



Report of Development Application

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

APPLICATION DETAILS

Modification No:	DA19/0383.01
Council File No:	D/2019/0383
Date of Lodgement:	10/03/2020
Applicant:	CL Duff, JJ Duff 154 Main St LAKE ALBERT NSW 2650
Proposal:	Dwelling with attached garage and shed – modification to shed location
Development Cost	667000
Description of Modification:	Modification to shed location
Other Approvals:	Nil
Determination Body & Reason:	Officer Delegation 7.39
Assessment Officer:	Victoria Rice

SITE DETAILS

Subject Land:	154 Main St LAKE ALBERT NSW 2650 Lot 40 DP 1235752
Owner:	CL Duff & JJ Duff

REPORT

DESCRIPTION OF DEVELOPMENT

This application is for the section 4.55(1a) modification of the previously approved dwelling and shed under DA19/0383 modified under DA19/0383.01.

The modification is to amend the setback of the shed from the western boundary from 2m to 1.5m.

THE SITE & LOCALITY

The site, being Lot 40 DP 1235752, 154 Main Street Lake Albert is located on the western side of Main Street approximately 40m south of the intersection with Bell Gum Place.

The locality is a large lot residential area surrounded by recently constructed dwellings and dwellings being constructed. The site is relatively flat.

The site has a positive covenant on the land that requires all owners of all lots with direct access to Main Street to maintain within their allotment's facilities accommodate the manoeuvring of a vehicle so that the vehicle can enter and leave the lot in a forward direction. Vehicular access to Main Street must be via the driveway approved by Council as part of the subdivision. The minimum setback for lots that front Main Street is 9 metres. In addition, no building may be erected in the vicinity of a tree that has been identified as requiring protection.

The site is not considered bush fire prone but is subject to overland flow inundation to the front of the site.

SUMMARY OF MAIN ISSUES

Compliance with the DCP.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55 OR 4.56

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 4.55 or 4.56 of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

The following comments are provided with respect to Section 4.55 (1a) of the Environmental Planning & Assessment Act 1979.

“ Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and
The proposed amendment to the shed location is minor in nature and does not unreasonably increase impacts on adjoining properties. The proposed works would be considered of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The amendment remains consistent with the existing development. There is no change to the approved use.

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

The modification application was notified to surrounding properties due to non-compliance with the DCP.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions were received.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010 (LEP 2010)

As per previous assessment.

State Environmental Planning Policies

As per previous assessment

(a)(ii) - The provisions of any draft environmental planning instrument

Draft local environmental plans

N/A

Draft state environmental planning instruments

N/A

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

Generally consistent previous assessment with the exception of the following:

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance.

Council may consent to an application which departs from any control, whether a "numeric" or non-numeric control. In such cases, a written submission must be lodged with the Development Application.

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but limited to the following circumstances;

- *Where adequate justification is provided by the applicant for the number of controls being varied and,*
- *Any development, other than development that is for multi dwelling housing, where a variation to any numerical control by greater than 10% is proposed, and*
- *Where no objections have been received in relation to any numerical control that is being varied by greater than 10%, and*
- *Where the number of submissions in the form of objections received in response to an advertised or notified development application, is less than 10.*

The application proposes a variation to C2 of Section 9.3.7 of the DCP. However no objections have been received and therefore Council staff have delegation to approve such an application if justification has been submitted and the proposal is acceptable.

The issues surrounding the variation have been discussed throughout this report, particular attention is drawn to Section 9.3.7 of the report.

9.3.7 Side and Rear setbacks

C2 Any point of a building must have a setback from the side boundary nearest to that point of at least:

- a) If the lot is in Zone R5 a setback of 2m, or*
- b) If the lot is in Zone RU1, RU2 or RU4 a setback of 10m.*

The shed is setback 1.5m from the side (southern) boundary and .90 m from the rear boundary. The amendment is only to the southern boundary from 2m to 1.5m. The control requires a 2m setback from the side boundary. The applicant has provided the following justification for the variation to the setback:

- Allow for the installation of a swimming pool and minimise wasted land on the south side of the shed. Will allow the shed to align with the driveway for access.

Council staff add that the shed is unlikely to have unreasonable impact on the amenity of the adjoining lot to the south or west as these are both unusually large sites in this area. the site to the south has an established dwelling with landscaping along the northern boundary and a setback of approximately 18m. The proposed shed is not likely to produce excessive overshadowing of any private open space. The proposed shed is considered to be consistent with the expected character of the vicinity. The proposed development is considered to meet the relevant objectives of this section and the variation is supported.

(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

No planning agreement has been entered into under section 7.4.

(a)(iv) - any matters prescribed by the regulations

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

(b) - The likely impacts of the development

As per previous assessment.

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.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

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.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

No change from previous assessment.

(c) - The suitability of the site for the development

Suitability of the site in terms of the likely impacts identified under (b)

The site remains suitable for the proposed development as modified.

(d) - any submissions made in accordance with this Act or the Regulations

Referrals

Internal

Notification and advertising

The application was notified between the 1 April and 8 April 2020. No submissions were received.

Public Submissions and those from public authorities

Nil

(e) - the public interest

Federal, state and local government interests and general community interests

It is considered that this application will not have a detrimental effect on the public interest.

Other Legislative Requirements

Section 5AA 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)

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.

As per previous assessment.

Council Policies

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions

As per previous assessment

Other Approvals

Nil

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.

Recommendation

It is recommended that application number DA19/0383.01 for Dwelling with attached garage and shed – modification to shed location be approved, subject to the following conditions:-

CONDITIONS

Approved Plans and Documentation

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
19059-1	Floor Plan / Elevations	BCM Design	-	05/08/19
19059-2	Site Plan / Section / Roof Layout	BCM Design	-	10/3/2020
1024213S_03	BASIX Certificate	BCM Design	-	10/07/19
1001137-GA Page 1/5	Shed General Arrangement	Endurance Sheds	-	Lodged 06/08/19
1001137-GA Page 3/5	Shed Elevations	Endurance Sheds	-	Lodged 06/08/19
-	Statement of Environmental Effects	Applicant	-	25/07/19

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 issue of Construction Certificate the applicant must lodge a bond with Council of:-**

\$2000.00 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Councils fees and charges.

NOTE 1: The applicant currently has an ONGOING security bond lodged with Council bond number (BKG 0017). This ongoing bond will be attached to this development to act as a security deposit on the kerb and gutter and footpath. No further payment under this condition is required.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Prior to Commencement of Works

3. 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.

4. **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.

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.

5. **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.

6. **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.

7. Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required. Section 4.15(e) of the Environmental Planning and Assessment Act 1979.

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.

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.

9. 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.

10. 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.

11. 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

12. Any proposed site fill must comply with AS 3798 Guidelines on Earthworks for Commercial and Residential Developments.

REASON: To ensure that any fill is correctly placed and compacted. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

13. Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

14. 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.

- 15. 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.

- 16. 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.

- 17. 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.

- 18. 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.

19. **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.

20. **The fill material use for the proposed development shall only be "Virgin Excavated Natural Material" as described in Schedule 1 of the Protection of the Environment and Operations Act 1997.**

REASON: To minimize the risk to human and environmental health, Contaminated Land Management Act 1997 No 140 and Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

21. **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.
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.

- 22. 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

- 23. Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.**

REASON: It is in the public interest that the building/property be easily identifiable. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 24. 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.

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.

- 25. 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.

- 26. 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.

- 27. 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.

- 28. Prior to the release of an occupation certificate, the Cut and Fill Batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.**

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.

General


- 29. 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.

30. (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.

<p>Report Prepared by:</p>  <p>Victoria Rice Cadet Town Planner</p> <p>Date: 6/5/2020</p>	<p>Report Approved by:</p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 6/5/20</p>
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