

4. PROPOSED DISPOSAL OF LAND BURRIL STREET, TOMINGLEY (Cont'd)

The property is rated as a commercial allotment with the rates approximately \$985 per year.

The Narromine Shire Property Strategy also outlines that we need to attain the highest possible value for money through the disposal and while we have tested the market via the call for expressions of interest we have not achieved an offer that meets either the Valuer General's valuation or the estimate provided by the licenced agent. .

However, this is also balanced against the future needs of the community for Narromine Shire Council to own this property and at what cost to Council for the land to be maintained. If Council were to keep the property, then the cost of ownership is conservatively estimated to be \$985 for rates and approximately \$1,000 for mowing/very general maintenance.

If the property were to be sold the Council would not have these costs, however the cost of selling the block is likely to be up to \$2,000 in legal and transfer costs.

Considering the costs and benefits outlined, staff would recommend the sale of the block at a minimum price of \$9,000 which would at least then cover the purchase price of \$6,900 (in 2019) and also cover Narromine Shire Council's expected legal costs. It would also be closer to the valuation provided by the licenced agent.

Legal and Regulatory Compliance

Narromine Shire Council Property Strategy 2022
Narromine Shire Council Procurement Policy 2019

Local Government Act 1993
Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Internal/ external Consultation

Executive Leadership Team- Property disposal report.
Council report to the June 2022 meeting.

Attachments

Nil

RECOMMENDATION

1. That Council sell lot 4 Section 20 DP 758983 for the sum of \$9,000.
2. That the General Manager be delegated to negotiate the contract terms.
3. That the General Manager be authorised to affix the Council seal to sale documents if required.

5. DEVELOPMENT APPLICATION – DA2022/37 PROPOSED DEVELOPMENT DWELLING (MOVEABLE), CARPORT AND HANGAR - 7 KINGSFORD SMITH PLACE NARROMINE, LOT: 55 DP 1271467 (PAN-233687)

| | |
|--------------------------------|---|
| Author | Manager Planning |
| Responsible Officer | Director Community and Economic Development |
| Link to Strategic Plans | LSPS – Priority 4 – A range of housing options for the community. LSPS – Priority 6 – Sustain and grow our local population. |

Executive Summary

The development proposes to install a second-hand moveable dwelling (with a new verandah and car port constructed on site), and hangar (with attached workshop/bathroom). The applicant amended the proposed plans and Issue E is relied upon for assessment. The revisions were in response to staff requests for further information and occurred post neighbour notification. The applicant aims to more closely comply with the 'restriction on the use of land' and utilise a rendered look panel rather than a weatherboard cladding, and will paint the roofing, fascias and gutters. The panels are shown on the plan to extend to the ground, however this will not be permitted (see comments regarding flood related provisions), and horizontal slats are proposed between the ground level and the finished floor height.

One of the terms of restriction on the use of land fifthly referred to in the DP1271467 states:

"2. All building materials shall be approved by Narromine Shire Council but such approval shall not be required if such materials consist of double brick or brick veneer, rendered or similar materials and provided the roof and ceiling of any dwelling house are insulated and the windows of any bedrooms with a south-west or north-west aspect are double glazed and all walls are sound insulated."

The development application requires the approval of Narromine Shire Council in this regard. Further the development proposes to vary two development standards adopted in the Narromine Development Control Plan 2011 (DCP). The living areas do not satisfy the requirement of a north or north easterly aspect for the lounge area, however the design does provide a layout with open plan living and connection to private open space. Secondly outbuildings must not contain any other sanitary fixtures other than a toilet and basin. The hangar as proposed, is seeking to install a toilet, shower, basin and separate kitchenette with sink.

In staff assessment overall, development of a refurbished dwelling and hangar are appropriate for the location, however the approval of Council is sought regarding the choice of building material (a refurbished moveable dwelling) prior to any determination of the application(s).

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Report

Locality and Site Context Map:



7 Kingsford Smith Place NARROMINE– Lot: 55 DP: 1271467

Site Location/Site inspection:

The subject development site is within the recent release of land at SkyPark residential estate. The land has been correctly identified on the DA application and plans. The land is freehold with the consent of the landowner provided with the application. The site is currently vacant of buildings. The site is suitable for residential development however, does not have an existing water meter. Surrounding lots are developing for similar residential development with hangarage, associated with the frontage to the taxiway and access to the Narromine Aerodrome. No new assessment issues were raised after the site inspection.

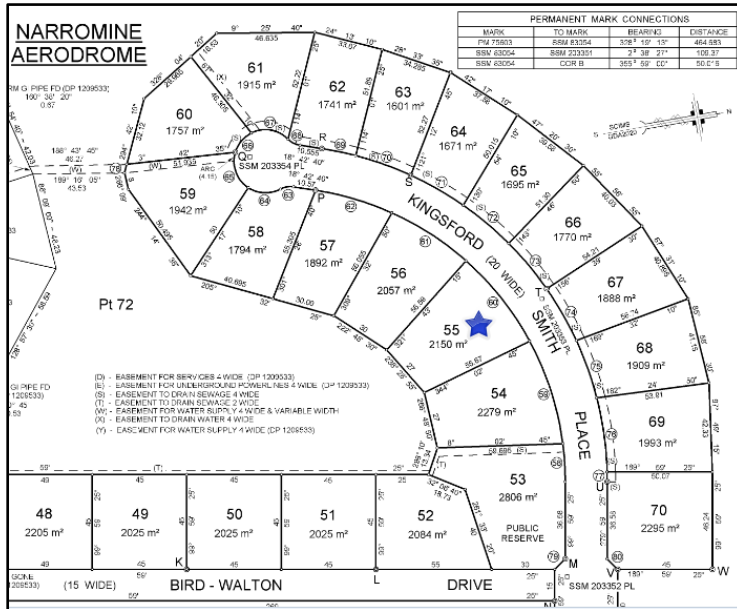
Internal Referral Advice:

Formal engineering referral advice has not been received where, servicing is available and standard residential conditions can be applied. Further locally relevant conditions are applied for development in SkyPark, with regard to potential for flooding, acoustic design considerations for development near an aerodrome and requirements for fencing for safety between a dwelling and the taxiway. The Health and Building assessment of the moveable dwelling will be also be subject to additional approval pursuant to s68 (Part A) of the *Local Government Act 1993*. Any applicable standards referred to in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* are relevant standards (referred to in Columns 1 and 2 of the Table to section 124 of the Act) and standard conditions complying with the Regulation will need to be applied to the s68 approval.

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Easement(s):



Excerpt DP 271467

There are easements applying to the relevant Deposited Plan (DP1271467) with the subject land not burdened by any identified easement for servicing. The nearest hydrant with water main is located in Kingsford Smith Place, and standard conditions for servicing are to be applicable. The proposed development is clear of any known easements, and no new easements are proposed as part of the application.

Section 4.14 Consultation and development consent—certain bush fire prone land

The land is not identified as Bush Fire Prone on the relevant map. As such no referral or advice has been sought from the NSW RFS. The development is not required to comply with "Planning for Bushfire Protection" (2019).

Contributions:

- Does the Section 7.11 Contributions Plan apply? Yes No
N/A
- Does the Section 7.12 Contributions Plan apply? Yes No
N/A
- Does the Developer Services Plan apply? Yes No
N/A

Comments: The proposed development is valued over \$100,000.00 (nominated \$357,109 for DA fee calculation) and therefore will be subject to the Contributions Plan. Standard condition to be applied from Plan – 0.5%. Payment of **\$1785.55**.

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Long Service Levy:

The New South Wales Government charges a levy on all building and construction work that requires approval under any legislation and has a cost of works of \$25,000 and above (inclusive of GST). The levy is paid into a fund administered by the Long Service Corporation (LSC). From this fund, LSC makes long service payments to eligible building and construction workers.

The current levy rate until 31 December 2022 is 0.35% of the cost of building and construction works of \$25,000 and above (inclusive of GST).

From 1 January 2023 the levy rate will change to 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST).

Comments: At this time the Long service Levy payable is estimated as - **\$1249**.

As a standard condition, Council requires a Cost Estimate to be provided and LSL paid prior to Issue of Construction Certificate; noting the lesser rate may be applicable at that time.

Section 4.15(1) Assessment

S4.15 (1) (a) (i) The provisions of any environmental planning instrument

Local Environmental Plans

The Narromine Local Environmental Plan 2011 applies to all land within the Narromine Local Government Area. The Land Use Table for the R1 General Residential zone includes Dwelling Houses as development permitted with consent.

Clause 2.3(2) of Narromine Local Environmental Plan 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 zone are:

1 Objectives of R1 General Residential zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development is in support of the objectives and proposes housing in a developing residential area intended for such development. The development proposes the installation of a second-hand moveable dwelling. This type of dwelling is typically not proposed in the SkyPark residential area due to the “restrictions on the use of the land” set out in the instrument setting out terms created pursuant to section 88B of the Conveyancing Act 1919, however is not prohibited in the zone.

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The applicant has sought approval for related applications in addition to the Development Application:

- S138 Roads Act – (application RA-2022-5308) for new driveway work;
- S68 Local Government Act 1993 – (application S68-2022-12495) Carry out sewerage work; Carry out stormwater drainage work; Carry out water supply work and Install a manufactured, moveable dwelling or associated structure on land.

The applicant is also seeking consideration of **terms of restriction on the use of the land** (item 6) – i.e. the development application is seeking to construct the Hangar, prior to the dwelling being moved onsite, for reasons of requiring storage of building materials for the dwelling/car port construction.

The section 88B Instrument provides:

“6. A dwelling on any lot will only be approved in conjunction with an aircraft hangar or designated hangar area. An aircraft hangar, shed, garage or other outbuilding on any a lot may only be constructed prior to the erection of a dwelling in the following circumstances;

- a) Consent for the dwelling has been granted, and;*
- b) The buildings will be used for the purposes of storing building materials during the construction of the dwelling.”*

Though the quantity of building materials stored on site will be less for the moveable dwelling, materials for recladding and construction of carport and verandah are required. This has been supported by staff in recent development approvals to facilitate security at the building sites.

State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) apply to the Narromine Local Government Area:

| SEPP Name | COMMENTS |
|--|--|
| Transport and Infrastructure SEPP | <p>2.48 Determination of development applications—other development</p> <p><i>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <p><i>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> |

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| | <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>COMMENT: Section 2.48 has been considered and no electricity transmission line is in vicinity to the proposed development. Referral to Essential Energy not required in this instance.</p> |
| <p>SEPP (Biodiversity and Conservation) 2021</p> | <p>No clearing of native vegetation is sought that requires approval pursuant to the SEPP.</p> |
| <p>SEPP (Resilience and Hazards) 2021</p> | <p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> |

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| | <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>COMMENT: The land use category is not changing. The land does not have any recorded contamination history associated with planning attributes recorded.</p> |
| SEPP (Planning Systems) 2021 | N/A |
| SEPP (Industry and Employment) 2021 | N/A |

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| SEPP (Resources and Energy) 2021 | N/A |
| SEPP Exempt & Complying Development 2008 | Not exempt development and DA required. |
| SEPP (Primary Production) 2021 | N/A |
| SEPP Housing 2021 | N/A |
| SEPP (Building Sustainability Index: BASIX) 2004 | Certificate not required to be lodged for the dwelling in this case, as is a 'moveable dwelling'. |

S4.15 (1) (a) (ii) The provisions of any proposed environmental planning instrument

There are no draft LEPs or draft SEPPs that apply to the subject land.

S4.15 (1) (a) (iii) The provisions of any development control plan

Narromine Shire Council Development Control Plan 2011 applies to the land.

Departures to the DCP have been identified. The request to seek variation to the DCP standards was not explicit in the Development Application and supporting documents, clear justification to departures have not been provided in the Statement of Environmental Effects.

The following DCP clauses are specifically relevant to the assessment of the proposed development:

Chapter 5(a) Residential development is applicable.

| Development Standards | Comment | Complies – Y/N |
|--|---|-----------------------|
| Building Siting and Design The same distance as on or the other adjoining buildings, provided the difference between the setbacks is less than or equal to 2m ELSE the average of the setbacks of the adjoining buildings. | Side and rear setbacks ok – proposing a 9m front setback (verandah extends forward with 6.6m setback). Neighbouring dwelling approved at 10m front setback. | Y |
| Building Height Building heights are to be similar to those in the public streetscape. | Single storey dwelling proposed. Hangar has 6.3m ridge height. | Y |

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| Development Standards | Comment | Complies – Y/N |
|--|--|---|
| Fencing | <p>Where overland flooding is likely to occur, fences should provide for the movement of water.</p> <p>Fence/ self-closing gates are to be used between a residential occupied area and the taxiway - is to comply with AS1926.1</p> | <p>APPLICABLE</p> <p>Can be conditioned</p> |
| <p>Private Open Space</p> <p>20% of the lot area with min depth 5m</p> | <p>Approx. 20% of the site is hardstand driveway or forecourt between taxiway and hangar (incl rainwater tank located between hangar and rear of dwelling site) Approx. 30% of the site area is covered by buildings. available as POS. Approx. 30% of the site is available for private open space.</p> <p>However, the plans do not show the location of a clothes drying area, and this area may not all be useable space.</p> <p>Areas used for driveways, car parking, drying yards and service yards are not to be included in private open space.</p> | Y |
| Landscaping | <p>Landscaping plan was provided; however, any screening of the POS is not addressed. The use of appropriate species for vicinity of the aerodrome noted (no fruiting trees or tall species).</p> | Y |
| <p>Privacy</p> <p>Habitable windows not to align with adjoining development.</p> | <p>Some POS is available in rear area screened from the street by the dwelling. Acceptable.</p> | Y |
| <p>Building Design</p> <p>Building materials are naturally textured and coloured and are sympathetic to the natural environment and are not reflective;</p> | <p>Building materials are naturally coloured. With Dulux colours Hog bristle, antique white and colorbond Woodland Grey. Hangar/ roofs to be conditioned to be non-reflective.</p> | Y |

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| Development Standards | Comment | Complies – Y/N |
|---|--|----------------|
| Windowless facades are avoided on street frontages; | No windowless facades are proposed to the dwelling. | Y |
| Building design facilitates surveillance of streets and open spaces; | Lounge room and front door are facing the street frontage. Open space area at rear can be seen from family/meals area. | Y |
| <i>Habitable areas (lounge, family rooms) should be designed and positioned within the dwelling to have a northerly or north-easterly aspect. This should be through a north - south or east-west building orientation.</i> | <i>Not achieved. The layout of the rooms for the moveable dwelling provide living areas with a north-westerly aspect.</i> | No |
| Domestic Outbuildings Domestic outbuildings mean sheds, garages, carports and the like. Any domestic outbuilding must: Be located behind the building line; | Site plan demonstrates area for a Car port and a Hangar on same lot. Yes behind the building line. | Y |
| Side setbacks are to comply with the Building Code of Australia; | Side setbacks comply with BCA. | Y |
| <i>Must not contain any other sanitary fixtures other than a toilet and basin;</i> and | <i>The Hangar proposes a toilet with basin/ a shower and sink/kitchenette. The layout would lend to be utilised as a sleepout. The applicant was requested to confirm the proposed use of this area. (See below)</i> | No |
| Not to be used for residential, commercial or industrial purposes, unless consent has been granted. | This is a standard condition to be applied all domestic outbuildings. | Y |

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| Development Standards | Comment | Complies – Y/N |
|--|---|------------------------------------|
| <p>Flooding</p> <p>Located in the Intermediate Flood plain area –</p> <p>Habitable floor level to be above FPL;</p> <p>Building components below the FPL are constructed with flood compatible materials.</p> | <p>Applicable – std conditions for survey and benchmark for flood FPL and relevant conditions.</p> <p>The FPL for the dwelling is noted on the proposed plans.</p> | <p>Y</p> |
| <p>Access and Car Parking</p> | <p>Roll kerb exists in the street. A s138 Roads Act approval has been sought for the proposed new driveway. Standard conditions as applied to SkyPark development can be considered appropriate.</p> <p>A new 2 car, car port is proposed to the rear of the proposed dwelling.</p> | <p>Y</p> <p>to be conditioned.</p> |

Council has provided the applicant with three (3) letters seeking further information to enable processing of the application (stop clock):

- Letter dated 20 June 2022
- Letter dated 16 August 2022
- Letter dated 14 September 2022.

The NSC letter dated 16th August addressed one of the proposed DCP departures (*Outbuildings must not contain any other sanitary fixtures other than a toilet and basin*):

Council requested the applicant “to clarify the proposed use of the ‘Workshop’ attached to the hangar. Council does not support the design of ancillary structures which are intended to be occupied without the necessary approval. The design appears to provide a pseudo habitable area. If a secondary dwelling is proposed to be created, this should be clarified and the application amended to reflect the purpose.”

The applicants’ response noted:

“Aircraft Hangar

Further clarification was requested regarding the purpose of the Workshop area to the proposed Aircraft Hangar with suggestion that the hangar could be utilised as a habitable area. This is not the intended use of this facility and is not set up to support this type of use. The Hangar only has enough space to house aircraft as they are parked, there is no room within the hangar for any work benches, tools etc for any regular maintenance that would be required from time to time.

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The workshop space is both for this purpose and for the aircraft pilots/personnel to shower, freshen up and make tea/coffee. It is anticipated that the personnel would utilise this facility when they are attending functions and exhibitions at the Skypark for a daily purpose. There are no cooking facilities nor any facilities for clothes washing etc proposed that would be basic elements for a habitation.

This could be a condition of any approval.” (excerpt from response to further information letter prepared by BEJCO dated 22 August 2022).

Comment:

Council can resolve to accept the proposed variation to the DCP, as per the recommendation; **OR**

The Council could resolve to ensure that the DCP provision is enforced and a condition imposed requiring the removal of the shower and kitchenette/sink from Construction Certificate plans.

S4.15 (1) (a) (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

There are no planning agreements relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

S4.15 (1) (a) (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Part 4 of the Environmental Planning and Assessment Regulation 2021 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

- **Clause 61 - Additional matters that consent authority must consider -**

- (1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.....etc

Comment: - Not applicable. No demolition works proposed.

- **Clause 62 - Consideration of fire safety -** *applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building. Not relevant to the proposal.*
- **Clause 63- Temporary Structures -** not relevant to the proposal.
- **Clause 76 - Deferred Commencement -** not relevant to the proposal.
- **Clause 77 – Ancillary aspects of development -** not relevant to the proposal.
- **Clause 67 - Modification or surrender of development consent or existing use -** not relevant to the proposal.
- **Clause 75 - Fulfilment of BASIX commitments –** not relevant to the proposal – moveable dwellings are not required to obtain a BASIX certificate.

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S4.15 (1) (b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

- **Context and Setting** –

The development site is vacant, serviced residential land in urban area of Narromine complete for residential development. The SkyPark estate is appropriate in the setting for detached dwelling and future outbuildings intended to house aircraft. Covenants (s88B Instrument) for this stage of SkyPark development subdivision have been taken into consideration. Where plans are not clear as to the adoption of provisions the conditions of development reflect the unique setting; E.g.: condition required to ensure compliance with AS2021 Acoustics – Aircraft intrusion – Building siting and construction.

Submissions raised concerns regarding the impact on visual amenity and detriment to the streetscape. Certainly, the design is for a smaller dwelling footprint than is typical for SkyPark. The moveable dwelling is a basic rectangular form, somewhat offset by the addition of a verandah. The colour choices are acceptable in the location, and landscaping is proposed. Amendment to plans, where the external walls having a weatherboard finish were changed to a rendered-look panel being used in the refurbishment, are noted and may contribute to acoustic mitigation. This however may not lessen the appearance as a 'small cottage'; it may assist the dwelling's presentation to the street and possibly reduce the impression that the dwelling is a 'typical' transportable home. Conditions can require the sound insulation of windows and insulation to the roof. Overall, the development of a dwelling is acceptable, and diversity in choices to housing styles is supported. However, Council will need to approve the alternative building materials, and accept the layout and presentation of the moveable dwelling in SkyPark, with consideration as to the reasons the 'restriction on the use of the land' was adopted by Council in the 88B instrument.

- **Land Use Conflict** – No adverse impact identified – surrounding lots similarly developed for single residential dwellings.
- **Access and Traffic** - No adverse impact identified. S138 approval pursuant to the Roads Act required for driveway works. Applied with this DA.
- **Public Domain** - No adverse impact identified.
- **Utilities** – condition applied to ensure services are avoided.
- **Heritage** – N/A – Aerodrome nearest item - not likely to be impacted.
- **Other land resources** – N/A
- **Bushfire** – N/A
- **Surface Water and Groundwater** – Standard conditions for connection to street for drainage included with S68 approval requested with the DA. S68 approval conditions to be included with DA approval. Separate s68 approval for moveable dwelling to be issued if alternative building materials are supported.
- **Soils** – no issues raised.
- **Air & Microclimate** - No adverse impact identified.
- **Noise and Vibration** - No adverse impact identified with construction to AS2021 Acoustics – aircraft noise intrusion – building siting and construction).

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- **Flora and Fauna** - No adverse impact identified. Landscaping plan provided to demonstrate compliance with covenants.
- **Waste** - No adverse impact identified.
- **Natural Hazards** – FLOODING – Compliance with Council's Flood Policy and updated Flood Study - mapped as flood prone land standard conditions required.

Clause 5.21 Flood Planning of the Narromine Local Environmental Plan 2011 is applicable.

5.21 Flood planning

(1) *The objectives of this clause are as follows—*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*

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(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the *Floodplain Development Manual*.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Flooding is able to be addressed with the habitable building constructed to the Flood Planning Level (FPL) – 238.3mAHD. Below this level the use of flood compatible building materials that will allow the passage of floodwater. It is proposed that the car port and hangar are below this level, which is acceptable for class 10 structures. The NSC Flood Policy will require shelving to allow domestic chemicals etc to be stored above the FPL. The 'store' area of the workshop may be ideal for this purpose.

- **Technological Hazards** – N/A
- **Safety Security and Crime Prevention** – Good sight is available from the entry to the street Kingsford Smith Pl.
- **Social Impact in the Locality** – An additional dwelling in the street is expected for the location. Social impacts are considered minimal and increase to local traffic, is expected.
- **Economic Impact in the Locality** – Minor.
- **Site Design and Internal Design** – The development is seeking variation to the DCP provisions. Living areas relate to the rear POS area and provides privacy. Condition relating to acoustics applied for vicinity of Aerodrome.
- **Cumulative Impacts** – Servicing assumed to be acceptable. (New water service/meter required). No unacceptable cumulative impacts identified.

S4.15 (1) (c) The suitability of the site for the development,

The site has the capacity to support the proposal without creating significant impacts on the site and adjoining land. The **Dwelling, Carport and Hangar** will be wholly located on the subject allotment and is of a design that is acceptable for the location; and can be approved subject to Council agreement to alternative building material use and variation the DCP. The size of the dwelling to be constructed and design may not contribute positively to the streetscape, however this is somewhat subjective, considering the emerging nature of the street setting.

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S4.15 (1) (d) Any submissions made in accordance with this Act or the regulations

The development was subject to neighbour notification in accordance with the Narromine Shire Community Consultation Plan and DCP, for a period of two (2) weeks between 20 July to 03 August. The DA was available for viewing during the exhibition period in the Council Customer Service Building and on line via the NSW Planning Portal. At the time of exhibition the applicant had provided plans (Issue C), which did not depict a cladding panel that achieves a rendered-look to the finish, but was proposed to be reclad with a weatherboard finish. The DA was included in the Council Column and information noted the following:

The proposal includes the relocation of a transportable dwelling (second hand) from another local government area to the site and additional new Carport and Aircraft Hangar.

The applicant is seeking approval for use of alternative building materials in the transportable dwelling installation. The terms of restriction on the use of the land/covenants on the SkyPark site, state:

"2. All building materials shall be approved by Narromine Shire Council but such approval shall not be required if such materials consists of double brick or brick veneer, rendered or similar materials and provided that the roof and ceiling of any dwelling house are insulated and the windows of any bedrooms with a south-west or north-west aspect are double glazed and walls are sound insulated".

Council received nine (9) submissions including – 8 objections to the development and 1 letter of support. A summary of the issues raised are provided below (with copy of redacted submissions provided to Council under separate cover).

Submission of Support

The submission notes that the development will support aerodrome activity and a dwelling and hangar are meeting the intent of the SkyPark development.

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Summary of Submissions of Objections

| |
|---|
| Submission 1 |
| Council has previously upheld the covenants in their experience (built 2 homes since 2010 in Narromine) – they had to abide by the rules. |
| It seems that Council has relaxed rules and don't monitor the building phases as it did in past. |
| Concern that the building standards will not be met with use of second hand materials and would not satisfy the regulations for SkyPark. |
| Staff comments: <i>A Council decision to approve the building materials is required in accordance with the 88B instrument.. Staff would apply mandatory conditions to any approval and critical stage inspections are required. Concern that building standards would not meet the acoustic and visual amenity standard expected was also a concern of staff, where retrofitting measures are proposed.</i> |
| Submission 2 |
| SkyPark is a quality estate and the proposed residence would not be in keeping with the overall presentation of the estate. |
| Staff comments: <i>This was also a concern of staff. The subdivision is somewhat dominated by the large hangars, which is offset by the quality residential dwellings. The development proposes a small cottage like dwelling with car port only.</i> |
| Submission 3 |
| Concern raised as the development proposes a second-hand dwelling to be relocated, Council should ensure the fit and finish of all external areas, walls, roofing, verandah etc are as a new state to ensure the amenity of the subdivision is maintained. Concern raised as to the 'fit' of the façade to nearby development in the estate. |
| Staff comments: <i>Valid planning considerations. This was also a concern of staff. Existing fascia, guttering and roof will be repainted onsite.</i> |

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Submission 4

The development is totally without merit, a second-hand dwelling relocated to a new housing estate is not in character and Council needs to protect the interests of residents who have already built in the area. The objector feels let down by Council and reasons include:

- Charging additional rates but providing no additional services;
- Landscaping at cost of the land owner is required but Council has failed to beautify the street's entrance/ no signage/ poor quality road surface/ lack of street trees.
- Council would be failing in their responsibility to uphold responsibilities and should protect against this type of development.
- Second-hand building materials/transportable home detracts from the pleasing aspects of the whole area.
- Water costs have risen significantly.

Staff comments:

Valid concern that Council considers their past consideration of the covenants and fulfils both roles in this matter; i.e. both as the developer that created the 88B Instrument and as the determining authority assessing and determining the development application.

Amenity aspects of the development are a valid planning concern.

Submission 5

Object to the development as the relocation of a second-hand transportable home is not inline with the standard already set by Council. No transportable homes were allowed, not even new ones. Changing the rules now would be unfair to all concerned. Council should uphold the SkyPark covenants.

Staff comments:

Valid concern that the development meets the standard for maintaining the amenity of the residents. The original releases of land in the SkyPark development have similar covenants and were explicit in prohibiting transportable homes, the wording of the s88B Instrument applicable to this release of land does not exclude moveable dwellings specifically but focusses on building material choices which are practically not achievable with a transportable dwelling, such as brick, brick veneer and rendered finishes.

Submission 6

The dwelling would look completely out of character with other houses in Sky Park and would potentially lower the value of neighbouring houses. We have no objection to the proposed hangar as that is the purpose of a Sky Park.

Staff comments:

Valid concern to maintain consistency with the character of the area, however the potential impact on property values is not a valid planning objection.

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| |
|--|
| Submission 7 |
| Object to Council agreeing to a second-hand building being located to SkyPark when the standard has been set by Council to construct new dwellings on site. |
| Staff comments: |
| <i>Valid concern that Council uphold the terms of restriction set.</i> |
| Submission 8 |
| Objection to development that would detrimentally impact the image of the SkyPark as a 'prestigious' estate, which Council is charging premium rates. |
| Staff comments: |
| <i>Valid concern, as the streetscape is affected by quality of building materials and dwelling design. Potential impact on land value may not be a planning concern, however the standards expected for development established in the 88B Instrument/ covenants is a key contributor to setting expectations on how the land will be developed.</i> |

Discussion

Council as the developer of the land (subdivision) had the opportunity to include the covenant to establish a standard of construction and building materials that were appropriate in the setting, i.e. unique residential subdivision to support a hangar with taxiway access.

The purpose of the covenant is to set a standard for the construction as a 'restriction on the use of the land' which establishes the character, also reflecting the constraints of living in close proximity to an aerodrome.

The approval of a transportable or moveable dwelling by Council, might be seen as a move away from this original concept for the SkyPark development. This is a matter for Council to decide:

- if the intent of the restriction on the use of the land is upheld by the proposed development and
- approve the building material proposed.

Also, the capacity of a retrofit of materials to a moveable dwelling is not strictly in line with the first restriction, as the dwelling has not been designed for the site. The 'design' is a retro fit proposal, seeking to refurbish and change windows and doors, provide insulation and new panelling to address noise impacts.

(Restriction states:

1. *No dwelling shall be constructed on any lot unless it is designed and constructed of materials to comply with the "Australian Standards" (AS2021 Acoustics – Aircraft noise intrusion – Building siting and construction) for dwellings on or near aerodromes.)*

S4.15 (1) (e) the public interest

The proposal is assessed to pose no significant impacts on the public interest.

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Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021

Risk Management Issues

The approval will set a precedent for the development standards and building material use. Manages expectation in the Shire by clarifying when Council would accept a variation to development standards set in the DCP and SkyPark covenants (88B Instrument – restrictions on use of the land).

Internal/ external Consultation

Consultation and exhibition was carried out in accordance with the Community Participation Plan and Environmental Planning and Assessment Act/Regulation. Submissions are documented in this report.

Attachments

Nil

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to an environmental planning instrument under that Act, a division is required to be called.

RECOMMENDATION

That Council:

1. Resolve to accept the proposed alternative building materials in reference to the restriction on the use of the land within the s88B Instrument (with the proposed building materials detailed in the plans of the development, being the installation of a second hand refurbished moveable dwelling with a proposed re-cladding utilising a panel product providing an appearance of painted rendered finish).
2. Resolve to vary the Narromine DCP 2011 adopted standards pertaining the orientation of the dwelling and the additional amenities/facilities provided to the Workshop area of the Hangar, subject to a condition of no habitable occupation.

If Council resolves to support the proposed building material use and DCP variations, it is recommended:

That Council:

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3. Determine the Development Application – DA2022/37 Proposed Development Dwelling (Moveable), Carport and Hangar - 7 Kingsford Smith Place Narromine, LOT: 55 DP 1271467 (PAN-233687) and issue an approval subject to conditions provided in **Annexure A**.

Annexure A - Recommended conditions of approval

PART A – GENERAL CONDITIONS

Approved plans and supporting documentation

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

| Plan No. | Revision No. | Plan Title. | Drawn By. | Dated. |
|-----------------|---------------------|---|------------------|---------------|
| Drwg No 1 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Cover | BEJJCO | 15.09.22 |
| Drwg No 2 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Site Plan | BEJJCO | 15.09.22 |
| Drwg No 3 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Floor Plan Dwelling | BEJJCO | 15.09.22 |
| Drwg No 4 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Elevations | BEJJCO | 15.09.22 |
| Drwg No 5 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Floor Plan - Hangar | BEJJCO | 15.09.22 |
| Drwg No 6 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Hangar Elevations 1 & 2 | BEJJCO | 15.09.22 |

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| | | | | |
|-----------|---------|--|--------|----------|
| Drwg No 7 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Hangar Elevations 3 & 4 | BEJJCO | 15.09.22 |
| Drwg No 8 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Landscaping Plan | BEJJCO | 15.09.22 |
| Drwg No 9 | Issue E | Proposed relocated dwelling and aircraft hangar prepared for Jacob Bloom Job No – B22-06 - Stormwater Drainage Plan | BEJJCO | 15.09.22 |

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

NOTE: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

REASON: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

Design amendments

2. Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council and are in accordance with the approval conditions.
 - a. Plans are to demonstrate compliance with Australian Standard AS2021 Acoustics – Aircraft noise intrusion – Building Siting and construction) for dwellings erected on or near aerodromes.
 - b. Plans are to clearly provide details of the refurbishment work to the moveable dwelling.

REASON: To require minor amendments to the approved plans and supporting documentation following assessment of the development & to ensure the amenity for occupants has been addressed through appropriate design.

Materials in Hangar Construction

3. The Hangar is to be constructed of non-reflective materials (i.e. no zincalume), with any outdoor /security lighting to be directed to not pose any interference with the Aerodrome.

REASON: To ensure reflective materials are minimised to avoid impact on aerodrome operations.

Other approvals pursuant to LG Act

4. Prior to the issue of a construction certificate, an approval pursuant to Section 68 of the Local Government Act 1993 is required to be issued by Council for all water supply, plumbing and drainage work.

REASON: To ensure all drainage, house sewer and plumbing work is carried out in accordance with the relevant requirements and the Local Government Act, 1993.

5. Prior to the issue of a construction certificate for dwelling related construction and ancillary structures, an approval pursuant to Section 68 of the Local Government Act 1993 is required to be issued by Council for the installation of a moveable dwelling. Compliance with any related S68 conditions prior to construction works, are to be documented and approved by Council.

REASON: To ensure work is carried out in accordance with the relevant requirements and the Local Government Act, 1993.

Payment of building and construction industry long service levy

6. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.

REASON: To ensure the long service levy is paid.

NOTE: In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the current levy payable is **\$1249**. This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the [Building and Construction Industry Long Service Payments Act 1986](#).

Payment of development contributions

7. Payment of section 7.12 contributions

Pursuant to section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is to be levied in accordance with the Narromine Shire Council Section 7.12 Contributions Plan 2019, adopted on 29 January 2020.

Contribution amounts are to be calculated by Council upon the receipt of a cost estimate prepared by a suitably qualified person. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS).

REASON: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

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NOTE: Contribution amounts will be adjusted by Council each quarter. The current amount payable based

| Contribution Type | Proposed | Cost | of | Levy Payable | Total Payable |
|----------------------|-------------|-----------|----|--------------|------------------|
| | Development | | | (%) | |
| Section Contribution | 7.12 | \$357,109 | | 0.5% | \$1785.55 |

8. Switchboards for gas, electricity, etc must not be attached to the front or street facing elevations of the building.

REASON: Visual amenity has been addressed through appropriate design.

Flood Planning Level

9. The dwelling is to be constructed so that the finished floor level of the habitable rooms is at the Flood Planning Level (FPL). This level should be determined in accordance with Council's Flood Policy and the Narromine Floodplain Risk Management Study & Plan 2021. The structure is to have flood compatible building components below this level i.e. the 1% AEP flood level plus 500mm freeboard (FPL). At the time of this consent a FPL of **238.3 metres AHD** is applicable to the land. The FPL at the time of construction should be confirmed in writing by Council prior to any works starting to account for any updates to the Flood Study and apply updated data to determine the relevant FPL.

REASON: The land falls within a known flood affected area and design is to be compatible with the flood behavior and hazard for the location.

Hangar Ground Levels

10. (a) The Hangar is to be constructed to the residential Flood Planning Level (FPL);
OR
 (b) Demonstrate compliance with the Flood Policy:
 - The outbuilding is to be built from flood compatible building materials (as specified in Annexure 3 of the Flood Policy 2011) up to the 1% plus 500mm level, and
 - The outbuilding is to be designed to withstand the force of floodwaters including debris and buoyancy forces. A report/certificate from a practising structural engineer certifying that the Hangar can achieve this is required. NOTE: For calculation of debris forces, assume a solid object of mass 250kg travelling at a velocity of 2.0 metres/second, and
 - A location for the storage of goods during a flood event is to be provided inside the outbuilding with a minimum floor area of 10% of the gross floor area of the outbuilding proposed. This area is to be built to at least the residential FPL, being the 1% plus 500mm level (e.g.: shelving).

REASON: The land falls within a known flood affected area and design is to be compatible with the flood behavior and hazard for the location.

Erosion and sediment control plan

11. Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in reference to the following documents:

- Council's development control plan, and
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

REASON: To ensure no substance other than rainwater enters the stormwater system and waterways.

PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK

Water Meter

12. Prior to the commencement of works the developer is to provide a water service and meter to the Lot. This can be achieved by lodgement of the Water Service Application form and payment to Council in accordance with Council's fees and charges.

REASON: To ensure a legal water supply is available for construction.

Erosion and sediment controls in place

13. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, are in place, and remain until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

REASON: To ensure runoff and site debris do not impact local stormwater systems and waterways.

Signs on site

14. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier 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 or demolition work is being carried out, but must be removed when the work has been completed.

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

REASON: (Prescribed condition EP&A Regulation, clause 70).

Compliance with Home Building Act

15. 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

REASON: Prescribed condition EP&A Regulation, clause 69).

Home Building Act requirements

16. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier 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—
 - (1) the name and licence number of the principal contractor, and
 - (2) 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—
 - (1) the name of the owner-builder, and
 - (2) 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 becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

REASON: Prescribed condition EP&A Regulation, clause 71)).

Damage to Public Assets

17. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to Council's infrastructure that occurs as a result of the development must be repaired immediately to Council's satisfaction and at no cost to Council.

REASON: To establish and document the conditions of property and public land for comparison as building work progresses and is completed.

Existing Services

18. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

REASON: To ensure relevant utility service providers requirements can be met.

19. Structures are to be located at least 1500mm away from the centre line of any sewer or stormwater pipe and such, that they do not encroach into any existing or required easement.

REASON: To protect Council infrastructure.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

Flood Policy – Survey Certificate Required

20. The developer is to submit to the principal certifier, a survey certificate signed by a Registered Surveyor certifying the floor level of the dwelling has been constructed to the Flood Planning Level (FPL). The survey certificate is to be submitted to the principal certifier at the following constructions stages:

- i. Prior to the pouring of any concrete slabs once form work is completed;
- ii. Prior to the placement of any timber type floor on bearers / joist type construction.
- iii. Prior to the installation of a moveable dwelling on footings.

REASON: To ensure the Flood Planning Level as adopted will met by the finished floor level.

Surveys by a registered surveyor

21. While building work is being carried out, a registered surveyor survey is required to measure and mark the positions of the following and provide them to the principal certifier —

- a) A Survey Certificate building set out survey must be submitted at the completion of the building work certifying the location of the building in relation to boundaries of the allotment.
- b) At other stages of construction – any marks that are required by the principal certifier (incl. for flood considerations).

REASON: To ensure buildings are sited and positioned in the approved location.

Hours of work

22. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7:00am to 6:00pm on Monday to Friday

8:00 am to 1pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

NOTE: Any variation to the hours of work requires Council's approval.

REASON: To protect the amenity of the surrounding area.

Section 138 Roads Act

23. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve.

REASON: To ensure compliance with the Roads Act and Council policy.

24. The location of the proposed driveways and crossovers are not to conflict with public utilities services such as water infrastructure, drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees.

REASON: To ensure new driveway works do not impede public utility services.

Stormwater Disposal

25. The guttering, downpipes and stormwater system is to be installed and connected to a rainwater tank and/or the approved disposal point in consultation with Council, as soon as the roof sheeting is positioned to prevent erosion of the site from roof water. Proposed stormwater work is to be subject to an approval pursuant to s68 of the Local Government Act. Drainage works are to be designed and constructed in accordance with AS/NZS 3500.3.2 – Stormwater drainage and the Building Code of Australia.

REASON: To assist in the prevention of erosion of the site from storm water.

Compliance with the Building Code of Australia

26. Building work must be carried out in accordance with the requirements of the BCA.

REASON: (Prescribed condition - EP&A Regulation clause 69).

Procedure for critical stage inspections

27. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

REASON: To require approval to proceed with building work following each critical stage inspection.

Implementation of the site management measures

28. While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by site management conditions and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of this plan is kept on site at all times and made available to Council officers upon request.

REASON: To ensure the required site management measures are implemented during construction.

Construction noise

29. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

REASON: To protect the amenity of the neighbourhood.

Responsibility for changes to public infrastructure

30. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

REASON: To ensure payment of approved changes to public infrastructure.

Shoring and adequacy of adjoining property

31. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), 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.

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.

REASON: (Prescribed condition - EP&A Regulation clause 74).

Uncovering relics or Aboriginal objects

32. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

REASON: To ensure the protection of objects of potential significance during works.

Cut and fill

33. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

REASON: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

Ground Levels

34. Finished ground levels are to be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.

REASON: To ensure runoff does not impact neighbouring properties and buildings.

PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Works-as-executed plans (drainage diagram)

35. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

a) All stormwater drainage systems and storage systems

b) The following matters that Council requires to be documented:
Work as executed plans as per s68 approval.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

REASON: To confirm the location of works once constructed that will become council assets, and provide drainage diagram records.

Driveways and Car Parking

36. Construction of access driveways and crossovers must be undertaken in accordance with the s138 Approval prior to issue of an Occupation Certificate for the proposed dwelling. Two (2) off street car spaces are to be provided for the dwelling.

REASON: To ensure approved works are completed.

Fencing

37. Fencing is to be provided between the residence and the adjacent taxiway to restrain children from exiting the boundary of any lot; such fence is to include self-closing gates to comply with the Australian Standard AS 1926.1-2012. Fencing should be of an open design to permit the flow of flood water. Any solid fencing panel designs should have provision to allow the passage of water in the event of a flood.

REASON: New fences should provide for the movement of flood water and incorporate safety measures as a barrier between the aerodrome and residential area.

Completion of public utility services

38. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier may request written confirmation from the relevant authority that the relevant services have been completed.

REASON: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

Preservation of survey marks

39. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

REASON: To protect the State's survey infrastructure.

Repair of infrastructure

40. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.

REASON: To ensure any damage to public infrastructure is rectified.

Completion of landscape and tree works

41. Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape works, have been completed in accordance with the approved plans and any relevant conditions of this consent.

REASON: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved BASIX commitments and any landscaping plan(s).

PART F - OPERATIONAL REQUIREMENTS

Use of the building

42. The Hangar is for private aircraft/storage and shall **not** be adapted nor used for habitable occupation, commercial or industrial purposes.

REASON: To ensure that the proposed development is operated in accordance with the approval.

PART G. OTHER COUNCIL APPROVALS

Section 68 Local Government Act

Approval for Stormwater Drainage and Sewerage, Plumbing Works

- i. Stormwater from the hangar is to be conveyed to a street table drain via drainage designed and constructed in accordance with AS/NZS 3500.3.2 – Stormwater drainage and the Building Code of Australia.
- ii. The stormwater discharge is to be directed to Kingsford Smith Place. The stormwater outlet shall not interfere with Council's ability to mow or maintain the street/footpath.
- iii. The guttering, downpipes and stormwater system is to be installed and connected to the approved disposal point in consultation with Council, as soon as the roof sheeting is positioned to prevent erosion of the site from roof water.
- iv. All plumbing and drainage work is to be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code and AS3500.

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- v. All house sewer and plumbing work is carried out in accordance with the requirements of Water, Sewerage, and Drainage Regulation, Local Government Act, 1993.
- vi. The hot water installation shall deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZ 3500 Part 4.2 Cl.1.6.2
- vii. A works as executed plan drawn to a scale of 1:200 of the drainage work is to be submitted to Council at the time of inspection.
- viii. A minimum height of 150mm shall be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height shall be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in Table 4.3 of AS3500. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or a paved area where it shall be finished at a level so as to prevent the ponding and ingress of water into the drainage system.
- ix. The following inspections are required to be undertaken by Council at the following stages of the development:
 - a) Internal Drainage and Plumbing
 - b) External Drainage

Note: Both inspections are to be done under water test and before backfilling.

Section 138 Roads Act

Approval for Driveway

- I. Works approved under Section 138 of the Roads Act 1993, include one domestic driveway only in the approved location. The driveway and any work within the nature strip is to comply with Council's Nature Strips and Tree Policy (adopted by resolution 16 June 2021) for the safety of road users.
- II. The location of the proposed driveway is not to conflict with public utilities services such as water infrastructure, drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees.
- III. All new kerb and guttering infrastructure will be designed and constructed to Australian Standard AS 2876-2000- Concrete Kerbs and Channels (Gutters) – Manually or Machine Placed.
- IV. New crossovers are to be constructed in reinforced concrete, 125mm thick with F72 mesh.
- V. Developers are responsible for determining the underground and aboveground services within the nature strip (i.e. Dial before you Dig) prior to commencing work.

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- VI. The pavement and footpath area (generally 1.5m width) are to be constructed and maintained to ensure pedestrian movement can occur without hazard or any uneven surfaces formed.

- VII. Accesses are to be properly formed and drained so that stormwater is not channelled by the driveway onto the surface of Council's road. The driveway drainage should direct stormwater into road drainage system.

Phil Johnston
Director Community and Economic Development