



City of Wagga Wagga

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION DA18/0278 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18 of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA18/0278
Applicant:	FE Hamilton 59 Kincaid St WAGGA WAGGA NSW 2650
Land to be Developed:	59 Kincaid St WAGGA WAGGA NSW 2650 Lot 1 DP 563586
Description	Demolition, alterations and additions to a dwelling within the heritage conservation area
Determination:	Approved Subject to Conditions
Date of Determination:	10/08/2018
Consent to Operate from:	10/08/2018
Consent to Lapse on:	10/08/2023
Other Approvals:	Nil

On behalf of the Council

Paul O'Brien
Manager City Development

Review of Determination

Where Council is the consent authority, Section 8.2 of the Environmental Planning and Assessment Act 1979, provides that the applicant may request the Council to review the determination. A request for review cannot be made after the period within which any appeal may be made to the Court has expired if no appeal was made. There is no right to review a determination of a complying development certificate, designated development, or Crown Development.

Right of Appeal

Where an applicant is dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 provides a right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal or after the date of deemed refusal under section 8.11.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA18/0278

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Dwg No	Plan/Doc Title	Prepared by	Issue	Date
SK001	Cover Page	Mark G Golden & Associates	DA#2	7.8.18
SK002	Existing Site and Demolition Plan	Mark G Golden & Associates	DA#2	7.8.18
SK100	Existing Plan and Survey Plan	Mark G Golden & Associates	DA#2	7.8.18
SK101	Existing Plan	Mark G Golden & Associates	DA#2	7.8.18
SK102	Proposed Ground Floor and First Floor Plan	Mark G Golden & Associates	DA#2	7.8.18
SK103	Ground Floor Detail Plan	Mark G Golden & Associates	DA#2	7.8.18
SK104	First Floor Detail Plan	Mark G Golden & Associates	DA#2	7.8.18
SK005	Roof Plan	Mark G Golden & Associates	DA#2	7.8.18
SK200	Sections	Mark G Golden & Associates	DA#2	7.8.18
SK201	Superimposed Elevations	Mark G Golden & Associates	DA#2	7.8.18
SK301	Superimposed 3D View NE	Mark G Golden & Associates	DA#2	7.8.18
SK302	Superimposed 3D View NW	Mark G Golden & Associates	DA#2	7.8.18
	Statement of Heritage & Environmental Impact	Mark G Golden & Associates		21.5.18
	Addendum to Statement of Heritage & Environmental Impact	NGH Environmental		17.7.18
	BASIX Certificate No A316976	Mark G Golden & Associates		31.5.18

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

2. **Prior to the release of the Construction Certificate Engineers Certification is required for all retaining walls over 1m in height or over 600mm and within 1m of the boundary. Retaining wall detail to include suitable subsoil drainage measures with granular backfill. Two (2) copies of the details, plans and or specifications for the proposed retaining walls shall be submitted to the satisfaction of the Accredited Certifier.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.**

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, a levy in the amount of \$3500 must be paid to Council prior to the issuing of the Construction Certificate. This amount is to be adjusted in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 11 of the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*. A copy of the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

NOTE 1: Clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006 provides for Section 7.12 (previously Section 94) contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

REASON: Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, authorises the imposition of this condition in relation to the development the subject of this consent.

6. Prior to the issue of the Construction Certificate, details of the proposed materials, colours and decorative details to be incorporated on the building (including the chimney and bullnose verandah) providing evidence that works are compatible with and substantially match existing features are to be submitted to the Principal Certifying Authority.

Where reasonable and practicable to do so, in the opinion of the accredited certifier, the evaporative air conditioning unit on the roof of the building should be relocated so it is not visible from Kincaid Street.

Reason: The development is located within the Wagga Wagga Heritage Conservation Area and Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act requires that the impacts of the development be adequately mitigated and the public interest protected.

7. Prior to the issue of the Construction Certificate, a Waste Management Plan shall be submitted to the accredited certifier detailing the measures to be taken to manage waste associated with the demolition and construction works. Given the 'planning' requirements of AS2601, the Waste Management Plan shall identify the location and likely extent or volume of any hazardous materials found on the development site/existing building along with measures for the removal and disposal. Appropriate measures are to be included where practicable for the reuse or recycling of material.

Reason: The development is required to be carried out in accordance with the principles of ecologically sustainable development in accordance with the objectives and the requirements of the Environmental Planning and Assessment Act including the public interest-Section 4.14(1)(e).

Prior to Commencement of Works

8. If the work involved in the erection or demolition of a building or structure:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

REASON: It is in the public interest that adequate safety measures are provided. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

9. **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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. **A CONSTRUCTION CERTIFICATE pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

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

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

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

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

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

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. **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 2.6 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.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**

- a) **in the case of work done by a licensee under the Act:**
 - i) **has been informed in writing of the licensee's name and contractor license number, and**
 - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) **in the case of work to be done by any other person:**
 - i) **has been informed in writing of the person's name and owner-builder permit number, or**
 - ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,**

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

15. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) **stating that unauthorised entry to the site is prohibited, and**
- b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
- c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) **building work carried out inside an existing building, or**

- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

16. **At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

17. **The sheet metal cladding proposed to be used on the external surfaces of the roof of the building must match the existing and be of factory prefinished, non- glare materials. In this case the roof material is to be colourbond of a light grey colour similar to that nominated, Shale Grey**

REASON: To ensure the external appearance of the development is of a standard acceptable within the heritage conservation area and because it is in the public interest to minimise hazards and nuisances caused by sunlight reflecting from the development. Section 4.15 (1)(b) & (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. **If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.

Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

19. **The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.**

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. **Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.**

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

22. **The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.
Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.
- c) **Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.**
- d) **A durable notice must be permanently fixed to the building in the electricity meter box indicating:**
 - i) **The method of protection**
 - ii) **The date of installation of the system**
 - iii) **Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.**
 - iv) **The need to maintain and inspect the system on a regular basis.**

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. **The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.**

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

- a) **an asbestos clearance certificate prepared by a competent person; and**

- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials. AS2601 -2001 requires certain inspections to be carried out at the planning stage prior to commencement of works. Suitably qualified persons must inspect the existing development for hazardous materials prior to the commencement of works. In this case an inspection is required to ascertain whether asbestos containing material (ACM) is on site and if so details will be required to be indicated on any Waste Management Plan prepared for the development.

- 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.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15(1)(a) & (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. **The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

25. The development should be designed and constructed in such a manner and of such materials or adequately drained so as to minimise the likelihood of damage in the event of overland flooding.

REASON: To reduce the likelihood of damage from flood waters. Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

26. The development must be constructed with the following materials and profiles:

- Brickwork and cladding must match the existing building;
- Eaves/gutters must be of ogee/quad profile as required to match existing;
- Ridge and hip cappings must be roll top;
- Downpipes must be circular to match existing.

NOTE 1: This subject site is located within the Heritage Conservation Area, and as such, any external works, particularly those that may be viewed from the road must not impact on the heritage values of the conservation area.

NOTE 2: Council's Heritage Advisor is available for further consultation in regards to any future alterations or renovations to the premises (including any alterations to the exterior of the building e.g. exterior colour schemes and fence modifications).

NOTE 3: Council provides a Local Heritage Fund for provision of small grants to encourage and assist owners of heritage listed buildings and buildings in the Heritage Conservation Area to achieve a positive contribution to the streetscape. Should you wish to make application for assistance for part of the works in the development proposal, the application for funding assistance must be approved prior to works commencing on that aspect of the work e.g. replacement fence, or colour scheme.

REASON: To ensure a positive impact on the streetscape and the character of the conservation area. Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to

	concealment.
Stack Work	When all work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2015 and Plumbing Code of Australia.

28. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

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

REASON: It is in the public interest to ensure that all required and approved works are completed prior to occupation of the development. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. **An Occupation Certificate, must be obtained pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

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

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

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

31. **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.

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

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

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

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

33. **The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

34. **The external materials to be used in the proposed development must match those used on the existing building. Decorative features should be incorporated to match in with existing chimneys and bullnose verandah.**

REASON: To ensure that matching materials unify new work with the existing building. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

36. **The works should not impact compliance with the Building Code of Australia, Swimming Pools Act and relevant Australian Standards applying to the swimming pool child resistant barrier.**

Reason: To protect the public interest in accordance with Section 4.15(1)(e) Environmental Planning and Assessment Act, 1979 as amended.

37. **The completed development including the existing part are to comply with the performance requirements of Part 2.3.1 of the National Construction Code- Building Code of Australia or deemed to satisfy provisions Part 3.7.2.2 relating to smoke alarms**

Reason: To protect the public interest in accordance with Section 4.15(1)(e) Environmental Planning and Assessment Act, 1979 as amended.

38. (1) **For the purposes of Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) **The condition referred to in subclause (1) 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: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.