents

Council has developed a series of other guides to assist you with other processes associated with the Development Application process. A full list of these documents is provided below. To obtain copies of Council's development guides and associated documents please contact Council's **Customer Service Centre** or click on the Development Tab at www.wagga.nsw.gov.au.

DA GUIDE CHECKLISTS

- Commercial and Industrial
- Advertising and signage
- Residential Buildings (including dual occupancy and multi-dwelling)
- Minor Residential Development
- Heritage and Conservation Area
- Demolition
- Subdivision
- Entertainment Venue / Events
- Land Use or Change of Land Use (Not involving building or other works)
- Section 96 Modification

DA GUIDE ATTACHMENTS

- Attachment A - Section 68 Activity Approval (refer to Activity Approval Application Guide)
- Attachment B - Integrated Development
- Attachment C - Statement of Environmental Effects (SEE)

OTHER GUIDES & CHECKLISTS

Activity Approval Application Guide

Attachment A - Section 68 Activity Approval

Construction Certificate Preparation and Lodgement Guide

Construction Certificate Checklist

Complying Development Certificate Preparation and Lodgement Guide

Complying Development Checklist

Subdivision Certificate Preparation and Lodgement Guide

Torrens Title Subdivision Checklist

Community Title or Strata Title Subdivision Checklist

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Appendix 2

Step 2 - Details for plans, drawings and other material identified in DA Checklists

2.1 - Site analysis plan

This plan illustrates and analyses existing site conditions in relation to surrounding land and buildings. Draw the plan at a standard scale such as 1:100 or 1:200 or for larger proposals 1:500, and include the following details where relevant to the proposal:

Orientation

- north point (true solar north)
- scale (show ratio and bar scale)

Property details

- property boundaries and dimensions
- lot and deposited plan numbers
- site area (square metres)
- easements, rights of way, sewer mains, etc

Landform and vegetation

- contours or spot levels presented in not greater than 1 metre intervals (extend contours into adjoining roads and properties to demonstrate adjoining land form)
- differences in ground levels between the site and adjoining land
- stormwater drains, overland flow paths, drainage easements, watercourses, channels, etc
- extent of any known landfilling or contaminated soil
- landscape features: cliffs, rock outcrops, embankments, retaining walls, etc
- important views: from the site, and from adjoining land
- existing vegetation: location, height, canopy spread and species
- trees, located on adjoining property, within 5m of common boundary and street trees

Access

- public roads, laneways, pathways
- driveways, parking areas, loading bays

Existing development

- existing buildings and structures - on the site and on immediately adjoining land (**see note below**) - show location, distance from boundary, height, current use, front and rear entrances
- proposed buildings (show outline only)
- overshadowing by adjoining buildings
- fences and walls
- privacy: adjoining private open spaces, facing doors and windows
- noise, odour and light spillage sources (e.g. main roads, railway lines, tennis courts, sports fields, air conditioning units, pool pumps, etc)
- street frontage features: poles, trees, kerbs, footpaths, crossings, street furniture, drainage pits etc
- heritage or archaeological features
- existing advertising signs

NOTE: When providing information on buildings/structures located on adjoining properties, Council will not require information to be at an accuracy that would require you to enter the property in order to obtain measurements and details or to undertake survey. Council will accept a level of detail that has been inferred or deduced from what is visible from the development site.

Details may also be obtained through the use of resources such as aerial photos, maps, plans, existing survey information, etc.

2.2 - Survey plan

This plan (prepared by a registered surveyor) will show the exact location of existing buildings and other features on the site, preferably at a scale of 1:100 or 1:200. The plan should include the following details:

- north point (true solar north)
 - scale (show ratio and bar scale)
 - date of survey
 - name of surveyor
 - position of all existing structures
 - position of structures on immediately adjoining land
 - Reduced Levels (RLs) or levels to AHD including that of adjoining properties where relevant
 - position of existing trees, subject to the Tree Preservation Order, within the site and those immediately adjoining properties located less than 5m from common boundary
 - reduced level of the base of such trees, and their height, canopy spread. And diameter at breast height (i.e. 1.4m above ground level)
 - the location of all easements, rights of way etc. benefiting or burdening the land proposed to be developed
 - the location and reduced levels of all pipes, pits etc. within easements to drain water or drainage easements
 - the location of sewer mains and water mains
 - features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits
-

2.3 - Plans, elevations and sections

These drawings will clearly document the proposed buildings or works. If the proposal is for alterations/additions to an existing building, **the new work is to be coloured**. An example of a colour scheme that could be used is as follows:

Roof tiles: Orange
Tile: Purple
Glass & Glass Bricks: Light blue
Steel, Galvanised Iron: Dark blue
Sandstone: Light brown
Brick: red
Concrete: Dark green
Fibre Cement/Cement Render: Light green
Timber: Yellow

The following information must be shown on all plans, elevations and sections, unless otherwise specified below:

Title block

- Name of architect, designer or draftsman and contact details
- Drawing number and date, e.g. plan number 1 of 2009
- Amendment drawing number and date (where relevant)
- A table of amendments and descriptions of each amendment.
- Applicant's name, (if a company, the company's name and ABN)
- Address of the property
- File names for electronic documents (where applicable)

Orientation

- North point (true solar north) – on plans only

Scale

- Ratio and bar scale. Use standard scales such as 1:100 or 1:200. A scale of 1:50 may be used for small properties

Levels

- Contours, ground levels, floor levels, ceiling levels and roof levels. Contours and levels must be Reduced Levels (RLs) or levels expressed to Australian Height Datum (AHD) and presented in not greater than one-metre intervals

Include the following details on plans, elevations and sections where relevant:

Plans

- plans must be drawn with clarity
- all plans must be consistent with each other
- location of proposed new buildings, alterations or works (show setback distances from boundaries and other buildings on the site)
- existing buildings (show outline only)
- room layout, partitioning, location of windows and doors
- room dimensions, areas and proposed use
- courtyard dimensions and areas
- walls and fences
- total floor area and floor space ratio
- disabled persons access
- vehicle entrance and exit driveways
- car parking and loading areas (show layout and dimensions)
- waste bin storage and collection facilities
- trees being retained and proposed for removal (show trunk and canopy dimensions to scale).
- letter boxes
- private open spaces
- where privacy maybe an issue, the location of windows of the buildings on adjoining properties
- wall construction
- spot levels of existing ground (expressed as Reduced Levels (RLs) or levels to AHD) at the corners of proposed buildings and at significant changes in levels around the perimeter of proposed buildings
- section lines and location on plan

Elevations and sections

Draw an elevation viewed from each direction, and at least one long and one cross section showing:

- existing buildings (show outline only)
- building facade, windows (including size and sill height), roof profile
- materials and external finishes (e.g. wall, roof, window, door and fence materials, paint colours, etc)
- existing and finished ground levels, floor levels, ceiling levels, eave levels and roofline levels (expressed as Reduced Levels (RLs) or levels to AHD) (show driveway grade)
- chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels)
- details of any signage proposed (including dimensions, materials, method of fixing, any illumination, content – identification signage or advertising, etc.)
- retaining walls and fences (indicate height)
- extent of excavation or filling of the site including levels (expressed as Reduced Levels (RLs) or levels to AHD)
- location of adjoining buildings showing address, height, setbacks and other relevant features
- appropriate number and location of sectional drawings
- height of levels expressed as Reduced Levels (RLs) or levels to AHD

Modifications and reviews

If there are changes the plans submitted with a modification application or with a request for a review of determination the application must clearly distinguish the changes from the plans referred to in the notice of determination of the development application.

- The method for distinguishing the changes is to be by highlighting, shading, hatching or 'clouding' so the changes are apparent on black & white copies
 - Changes to dimensions, wording, notations, RLs and other text must be clouded
 - The title block of amended plans must show the issue or version of the amendments with an identifying title/caption
-

2.4 - Subdivision plan

This plan, typically prepared by a registered surveyor, will clearly illustrate the proposed subdivision layout. Draw the plan to a standard scale such as 1:100, 1:200 or 1:500, and show the following details where relevant to the proposal:

- north point (true solar north)
 - scale (show ratio and bar scale)
 - date, plan number, amendment number and date
 - author
 - existing and proposed boundaries
 - current lot and deposited plan numbers
 - relationship to existing roads
 - proposed boundary dimensions (metres)
 - proposed lot areas (square metres or hectares)
 - proposed roads, pathways (indicate width)
 - proposed easements and rights of way
 - proposed public reserves, drainage reserves
 - existing and finished levels (contours or spot heights expressed as Reduced Levels (RLs) or levels to AHD)
 - long sections and cross sections of proposed roads
 - conceptual building footprints or building envelopes
 - location of existing buildings or structures on the site
 - extent of any environmental constraint areas
 - indicative building envelopes with respect to site constraints
-

2.5 – Landscape plan

This plan, generally prepared by a qualified Landscape Architect, Landscape Designer or Horticulturalist, will detail proposed landscape design. The plan will demonstrate an understanding of the site and its context. Use a standard scale such as 1:100 or 1:200. Show the following details:

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number and date
- name (and contact details) of Landscape Architect, Designer or Author
- site dimensions, building envelope dimensions and other relevant measurements
- existing buildings and structures (building, carparking, fences, retaining walls, paving, etc) on the site and on immediately adjoining land
- finished surface levels, embankments and grades (indicate extent of cut and fill) expressed as Reduced Levels (RLs) or levels to AHD
- all existing trees to be retained or removed, within and adjacent to the site and any tree protection zones required during construction
- planting schedule detailing species, botanical and common names, location, quantities and spacing, installation pot size and expected mature heights within each planting location. All plants with a mature height equal to or greater than 2m are to have their mature canopy spread shown to scale

- indicate the location, species, height and spread of existing trees to be retained or removed on plan
- proposed planting indicated on plan (species, location, massing and mature height)
- proposed surface treatments and restoration (e.g. turf, paving, bank stabilisation, mounds, etc) including appropriate legend
- proposed fences and retaining walls (indicate height and material)
- maintenance program and irrigation details (consideration to be given to the installation of low water use irrigation systems and mulching of all garden beds to reduce water evaporation and consumption)
- proposed location of stormwater and other above and below ground services and service corridors.
- Be consistent with other plans with respect to the height, size and location of buildings

Note – Refer to Council’s “Landscape Guidelines - Preparation & Lodgement Guide”, available on Council’s website at: <http://bit.ly/1mtkoaS>.

Lloyd (Urban Release Area) Specific Requirements – Landscape Plan

Lots in the Lloyd Urban Release Area (Lloyd URA) have specific landscaping requirements due to the land being a groundwater recharge area. Within this subdivision, the aim is to minimise the amount of water that infiltrates the surface and maximise the amount of water that is collected through the stormwater system. In the garden, this can be achieved by maintaining the water load on soil at natural rainfall levels.

As well as the general landscaping requirements listed above, Lloyd URA applications must include the following information:

- No fixed irrigation systems are to be installed between the building line and the road alignment so plans will be checked that this is not indicated. The road reserve (nature strip or verge) has been treated with compacted gravel to be impermeable. This treatment must be retained and maintained although other treatments such as synthetic turf or other materials placed on top of the compacted gravel may be utilised to improve aesthetics. Any other treatment should be shown on the plan
- Indicate any fixed irrigation systems behind the building line. These are discouraged but would ideally utilize tank water.
- Indicate low water use plantings – see the developer’s landscaping guide attached to your certificate of title.
- Indicate pervious and impervious areas, preferably with colour (e.g. pervious green, impervious red)
- All impervious areas included in the 20:80 ratio as approved in the development consent of this allotment, shall be drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.

2.6 – Tree Reports

Aboricultural Assessment Report

An Aboricultural Assessment Report may be required if:

1. the development site contains trees or vegetation that are protected by Council’s Tree Preservation Order (TPO) that are proposed to be removed; and/or
2. the development will be sited within 5m of trees or vegetation that are protected by Council’s Tree Preservation Order (TPO).

If your development will result in one (or both) of the above scenarios, you are required to contact Council’s Tree Management Officer to determine the need for an Aboricultural Assessment Report. Details on what to include in the report will be provided at this stage.

Construction Impact Statement

A Construction Impact Statement may be required if any proposed construction work falls within the calculated Tree Protection Zone of a tree subject to Council's Tree Preservation Order (TPO). If your development will result in this scenario, you are required to contact Council's Tree Management Officer to determine the need for a Construction Impact Statement. Details on what to include in the report will be provided at this stage.

2.7 - Soil and Water Management Plans

For new development involving construction or civil works, substantial alterations and additions and any significant excavation works, Council will require the following soil and water management plans/information to be submitted for consideration.

Water Supply and Sewerage Disposal

As a minimum, the statement of environmental effects must satisfy Council that all water services (supply, waste and stormwater drainage) can be provided to serve the site in accordance with each authority's respective requirements with a minimal adverse environmental impact.

Development Application plans must show the general location of existing sewer mains, the likely connection point and the likely location of new sewer pipes within the site. The location of pipes in relation to significant trees that may be affected by excavation and trees which may affect sewer pipes by tree root invasion is a relevant consideration.

Stormwater

The development application must provide the following information:

- Overland flow paths of flood liable areas present on the land and existing surface contours (expressed as Reduced Levels (RLs) or levels to AHD)
- The proposed method of collection of roof and surface stormwater including the general location and levels of proposed drains, stormwater pipes, drainage pits and proposed finished surface contours (expressed as Reduced Levels (RLs) or levels to AHD)
- The proposed building locations and finished floor levels (expressed as Reduced Levels (RLs) or levels to AHD)
- The location of infiltration measures (swales, landscaping, permeable pavements, etc)
- The location of rainwater tanks
- The location of on-site detention basins or tanks, including stored water levels and emergency spillways
- The location of discharge points to stormwater drainage system (show levels at these locations) and the method of connection
- The location of stormwater easements (existing or proposed)

Lloyd (Urban Release Area) Specific Requirements – Drainage Plan

Lots in the Lloyd Urban Release Area (Lloyd URA) have specific stormwater management requirements due to the land being a groundwater recharge area. Within this subdivision, the aim is to minimise the amount of water that infiltrates the surface and maximise the amount of water that is collected through the stormwater system. As well as the general drainage requirements listed above, Lloyd URA applications must include the following information:

- Indicate pervious and impervious areas, preferably with colour (e.g. pervious green, impervious red)
- All impervious areas included in the 20:80 ratio as approved in the development consent of this allotment, shall be indicated on plans as drained to the piped stormwater drainage system. This requirement extends to but is not limited to, garden sheds, courtyards, patios and paved areas.

- All dwellings constructed shall indicate a rainwater tank as per the conditions of consent for your lot or the relevant BASIX requirement. All excess rainwater shall be disposed of via Council's stormwater system. Plans to indicate tanks connected to an internal device such as toilet, washing machine or irrigation system to ensure use of the collected water.

Note: Copies of Drainage Diagrams for individual properties can be obtained from Council subject to an applicable fee (Refer to Council's Schedule of Fees and Charges). Please note, however, that these diagrams can be viewed at Council's Customer Service Centre and no cost.

Soil Erosion and Sediment Control

These plans are generally not required until the Construction Certificate stage. Council will normally impose specific conditions requiring these matters to be addressed prior to the issue of any Construction Certificate and prior to the commencement of any works.

However, on occasions, a Soil Erosion and Sediment Control Plan may be required with the submission of the Development Application. The Pre-DA process will normally identify the requirement for a Soil Erosion and Sediment Control Plan at the Development Application Stage.

Proposed developments involving excavation or earthworks will be required to submit a Soil Erosion and Sediment Control Plan complying with the 4th edition of the "Managing Urban Stormwater – Soils and Construction" published by the New South Wales Department of Housing ("The Blue Book"), with the development application. The plan is to include details of measures to be implemented on the site prior to construction and during the course of construction. The plan shall nominate types of sediment and control measure proposed, size, location and review and maintenance measures.

2.8 - Shadow diagrams

When required:

The following provides a general guide to allow the applicant to determine when Council will require the submission of shadow diagrams with a development application.

For building work that is located 900mm or greater from a boundary of land zoned residential (not including a boundary to a road), a shadow diagram will be required for any new building work where any point of that building work has a building height of greater than 3.8m above natural ground level and is within a distance of the boundary that equals the sum of:

- 900mm and
- a distance that is equal to one-quarter of the additional building height above 3.8m.

For building work that is located within 900mm of a boundary of land zoned residential (not including a boundary to a road), a shadow diagram will be required for any new building work where any point of that building work has a building height of greater than 2.0m above natural ground level and is within a distance that is equal to one-half of the additional building height above 2.0m.

Note: Council will reserve the right to request shadow diagrams where it considers that other factors such as lot size, orientation, slope of site, adjoining buildings or land use issues create the potential for adverse overshadowing. Where the applicant considers that there are similar factors that may warrant a shadow diagram not being provided, this can be determined through discussion with Council's planning officers prior to the lodgement of the Development Application.

Requirements

This plan, typically prepared by an architect, will illustrate the extent of shadows cast by existing and proposed buildings, including buildings on adjoining land and trees where relevant. Draw the plan to a standard scale such as 1:100 or 1:200, and show the following details:

- north point (true solar north)
- scale (show ratio and bar scale)

- date, plan number, amendment number and date
- author
- position of existing and proposed buildings on the site
- position of buildings on adjoining land
- horizontal and vertical impact of shadows cast at equinoxes and winter solstice: for 9am, 12noon and 3pm (show altitude and azimuth angles)
- if proposal is replacing an existing building, show change in shadows from existing to proposed development
- indicate the location and nature of existing and/or proposed fencing, with the shadows projected
- appropriate allowance for the topography

Need Assistance?

Council has made available a shadow diagram kit titled “ShadowDraw” which provides a simple and quick technique for the manual plotting of shadows. The kit has been designed to aid in the plotting of shadows created by buildings and extensions. The kit allows shadows to be plotted over a range of times during the day thereby assisting in the assessment of the impacts of overshadowing.

The pack also includes a CAD version specifically tailored for Wagga Wagga for users of AutoCAD 2000 – 2008 and AutoCAD 2009.

The kit is available from Council for a fee (Refer to Council’s Schedule of Fees and Charges).

2.9 - Demolition plan

When required:

The following provides a general guide to allow the applicant to determine when Council will require the submission of a Demolition Plan with a development application.

A Demolition Plan will be required for any demolition of a building/structure (or part of) where the area (or any combined areas) to be demolished is greater than 5 sq.m or the part to be demolished is greater than 6 metres in height.

Note: A Demolition Plan is not required for any demolition that is “exempt” development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note: Council will reserve the right to request a demolition plan where it considers that other factors such as proximity to public places or sensitive land uses/environments will result in the potential for adverse impacts. Where the applicant considers that there are similar factors that may warrant a demolition plan not being provided, this can be determined through discussion with Council’s planning officers prior to the lodgement of the Development Application.

Requirements

A demolition plan incorporates a description of the proposed demolition process that identifies how the demolition is to proceed in a controlled and orderly manner. It also addressed how waste generated from the demolition will be managed and disposed of. The plan shall include, but not be limited to, documentation of the following information:

- The location of the site on which the structure to be demolished stands
- The overall height of the structure above ground level and the least distance from the structure to each site boundary (all to the nearest 0.5 metres)
- A brief description of the type of building (occupancy class), its structural support system and the principal materials of its construction
- Details of any required service disconnection

- A description of the methods of demolition proposed to be used and the type of major equipment proposed for implementing those methods and the means of moving such equipment from floor to floor
- A description of the proposed sequence of carrying out the demolition works and an estimate of the time, in days, that it is likely to take to complete all or each of the stages of the work
- Details of the proposed protective measures, including overhead protection and scaffolding
- Details of any exclusion zones required. Exclusion zones shall be determined after considering existing conditions and work methods. Depending on the demolition method the zone may need to be larger than the demolition site during the key stages of the demolition operation
- Provision of a traffic management plan for the structure and site
- A description of the methods proposed for handling and disposing of demolished materials and, in particular, of hazardous materials
- The volume and type of waste generated during demolition
- The method of storage of material on site. A site plan should be included
- How recyclable materials will be separated, managed and where materials will be sent for recycling
- The location and method of disposal of all residual waste

2.10 - Reduced plans and documents (A4 or A3) or electronic copy

You are required to provide one (1) reduced copy (at A3 or A4 format) of any plans or documentation that you are submitting with your application that are of a larger format (e.g. A1 or A0).

Council requires these reduced documents to enable them to be scanned so that they can be stored electronically.

Note: When providing reduced plans in A4 format please ensure that the plans remain legible. Pay particular attention to line and text clarity if they are reduced from larger scale drawings.

Alternatively you may elect to provide an electronic copy (PDF) of **all** your documentation on Compact Disc (CD) rather than providing reduced copies. **Note** – all applications are still required to be accompanied by required number of copies of plans as nominated in respective checklists.

The electronic plans and documents are also used for referring the application to some internal departments and external agencies.

2.11 - Geotechnical and Hydrogeological reports

A Geotechnical and Hydrogeological report will be required for all applications that have potential to adversely affect surrounding properties either during excavation works or construction of subsurface structures.

This would generally apply to works that:

- Disturb the support of neighbouring property - For example, excavation within 1.5 metres of the site boundary for excavation depths over 1.5 metres.
- Are considerable in scope - excavation machinery may create adverse vibrations or cause settlement
- Interfere with temporary or permanent groundwater flows – Subsurface structures may create subsurface dams and redirect groundwater flows, etc

A report will also be required where a development is proposed over uncontrolled, unstable or unknown fill.

2.12 - Land contamination reports

Under *State Environmental Planning Policy No.55 Remediation of Land (SEPP 55)*, the Council must not consent to the development of land unless it has considered certain land contamination and remediation issues. An applicant must provide certain information in the form of land contamination reports to enable the Council to carry out its consideration. There are 5 types of land contamination reports that may be required as part of an application:

- Initial site investigation report
- Stage 1 Preliminary site investigation report
- Stage 2 Detailed site investigation report
- Stage 3 Remediation action plan
- Stage 4 Validation report and, if required, site monitoring report

Some applications may only need to be accompanied by an initial site investigation report whilst others may require a number of reports. All reports except the initial site investigation report must be prepared by a suitably qualified consultant. An initial site investigation report may form part of the Statement of Environmental Effects. The type of report to be submitted and its details will depend on the proposed development, the current and previous use of the land on which the development is proposed, and the location of that land.

2.13 - Species Impact Statement

If the application is in respect of development on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations or ecological communities, or their habitats—a species impact statement prepared in accordance with Division 2 of Part 6 of the *Threatened Species Conservation Act 1995*.

Note: Part 7A of the *Threatened Species Conservation Act 1995* provides for certain circumstances in which development is taken not to significantly affect threatened species, populations or ecological communities, or their habitats.

Under Section 5A of the *Environmental Planning and Assessment Act 1979*, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

1. any assessment guidelines (issued and in force under section 94A of the *Threatened Species Conservation Act 1995* or, subject to section 5C, section 220ZZA of the *Fisheries Management Act 1994*).
2. The following factors:
 - (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species to such an extent that a viable local population of the species is likely to be placed at risk of extinction,
 - (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population to such an extent that a viable local population of the species is likely to be placed at risk of extinction,
 - (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - (i) is likely to have an adverse effect on the extent of the ecological community to such an extent that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
 - (d) in relation to the habitat of a threatened species, population or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Note: key threatening process has the same meaning as in the *Threatened Species Conservation Act 1995* or, subject to section 5C, Part 7A of the *Fisheries Management Act 1994*.

2.14 - Flood Impact Assessment

A Flood Impact Assessment will be required for all applications that are located on the floodplain. The following information should be addressed:

- The existing and proposed use of the site including the approximate locations of existing buildings on the site (if any) and their uses and the locations of any proposed buildings and/or type of use proposed
- The number of people expected on-site during normal operations
- Existing and proposed earthworks and land filling
- Existing and proposed drainage systems, including waterways, pipelines, drains, culverts and bridges
- Details of any other physical features that may affect flows, such as roads, levee banks, fences and retaining walls
- The existing natural surface levels of the site & proposed finished surface levels to Australian Height Datum (AHD) (determined by a registered surveyor)
- Floor levels to Australian Height Datum (AHD) for existing and proposed buildings
- The assessed 1 in 100 year flood level at the site. This information can be obtained from Council's Development Services Section
- Details of existing and proposed vehicular access and/or evacuation routes between the public road system and the identified development area for each lot, that are designed for two-wheel drive vehicles and will not be cut off in a major flood event
- Details of building envelopes or other defined areas that are outside of the floodway, that are appropriately sized and that are appropriately located for the anticipated use (including appropriate setbacks to property boundaries and other site constraints)
- Details illustrating that the proposed development has been designed to withstand the effects of inundation of floodwaters in the 1 in 100 year flood level with activities, contents or fittings susceptible to flood damage being located at a level above this flood level (i.e. "flood proofed" at 500 mm above freeboard). This may include the use of flood compatible building materials below the minimum required floor level and the installation of electrical services above the minimum required floor level
- Details illustrating or confirming that the design of the proposed development is such that the risks of structural failure or damage in the event of flooding would be minimal
- Details illustrating or confirming that the proposed development will not increase the flood hazard or flood damage to other properties or adversely affect them in any way during floods
- Details confirming the incorporation of permanent maintenance free measures to allow the timely, orderly and safe evacuation of people from the site should a flood occur
- For large scale developments or developments in critical situations (e.g. floodways) a flood study using a fully dynamic computer model may be required

2.15 - Statement of Heritage Impact

Refer to Appendix 6 (Guide for Preparing a Statement of Heritage Impact)

2.16 - Demolition report

A demolition report will contain:

- information on the history of the building and its site
 - a full description of the building and its setting
 - photos of the building and its setting
 - a structural report (where existing structural condition is used to substantiate need for demolition)
 - conclusions about heritage significance, the viability of retaining the building and integration of part of the building with the proposed new works.
-

2.17 - Sample board of materials and colours of the building/structure

Each sample of the material and colour provided on the board must be labelled so as to:

- describe the composition of the material and colour
- describe the architectural feature that will comprise the material and colour
- identify the location of the material and colour on facades

To assist with interpretation the board should contain an elevation or elevations of the building, which clearly identify the location of each type of material and colour finish. The sample board may be supplemented by technical sheets or reports that provide details on the materials and colours.

2.18 – Photomontages

The photomontages are to show the key contextual streetscape and neighbourhood settings of the proposed development and other relevant images, such as impacts on critical/sensitive views from both the public and private domain. The montages are to be generated from a survey accurate and detailed 3-dimensional computer model of the proposed development. The accuracy of the montages is to be certified by a registered surveyor and the project architect upon lodgement with the Council.

2.19 - BASIX Certificate (and annotated plans)

BASIX (the Building Sustainability Index) was introduced by the NSW State Government on 1 July 2004 (and became affective across the Wagga Wagga Local Government Area on 1 July 2005) as a means of reducing water consumption and greenhouse gas emissions and improving thermal performance requirements.

A BASIX assessment is mandatory for all residential developments with a total estimated cost of works of \$50,000 or more. Residential development may include:

- new buildings that contain one or more dwellings
- conversion of an existing building to a building that contains one or more dwellings
- alterations and additions to buildings that contain one or more dwellings
- Swimming Pools with a capacity of 40,000 litres or more

Applicants are required to carry out a self-assessment through the interactive website programme accessed at www.basix.nsw.gov.au.

Subject to passing the assessment, a BASIX certificate will be issued by the Director-General of the Department of Planning and Infrastructure through the website. A BASIX certificate must be lodged

with the development application to Council. If the proposal is for more than one of the specified building types, a separate certificate is required for each building.

The development application submitted to Council must be consistent with the proposal used in the BASIX assessment. Plans accompanying the application must be annotated with the agreed BASIX commitments set out in the certificate.

For further information on BASIX refer to the website www.basix.nsw.gov.au.

Note:

In addition to development applications, a BASIX certificate must be lodged with the following applications:

- an application to review a determination (where the application includes amended plans)
- an application to modify a development consent (where the application includes amended plans)
- an application for construction certificate
- an application for a complying development certificate
- an application for an occupation certificate

2.20 - Cost Summary Report (s94A)

Completion of this report is generally required when the estimated cost of works is \$100,001 or greater. The information that you supply in this form assists Council in calculating the contribution to be levied on your development under Section 94A of the Environmental Planning and Assessment Act 1979. For further information on Section 94A contributions, please refer to Wagga Wagga Section 94A Levy Contributions Plan 2006 which is available at Council's Customer Service Centre or at www.wagga.nsw.gov.au.

The estimated cost of the proposed works must be accurate and based on the actual contract value. If you are unsure, consult an accredited quantity surveyor. If the cost of works is incorrect or understated the DA fee will also be incorrect and this could result in your application being refused or delayed.

Appendix 7 of this guide contains a Cost Summary Report form (taken from Schedule 2 of the City of Wagga Wagga S94A Levy Contributions Plan 2006) that can be completed and submitted with your development Application in order to satisfy this submission requirement.

2.21 - Disclosure statement of political donations or gifts

Political donations and gifts must be disclosed under section 147(4) and (5) of the Environmental Planning Assessment Act 1979 for applications or public submissions to a Council. Please refer to information contained in Appendix 8 of this guide before filling out the Disclosure Statement.

Appendix 8 contains a declaration form that, once completed, can be attached to your development application.

2.22 Bushfire Assessment

When applying for development on land that is zoned as bush fire prone it will be necessary to demonstrate that the proposal is in accordance with the requirements of the NSW Rural Fire Service document 'Planning for Bushfire Protection 2006.' This document can be viewed via the RFS website www.rfs.nsw.gov.au

The information to be included in an assessment is included in Appendix 4 of the Planning for Bushfire Protection document and can be summarised as follows:

- a statement that the site is bush fire prone land, where applicable,
- the location, extent and vegetation formation of any bushland on or within 100 metres of the site,

- the slope and aspect of the site and of any bush fire prone land within 100 metres of the site, which may determine the likely path of any bush fires,
- any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development, and
- a statement assessing the likely environmental impact of any proposed bush fire protection measures.
- whether any building is capable of complying with AS 3959/1999 in relation to the construction level for bush fire protection.

Applications that are classed as integrated development will be forwarded to the NSW Rural Fire Service for assessment. All other developments on bush fire prone land will be assessed within Council.

2.23 - 80:20 Impervious to Pervious Plan (Lloyd Urban Release Area)

Lots in the Lloyd Urban Release Area (Lloyd URA) have specific resource management requirements due to the land being a groundwater recharge area. Within this subdivision, the aim is to minimise the amount of water that infiltrates the surface and maximise the amount of water that is collected through the storm water system. As well as the general plan requirements listed above, Lloyd URA applications must include the following information:

- Indicate pervious and impervious areas, preferably with colour (e.g. pervious green, impervious red)
 - Include a copy of the 80:20 plan for your lot (attached to your certificate of title or contact Development Services or visit council's website), showing the lot area, 80:20 area and maximum pervious area. Your design should reflect these requirements
-

2.24 – Fire Safety Provisions

If the development involves

- a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure), OR
- the rebuilding, alteration, enlargement or extension of an existing building;

the following **MUST** be provided:

- a list of the category 1 fire safety provisions that currently apply to the existing building, and;
- a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

Council may require fire and other life safety related building upgrades in accordance with the provisions of Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000.

2.25 – Neighbourhood Development Contract and Neighbourhood Management Statement

Development Contract

Development contracts pertaining to a community title subdivision are required to be lodged with all neighbourhood schemes (Note – they are optional for community and precinct schemes).

Note - Section 26 of the Community Land Development Act 1989 (CLDA), states that Council cannot grant consent where a Neighbourhood Development Contract has not been provided.

The contract comprises of 3 parts:

Part 1

This part will provide a description of the development and must address the following headings indicated in schedule 2 of the *Community Land Development Act 1989* and in Approved Form 27 (available on the NSW Land and Property Information website):

- Description of the land
- Amenities
- Theme and architectural design
- Landscaping
- Pictorial representation

The approved form gives directions for what should be included under each of the above headings.

Part 2

This part is headed Original Proprietors Rights and Undertakings. It is to provide details of the requirements to enable the future developments and constructions.

Undertakings by the Original Proprietor - If the original proprietor does not intend to provide any further development, the original proprietor should complete the undertaking and Part 1 and Part 2 should be left blank.

Part 3

This part is for the provision of the signature of the original proprietor or his authorised agent and a witness. **There is also a certificate of approval from the consent authority which must be completed.**

Council will require you to submit with your application the original Neighbourhood Development Contract (which will be signed and returned), a copy of the Neighbourhood Development Contract and an electronic copy of the Neighbourhood Development Contract (on CD and in PDF format).

Management Statement

A management statement must be lodged with each neighbourhood scheme (Note – they are optional for community and precinct schemes at the DA stage but are mandatory with the Subdivision Certificate). A management statement is the document which sets out by-laws to assist the efficient running of the scheme. Unlike strata schemes there are no model by-laws for community schemes.

The approved forms, in accordance with the legislation, list areas to be covered in the statement but leaving the terms of the by-laws up to the discretion of the developer. The management statement may indicate:

- The theme of the development (if any),
- Any special requirements for use or maintenance of the association property,
- Whether access ways will be created. Access ways are effectively private roads within the association property and are maintained by the association and not the local council, and
- If statutory easements are to be created in accordance with clause 36 Community Land Development Regulation 2007 and who is responsible for provision and maintenance of service lines.

Note: The above may be guided by conditions of development consent.

It may also cover issues necessary for the better enjoyment of residents, such as:

- The keeping of pets
- The hanging of washing, and
- Noise

The terms of the management statement are binding on the community association, each subsidiary body within the scheme and each person who is a proprietor, lessee, occupier or mortgagee in possession of a community development lot, precinct development lot, neighbourhood lot or strata lot within the scheme.

Council will require you to submit a copy of the Neighbourhood Development Contract and an electronic copy of the Neighbourhood Development Contract (on CD and in PDF format).

Appendix 3

Step 3 - Requirements for Statement of Environmental Effects

3.1 – Description of Development

Description of proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

3.2 – Description of Site

Description of the physical features such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

3.3 – Planning Controls

This is a statement addressing all relevant sections/parts/clauses (etc.) of any relevant Environmental Planning Instrument, Development Control Plan, policy or guideline. Step 1 of the **Development Application Preparation and Lodgement Guide** contains details on how to obtain copies of these documents and further information. Documents that you may need to reference include:

- Wagga Wagga Local Environmental Plan (LEP) 2010
- Wagga Wagga Development Control Plan (DCP) 2010
- Any relevant State Environmental Planning Policies (SEPPS)
- Other relevant Council policies/guidelines

The statement must address on each relevant provision including whether the development complies or does not comply with that provision.

3.4 - Site suitability

Show that the site is suitable for the proposed development. Relevant considerations may include:

- property dimensions/contours/slope.
- existing development.
- site constraints such as slope, flooding, geotechnical and groundwater issues and land contamination (see also below in present and previous uses)
- natural hazards affecting the site (*i.e. bush fire prone, flooding, subsidence, slip*).
- heritage matters - significance of items, landscapes, areas, places or relics and practices.
- natural features including native vegetation, fauna habitat, land formations, rivers and streams,
- existing services, easements, rights of way.
- proximity to transport services, shops, community and recreational facilities
- compatibility with adjoining development
- compatibility with visual setting (foreshore, streetscape, etc)
- local planning objectives (check with an assessment officer for your area)
- age and condition of buildings.
- business hours, no. of employees etc (*industrial/commercial/change of use/home business development*).
- safety, security and crime prevention issues

3.5 - Present and previous uses

Provide the following details:

- present use of the site
- date that present use commenced (if known)
- previous uses of the site (if known)
- present uses of adjoining land
- whether the present or any previous use of the site is a potentially contaminating activity (these include agriculture/horticulture, chemical manufacture, dry cleaning establishments, gasworks, landfill site, power stations, electrical substations, lead paint removal, boatsheds, slipways, pest treatment, service stations, tanneries, waste storage.)
- a statement as to whether or not you are aware that the site is contaminated land
- whether there has been any testing or assessment of the site for land contamination.

3.6 - Operation and management

Describe how the establishment will operate:

- type of business
- number of staff
- expected number of customers or clients
- hours and days of operation (including business trading)
- plant, machinery, production processes
- type and quantity of goods handled: raw materials, finished products, waste products arrangements for transport, loading and unloading of goods (give details of frequency of truck movements and size of vehicles)
- hazardous materials or processes.

3.7 – Social Impact

Show how the proposal addresses social impacts by considering the following where relevant:

- Increase or reduction in the number of people on the site.
- Disadvantages or benefits to particular social groups.
- Impact on employment opportunities in the locality.
- Impact on housing stock in the locality, particularly low-rental housing, the choice of housing available or the social mix of residents in the area.
- Impact on existing community meeting places and demand for community facilities or services in the locality.
- Need for support services for certain groups including accessibility to required facilities for people with a disability.
- Impact on community identity and potential to dislocate social or cultural networks.
- Impact on public safety and security.
- Impact on public places or open spaces.

Note: In cases where the social impact is likely to be significant, a Social Impact statement prepared by a suitably qualified professional may be required. This would be the case for major projects which change the existing urban context, involve an increased risk to public safety or are likely to threaten the existing sense of community identity and cohesiveness (e.g. a major new public transport facility, a large retail complex, a large housing project or a hospital or other major institution).

3.8 – Economic Impacts

Will the proposal have any economic consequences in the area?

3.9 - Pedestrian and vehicle movements

Show that there is adequate provision for safe pedestrian and vehicle movements and consider the following where relevant:

- accessibility for vehicles, pedestrians, bicycles and disabled persons. resident, staff, customer, client and visitor parking arrangements
- traffic generation/movements.
- pedestrian amenity (paving, seats, weather protection, security lighting)
- proposed bicycle facilities (racks, lockers, showers)
- existing public transport services
- parking calculations
- will there be any conflicts between vehicles, pedestrians and cyclists? (describe proposed traffic management measures)
- off street loading (*industrial/commercial development*).
- for major traffic-generating proposals as defined in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007) or for other development as required by Council officers, attach a **Traffic Impact Assessment Report** prepared by a qualified transport/traffic consultant.

3.10 - Privacy, views and overshadowing

Show how the proposed development will affect privacy, views and overshadowing by considering the following where relevant:

Visual privacy:

- window placement relative to adjacent dwellings and common areas
- views between any proposed living rooms and the private yards of other dwellings
- use of screen planting, hedges, walls or fences to improve privacy
- headlight glare, light spillage.

Acoustic privacy:

- placement of active use outdoor areas relative to bedrooms
- separation of roads, parking areas and driveways from bedroom and living room windows
- noise transmission between dwellings
- measures to mitigate external noise sources (e.g. traffic noise, placement of air conditioners, exhaust systems, pool pumps).

Views:

- impact of the proposed development on views from adjoining or nearby private properties and public places such as parks, roads and footpaths
- design measures for protecting views and allowing view sharing.

Overshadowing:

- provide an analysis of your shadow diagrams (plan and elevations) prepared by a consulting architect. Consider shadows from adjoining buildings as well as the proposed development.

3.11 - Air and noise

Shows the proposal will not cause, or be affected by air or noise emissions by considering the following where relevant:

Air:

- existing or proposed sources of odour or fumes (on-site and nearby): industries, food premises, exhaust systems, waste storage, oil or wood burning stoves or heaters
- proposed mitigation measures: placement and height of flues or chimneys; location of waste storage areas and compost heaps.

Noise:

- existing and proposed noise sources (on-site and nearby): main roads, railway lines, ships, aircraft, industries, transport terminals, loading bays, heavy vehicles, restaurants, clubs, hotels, car parks, ventilation and air conditioning units, pumps and pool filters
- proposed noise reduction measures: noise barriers, building layout and setback, room layout and window placement, building materials, insulation, double glazing
- construction noise: hours of operation, type of equipment, maximum noise levels, details of consultation with nearby residents, compliance with Environment Protection Authority guidelines
- where noise is a major design issue, attach a report by an acoustic engineer.

3.12 - Soil and water

State how the proposal will manage the following aspects of soil and water management on the site. Apply where relevant.

Stormwater:

- Stormwater Drainage – Where will the new development drain to? Is the drainage system in accordance with Councils requirements concerning on site detention? Are rainwater tanks proposed? Will stormwater runoff from the site adversely affect other properties?
- Water Sensitive Landscaping – Have measures been provided to maximise infiltration and minimise stormwater runoff? (e.g. swales, ponds, porous pavements, rainwater tanks, etc).
- Easements – Where an easement is utilised or proposed to drain water from the site, provide proof of registration of inter-allotment drainage easements across downstream properties.
- Flooding – Have all potential flood or overland risks been considered in the design of the development? Is the proposed development adequately protected from inundation during large storm events? What design measures have been implemented to ensure this? Will the development impact on the flooding of adjoining properties? A flood study may be required to ensure the appropriateness of flood protection.

Wastewater:

- Water Quality Control – Liquid waste treatment and disposal; bunding of fuel, oil and chemical storage; emergency procedures in the event of an oil spill; stormwater treatment; potential for impact on downstream waterways.
- Assessment of any impact to temporary/ permanent groundwater conditions resulting from site runoff.

Soil erosion control:

- Sediment control – Is there a location on site to store construction materials not subject to overland flows during and after periods of rainfall? What measures will be taken to divert flows and contain construction material dumps? What dust control measures will be taken?
- Erosion control – is the area of excavation works subject to inundation from stormwater overland flows? What measures will be taken to divert these flows safely and without adverse impact on neighbouring residents? State any revegetation/rehabilitation measures taken to stabilise battered sections of landscaping.

Lloyd (Urban Release Area) Specific Requirements – Stormwater/Drainage

Lots in the Lloyd Urban Release Area (Lloyd URA) have specific landscaping requirements due to the land being a groundwater recharge area. Within this subdivision, the aim is to minimise the amount of water that infiltrates the surface and maximise the amount of water that is collected through the stormwater system. In the garden, this can be achieved by maintaining the water load on soil at natural rainfall levels.

What measures are proposed to ensure the development complies with the requirements of Section 15 (Lloyd Urban Release Area) of the Wagga Wagga Development Control Plan 2010? For further drainage requirements specific to the Lloyd URA, please also refer to Appendix 2.5 of this guide.

3.13 - Energy efficiency

Where BASIX applies, a BASIX Certificate must be submitted with the DA. In other cases show how the proposal promotes energy efficiency by using the following measures where possible:

- Orientation: is one of the building's axes between 30% east and 20% west of true north? Will windows and solar collectors have good solar access? Are heavily used rooms on the northern side?
- Sun control: proposed awnings, pergolas, blinds, and trees to maximise summer shade and minimise winter shade
- Insulation: proposed roof, ceiling, wall and floor insulation; double glazing, door and window seals
- Natural ventilation: will window placement maximise cross-ventilation?
- Heating, cooling and lighting: have energy-efficient heating, cooling and lighting systems been specified?
- Clothes drying: is there an outdoor drying space with solar access?
- Water heating: has a hot water system with a greenhouse score of 3.5 or greater been specified? (contact your energy supplier or the Sustainable Energy Development Authority).
- Swimming pools and spa pools: has provision been made for a cover to be fitted to the swimming and/or spa pool so that when the pool is not in use evaporation of pool water is reduced and where the pool water is heated heat loss is limited? A condition will be imposed on development consents which involve new or renovated swimming and/or spa pools for a cover to be fitted and for it to be in place when the pool is not in use.

3.14 - Waste

Show how the proposal promotes waste minimisation by incorporating the following where appropriate:

- proposed at-source waste separation program and facilities: aluminium, steel, glass, plastics, food and organic waste, etc
- proposed recycling collection from hotel, guest house, entertainment, commercial and industrial premises
- domestic food and organic waste composting
- litter control program (for activities such as take-away food, sporting venues, etc)
- proposed waste storage areas
- how will building and demolition waste be re-used, recycled or disposed of?
- arrangements for hazardous building wastes such as asbestos and contaminated soil.

3.15 - Fire safety and other building upgrades

Demonstrate how the proposal addresses clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 to provide for fire and building upgrading of any existing building to be retained. Council may require fire and other life safety related building upgrades. This report, typically prepared by an accredited building surveyor or fire safety engineer having regard to Australian Standard 4655 Guidelines for fire safety audits of buildings, is annexed to the statement of environmental effects.

Note: Clause 93 clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

Note: Clause 94 may apply to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building (refer to 94 of the Environmental Planning and Assessment Regulation 2000 for clarification).

Note: The Building Professionals Board, through the Department of Planning and Infrastructure, provides a list of accredited certifiers - www.bpb.nsw.gov.au. The Australian Institute of Building Surveyors also maintains a list of qualified building surveyors – www.aibs.com.au.

3.16 - Demolition management

Proposals for demolition must demonstrate compliance with Australian Standard 2601- 2001 – The Demolition of Structures. For the requirements to be met refer to the Standard. Details to be submitted will vary depending on the scale of demolition proposed.

3.17 – Landscaping

- Number of trees, subject to Tree Preservation Order located on site
- Number of trees to be removed, including street trees – these are to be cross referenced with identifiers used on plans
- Number of trees to be retained
- Number of trees to be transplanted
- Any plantings proposed to address privacy issues etc.

Lloyd (Urban Release Area) Specific Requirements – Landscaping

Lots in the Lloyd Urban Release Area (Lloyd URA) have specific landscaping requirements due to the land being a groundwater recharge area. Within this subdivision, the aim is to minimise the amount of water that infiltrates the surface and maximise the amount of water that is collected through the stormwater system. In the garden, this can be achieved by maintaining the water load on soil at natural rainfall levels.

What measures are proposed to ensure the development complies with the requirements of Section 15 (Lloyd Urban Release Area) of the Wagga Wagga Development Control Plan 2010? For further landscape requirements specific to the Lloyd URA, please also refer to Appendix 2.5 of this guide.

Appendix 4

General guide for Integrated Approvals

Use this guide to assist in determining whether further approval(s) may be required from a state agency or department. If further approval is required, you may apply as 'integrated development'. Please complete **Attachment B (Integrated Development)** and include it with your Development Application.

NSW Heritage Office

Heritage Act 1977: When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, approval is required to: 1. Demolish the building or work. 2. Damage or despoil the place, precinct or land, or any part of the place, precinct or land. 3. Move, damage or destroy the relic or moveable object. 4. Excavate any land for the purpose of exposing or moving the relic. 5. Carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct. 6. Alter the building, work, relic or moveable object. 7. Display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct. 8. Damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Note: Exemption to obtaining approval may apply in certain cases. See section 57 of the Heritage Act 1977.

Roads and Maritime Service

Roads Act 1993: Approval (from RMS only) to: 1. Erect a structure or carry out a work in, on or over a public road. 2. Dig up or disturb the surface of a public road. 3. Remove or interfere with a structure, work or tree on a public road. 4. Pump water into a public road from any land adjoining the road. 5. Connect a road (whether public or private) to a classified road. Note: Where Council is the road authority, you may seek a rationalised approval for road works with your application. This must be sought and detailed in your application.

Office of Environment and Heritage

Protection of the Environment Operations Act 1997: Licences to: 1. Authorise the carrying out of scheduled development work at any premises (being generally work on premises, at which scheduled activities are not carried on, that is designed to enable scheduled activities to be carried on at the premises). Authorise the carrying out of scheduled activities at any premises. 3. Authorise the carrying out of scheduled activities not related to premises. 4. Control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity.

NSW Office of Water

Waters Act 1912: 1. Licences and permits to construct and use a work, and to take, use and dispose of water. 2. Authority to take water from a river or lake for the purposes of a joint water supply scheme. 3. Authority to construct a water supply and to take and use water conserved or obtained thereby. 4. Licence to commence sinking a bore or to enlarge, deepen, or alter a bore. 5. Approval to construct an earthwork, embankment or levee that is situated, or proposed to be constructed, on land that is, or forms part of, the bank of a river or lake, or is within a floodplain.

Rivers and Foreshores Improvement Act 1948: 1. Permit to make an excavation on, in or under protected land. 2. Permit to remove material from protected land. 3. Permit to do anything which obstructs, or detrimentally affects, the flow of protected waters, or which is likely to do so.

Notes: Protected land is (a) land that is the bank, shore or bed of protected waters, or (b) land that is not more than 40 metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore), or (c) material at any time deposited, naturally or otherwise and whether or not in layers, on or under land referred to in paragraph (a) or (b). Protected waters mean a river, lake into or from which a river flows, coastal lake or lagoon (including any permanent or temporary channel between a coastal lake or lagoon and the sea).

National Parks and Wildlife Service

National Parks and Wildlife Act 1974: Consent to knowingly destroy, deface or damage, or knowingly cause or permit the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place.

NSW Department of Trade and Investment (formerly Primary Industries)

Fisheries Management Act 1994: The NSW Department of Trade and investment has requested that the following questions be answered to determine whether an approval from the Department of Trade and Investment under the *Fisheries Management Act 1994* is required.

Aquaculture: Does your proposal involve the cultivation of fish, shellfish, crustaceans, seaweeds or other aquatic organisms for commercial purposes (but not including a pet shop or aquarium)? If yes, you will need a permit under Section 144 of the *Fisheries Management Act 1994* from NSW Department of Trade and Investment.

Excavation or filling of a waterway: Does your proposal involve any excavation or filling of the bed of the natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland), with any earth, soil, rock, rubble, concrete, timber or bricks etc? This does not include works within farm dams, urban ponds, irrigation channels, stormwater ponds, sewage treatment pond etc. If yes, you will need a permit under Section 201 of the *Fisheries Management Act 1994* from NSW Department of Trade and Investment.

Harm to Marine Vegetation: Does your proposal involve any disturbance, damage or harm to marine vegetation (including seagrasses, mangroves and seaweeds) on public water land or private land which is adjacent to public water land, including by shading them with an overhead structure (e.g. jetty or pontoon)? If yes, you will need a permit under Section 205 of the *Fisheries Management Act 1994* from NSW Department of Trade and Investment.

Obstruct Fish Passage: Does your proposal involve the construction of any structure such as a weir, dam, floodgate, culvert or causeway across any natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland)? If yes, you will need a permit under Section 201 or 219 of the *Fisheries Management Act 1994* from NSW Department of Trade and Investment.

Appendix 5

Landscape Guidelines - DELETED

Refer to Council's "Landscape Guidelines - Preparation & Lodgement Guide"

Available on Council's website at:

<http://bit.ly/1mtkoaS>

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Appendix 6

Guide for Preparing a Statement of Heritage Impact

Introduction

This guide provides information about preparing a statement of heritage impact. The guide is intended for use by people who are proposing to carry out development that may impact in either a negative or a positive way on a heritage item, a heritage conservation area, an archaeological site or a potential archaeological site. The guide is also intended for use in the case of development involving proposed items, areas, archaeological sites and potential archaeological sites.

Heritage items are listed in the Wagga Wagga Development Control Plan 2010. They include buildings, works, structures, relics, places, landscape features, and trees. An item may have historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Heritage conservation areas are shown on the map that forms part of Wagga Wagga Local Environmental Plan 2010 and the Wagga Wagga Development Control Plan 2010.

An archaeological site may be a site that has Aboriginal heritage significance or a site that has non-Aboriginal heritage significance. A potential archaeological site may be a site that is reasonably likely to have Aboriginal heritage significance or non-Aboriginal heritage significance. The NSW National Parks and Wildlife Service maintains a register of Aboriginal places and relics.

Proposed items, areas, archaeological sites and potential archaeological sites (referred to in this guide as draft items, areas and sites) are listed in exhibited draft environmental planning instruments, which include draft local environmental plans.

This guide may be used in conjunction with the document titled *Statements of Heritage Impact* published by the NSW Heritage Office.

What is a statement of heritage impact?

A statement of heritage impact is a concise report that:

- describes the significance of an item, area or site
- identifies the impact of a development proposal on that significance
- describes how the proposal will minimise negative impacts
- describes alternative development options that were considered before the preferred option was chosen and why those alternatives were discounted.

A statement of heritage impact may form part of, or be submitted with, a statement of environmental effects.

Why is a statement of heritage impact required?

Under the heritage provisions of Wagga Wagga Local Environmental Plan 2010, the Council cannot grant consent to a development application involving certain development for a heritage item or certain development in a heritage conservation area without considering how the development would affect the heritage significance of the item or the area.

A statement of heritage impact provides information that is used to assist the Council with its assessment and determination of these development applications.

Where a development application involves a draft item, area or site listed in an exhibited draft LEP, the Council is required under section 79C of the *Environmental Planning and Assessment Act 1979* to consider the draft LEP as part of the application's assessment. A statement of heritage impact will be required to assist with this assessment.

Note:

In addition to a statement of heritage impact, the Council may require a conservation management plan to be submitted with an application involving a heritage item or a building, work, relic or place within a heritage conservation area.

When is a statement of heritage impact required?

A statement of heritage impact must be submitted with the lodgement of a development application that seeks consent for the types of development listed below.

For a heritage item:

- demolish or alter the building or work, or
- damage or move the relic, or excavate for the purpose of exposing the relic, or
- damage or despoil the place, or
- damage or move the tree, or
- erect a building on the land that comprises the place, or
- subdivide the land on which the building, work, relic or tree is situated or that comprises the place, or
- damage any tree on land on which the building, work or relic is situated or on the land which comprises the place.

For a heritage conservation area:

- demolish or alter a building or work within the area, or
- damage or move a relic, or excavate for the purpose of exposing or removing a relic, with the area, or
- damage or despoil a place within the area, or
- erect a building on or subdivide land within the area.

For development of land in the vicinity of a heritage item or a heritage conservation

Area:

- totally demolish a building or work on the land, or
- substantially demolish a building or work on the land (50% or more of a building or work's fabric), or
- damage or move a tree on the land, or
- alter a building or work on the land, or
- erect a building or structure on the land.

NOTE: For development of land in the vicinity of a heritage item or a heritage conservation area, Council may require the preparation of a statement of environmental heritage depending on the nature of the development proposed and its potential impact on the heritage item or a heritage conservation area.

Generally, land within the vicinity of a heritage item and a heritage conservation area is land that abuts or is opposite the item or area. However, the Council may require a statement of heritage impact for land that is located beyond a common boundary with an item or area.

If your development will be located on land within the vicinity of a heritage item and a heritage conservation area, please consult with Council's Development Services Section to determine whether a statement of heritage impact is required.

For a known or potential archaeological site:

- excavate or disturb the ground, or
- erect a building or structure on the site.

For a draft heritage item or a draft heritage conservation area

Draft items and areas are listed in exhibited draft local environmental plans. When the draft LEP is gazetted the items and areas gain full status.

When the Council assesses a development application it is required to consider all exhibited draft LEPs that apply to the application site. A statement of heritage impact is required for a development application that involves a draft item and area. The statement will be required for those works listed above for heritage items and heritage conservation areas.

Notes:

1. The Wagga Wagga LEP 2010 contains a definition for the term demolish.
2. Demolish includes wholly or partly destroying, dismantling or defacing.
3. A statement of heritage impact will be required for all types of demolition in the case of a heritage item and a building in a heritage conservation area.

Timing the preparation of a statement of heritage impact

The impact of a proposal on heritage significance should be taken into account at the beginning of the design process when options are being considered. Hence, elements of a statement's preparation should commence at this time.

Applicants may also find it beneficial to commence aspects of the statement in-conjunction with a site analysis plan.

Who should prepare a statement of heritage impact?

Depending on the nature of the development proposal, statements of heritage impact may be written by a range of people with different skills and experience.

For a heritage item, a draft heritage item, and a known or potential archaeological site - a qualified and experienced heritage consultant. A list of appropriate consultants is available at the Heritage Office Website: www.heritage.nsw.gov.au.

For a heritage conservation area and a draft heritage conservation area - a suitably qualified and experienced person in the building design industry, or a qualified and experienced heritage consultant.

Where issues of structural condition or fabric condition are raised to substantiate demolition, the statement of heritage impact must include written documentation from a qualified and appropriately experienced structural engineer. This will include a structural engineer who has experience with heritage items.

A statement relating to the removal of, or works to, a tree must include written documentation from a qualified and experienced arborist.

If a statement is considered to be inadequate following assessment, the Council may seek a new statement or a revised statement with additional information.

Content of a statement of heritage impact

The scope and detail of a statement of heritage impact will vary according to the development proposal.

The minimum information that must be provided in a statement of heritage impact for certain types of development is listed in the following tables.

In the case of applications involving known or potential archaeological sites, an archaeological assessment report is required. This report includes an assessment of heritage significance and a heritage impact assessment. Refer to the Local Government Heritage Guidelines (2002) published by the NSW Heritage Office for information contained in an archaeological assessment report.

In addition to the material listed in the following tables, the statement of heritage impact must include the following:

- name of the author and his/her qualifications and experience
- signature of the author on each numbered page
- reference to the development application plan numbers and dates
- date of the final statement.

The source of all information used in the statement, particularly archival and historical information, must be provided in the statement.

Where the development proposal does not fit one of the listed development types, applicants should consult with one of the Council's development assessment planners.

STATEMENT OF HERITAGE IMPACT FOR DEVELOPMENT INVOLVING HERITAGE ITEMS AND DRAFT HERITAGE ITEMS	Totally demolish	Substantially demolish	Alterations and additions	Damage to a place	Damage, move or remove a tree	Erect a new building	Subdivide land	Damage or move a relic
Description of proposal	Y	Y	Y	Y	Y	Y	Y	Y
Description of item, site and immediate streetscape, and building group (where item is part of building group)	Y	Y	Y	Y	Y	Y	Y	Y
Description of item's contribution to streetscape, significance of group	Y	Y	Y	Y	Y			
Subdivision history	Y	Y					Y	
Date of original construction of building	Y	Y	Y	Y				
Name and details of original designer, architect, builder	Y	Y	Y	Y				
Dates and descriptions of changes	Y	Y	Y	Y				
List of current and past owners and occupiers and a statement on whether any are historically important	Y	Y						
Copy of original plans (when available)	Y	Y	Y					
Annotated colour postcard size photos of the item, including existing buildings (all facades), other structures, mature vegetation and major landscape elements, and immediate streetscape	Y	Y	Y	Y	Y	Y	Y	Y
Annotated site plan showing location from where photos were taken	Y	Y	Y	Y	Y	Y	Y	Y
Structural and condition report (where existing condition is used to substantiate demolition, damage or removal)	Y	Y	Y	Y	Y	Y		Y
Concise statement of significance	Y	Y	Y	Y	Y	Y	Y	Y
Description of positive and negative impact on item's significance, setting and streetscape	Y	Y	Y	Y	Y	Y	Y	Y
Elements of design or work that minimise negative impact on significance	Y	Y	Y	Y	Y	Y	Y	
Description of alternative design or work options and the reasons that they were discounted	Y	Y	Y	Y	Y	Y	Y	Y
Justification on why adaptive reuse is not viable	Y	Y						

STATEMENT OF HERITAGE IMPACT FOR DEVELOPMENT IN HERITAGE CONSERVATION AREAS AND DRAFT HERITAGE CONSERVATION AREAS	Totally demolish	Substantially demolish	Alterations and additions	Damage to a place	Erect a new building	Subdivide land	Damage or move a relic
Description of proposal	Y	Y	Y	Y	Y	Y	Y
Description of existing building, work, site and immediate streetscape, and building group (where item is part of building group)	Y	Y	Y	Y	Y	Y	Y
Description of building's or work's contribution to streetscape, significance of group and area	Y	Y	Y			Y	
Subdivision history	Y	Y				Y	
Date of original construction of building (where available)	Y	Y	Y	Y			
Name and details of original designer (where available)	Y	Y					
Dates and descriptions of changes	Y	Y	Y				
List of current and past owners and occupiers and a statement on whether any are historically important (where available)	Y	Y					
Copy of original plans (where available)	Y	Y					
Annotated colour postcard size photos of existing buildings (all facades), other structures, mature vegetation and major landscape elements, and immediate streetscape (front and rear elevations)	Y	Y	Y	Y	Y	Y	Y
Annotated site plan showing location from where photos were taken	Y	Y	Y	Y	Y	Y	Y
Structural and condition report (where existing condition is used to substantiate demolition, damage or removal)	Y	Y	Y	Y			Y
Description of positive and negative impact on the streetscape and significance and character of the area	Y	Y	Y	Y	Y	Y	Y
Elements of design or work that minimise negative impact on streetscape and significance of area	Y	Y	Y	Y	Y	Y	Y
Description of alternative design or work options and the reasons that they were discounted	Y	Y	Y	Y	Y	Y	Y
Justification on why adaptive reuse is not viable	Y	Y					

STATEMENT OF HERITAGE IMPACT FOR DEVELOPMENT ON LAND IN THE VICINITY OF HERITAGE ITEMS AND HERITAGE CONSERVATION AREAS						
(Note: please consult with Council to determine if this type of statement is required)	Totally demolish	Substantially demolish	Alterations and additions	Damage, move or remove a tree	Erect a new building	Subdivide land
Description of proposal	Y	Y	Y	Y	Y	Y
Description of existing building, work, features and site	Y	Y	Y	Y	Y	Y
Subdivision history	Y	Y				Y
Date of original construction of building (where available)	Y	Y				
Name and details of original designer	Y	Y				
Dates and descriptions of changes	Y	Y				
Copy of original plans (when available)	Y	Y				
Annotated colour postcard size photos of existing building (all facades), other structures, mature vegetation and major landscape elements, and immediate streetscape (front and rear elevations)	Y	Y	Y	Y	Y	Y
Annotated colour postcard size photos of item and properties in area in vicinity of the site	Y	Y	Y	Y	Y	Y
Annotated site plan showing location from where photos were taken	Y	Y	Y	Y	Y	Y
Plan showing location of site in relation to heritage item or heritage conservation area	Y	Y	Y	Y	Y	Y
Statement of significance for item or area	Y	Y	Y	Y	Y	Y
Description of positive and negative impact on streetscape and significance of item or area	Y	Y	Y	Y	Y	Y
Elements of design or work that minimise negative impact on streetscape and significance of item or area	Y	Y	Y	Y	Y	Y
Description of alternative design or work options and the reasons that they were discounted	Y	Y	Y	Y	Y	Y

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Appendix 7

S94A Levy Contributions Plan 2006 - Cost Summary Report

This is a reproduction of the Cost Summary Report form taken from Schedule 2 of the City of Wagga Wagga S94A Levy Contributions Plan 2006. Completion of this report is generally required when the estimated cost of works is \$100,001 or greater (refer to section 2.20 of Appendix 2 above for further information).

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Cost Estimate Report

(Development Cost great than \$100,000)

Development Application No.

Complying Development Application No.

Construction Certificate No.

Date

Applicants Name:

Applicants Address:

Development Name:

Development Address:

Total Development Cost	<input type="text"/>
------------------------	----------------------

Clause 25J of the Environmental Planning and Assessment Regulation 2000 specifies the following items for inclusion / exclusion in the preparation of the Total Development Costs:

- (1) *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, **including the following:***
 - (a) *if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation*
 - (b) *if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,*

- (c) *if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.*
- (2) *For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class approved by the consent authority to provide such estimates.*
- (3) *The following costs and expenses are **not to be included** in any estimate or determination of the proposed cost of carrying out development:*
- (a) *the cost of the land on which the development is to be carried out,*
 - (b) *the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
 - (c) *the costs associated with marketing or financing the development (including interest on any loans),*
 - (d) *the costs associated with legal work carried out or to be carried out in connection with the development,*
 - (e) *project management costs associated with the development,*
 - (f) *the cost of building insurance in respect of the development,*
 - (g) *the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
 - (h) *the costs of commercial stock inventory,*
 - (i) *any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.*

Council encourages the use of a quantity surveyor or building cost indicators as recognised by the Australian Institute of Building for the preparation of estimates for the purpose of clause 25J(2).

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- included GST in the calculation of development cost.

Signed: _____

Name: _____

Position & Qualifications: _____

Date: _____

Appendix 8

Disclosure Statement of Political Donations and Gifts

Effective 15 September 2008, political donations and gifts must be disclosed under section 147(4) and (5) of the Environmental Planning and Assessment Act 1979 for applications or public submissions to a Council.

Please read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in italics below).

Once completed, please attach the completed declaration to your development application or submission.

Explanatory Information

Making a development application to a council

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a relevant planning application to a council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- a. all reportable political donations made to any local councillor of that council
- b. all gifts made to any local councillor or employee of that council.

Making a public submission to a council

Under section 147(5) of the Act a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- a. all reportable political donations made to any local councillor of that council
- b. all gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 147 of the Act is to be made:

- a. in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- b. if the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts. Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a Council.

Warning

A person is guilty of an offence under section 125 of the Environmental Planning and Assessment Act 1979 in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the Election Funding and Disclosures Act 1981 for making a false statement in a declaration of disclosures lodged under that Part. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Glossary of terms

(under Section 147 of the Environmental Planning and Assessment Act 1979)

gift means a gift within the meaning of Part 6 of the Election Funding and Disclosures Act 1981.

Note: A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the Election Funding and Disclosures Act 1981 gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means

- a. a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b. a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c. an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d. an application for development consent under Part 4 (or for the modification of a development consent), or e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- e. an application for (or for the modification of) a complying development certificate, or
- f. an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- g. any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the Election Funding and Disclosures Act 1981 that is required to be disclosed under that Part.

Note: Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the Election Funding and Disclosures Act 1981 reportable political donation is defined as follows:

1. For the purposes of this Act, a reportable political donation is:
 - a. in the case of disclosures under this Part by a party, elected member, group or candidate-a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - b. in the case of disclosures under this Part by a major political donor-a political donation of or exceeding \$1,000:
 - i. made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - ii. made to the major political donor.
2. A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).

3. A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
4. For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application if:

- a. the person is the applicant or the person on whose behalf the application is made, or
- b. the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c. the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d. the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a. they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b. they are related bodies corporate under the Corporations Act 2001 of the Commonwealth, or
- c. one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d. they have any other relationship prescribed by the regulations.

Further Information

A copy of the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 is available on the NSW Parliamentary Counsel office website: www.legislation.nsw.gov.

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DISCLOSURE STATEMENT OF POLITICAL DONATIONS AND GIFTS

Approval Authority: Wagga Wagga City Council

A disclosure statement of a reportable political donation or gift must accompany a planning application or submission if the reportable donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to the relevant consent or approval authority within 7 days after the donation or gift is made.

Name of person making donation or gift		
• Residential address or Registered/official office		
• ABN if not an individual		
Name/address of development application or planning matter		
• DA/CC Number		
• Date application lodged		
Person's interest in application		
• Applicant		
• Person with a <i>financial interest (explain)</i>		
• Person making submission in opposition		
• Person making submission in support		
Name of the person to benefit from the donation	Date donation made	Amount of the donation ¹
Name of the person to whom gift is made	Date gift made	Amount or value of the gift ¹

Note1: A reportable *political donation* is a donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

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Wagga Wagga City Council

PO Box 20

WAGGA WAGGA NSW 2650

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Fax: (02) 6926 9199

E-mail: council@wagga.nsw.gov.au

Web: www.wagga.nsw.gov.au

Customer Services

Civic Centre

Cnr Baylis and Morrow Streets

WAGGA WAGGA NSW 2650

Hours

8:30am and 5:00pm Monday to Friday

Note: Application lodgement required prior to 4:30pm