

Statement of consistency for Demolition of existing dwelling and construction of transportable dwelling (Existing Use Rights) located at 120 Poiles Road, Brucedale

PROPERTY DETAILS

Property Address	120 Poiles Road
Legal Property Description	Lot 1 DP 214337
Special Activation Precinct	Schedule 1A Wagga Wagga Activation Precinct
Land Use Zoning	Rural Activity Zone
Sub-precinct	Rural
Site constraints	N/A

APPLICATION DETAILS

Development type	Dwelling
Description of proposal	Demolition of existing dwelling and construction of transportable dwelling (Existing Use Rights)
Permissibility	<p>Residential accommodation is a prohibited land use in the Rural Activity Zone, existing use right provisions are available under the Environmental Planning and Assessment Act 1979</p> <p>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.</p> <p>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.</p>

RELEVANT EVALUATION DOCUMENTS

Legislation	State Environmental Planning Policy (Precincts - Regional) 2021 (SEPP Precincts - Regional)
Master Plan	Wagga Wagga Special Activation Precinct Master Plan, May 2021 (Wagga Wagga Master Plan)

RELEVANT EVALUATION DOCUMENTS

Delivery Plan	<p>Wagga Wagga Special Activation Precinct Delivery Plan (Stage 1) (Wagga Wagga Delivery Plan)</p> <p>It is noted that the Wagga Wagga Delivery Plan seeks to deliver the principles and aims and performance criteria set out in the Wagga Wagga Master Plan, and in accordance with clause 3.10(3)(b) of SEPP Precincts – Regional is consistent with the Wagga Wagga Master Plan. As such, the evaluation of the proposed development against the Wagga Wagga Delivery Plan is considered sufficient to also ensure consistency with the Wagga Wagga Master Plan.</p>
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Executive summary

Proposed 3 Bedroom Transportable Dwelling to replace an existing dwelling which is to be demolished, on an existing RAZ zoned block of land. Due to the proposal being for a dwelling of a smaller size to replace an existing dwelling, the development is seen as being consistent with the zoning objectives.

Site and surrounds

The Subject Site is zoned RAZ Rural Activity Zone. The proposed dwelling is permitted with consent within this land zoning as it is replacing an existing dwelling in the same position.

The dwelling is surrounded by farming land with only 2 other dwellings in the near vicinity. To the West, approximately 1km is a larger housing subdivision with all land zoned R1.

As per the following photo, the site is zoned within a bushfire zone. A bushfire report has been prepared & submitted as part of the application.



Council online mapping shows the Subject Site is within a Bushfire Zone. As per the submitted report, the proposed dwelling is to be constructed to comply with Bal19 rating.

Proposal

Proposed 3 Bedroom Transportable Dwelling to replace an existing dwelling which is to be demolished, on an existing RAZ zoned block of land.

The proposed dwelling will be sited in the same position as the existing dwelling.
The proposed dwelling will be connected to the existing septic system, town water & stormwater connecting to the existing rainwater tank.

The Transportable Dwelling will be constructed using the following materials:

- Timber framed construction
- Colorbond roof sheeting, fascia & gutter
- Colorbond wall cladding
- Aluminium framed windows

Existing Use Rights

An existing use must not be changed under subsection (1)(e) or (f) unless the change—

- (a) involves only minor alterations, and
- (b) does not involve an increase of more than 10% in the gross floor area of the premises associated with the existing use, and
- (c) does not involve the rebuilding of the premises associated with the existing use, and
- (d) does not involve a significant intensification of the existing use.

Compliance with relevant parts of the SEPP Precincts – Regional

Refer to Appendix 1.

Compliance with the Master Plan

Refer to Appendix 2.

Compliance with the Delivery Plan

Refer to Appendix 2.

Development Specific Checklist

Refer to Appendix 3.

Documents that informed the evaluation

Refer to Appendix 4.

Appendix 1 – SEPP (Precincts - Regional)

Clause 3.9 Applications for Activation Precinct applications	Proposal	Compliance (Yes/ No/ N/A)
(1) An application for an Activation Precinct certificate in respect of proposed development on land within an Activation Precinct may be made to the issuing authority.	Proposal is for a new dwelling to replace an existing dwelling of similar size.	Yes
(2) An application may be made only by the person who proposes to carry out the proposed development with the consent of the owner of the land to which the Activation Precinct certificate relates.	The applicant for the project will be CK Design & Drafting Pty Ltd. The owners have given consent for this company to make the application & an owners consent letter will be lodged.	Yes
(3) An application must be in the form approved by the Development Corporation and include the following information— (a) the name and address of the applicant, (b) the address, and particulars of title, of the subject land, (c) a description of the proposed development.	All documentation has been prepared to comply.	Yes

Clause 3.10 Determination of applications for Activation Precinct certificates	Proposal	Compliance (Yes/ No/ N/A)
(3) The issuing authority may issue an Activation Precinct certificate for development on land only if— (a) there is a master plan and delivery plan that apply to the land concerned, and (b) the issuing authority is of the opinion that the development is consistent with the master plan and delivery plan.	The proposal complies with the regulations set out in the master plan & Delivery Plan as the application is for a dwelling to replace an existing dwelling.	Yes
(4) If the issuing authority is of the opinion that the development is not consistent with the master plan and delivery plan for the land, the issuing authority is to give the applicant an opportunity to modify the application to ensure that it is consistent.	The applicant believes the proposal complies with the Master Plan & Delivery plan	Yes

Clause 3.10 Determination of applications for Activation Precinct certificates	Proposal	Compliance (Yes/ No/ N/A)
<p>(6) Clauses 12 and 13 of State Environmental Planning Policy No 33—Hazardous and Offensive Development and clause 7 of State Environmental Planning Policy No 55—Remediation of Land apply to an application for an Activation Precinct certificate that relates to complying development in the same way as they apply to an application for development consent.</p> <p>Note—</p> <p>State Environmental Planning Policy No 33—Hazardous and Offensive Development and State Environmental Planning Policy No 55—Remediation of Land apply to development within an Activation Precinct that is not complying development.</p> <p>(7) For the purposes of subclause (6), any reference in those clauses to a development application, development consent or a consent authority is to be read as a reference to an application for an Activation Precinct certificate, the issuing of an Activation Precinct certificate or the issuing authority, respectively.</p>		N/A
Clause 3.11 Activation Precinct certificates for complying development involving potentially hazardous or offensive industry	Proposal	Compliance (Yes/ No/ N/A)
<p>(2) If the Development Corporation is the issuing authority in relation to an application to which this clause applies, the Development Corporation must not issue an Activation Precinct certificate without the approval of the Planning Secretary.</p>		N/A
<p>(3) The Planning Secretary may grant approval for the purposes of subclause (2) only if satisfied that the development does not pose an unacceptable risk in the locality to human health, life, property or the biophysical environment.</p>	<p>The proposal is to replace an existing dwelling with a dwelling of similar size.</p>	Yes

Clause 3.11 Activation Precinct certificates for complying development involving potentially hazardous or offensive industry	Proposal	Compliance (Yes/ No/ N/A)
<p>(4) This clause does not affect the issue of an Activation Precinct certificate that relates to development proposed to be carried out with development consent.</p> <p>(5) In this clause—</p> <p>potentially hazardous industry and potentially offensive industry have the same meanings as in State Environmental Planning Policy No 33—Hazardous and Offensive Development.</p>		N/A
Clause 3.13 Development near electricity transmission and distribution networks	Proposal	Compliance (Yes/ No/ N/A)
<p>(1) The issuing authority must not issue an Activation Precinct certificate for the following development unless the issuing authority has consulted the electricity supply authority for the area in which the development is to be carried out—</p> <p>(a) development that involves the penetration of ground within 10 metres of—</p> <p>(i) an underground electricity power line, or</p> <p>(ii) an electricity distribution pole, or</p> <p>(iii) any part of an electricity tower,</p> <p>(b) development on land—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes, or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5 metres of an exposed overhead electricity power line.</p> <p>(2) In this clause—</p> <p>electricity supply authority has the same meaning as in Part 3, Division 5 of State Environmental Planning Policy (Infrastructure) 2007.</p>	The development complies with all these items.	Yes

Clause 3.14 Development in pipeline areas	Proposal	Compliance (Yes/ No/ N/A)
<p>(1) The issuing authority must not issue an Activation Precinct certificate for development on land within the measurement length of a relevant pipeline unless the issuing authority—</p> <p>(a) has consulted the operator of the relevant pipeline, and</p> <p>(b) is satisfied that the development will adequately deal with potential risks to the integrity of the pipeline.</p> <p>(2) In this clause—</p> <p>measurement length has the same meaning as in Australian and New Zealand Standard AS/NZS 2885.1:2018, Pipelines—Gas and liquid petroleum, Part 1: Design and construction.</p>		Yes

Clause 3.15 Development in rail corridors	Proposal	Compliance (Yes/ No/ N/A)
<p>(1) The issuing authority must not issue an Activation Precinct certificate for the following development unless the issuing authority has consulted the rail authority for the rail corridor—</p> <p>(a) development that involves—</p> <p>(i) a new level crossing, or</p> <p>(ii) the conversion into a public road of a private access road across a level crossing, or</p> <p>(iii) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing,</p> <p>(b) development on land that is in or adjacent to a rail corridor if the development—</p> <p>(i) is likely to have an adverse effect on rail safety, or</p> <p>(ii) involves the placing of a metal finish on a structure in a rail corridor used by electric trains, or</p> <p>(iii) involves the use of a crane in air space above a rail corridor, or</p>	The development does not propose any of these items	Yes

Clause 3.15 Development in rail corridors	Proposal	Compliance (Yes/ No/ N/A)
<p>(iv) is located within 5 metres of an exposed overhead electricity power line that is used for railways or rail infrastructure facilities,</p> <p>(c) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land—</p> <p>(i) within, below or above a rail corridor, or</p> <p>(ii) within 25 metres, measured horizontally, of a rail corridor, or</p> <p>(iii) within 25 metres, measured horizontally, of the ground directly below a rail corridor, or</p> <p>(iv) within 25 metres, measured horizontally, of the ground directly above an underground rail corridor.</p> <p>(2) Land is adjacent to a rail corridor for the purpose of subclause (1)(b) even if it is separated from the rail corridor by a road or road related area.</p> <p>(3) In this clause—</p> <p>level crossing means a level crossing over railway lines.</p> <p>rail authority for a rail corridor has the same meaning as in State Environmental Planning Policy (Infrastructure) 2007, Part 3, Division 15.</p> <p>rail corridor has the same meaning as in State Environmental Planning Policy (Infrastructure) 2007, Part 3, Division 15.</p> <p>road related area has the same meaning as in the Road Transport Act 2013.</p>		

Wagga Wagga Special Activation Precinct

Activation Precinct Certificate – Statement of Consistency



Clause 3.16 Consultation procedure	Proposal	Compliance (Yes/ No/ N/A)
An issuing authority that is required to consult with a person or body under this Division must— (a) within 2 days of receiving an application for an Activation Precinct Certificate, give written notice of the application to the person or body, and (b) consider any submissions received from the person or body within 14 days of giving the written notice to the person or body.		Yes

Schedule 1A Wagga Wagga Activation Precinct

Clause 14 Application of Wagga Wagga Local Environmental Plan 2010	Proposal	Compliance (Yes/ No/ N/A)
Clauses 2.6 - 2.8 of Wagga Wagga Local Environmental Plan 2010 apply to land within the Wagga Wagga Activation Precinct in the same way as they apply to land to which that Plan applies.	As per the submitted SEE, the proposal complies with the LEP	Yes
Clause 14 Application of State Environmental Planning	Proposal	Compliance (Yes/ No/ N/A)

Wagga Wagga Special Activation Precinct

Activation Precinct Certificate – Statement of Consistency



Clause 14 Application of Wagga Wagga Local Environmental Plan 2010	Proposal	Compliance (Yes/ No/ N/A)
<p>(1) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2 applies to land in the Wagga Wagga Activation Precinct, subject to the modifications set out in this section.</p> <p>(2) The following zones in the Wagga Wagga Activation Precinct are taken to be a prescribed zone for the purposes of the specified provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021—</p> <ul style="list-style-type: none"> a) the Regional Enterprise Zone for sections 2.31, 2.92, 2.94(1)(a) and 2.126, b) the Regional Enterprise and Rural Activity Zones for sections 2.52(1), 2.105 and 2.106(1), c) all zones for sections 2.110(2) and 2.112. <p>(3) State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.41(1), (3) and (4)(f)(ii) and (iii) does not apply to land in the Wagga Wagga Activation Precinct.</p> <p>(4) For the purposes of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.159(2)(a), the Regional Enterprise and Rural Activity Zones are taken to be an equivalent land use zone.</p>		N/A

Wagga Wagga Special Activation Precinct

Activation Precinct Certificate – Evaluation Report

Appendix 2 – Wagga Wagga Master Plan

Compliance with the Wagga Wagga Master Plan

Item	Response	Compliance (Yes/ No/ N/A)
3.1.1 Land Use	The use of the site will not change	Yes
3.2.1 Wiradjuri Cultural Heritage		N/A
3.2.2 Landscape Character and Visual Impact	The development will not alter either of these.	Yes
3.2.3 Built Form	The scale of the proposal is the same if not smaller than the existing dwelling	Yes
3.3.1 Biodiversity, Vegetation and Riparian Corridors	No clearing of land is proposed as part of the development.	Yes
3.3.2 Air Quality and odour	The development will have no impact	Yes
3.3.3 Noise	The development will not create any extra noise as it is for a dwelling to replace an existing dwelling	Yes
3.3.4 Water resources		N/A
3.3.5 Flood Risk Management	The site is not zoned within a flood area	Yes
3.3.6 Sustainability		N/A
3.3.7 Assessing potentially hazardous and offensive development	The proposal is to replace an existing dwelling with a new dwelling of similar size.	Yes
3.3.8 Managing development on contaminated land		N/A
3.3.9 Fire, Safety, Human Health and Biosecurity	The proposal is within a bushfire zoned area. As per the submitted bushfire report, the	Yes

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Item	Response	Compliance (Yes/ No/ N/A)
	dwelling will be constructed to comply with BAL 19 rating	
3.4 Community		N/A
3.5.1 Streets and Movement	The proposal will not add any extra car or pedestrian movements.	Yes
3.5.2 Active and Public Transport		N/A
3.5.3 Utilities and Services	All services are existing	Yes

Appendix 3 – Wagga Wagga Delivery Plan

Chapter 2 – Precinct Design Guidelines

Statement addressing relevant sections of chapter 2



6.2 Rural Activity Zone

6.2.1 Controls that apply to development in rural areas

Performance criteria	Acceptable solutions How to achieve it	Alternative solutions What could be negotiated	Unacceptable solutions What we don't want to see	Proposal	Compliance (Yes/ No/ N/A)
Development in rural areas					
PC39 Development in rural areas is compatible with the site context and designed and sited to minimise conflict between the industrial development located within the Regional Enterprise Zone and surrounding residential areas.	<p>A39.1 Provide a minimum 10 metre privately owned and maintained landscaped buffer to site boundaries.</p> <p><i>Note: Landscaped buffers should be informed by the site's natural features and landscape and reflect the bioregion and vegetation typologies of the precinct in accordance with Chapter 3 – Precinct revegetation strategy.</i></p> <p>A39.2 Use landscaping and other screening options to help integrate new uses and developments into the rural landscape.</p> <p>A39.3 Traditional rural fencing, such as post and wire are encouraged. Use vegetation barriers where needed to provide visual screening between adjoining properties.</p> <p>A39.4 Uses must be capable of operating within capacities of available existing utilities and services and/or provide appropriate onsite utilities and services where required.</p> <p>A39.5 Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods.</p> <p>A39.6 In the case of larger projects, the issuing authority may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable.</p> <p>A39.7 Provide satisfactory arrangements for storage and disposal of waste.</p>	Not applicable	Not applicable	The development is to replace an existing dwelling with a new dwelling of similar size. There will be no change to any landscaping & the proposal is sited to comply	Yes



6.3 Precinct-wide

6.3.1 Environment

Performance criteria	Acceptable solutions How to achieve it	Alternative solutions What could be negotiated	Unacceptable solutions What we don't want to see	Proposal	Compliance (Yes/ No/ N/A)
6.3.1.1 Landscape character and visual impact					
Landscape character					
PC42 Protect the rural landscape character and natural topography and features such as drainage lines and waterways of the precinct.	A42.1 Development is designed and sited to: <ul style="list-style-type: none">a. retain and enhance areas of remnant vegetation communities, vegetation corridors and riparian corridors as shown in Map 8.3 in accordance with Chapter 3 – Precinct revegetation strategyb. maintain significant landscape features such as the rocky outcropsc. maintain existing mature trees where possible or provide a reasonable strategy for replanting mature treesd. identify Indigenous heritage features which should be retained in place on site ande. avoid or minimise alteration to natural features such as drainage lines and waterways, hill tops and ridgelines.	Not applicable.	U42.1 Development that does not integrate site specific solutions.	The development is to replace an existing dwelling with a new dwelling of similar size. There will be no change to any landscaping & will not affect any items listed.	Yes
PC43 Protect and enhance the rural landscape character of the precinct adjacent to major arterial roads, rural land and existing creek lines.	A43.1 A minimum 10 metre privately owned and maintained landscaped buffer applies to all lots adjacent to the Olympic Highway and Byrnes Road. <i>Note: Landscaped buffers should be informed by the site's natural features and landscape and reflect the bioregion and vegetation typologies of the precinct in accordance with Chapter 3 – Precinct revegetation strategy. Note: Where a property includes a riparian corridor that runs in parallel to the Olympic Highway, and a privately owned and maintained landscaped buffer is also required, only the riparian buffer is required to be provided.</i>	Not applicable.	Not applicable.	The dwelling is sited over 10m away from any side boundary. All landscaping is existing & will remain	Yes

6.3.2 Environmental hazards

Performance criteria	Acceptable solutions How to achieve it	Alternative solutions What could be negotiated	Unacceptable solutions What we don't want to see	Proposal	Compliance (Yes/ No/ N/A)
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6.3.2.2 Bushfire protection					
PC54	Development on Vegetation Category 3 (grasslands) as shown in Map 8.6 includes asset protection from the grass fire hazard.	<p>A54.1 Where development is not within 50 metres of Vegetation Category 3 (grasslands) no further assessment is required.</p> <p><i>Note: As land within the Regional Enterprise Zone develops and clearing occurs, the grass fire risk will change. In instances where there is no longer a grass fire hazard within 50 metres of the development, due to clearing and development of land in the precinct, then no further assessment of the grass fire hazard will be required. Representations are made to the issuing authority that demonstrate that the proposed development is not within 50 metres of grassland.</i></p> <p>A54.2 Development within 50 metres of grassland must comply with the requirements of:</p> <ul style="list-style-type: none">a) the latest version of PBP; andb) Rural Fires Act 1997 (including requirements for bushfire safety authority for development for a 'special fire protection purpose').	Not applicable.	Not applicable.	<p>As per the submitted Bushfire report, the proposed dwelling will be constructed to comply with a BAL19 rating.</p> <p>Yes</p>

6.4 Savings and transitional provisions

6.3.1 Existing and transitional land uses

Performance criteria	Acceptable solutions How to achieve it	Alternative solutions What could be negotiated	Unacceptable solutions What we don't want to see	Proposal	Compliance (Yes/ No/ N/A)
Existing and transitional land uses					
PC65	<p>Expansion of existing and transitional development occurs where it does not compromise the development of the precinct.</p> <p>A42.1 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:</p> <ul style="list-style-type: none">a) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; andb) Wagga Wagga Development Control Plan. <p><i>Note: The expansion of existing land uses may include:</i></p> <ul style="list-style-type: none">the development of buildings and structures that supports existing farming and primary production uses on the associated land while the farming use is	Not applicable.	<p>U42.1 Intensification of existing or establishment of new sensitive land uses that compromise the development of the precinct. <i>Note: Sensitive land uses include community facilities, centre-based child care facilities, educational establishment, emergency services facilities, sewerage systems, water supply systems.</i></p> <p>U65.2 Development of structures or land uses that compromise the establishment of important road, rail or open space / vegetation connections for the current or future stages of the precinct.</p>	The proposal complies with Wagga Wagga City Council DCP & LEP. Please refer to the submitted SEE for detailed analysis of how the development complies.	Yes



	<div>in transition or the land is not included within stage 1 of the precinct; or</div> <ul style="list-style-type: none">minor extensions, additions or alterations to existing habitable buildings within the precinct such as:<div><div>a) verandahs;</div><div>b) decks;</div><div>c) carports and garages; or</div><div>d) living areas.</div></div>				
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Wagga Wagga Special Activation Precinct

Activation Precinct Certificate – Evaluation Report
