

# Alterations and additions to an existing dwelling house at 90 BOMEN ROAD, CARTWRIGHTS HILL –s4.15

Section 4.15 Assessment Report

July 2024







# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Published: July 2024

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# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of development application for the alterations and additions to an existing dwelling house at 90 Bomen road, Cartwrights Hill NSW, lodged by Allana Duncan. The report includes:

- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable

## Executive Summary

This report details the Department's assessment of alterations and additions to an existing dwelling house at 90 Bomen road, Cartwrights Hill NSW.

This report will be provided to the delegate of the Minister for Planning and Public Spaces (the Minister) for their consideration when deciding whether to grant consent to the development application.

### Project

Allana Duncan (the applicant) proposes to carry out alterations and additions to an existing dwelling house to create a 5 bedroom, 2 bathroom 2 living area family home. New Colorbond roof fascia and gutter are proposed with double glazed windows and doors. The project is located at Lot 111 DP 788677 - 90 Bomen Road, Cartwrights Hill in the Wagga Wagga local government area (LGA).

The project has a capital investment value of \$339,999.94.

### Strategic context

The Department considers the development is consistent with the principal aims of key relevant strategies the Wagga Wagga Special Activation Precinct Master Plan and Delivery Plan.

## Statutory context

The Planning Secretary is the consent authority for development on land in the Regional Enterprise Zone (REZ) and Rural Activity Zone (RAZ).

The development is located within the REZ zone of the Wagga Wagga Activation Precinct .

In accordance with the Minister's delegation dated 9 March 2022, the Director, Precinct Planning and Assessments, may determine the application.

### Permissibility

The site is zoned *REZ- Regional Enterprise Zone* under *State Environmental Planning Policy (Precincts – Regional) 2021: Wagga Wagga Activation Precinct*.

The application is prohibited under item 3 of the REZ Land use table in Schedule 1D of the Precincts-Regional SEPP. The applicant relies on existing use rights.

### Existing Use Rights

The development relies upon existing use rights under section 4.65 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed alterations and additions relate to the existing use of the site for a dwelling house. While other uses occur of the site the development application for the enlargement of the dwelling house and no other use.

The alterations and additions are proposed to be carried out on the dwelling house and part of the land immediately adjoining the dwelling house. This is considered to be the land on which the existing use was carried out immediately before the relevant day (26 August 2022).

### Crown development

The application is not Crown development under Division 4.6 of the EP&A Act.

## 1.1 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- the matters in Section 4.15(1) of the EP&A Act
- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The Department's consideration of these matters is set out below, in **Section 5** and in **Appendix B**.

- **Section 4.15 of the EP&A Act**

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any EPI and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

- **Environmental Planning Instruments**

The Department has considered the development against the relevant provisions of several key EPIs including:

- *State Environmental Planning Policy (Precincts – Regional) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP);
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP); and
- Wagga Wagga Local Environmental Plan 20210 (LEP).

In accordance with Section 3.4 of the Precincts-Regional SEPP, a local environmental plan does not apply to land within an Activation Precinct.

In accordance with Section 3.8 of the Precincts-Regional SEPP a consent authority must have regard to the following when determining an application for development consent to carry out development on land within an Activation Precinct –

- (a) the master plan for the Activation Precinct,
- (b) any delivery plan that applies to the land on which the development is to be carried out,
- (c) any draft master plan or draft delivery plan that is published on the NSW planning portal.

- **Objects of the EP&A Act**

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

The Department has considered the objects of the EP&A Act in its assessment of the application (see **Appendix B**) and is satisfied that the application meets the objects of the EP&A Act.

- **Ecologically sustainable development**

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD

requires the effective integration of economic and environmental considerations in decision-making processes.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section 5** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.

- **Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)**

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for fees (Part 13, Division 3) have been complied with.

## 1.2 Other approvals

The Applicant has not indicated that the proposal is integrated development under section 4.46 of the EP&A Act. An advisory note has been recommended requiring appropriate approvals be sought including any required under section 58 of the *Heritage Act 1977* and section 138 of the *Roads Act 1993*.

## Engagement

The application is lodged in the Wagga Wagga Activation Precinct.

The Department's Community Participation Plan (CPP), April 2024, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days, this may be reduced if administrative requirement demands immediate action.

The Department has also exhibited a new CPP for the Activation Precincts (excluding the Alpine Regions) exhibited from 3 April and 15 May 2024. Under the exhibited CPP, development accompanied by a current Activation Precinct certificate issued under the Precincts-Regional SEPP, Chapter 3 that applies to the development would not be required to be notified or advertised.

We note that the Wagga Wagga Council's notification policy does not require the exhibition of single storey dwelling houses (including alterations and additions).

The application was referred to both Wagga Wagga Council and the NSW Regional Growth Development Corporation (RGDC) for comment, the outcomes of that notification:

- Wagga Wagga – provided a standard set of conditions that could be considered should the application be determined by way of approvals; and
- RGDC – no further comments

## Assessment

The Department has considered the Statement of Environmental Effects (SEE) and Council advice and community views in its assessment of the development. The Department considers the key issues associated with the proposal are:

- site suitability
- bushfire

Each of these matters are addressed separately in Section 6.

## Conclusion

The Department's assessment of the application has considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, the EPIs that apply to the development and advice received from the Council.

No objections from State government agencies or Council to the development have been received.

The Department concludes the impacts of the development are acceptable and the proposal is in the public interest. The Department recommends the application be approved, subject to conditions (**Appendix D**).

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## 2 Introduction

This report provides an assessment of a Development Application (DA 24/5405) lodged by Allana Duncan under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Allana Duncan (the applicant) proposes to carry out alterations and additions to an existing dwelling house to create a 5 bedroom, 2 bathroom 2 living area family home. New Colorbond roof fascia and gutter are proposed with double glazed windows and doors. The project is located at Lot 111 DP 788677 - 90 Bomen Road, Cartwrights Hill in the Wagg Wagga local government area (LGA).

### 2.1 The proposal

The applicant proposes to carry out alterations and additions to an existing dwelling house to create a 5 bedroom, 2 bathroom 2 living area family home. New Colorbond roof fascia and gutter are proposed with double glazed windows and doors.

The proposed additions and alterations include:

- Living space
- Outdoor living area (Alfresco)
- Landing to retreat area
- Minor amendments and demolition of internal walls

The proposed extension equates to approximately 65m<sup>2</sup> of floor area and the existing dwelling has a floor area of 273m<sup>2</sup>.

The total extension equates to an additional 20% of floor area of the existing home. This extension will not significantly intensify the existing use and will not compromise the development of the precinct given the dwelling already exists.

An overview of the proposed development is provided in **Section 2**.

### 2.2 Project location

The project is located at 90 Bomen Road, Cartwrights Hill in the Wagg Wagga LGA (see **Figure 1** and **Figure 2**).

The site is legally described as Lot 111 DP 788677.

The proposed development is located on the southern side of Bomen Road, 130m southeast of the intersection with Old Bomen Road. The site has a depth from Bomen Road to the rear of the site of approximately 180m and at its widest point on the southern boundary has a width of 160m. The site has a total land area of size is 1.35Ha.

The site has a scattering of trees including ornate and native trees across the site that are not mapped as forming part of any endangered ecological community (EEC) or critically endangered ecological community (CEEC).

The site has been developed for residential purposes with a single storey dwelling house and associated swimming pool and outbuildings accessed off Bomen Road and clustering of sheds to the rear of the block with access from the southern boundary to Bomen Road.

Part of the site is mapped as bushfire-prone land - Vegetation Buffer. There are no other identified natural hazards that effect the site.



**Figure 1 |** Regional context map



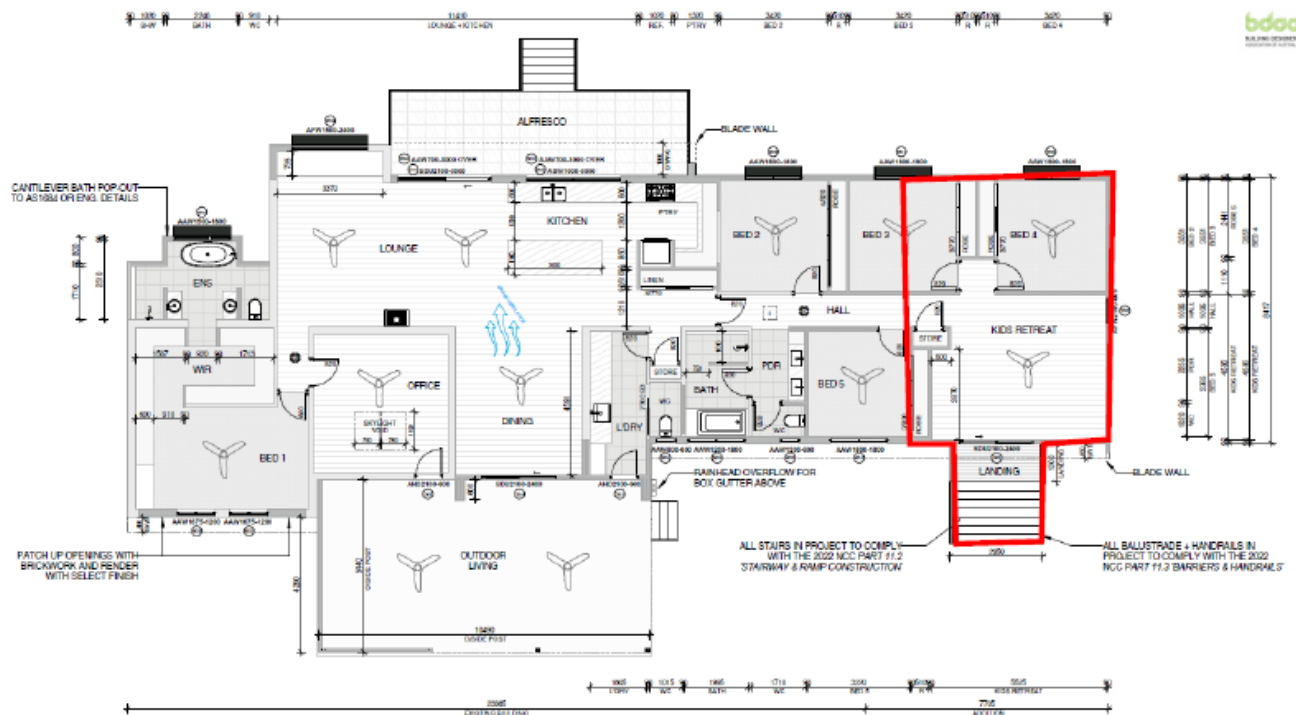


Figure 2 | Local context map



# 3 Project

## 3.1 Physical layout and design



**Figure 3 |** Floor plan. Additions shown in red.



Figure 4 Northern and Eastern Elevations of the proposed additions to existing dwelling house.

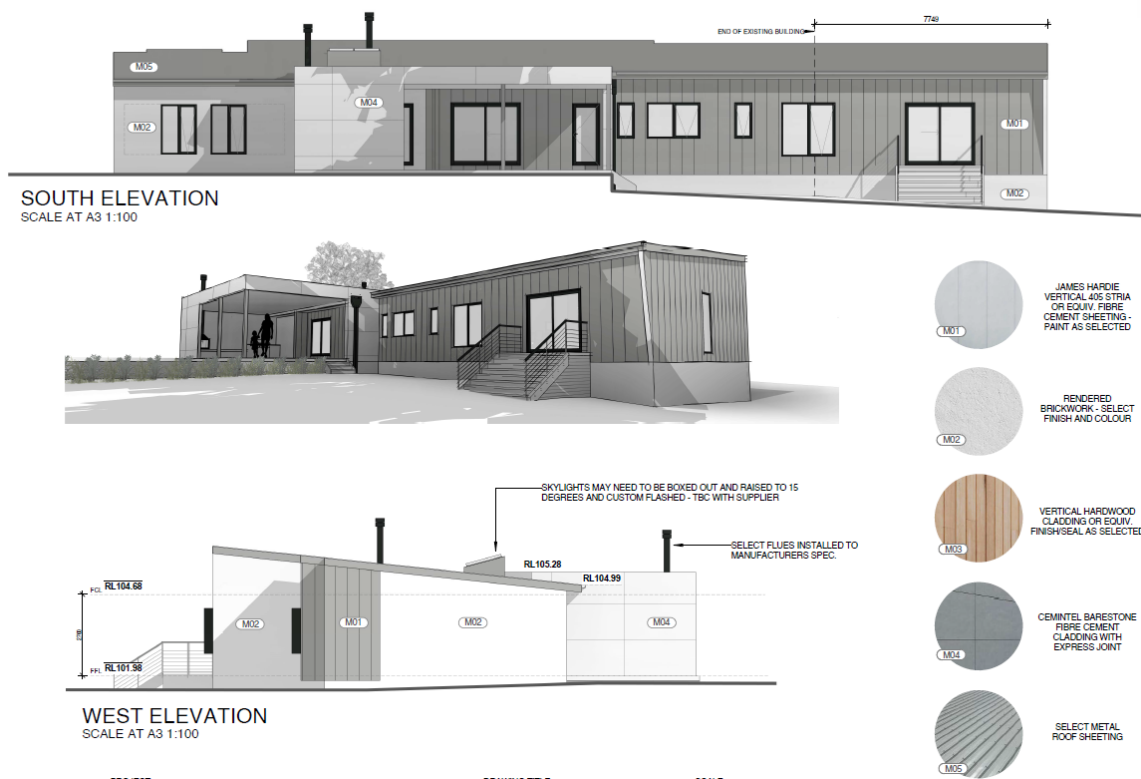


Figure 5 Southern and Western elevation of proposed additions to existing dwelling house.

## 3.2 Uses and activities

The site is currently used for residential and associated land uses. There is no evidence that the existing uses have been abandoned or consents surrendered.

Prior approvals associated with the subject site:

- Development consent – to erect a rural dwelling on Lot 111, DP 788677 – 10 August 1989
- Building Permit – dwelling – Building Application No. 588/89 – 4<sup>th</sup> September 1989
- Complying Development Certificate – CDC07/0022 – Pool – 13 Feb 2007
- Development Consent – Addition to Shed – DA03/0762 – 21 August 2003

## 4 Statutory context

### 4.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the project are provided in **Table 1** below.

**Table 1** | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The development is lodged under Part 4 of the EP&A Act and is assessed as a local development application.
Consent authority/Approval authority	<p>In accordance with the EP&amp;A Act the proposal is considered to be local development.</p> <p>In accordance with Schedule 1 of Part 1 of Section 1A of the Precincts-Regional SEPP, Chapter 3, the Planning Secretary is the consent authority for development on land in the REZ and RAZ in the Wagga Wagga Activation Precinct</p>
Permissibility	<p>The site is zoned REZ under State Environmental Planning Policy (Precincts—Regional) 2021: Wagga Wagga Activation Precinct.</p> <p>The application is prohibited under item 3 of the REZ Land use table in Schedule 1D of the Precincts-Regional SEPP.</p> <p>The development relies upon existing use rights under section 4.65 of the EP&amp;A Act.</p> <p>In accordance with Section 4.65 of the EP&amp;A Act, the use of a building, work or land (previous development) that was lawfully commenced under previous planning instruments (Wagga Wagga Local Environmental Plan) but is now prohibited by another planning instrument (Precincts Regional SEPP, Chapter 3). Any previous development that had lawfully commenced prior to the Precincts-Regional SEPP coming into force on 26 August 2022 can continue, and in some circumstances, be modified, subject to the determination of a development application.</p> <p>Section 163 of the EP&amp;A Regulation contains provisions which allow an existing use to be enlarged, expanded, or altered, subject to certain limitations.</p>



Consideration	Description
	<p>Section 164 of the EP&amp;A Regulation sets out certain limitations include requirements that enlargement, expansion or intensification must be –</p> <ul style="list-style-type: none"> <li>(a) for the existing use and for no other use, and</li> <li>(b) carried out only on the land on which the existing use was carried out immediately before the relevant day.</li> </ul> <p>The proposed alterations and additions relate to the existing use of the site for a dwelling house. While other uses occur of the site the development application for the enlargement of the dwelling house and no other use.</p> <p>The alterations and additions are proposed to be carried out on the dwelling house and part of the land immediately adjoining the dwelling house. This is considered to be the land on which the existing use was carried out immediately before the relevant day (26 August 2022).</p>

## 4.2 Other approvals and authorisations

A section 68 approval under the Local Government Act 1993 is required in relation to the disposal of wastewater on-site and installation of a solid fuel heater. Conditions are recommended to address these approvals.

## 4.3 Mandatory matters for consideration

### 4.3.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 2** below.

**Table 2 | Matters for consideration**

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C & Appendix D
EP&A Regulation	Appendix C
Likely impacts	Section 6 - Assessment
Suitability of the site	Section 6 - Assessment
Public submissions	Section 5 - Engagement & Section 6 - Assessment
Public interest	Section 5 - Engagement, Section 6 - Assessment & Section 7 - Evaluation

### 4.3.2 Objects of the EP&A Act

In determining the application, the Minister should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix C**.

As a result of the analyses in **Appendix C**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

### 4.3.3 Considerations under section 4.15 of the EP&A Act

In determining a development application under section 4.15 of the EP&A Act, a Consent Authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed under section 4.15(1).

**Table 3** below presents a summary of the matters for which consideration outlined further in **Section 6** (Assessment) of this report and references other relevant appendices and sections outlined in this report.

Table 3 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
<b>(a)(i) any environmental planning instrument (EPI)</b>	The Precincts – Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of the Precincts – Regional SEPP is provided in <b>Appendix C</b> .
<b>(a)(ii) any proposed instrument</b>	Not applicable to the proposal.
<b>(a)(iii) any development control plan</b>	The Wagga Wagga Development Control Plan is assessed in <b>Appendix C</b> .
<b>(a)(iiia) any planning agreement</b>	Not applicable to the proposal.
<b>(a)(iv) the regulations</b>	The application satisfactorily meets the relevant requirements of the EP&A Regulation 2000 (in force at the time of lodgement, but amended now to the <i>EP&amp;A Reg 2021</i> ), particularly the procedures relating to development applications (Part 6) and fees (Part 15, Division 1). The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
<b>(a)(v) any coastal zone management plan</b>	Not applicable to the proposal.
<b>(b) the likely impacts of that development</b>	The Department has considered the likely impacts of the development. All environmental impacts can be appropriately managed and mitigated through conditions of consent.
<b>(c) the suitability of the site for the development,</b>	<p>The site is suitable for the continued use as a dwelling house. It is considered that the alterations and additions to the dwelling house do not preclude the future use of the site as part of the special activation precinct.</p> <p>The alterations and additions are modest and in keeping with the rural residential land to the north and west and industrial development to the south and east.</p>

Section 4.15(1) Evaluation	Consideration
<b>(d) any submissions made in accordance with this Act or the regulations,</b>	The application was not required to be exhibited under the Wagga Wagga Development Control Plan and the Departments CPP and draft CPP.
<b>(e) the public interest.</b>	<p>The works are consistent with the aim and objectives of Precincts – Regional SEPP, would be compatible with the existing rural/residential land uses and adjoining industrial uses to the south.</p> <p>Accordingly, the development of the site is considered to be consistent with the public interest.</p>



## 5 Engagement

The application is lodged in the Wagga Wagga Activation Precinct.

The Department's CPP, April 2024, prepared in accordance with schedule 1 of the EP&A Act requires applications of development consent to be exhibited for a period of 14 days, this may be reduced if administrative requirement demands immediate action.

The Department has also exhibited a draft CPP for the Activation Precincts (excluding the Alpine Regions) from 3 April and 15 May 2024. Under the exhibited CPP, development accompanied by a current Activation Precinct certificate issued under the Precincts-Regional SEPP, Chapter 3 that applies to the development would not be required to be notified or advertised. No submissions were received to the draft CPP relating to the Wagga Wagga SAP and proposed exhibition timeframes associated with developments of this nature.

We note that the Wagga Wagga Council's notification policy does not require the exhibition of single storey dwelling houses (including alterations and additions) and development in a special purpose zone would otherwise be subject to consideration by Council as to whether notification is required.

The application was referred to both Wagga Wagga Council and RGDC for comment, the outcomes of that notification:

- Wagga Wagga – provided a standard set of conditions that could be considered should the application be determined by way of approvals; and
- RGDC – no further comments

## 6 Assessment

### 6.1 Site Suitability

Residential accommodation is a prohibited land use in the REZ, existing use right provisions are available under the EP&A Act.

The Delivery Plan provides Savings and Transitional Provisions for existing land uses that were existing before the commencement of the master plan and the proposed additions are consistent with these provisions.

**Note:** Under the Precincts-Regional SEPP, an issuing authority can only issue an Activation Precinct certificate for land only if there is a master plan and delivery plan that applies to the land concerned

## 6.2 Bushfire

Section 4.14 of the EP&A Act requires that a consent authority must be satisfied that a proposed development on bush fire prone land conforms with Planning for Bush Fire Protection (PBP) 2019. Accordingly, applications for development on bush fire prone land are generally required to include a bush fire assessment report.

To determine whether a development proposal meets the requirements of PBP 2019, a consent authority can either undertake their own assessment or rely on a certificate provided from a qualified consultant in bush fire risk assessment.

The development application is supported by a Single Dwelling Application Kit prepared by the applicant. The assessment concludes that the development is subject to BAL 12.5 construction standard. Conditions are recommended to reflect this construction standard.

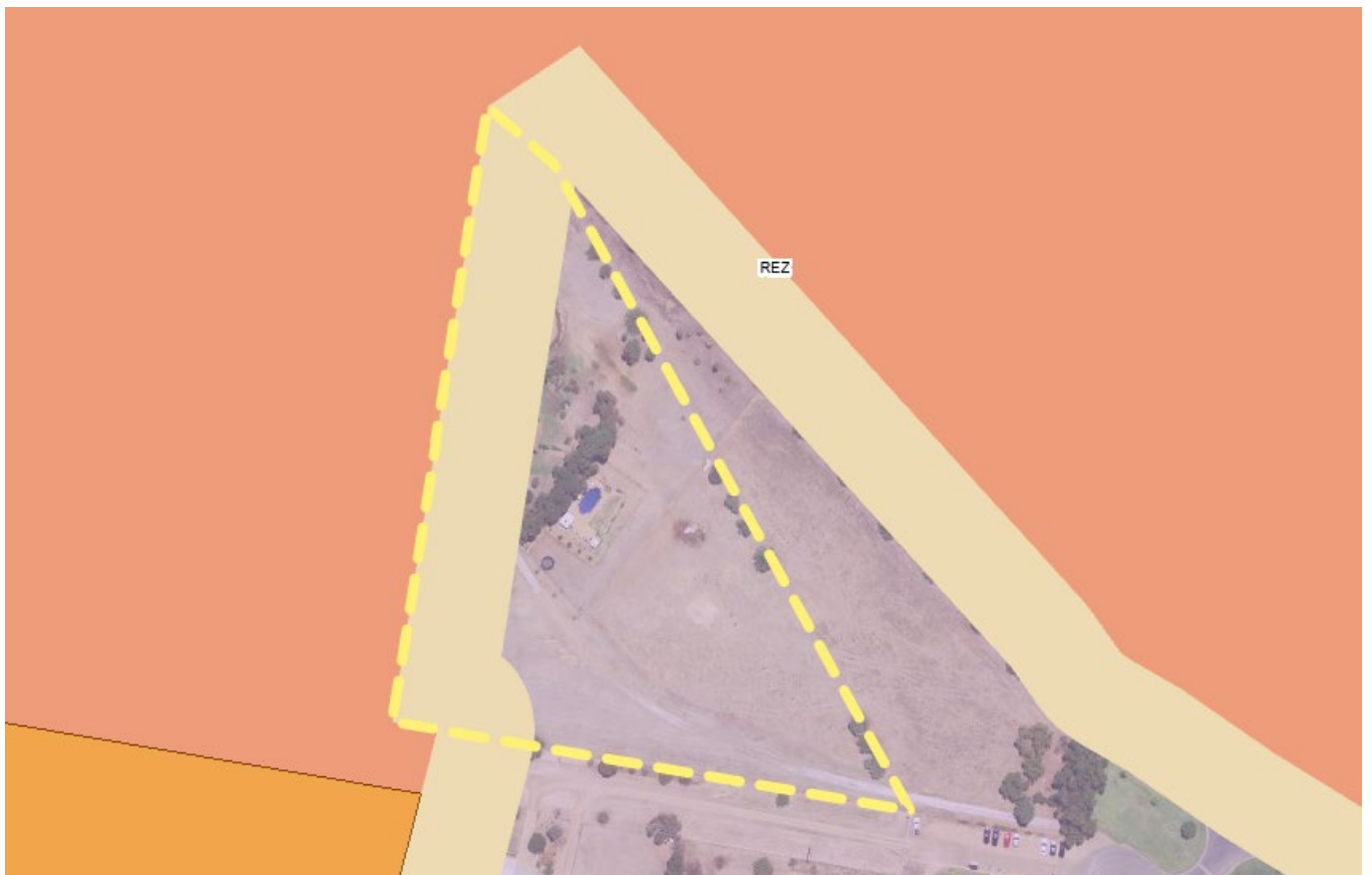


Figure 6| Bushfire prone land map. The Subject site identified with the land subject to the development mapped as within the vegetation buffer mapped area.

## 7 Evaluation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- the built form and design are appropriate and has regard to the existing character of the immediate locality
- there will not be a significant impact on any threatened species, populations or ecological communities
- bush fire impact can be appropriately managed and
- construction impacts are acceptable with the inclusion of requirements to ensure impacts are minimised upon adjoining properties

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest. The Department therefore recommends that the application be approved subject to recommended conditions.



## 8 Recommendation

It is recommended that the A/Director Precinct Planning and Assessments as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect to DA24/5405 the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:



**Elliott Weston**

Principal Planning Officer

Precinct Planning and Assessments

## 9 Determination

The recommendation is **adopted** by:



5 July 2024

**Stuart McIntosh**

A/Director

Precinct planning and Assessments

# Glossary

Abbreviation	Definition
AHD	Australian height datum
APC	Activation Precincts Certificate (APC-260 issued by RGDC on 17 April 2024)
CIV	Capital investment value
Council	Wagga Wagga City Council
CPP	Community Participation Plan
Crown Lands	Crown Lands division of the Department of Planning, Housing and Infrastructure
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
LEP	Local environmental plan
Minister	Minister for Planning
PBP	Planning for Bush Fire Protection 2019
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEE	Statement of Environmental Effect
SEPP	State environmental planning policy

# Appendices

## Appendix A – List of referenced documents

Plans - 58FED22 Fine Eye Designs 03 April 2024

BASIX Certificate - Certificate number: A1732233

Statement of Environmental effects prepared by Duncan Construction dated December 2023

## Appendix B – Submissions and Government Agency Advice

Note: The Council provided comment and recommended conditions on the development should the application be determined by way of consent.

RGDC did not provide further comment on the application has granted an APC to the development.

## Appendix C – Statutory considerations

### Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 4** below.

**Table 4** | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	<ul style="list-style-type: none"><li>• Not inconsistent</li></ul>

Object	Consideration
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none"> <li>The proposal is considered to meet the ESD principles. Further discussion is provided in Section 4.</li> </ul>
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> <li>The development of the site supports the orderly and economic use of the land within the Wagga Wagga SAP. The development does not preclude the future development of the site in accordance with the overall vision for the Special Activation Precinct.</li> </ul>
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> <li>N/A</li> </ul>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> <li>The impacts of the development are limited and can be managed through appropriate conditions of development consent. No impacts on threatened and other species of native animals and plants, ecological communities and their habitats</li> </ul>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> <li>The proposed development is not anticipated to result in any impacts upon built and cultural heritage</li> </ul>
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> <li>The Department considers that the proposal responds to its existing setting, built form and minimises impacts upon natural environment.</li> </ul>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> <li>The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures</li> </ul>

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<ul style="list-style-type: none"> <li>The Department consulted with government agencies and consideration of their responses.</li> </ul>
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> <li>The Department has not publicly exhibited the development and this is consistent with the overall approach to special activation precincts to ensure streamlined assessment of applications with an activation precinct certificate and consistent with minor nature of the development application.</li> </ul>

## Environmental Planning Instruments (EPIs)

### ***State Environmental Planning Policy (Precincts – Regional) 2021***

Activations Precinct Certificate (APC) 260 was issued by the Regional Development Corporation on 17 April 2024. The APC was issued in accordance with the Master Plan and Delivery Plan.

The development is consistent with the transitional arrangements under the Delivery Plan.

### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (the Resilience and Hazards SEPP) aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances is consent required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken that meet certain standards and notification requirements.

Under the framework of the R&H SEPP (2021), the proposed development is acceptable given the site is previously developed, is in keeping with the existing rural residential land use and there would be controls and conditions of consent regarding any unexpected finds.

### ***State Environmental Planning Policy (Sustainable Buildings) 2022***

In accordance with Section 27 of the EP&A Regulation the development (being a BASIX development) is accompanied by a relevant BASIX certificate (Certificate number: A1732233) for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and the other matters required by the BASIX certificate.

***State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure)***

The Transport & Infrastructure SEPP has not been triggered for this development is not a traffic-generating development and is not adjacent to a railway corridor.

**Other matters**

**Wagga Wagga Development Control Plan**

In accordance with Section 6.4 of the Wagga Wagga SAP Delivery plan – Acceptable Solution A65.1

*For existing uses that were existing before the commencement of the master plan, the following documents continue to apply to the expansion of existing land uses on land within the Rural Activity Zone and to land not included as part of stage 1 of the delivery plan:*

- a. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and*
- b. Wagga Wagga Development Control Plan.*

**Table 5** provides a review of the relevant provisions of the Wagga Wagga Development Control Plan (DCP) 2010

Table 5| Review of relevant provision of the Wagga Wagga DCP

DCP Section	Relevant Controls	Proposal	Compliance
Section 1 General	1.10 Notification of a Development Application	The proposal is not required to be notified.	Yes.



DCP Section	Relevant Controls	Proposal	Compliance
Section 2 Controls that apply to all development	2.1 Vehicle access and movements 2.2 Off-street parking 2.3 Landscaping 2.4 Signage 2.5 Safety and security 2.6 Erosion and Sediment Control Principles 2.7 Development adjoining open space 2.8 Development near high pressure-gas pipeline infrastructure	<p>Existing access. No change to car parking, or landscaping. No Signage is proposed.</p> <p>E&amp;S Control plans o be required to be prepared prior to issue of CC.</p> <p>The development does not adjoin open space or high-pressure gas.</p>	Yes.
Section 4 Environmental Hazards and Management	4.1 Bushfire	<p>The application is supported by a self-assessment of bushfire in accordance with the RFS single dwelling house toolkit.</p> <p>The development is required to be constructed to BAL 12.5</p> <p>The application is consistent with the relevant provisions of PBP 2019 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.</p>	Yes.

DCP Section	Relevant Controls	Proposal	Compliance
Section 8 – Rural Development	8.3 Rural dwellings	<p>The land is zoned Regional Enterprise under the Precincts Regional SEPP. Prior to the coming into force of the Precincts-Regional SEPP the land was zoned RU6 Transition under the LEP.</p> <p>The alterations and additions are consistent with the objectives and controls under section 8.3.</p>	Yes

## Section 7.12 Contributions

As per the Wagga Wagga Local Infrastructure Contribution Plan 2019 – 2034 the Section 7.112 levy is 1% of the cost of the development.

Section 7.12 = \$339,999.94 x 1% = \$3,399

## Section 64 sewer and water

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The proposal does not result in any increase to the hardstand area on site and therefore there is no anticipated increase in impact to stormwater infrastructure and no contribution is payable.

The subject site is located within an unserviced area for sewerage and the developer no charge for

Sewer is to be levied.

## Section 68 Application

A section 68 approval under the Local Government Act 1993 is required in relation to the disposal of wastewater on-site and installation of a solid fuel heater. Conditions are recommended to address these approvals.

## Appendix D – Recommended instrument of consent

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the Response to Submissions;
  - (d) in accordance with the approved plans in the table(s) below:

Dwg No.	Title	Revision	Project Id	Author	Dated
A01	Site Plan	B	58FED22	Fine Eye Designs	3/04/2024
A02	Existing // Demolition Floor Plan	B	58FED22	Fine Eye Designs	3/04/2024
A03	Floor Plan	B	58FED22	Fine Eye Designs	3/04/2024
A04	Dimensions	B	58FED22	Fine Eye Designs	3/04/2024
A05	Section Aa	B	58FED22	Fine Eye Designs	3/04/2024
A06	Section Bb	B	58FED22	Fine Eye Designs	3/04/2024
A07	Elevations	B	58FED22	Fine Eye Designs	3/04/2024
A08	Elevations	B	58FED22	Fine Eye Designs	3/04/2024
A09	Glazing Schedule	B	58FED22	Fine Eye Designs	3/04/2024
A10	Drainage Plan	B	58FED22	Fine Eye Designs	3/04/2024

Title	Reference	Author	Dated
<b>BASIX Certificate</b>	Certificate number: A1732233	Mrs Allana Duncan	12 January 2024

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## STRUCTURAL ADEQUACY

A5. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

### **Notes:**

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 7 of the EP&A Regulation sets out the requirements for the certification of the development.

## OPERATION OF PLANT AND EQUIPMENT

A6. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## APPLICABILITY OF GUIDELINES

- A7. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A8. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A9. The Department must be notified via the Major projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A10. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

- A11. The Department must be notified via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A12. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **PART B      PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **EXTERNAL WALLS AND CLADDING**

- B1. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B2. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### **DEVELOPMENT CONTRIBUTIONS**

- B4. Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$3,399 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 132.7.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

### **BUSHFIRE CONSTRUCTION STANDARD**

- B5. Prior to occupation or use, all development shall be constructed in accordance with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas to Bush Fire Attack Level BAL 12.5 construction in accordance with the provisions of Planning for Bushfire Protection, 2019.



## **PART C PRIOR TO COMMENCEMENT OF WORKS**

### **NOTIFICATION OF COMMENCEMENT**

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **ACCESS TO INFORMATION**

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### **COMPLIANCE**

- C4. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **TOILET FACILITIES**

- C5. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by Council, or
  - (c) if that is not practicable, any other sewage management facility approved by Council.

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

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

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

## CONSTRUCTION CERTIFICATE

- C6. A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

## RUBBISH AND DEBRIS (BIN)

- C7. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

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

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained.

Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

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

## GEOTECHNICAL REPORT

- C8. Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the "Application to Install an On-Site Sewage Management System" to determine the suitability of the site with respect to the on-site disposal of waste water. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

This study must be carried out by an appropriately qualified geotechnical Soil Consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed dwelling and the proposed waste water disposal area are located in a position and are of a design and capacity to ensure that all waste water generated from the activities carried out on site can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE 1: Alterations/modifications to the premise or replacement of disposal areas and or the On-site Sewage Management Systems require a geotechnical soil report to determine if the current system can manage additional loads and/or if the current disposal areas are adequately sized to effectively treat waste water generated by the activities on the premise.

NOTE 2: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is suggested that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

NOTE 3: The final location of the dwelling on the land may be determined by the findings and recommendations of the required geo-technical study. The location of the dwelling should therefore not be finalised until the results of the geo-technical study are known.

## **EROSION AND SEDIMENT CONTROL**

- C9. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- (a) Development Control Plan 2010 (Section 2.8 and Appendix 2)
- (b) Erosion and Sediment Control Guidelines for Building Sites; and
- (c) Soils and Construction Volume 1, Managing Urban Stormwater

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

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

## **ON SITE SEWAGE SYSTEM 40M AWAY FROM DRAINAGE CHANNELS**

- C10. Prior to the issue of a Construction Certificate, it must be demonstrated that the On-Site Sewage Management System and its associated disposal area situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.

## **SEPTIC TANK**

- C11. Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank must be installed on the land and the premises connected thereto, in accordance with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005.

NOTE: A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

## **PLUMBING AND DRAINAGE WORKS (S68)**

- C12. A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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

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

## PART D DURING CONSTRUCTION

### DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.
- D2. Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:
- (a) an asbestos clearance certificate prepared by a competent person; and
  - (b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

### CONSTRUCTION HOURS

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
  - (b) between 7.00 am and 5.00 pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### DEVELOPMENT APPLICATION RECORD TO BE KEPT ONSITE

- D7. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

### EXCAVATION AND BACKFILLING

- D8. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

## EARTHWORKS

- D9. Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) retained material must have a gradient of at least 5%, and
  - (d) must be constructed in accordance with the approved plans for such work(s).
  - (e) must be wholly located within the subject site (including footings of any retaining structures)



## **PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **BUILDING NUMBER**

- E2. Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.

### **RETAINING WALLS**

- E3. All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.

### **PLUMBING CERTIFICATE**

- E4. Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

### **OCCUPATION CERTIFICATE**

- E5. An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments – failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

### **FINAL PLUMBING INSPECTION**

- E6. A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- E7. Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

## **PART F        PRESCRIBED CONDITIONS**

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- F1. Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000) The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- F2. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)
- (a) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
  - (b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
  - (c) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply: (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

- F3. Erection of signs (clause 98A EP&A Reg 2000) For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- (c) stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

- F4. E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

- F5. Entertainment venues (clause 98C EP&A Reg 2000) If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

- F6. Maximum capacity signage (clause 98D EP&A Reg 2000) For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

- F7. Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000) If the development involves an excavation that extends below the level of the base of the footings of a building, structure, or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- F8. NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **PART G WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be notified to the Department via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.