



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA20/0074
Modification No.:	N/A
Council File No.:	D/2020/0074
Date of Lodgement:	14/02/2020
Applicant:	Anglican Church Property Trust Diocese Canberra & Goulburn 31 Fernleigh Rd TURVEY PARK NSW 2650
Proposal:	Alterations and Additions to the Church Building
Description of Modification:	N/A
Development Cost:	\$110000
Assessment Officer:	Amanda Gray
Determination Body:	Officer Delegation 7.39
Other Approvals	AA20/0093 - B4 Sewer
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	11-18 March 2020
Advertising:	Not required
Owner's Consent Provided:	yes
Location:	Existing church on the north-western corner of the junction of Fernleigh Road and Mitchelmore Street.

SITE DETAILS

Subject Land:	27-31 Fernleigh Rd TURVEY PARK NSW 2650 Lot 5 DP 774263
Owner:	Anglican Church Property Trust Diocese Canberra & Goulburn

PLANNING CONTROLS / STATUTORY CLASSIFICATION

*Pursuant to Part 4***Description of Development**

The proposed development is for alterations to an existing church. The works consist of the provision of new toilets, new meeting room and storage area. The new toilet facilities are proposed on the main floor level of the church and hall (as opposed to the existing mezzanine location), there will be 2 male and 3 female toilets with one toilet in each section suitable for ambulant use. There is already one disabled toilet within the property that was provided in 2001.

The toilets utilise existing open floor space. The area of the existing toilets that are to be replaced will be converted into a new meeting room at the mezzanine level. Existing stairs will be re-used in a new location to access the meeting area. A reconfigured storage area where stairs are being removed is also proposed.

There will be one external change that consists of a glass wall/door unit being replaced with wall cladding.

The Site and Locality

The site is legally identified as Lot 5 DP 774263 and is known as 27-31 Fernleigh Road. The land is on the northern side of Fernleigh Road at the north western corner of the junction with Mitchelmore Street.

The site extends to a total area of 3005m² and consists of an existing church and hall with on-site car-parking accessed from Fernleigh Road.

The site is surrounded on all sides by residential dwellings.

Easements and Covenants

There are no known easements or covenants across the site.

Previous Development Consents

DA06/0153 - Proposed Outside Toilet and Proposed Addition of Meeting Room. Approved 15.3.2006.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)**Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)****Wagga Wagga Local Environmental Plan 2010**

Under the provisions of the WWLEP 2010 the land is zoned R1 General Residential. The objectives of the R1 zone are:

- 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 the residents.

- To ensure co-ordinated and cost effective provision of physical, social and cultural infrastructure in new residential areas.

The development is considered to be consistent with the third listed objective being upgrades and improvements to an existing non-residential use as improvements are made to an existing permissible land use within the zone.

Part 2 Permitted or prohibited development Land Use

The existing premises would be defined as a place of public worship and is defined as follows:-

a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The use is an approved permissible use within the R1 zone. The proposed works being ancillary and part of the place of public worship are therefore deemed to be a permissible use in the zone.

Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

There are no principal development standards that apply to this application.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions that apply to the development.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

Clause 7.5 of the WWLEP 2010 relates to biodiversity. A small part of the site is identified under this map layer and as such this clause applies. The objective of this clause is to protect, maintain or improve the diversity of the native vegetation. The development does not propose the removal of native vegetation from site and as such the biodiversity is maintained and the clause is satisfied.

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. All of the subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified under this clause as impacting on groundwater sources.

Clause 7.9 states that development consent must not be granted to development on any land

unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga. The development is for alterations to an existing place of public worship which is in an accessible location close to many residential properties. The location is suitable and will have negligible impact on the primacy of the Wagga Wagga CBD.

There are no other relevant additional local provisions.

State Environmental Planning Policies (SEPPs)

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 - Remediation of Land requires Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land and 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.

The existing use of the site is as a church there is no change to the land use. There is no historical information that indicates any previous contaminating uses of the land and the site is not identified on Councils register of contaminated sites.

Consideration has been given to the history of the site and its existing use and there is no reason to suspect that the site is subject to any contamination. The site is considered suitable for the intended use in accordance with the SEPP.

Section 4.15(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

The proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 11- 18 March 2020 in accordance with the provisions of the DCP. No submissions were received.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

There is no change to the existing vehicle access arrangements to and from the site that consist of a driveway from Fernleigh Road into the site that includes a number of car-parking spaces.

2.2 Off-street parking

The development proposed does not generate a need for additional parking spaces. Existing parking provision on site is un-changed by the proposal.

2.3 Landscaping

There is no landscaping required or proposed as a result of the internal changes to the church.

2.4 Signage

No signage is proposed.

2.5 Safety and Security

The proposed works will result in improved safer amenities for the benefit of the site users. The development is generally consistent with the objectives and controls of this section.

2.6 Erosion and Sediment Control Principles

There are minimal earthworks associated with this development as the alterations are within an existing building.

2.7 - Development adjoining open space.

The site does not adjoin any areas of open space.

Section 3 - Heritage Conservation

The subject site is not within the conservation area and is not a listed heritage item.

Section 4 - Environmental Hazards and Management

The land is not impacted by riverine flooding or overland flow according to Council's mapping.

The land is not mapped as bushfire prone.

Section 5 - Natural Resource and Landscape Management

5.4 Environmentally Sensitive Land

As noted under the LEP section of the report the subject site is affected by environmentally sensitive layers (biodiversity and groundwater) on the LEP maps. The proposed alterations to the church are consistent with this clause as groundwater and biodiversity will not be impacted.

Section 6 - Villages

The proposal is for alterations to an existing church and is not located in a village. Section 6 is not applicable to this development.

Section 7 - Subdivision

The proposal is for alterations to an existing church with no subdivision. Section 7 is not applicable to this development.

Section 8 - Rural Development

The proposal is for alterations to an existing church in a residential zone. Section 8 is not applicable to this development.

Section 9 - Residential Development

Section 9 contains the controls for residential development. Whilst the development is within a residential area the controls apply to residential development applications and therefore are not applicable to this application.

Section 10 - Business Development

The proposal is for alterations to an existing church in a residential zone. Section 10 is not applicable to this development.

Section 11 - Industrial Development

The proposal is for alterations to an existing church in a residential zone. Section 11 is not applicable to this development.

Section 12 - Specific Uses and Developments

The proposal is for alterations to an existing church in a residential zone. Section 12 is not applicable to this development.

Section 13 - Bomen Urban Release Area

The development is not within the Bomen urban release area. Section 13 is not applicable to this development.

Section 14 - Boorooma Urban Release Area

The development is not within the Boorooma urban release area. Section 14 is not applicable to this development.

Section 15 - Lloyd Urban Release Area

The development is not within the Lloyd urban release area. Section 15 is not applicable to this development.

Section 16 - Gobbagombalin Urban Release Area

The development is not within the Gobbagombalin urban release area. Section 16 is not applicable to this development.

Section 4.15(1)(a)(iia) - 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, and

There is no draft or current planning agreement applicable to this application under Section 7.4 of the Environmental Planning and Assessment Act 1979.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

Conditions have been imposed to ensure this development is consistent with the regulations including compliance with the BCA. There are no upgrades required as a result of the proposal.

Section 4.15(1)(b) - likely impacts of the development

Context and setting

The church is within an established residential area. It is on a prominent corner on a busy road and surrounded by residential properties. The works consist of internal alterations to the premises with minimal impact to the exterior of the building.

The works are entirely consistent within the existing context and setting.

Access, transport and traffic

Vehicle access remains as existing from Fernleigh Road. There are no changes to the car parking on site and no anticipated impacts to traffic or the road network in the locality.

Services

The existing development is serviced. The toilets will require new sewer connection works and a s68 application has been made with the development application.

Heritage

The subject site is not within the conservation area and is not a listed heritage item.

Man-Made Hazards

There are no historical uses on site that would be considered hazardous or cause any risk to the museum facility.

Economic Impact in the Locality

The construction phase may see the employment of trades for a period of time. There are no likely adverse economic impacts.

Social Impact in the Locality

The church and hall provides a valuable social resource for the local community, the alterations are a positive improvement for users of the premises. There are no likely adverse social impacts.

Pollution and off-site environmental effects

Due to the limited construction works there are no anticipated pollution impacts.

Flora and fauna

There are no trees or other vegetation impacted by the proposal.

Noise and Vibration

There is expected to be a degree of noise and disturbance during the construction phase. However, once the site works are complete there are not expected to be any significant noise or vibration issues associated with the proposed development.

Site Design and internal design

The internal works result in an enhanced layout with upgraded and an increased number of amenities for use by all users. There is no change to the overall site design.

Construction

Construction of the development is likely to be disruptive in the vicinity of the subject site. Any impacts will be temporary and short term and there are no long term impacts from construction that raise concern.

Cumulative Impacts

There are no likely adverse cumulative impacts from this development. Each proposal is assessed on its merits at the time of the application.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

The proposed development will not result in any anticipated irreversible environmental damage, the proposal utilises an existing urban site for minor alterations to an existing building and therefore is not considered to impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly the principles of ESD are considered to have been followed.

Section 4.15(c) - the suitability of the site for the development

The subject land is considered to be suitable for the proposed development because the land is an existing church within the urban area seeking approval for upgrades and alterations to provide an improved facility for all users.

The existing premises is clearly visible on a prominent corner, the works will not have any detrimental impacts upon the streetscape.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Referrals

Internal referrals

Notification

In accordance with the requirements of the WWDCP 2010, the application was notified to adjoining owners between 11 and 18 March 2020.

Advertising

In accordance with the requirements of the WWDCP 2010, the application was not required to be advertised.

Public Submissions and those from public authorities

Nil

Section 4.15 (e) - The public interest

Federal, state and local government interests and general community interests

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development will have a positive public interest with the church facilities upgraded for all users with no detrimental impacts to the overall site or streetscape.

Taking into account the full range of matters for consideration under Section 4.15 of the *Environmental Planning and Assessment 1979* (as discussed within this report) it is considered that approval of the application is in the public interest.

Other Legislative Requirements

Section 1.7 of the EPA Act 1979 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity*

Conservation Act 2016 is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, no further consideration of these matters is required.

Section 733 of the Local Government Act 1993

Section 733 provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire have been considered. A risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The subject site is not identified as flood prone or overland flooding.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The subject site is not mapped as bush fire prone.

Council Policies

Not applicable.

Development Contributions Section 7.11/7.12 Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019 - 2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

The cost of development is \$110,000 - in accordance with the plan the s7.12 contribution is payable at a rate of 0.5% of the development cost as follows:-
 $110,000 \times 0.5\% = \$550$

Section 64 of the Environmental Planning and Assessment Act 1979, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The proposed development does include additional toilets within the church but it is not anticipated that the improved and upgraded facilities will have any impact upon the use of the church or the impact upon sewer infrastructure. Information has been provided regarding the

times that the church is used and the numbers of people within the building at these times which are not proposed to change. This further justifies the fact that the new toilets will cater for the existing demand that is already generated by the building and not increase the demand to infrastructure.

Based on the above no s64 sewer contributions are payable.

The s64 stormwater contribution is based on any increased area of hardstand that results from the development. There will be no increase to hardstand area and therefore no stormwater contribution is payable.

Other Approvals

AA20/0093 - s68 Sewer approval.

CONCLUSION:

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that application number DA20/0074 for Alterations and Additions to the Church Building be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
3696	Statement of Environmental Effects	BCM Design		20.10.2019
3696-8A	Floor plan and Sections	BCM Design		17.3.2019
3696-8B	Sections and Elevations	BCM Design		17.3.2019
3696-8C	Essential Services Plan	BCM Design		17.3.2019

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.

Requirements before a Construction Certificate can be issued

- C.2 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$550.00 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

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

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

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

- C.3 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

- NOTE 5: The Section 64 Sewer base figure is Nil
- The Section 64 Sewer contribution (updated by the CPI 115.2/100.5) required to be paid is Nil
- NOTE 6: The Section 64 Stormwater base figure is Nil
- The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is Nil
- NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

Requirements before the commencement of any works

- C.4 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.
- C.5 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.
- NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

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

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

- C.6 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.

- C.7 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.

- C.8 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.

Requirements during construction or site works

- C.9 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.10 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.
- C.11 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.

- 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.

- C.12 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.

- C.13 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.
Final	Prior to occupation of the building or structure.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.14 Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
- has been assessed by a properly qualified person; and
 - was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

- C.15 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.16 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.

- C.17 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.

General requirements

- C.18 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

- D.1 The plumbing work/s listed must be inspected as indicated below in accordance with AS/NZS 3500 and Plumbing Code of Australia.

COLUMN 1	COLUMN 2
Internal Drainage	When all internal plumbing work is installed and prior to concealment.
External Drainage	When all external plumbing work is installed and prior to concealment.
Final	Prior to occupation of the building.

- D.2 No works are to be undertaken on the site prior to the issue of a Construction Certificate or Complying Development Certificate. Details of the approved Construction Certificate or Complying Development Certificate are to be submitted with the required "Notice of Works" and approved by Council prior to the commencement of work.
- D.3 Sewerage and stormwater drainage work must comply with AS3500 and the Plumbing Code of Australia except where otherwise provided in the Local Government Act 1993 or the Local Government (General) Regulation 2005. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.
- A copy of the document entitled - Contractor's Copy shall be provided to the nominated plumbing contractor prior to the commencement of works.
- D.4 Council requires a "Notice of Works" to be submitted and approved by Council prior to the commencement of work. A "Certificate of Compliance" and "Works as Executed Diagram" are to be submitted and approved by Council prior to the issue of a Final Plumbing Certificate. The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council/NSW Fair Trading requirements.

E. SCHEDULE E – Prescribed Conditions

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

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)
- The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)
- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
 - (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

- NOTE 1: This condition does not apply:
- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
 - (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.
- NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.
- NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.
- NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

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

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

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: 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.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A

Report prepared & approved by Amanda Gray

Report reviewed by Cameron Collins



Paul O'Brien
Manager Development Assessment & Building Certification

Date: 01/05/2020