Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 27 August 2024, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- · require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Tristan Kell

Tristan Kell

Director Precinct Planning and Assessment

Wagga Wagga 27 August 2024 File:EF24/9769

SCHEDULE 1

Application Number: DA24/9679

Applicant: Christopher Kendall

Consent Authority: Minister for Planning and Public Spaces

Site: Lot 1 DP 214337

120 Poiles Road, Brucedale

Development: Demolition of existing dwelling and installation

of manufactured home

CONTENTS

DEFINITION	ONS	II
PART A	ADMINISTRATIVE CONDITIONS	5
Terms of Operation Application	ion to Minimise Harm to the Environment	5
PART B	PRIOR TO COMMENCEMENT OF WORKS	7
Access Complia Toilet Fa Rubbish Erosion Plumbir Instalati	Ition of Commencement	
PART C	DURING DEMOLITION AND INSTALLATION	9
Work Ho Develop Earthwo	tionlourspment Application record to be kept onsiteorks	9 9
PART D	PRIOR TO COMMENCEMENT OF USE	11
Plumbin Final plu	ion of Public Infrastructure	11 11
PART E	PRESCRIBED CONDITIONS	12
PART F	WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	14

DEFINITIONS

Applicant	Christopher Kendall, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Council	Wagga Wagga City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	means the development approved pursuant to this consent, as defined in Condition A.2 and as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that:
	 a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or
	results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
TfNSW	Transport for NSW

SEE	Statement of Environmental Effects prepared by CK Design & Drafting dated 26 June 2024

SCHEDULE 2

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 installation 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	Project Id	Author	Dated
A01	Site Plan	LOT 1 - 120 POILES ROAD, BRUCEDALE NSW 2650	CK Design & Drafting	04/04/2024
A02	Architectural Plans	LOT 1 - 120 POILES ROAD, BRUCEDALE NSW 2650	Lloyds Transportable Homes	25/03/2024

- 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.

OPERATION OF PLANT AND EQUIPMENT

- A5. 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

- A6. 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.
- A7. 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

- A8. 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.
- A9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1

NON-COMPLIANCE NOTIFICATION

A10. 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 within seven days after they identify any non-compliance.

A11.	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.			
A12.	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 COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the 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

- B3. At least 48 hours before the commencement of installation until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - 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

B4. 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

- B5. 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.

RUBBISH AND DEBRIS (BIN)

B6. 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 installation 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 occupation of the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until occupation of the development.

EROSION AND SEDIMENT CONTROL

- B7. 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.

PLUMBING AND DRAINAGE WORKS (S68)

B8. A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site, including connection to existing systems.

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.

INSTALATION OF MANUFACTURED HOME

B9. Prior to the commencement of any works, an Activity Approval is required under Section 68, Part A – 1, of the Local Government Act 1993, for the installation of the manufactured home on the land.

WASTE MANAGEMENT PLAN

- B10. Prior to commencement of works a waste management plan detailing how waste generated during installation works will be managed and delt with. The waste management plan must include:
 - (a) The types and quantities of waste estimated to be generated during demolition and installation
 - (b) Procedures to collect and dispose of waste
 - (c) Measure that will be implemented to minimise waste generation associated with the works

PART C DURING DEMOLITION AND INSTALLATION

DEMOLITION

- C1. 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.
- C2. Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:
 - 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.

WORK HOURS

- C3. Installation, including the delivery of materials to and from the site, may only be carried out between the following hours:
 - between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and (a)
 - between 7.00 am and 5.00 pm, Saturdays. (b)
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of these hours if required:
 - by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - in an emergency to avoid the loss of life, damage to property or to prevent environmental harm. (b)
- C6. 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

The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved plans.

EARTHWORKS

- C8. Any earthworks (including any structural support or other related structure for the purposes of the development):
 - 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
 - retained material must have a gradient of at least 5%, and (c)
 - (d) must be constructed in accordance with the approved plans for such work(s).
 - must be wholly located within the subject site (including footings of any retaining structures) (e)

INSTALLATION OF MANUFACTURED HOME

The manufactured home (and any 'associated structure', as defined by the Local Government Act 1993) must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133-136 excepted) of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 ("the Regulation") (as modified in interpretation by Section 81(3) of the Regulation).

C10.	Prior to the installation of the manufactured home or associated structure or any associated works, a certificate from a practicing structural engineer is required to be submitted to Council, to the satisfaction of the General Manager, or delegate. This certificate shall certify that the relocatable home complies with all standards, codes, requirements and specifications as outlined in Division 4 (clauses 133–136 excepted) of Part 3 of the Regulation (as modified in interpretation by Section 81(3) of the Regulation).

PART D PRIOR TO COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- D1. 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.

PLUMBING CERTIFICATE

D2. Prior to use of the manufactured home 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.

FINAL PLUMBING INSPECTION

D3. 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.

D4. Prior to use of the manufactured home 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.

BUSHFIRE STANDARDS

D5. Prior to occupation or use, all development shall be installed in accordance with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas to Bush Fire Attack Level BAL 19. All development must be installed in accordance with the provisions of Planning for Bushfire Protection, 2019.

PART E 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.

- E1. 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
- NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.
- E2. 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.
- E3. 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.

- E4. 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.
- E5. 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 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.

- E6. 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.

NOTE 1: 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 F 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 A9 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.