



# Report of Development Application

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

### APPLICATION DETAILS

Application No.:	DA20/0117
Modification No.:	N/A
Council File No.:	D/2020/0117
Date of Lodgement:	06/03/2020
Applicant:	Lifestyle Patios 42 Nagle St EAST WAGGA WAGGA NSW 2650
Proposal:	Replacement of existing carport
Description of Modification:	N/A
Development Cost:	\$13000
Assessment Officer:	Emma Molloy
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 17 to 21 March 2020
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the northern side of Wollundry Avenue, approximately 49 metres from Dobbs Street.

### SITE DETAILS

Subject Land:	41 Wollundry Ave WAGGA WAGGA NSW 2650 Lot 17 DP 771426
Owner:	AC Trench & FM Trench

## PLANNING CONTROLS / STATUTORY CLASSIFICATION

*Pursuant to Part 4 (Division 1)*

### Description of Development

The proposed development seeks consent to replace an existing carport and pergola structure to the rear of the existing dwelling. The proposed development will involve demolition of the existing structures and replacement. The newly constructed carport will be of steel posts with a corrugated steel roof. The pergola structure will be open to allow for an existing wisteria vine to continue to grow over the structure.

### The Site and Locality

The subject site is located on the northern side of Wollundry Ave, adjacent to the Wollundry Lagoon. The site is 648.40m<sup>2</sup> in area and is accessed from a right of carriage way off Dobbs Street. The site contains an existing dwelling and ancillary structures, the development will involve demolition of the structures to the rear of the house. The site is located within the Heritage Conservation Area. The existing dwelling can be described as an interwar bungalow in face brick with a hipped tiled roof. The front porch is a later addition in face brick with darker feature bricks laid in a running pattern on the columns and balustrade. The dwelling is considered contributory to the Heritage Conservation Area.

The surrounding locality consists of predominantly single storey detached dwellings that are of a similar size and scale to the subject site. The street is considered contributory to the Heritage Conservation Area.

### Easements and Covenants

The subject land is benefitted by a 3 metre wide right of carriage way that provides vehicular access to the subject site and neighbouring properties. The proposed development includes a carport that will be accessed from the right of way.

### Previous Development Consents

- DA88/87
- BA423/87
- BA118/79

## 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 WWLEP2010, the subject site is within the R1 General Residential zone.

The development is permissible with consent.

### Part 2 Permitted or prohibited development Land Use

#### 1 Objectives of zone

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

The proposed development is consistent with the above objectives. The proposed development will allow the current owners to adapt the existing dwelling to suit their needs.

## **2.7 Demolition Requires Consent**

The proposed development will involve the demolition of the existing carport and pergola structure to the rear of the dwelling. By submitting this application this clause is satisfied.

## **Part 5 Miscellaneous provisions**

### **5.10 Heritage Conservation**

The objectives of this clause are to conserve the environmental heritage of Wagga Wagga, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites and to conserve Aboriginal objects and Aboriginal places of heritage significance. Under Clause (2)(e) consent is required for erecting a building on land that is within a heritage conservation area.

The proposed development is to the rear of the existing dwelling and is subservient in scale to the dwelling. Significant architectural features will be retained and the dwelling will be viewed in its intended context within the street and the adjacent lagoon. As such the proposed development is not considered to have an adverse impact on any significant heritage feature or architectural element and is considered an acceptable inclusion within the Heritage Conservation Area.

## **Part 7 Additional Local Provisions**

### **7.1A Earthworks**

Minor earthworks will be required as part of the construction of the proposed development. The works will not have an adverse impact on the subject site or adjoining allotments. Conditions of consent will also be imposed to ensure that the proposed earthworks will not have and an adverse impact on the subject site or surrounding development.

### **7.2 Flood Planning**

The subject site is currently mapped as flood prone however is located within the area protected by the Central Levee. Although the levee does not protect this site from a 1:100yr event, the protection that is provided by the levee is considered to be an acceptable level of protection. As such the proposal is considered suitable and will have negligible impact on flood behaviour and is not expected to result in unsustainable social and economic costs to the community as a result of flooding. It should also be noted that the upgraded levee model no longer identifies the site as flood prone.

### **7.6 Groundwater Vulnerability**

The objective of this clause is to protect and preserve groundwater sources. This clause applies to land identified as "Groundwater" on the Water Resource Map. The subject development is not development specified for the purposes of this clause therefore this

clause does not apply.

### **State Environmental Planning Policies (SEPPs)**

#### **State Environmental Planning Policy No 55 - Remediation of Land**

Clause 7 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site was subdivided for residential use in 1893. The site is not identified on Council's contaminated Land Register and as such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

#### **Section 4.15(1)(a)(ii) - 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**

State Environmental Planning Policy No 55 - Remediation of Land has been subject to recent public consultation and is currently under review. In addition the Contaminated Land Planning Guidelines are also under review. The proposed changes to the SEPP do not propose to alter the core considerations under Section 7 of the SEPP and as such will have no bearing on this assessment in regards to SEPP 55.

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

#### **Wagga Wagga Development Control Plan 2010**

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

### **Section 1 - General**

#### **1.10 Notification of a Development Application**

The proposed development was notified for a period of 7 days from 17 to 24 March 2020. No submissions were received.

### **Section 2 - Controls that Apply to All Development**

#### **2.1 Vehicle Access and Movements**

Vehicle access is provided from a right of carriage way off Dobbs Street, there are no alterations proposed as part of this proposal. The proposed development is considered to comply.

#### **2.2 Off-street Parking**

Car parking requirements are satisfied by the existing carport which will be replaced. This is considered acceptable and complies with the controls within this section.

#### **2.3 Landscaping**

The proposed development does not propose any additional landscaping. The existing landscaping will be retained by the proposal.

#### **2.5 Safety and Security**

The existing dwelling has a clearly defined entrance with no blank walls along the street frontage in this case a pedestrian walkway, in accordance with the controls within this section.

#### **2.6 Erosion and Sediment Control Principles**

Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site and adjoining allotments.

### **Section 3 - Heritage Conservation**

#### **3.3.2 Residential Precinct**

The proposed development is for a patio to the rear of the existing dwelling. As such the proposed development complements the existing dwelling and is subservient in form and scale to the primary form of the dwelling. The proposed car port/pergola is below the main ridge height of the building and maintains a descending scale to the rear. The structure will be constructed with steel posts and a steel roof which will complement the style of the existing dwelling. As such the proposed development is considered to comply with the objectives and controls within this section.

### **Section 4 - Environmental Hazards and Management**

#### **4.2 Flooding**

The subject site is currently mapped as flood prone however is located within the area protected by the Central Levee. Although the levee does not protect this site from a 1:100yr event, the protection that is provided by the levee is considered to be an acceptable level of protection. As such the proposal is considered suitable and will have negligible impact on flood behaviour and is not expected to result in unsustainable social and economic costs to the community as a result of flooding. It should also be noted that the upgraded levee model no longer identifies the site as flood prone.

### **Section 9 - Residential Development**

#### **9.2.1 Site Layout**

The proposed carport/pergola is over the existing hardstand area that serves as the dwellings private open space. The proposed pergola is located on the northern elevation and as such is orientated to receive an acceptable amount of solar access. Additionally, the proposed development makes good use of the site and is compatible with the existing built form in accordance with the objectives and controls within this section.

#### **9.3.2 Site Cover**

Open structures such as unenclosed carport and pergolas are not included in site cover calculations for the purposes of this section.

#### **9.3.4 Solar Access**

The proposed patio will be attached to the northern elevation of the dwelling and will be accessible from the living area. As such there will be a minor decrease in the amount of solar access to the kitchen and living area, however the decrease is considered negligible as the living area has windows to the east which will not be impacted by the proposal. And the proposed pergola component utilises an open roof.

The proposed development is considered to have a negligible impact on the solar access of the adjoining dwellings as the proposed carport/pergola is replacing an existing structure which contains an open roof on the eastern elevation. The pergola component is considered to maintain the existing solar access to the adjoining dwelling to the east. As such the proposal is considered to comply with the objectives and controls within this section.

#### **9.3.5 Private Open Space**

Useable private open space will be maintained by the proposed patio and would easily comply with the provisions within this section.

### 9.3.7 Side and Rear Setbacks

The proposed carport/patio has been adequately setback to ensure separation between buildings for landscaping, privacy, natural light and ventilation. In addition, the proposed patio continues the rhythm and pattern of development within the locality. As such the proposal is considered to comply.

### 9.4.1 Building Elements

The carport/pergola assists with linking internal and external living areas and provides additional useable yard area. The development complies with this section.

### 9.4.2 Materials and Finishes

The proposed carport/pergola will be constructed of steel posts, beams and a steel sheet roof. These materials are considered appropriate and of an acceptable quality.

### 9.4.3 Privacy

Visual and acoustic privacy is important for good residential amenity. The proposed carport/pergola is not considered to have an adverse impact on privacy as the development is effectively screened by existing vegetation and boundary fencing.

### Section 4.15(1)(a)(iia) - Planning Agreements

There are no planning agreement that have been entered into under section 7.4.

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

Matters prescribed by the regulations have been satisfied.

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

## SECTION 4.15(1)(B) - LIKELY IMPACTS OF THAT DEVELOPMENT

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development is minor in nature, is located in an acceptable location and is sympathetic to the existing dwelling. No adverse impacts have been identified.
Streetscape	x			The proposed development is to the rear of the existing dwelling and will not be visible from the street.
Traffic, access and parking	x			Existing arrangements are not proposed to be altered by the development which is considered acceptable.
Public Domain	x			No adverse impacts have been identified.
Utilities	x			All essential services are connected to the site.
Heritage	x			The proposed development is to the rear of the existing dwelling. The proposed works are subservient in scale and do not seek to alter the original

				fabric of the dwelling. No adverse impacts have been identified.
Other land resources	x			No adverse impacts have been identified.
Water Quality & Stormwater	x			The proposed patio will be connected to the existing stormwater.
Soils, soil erosion	x			Given the minor nature of earthworks no adverse impacts have been identified.
Air and microclimate	x			Some dust may be caused by demolishing the existing structure, conditions of consent will be imposed to mitigate potential impact on adjoining properties.
Flora and Fauna	x			The proposal replaces an existing structure only and does not involve the removal of any vegetation.
Waste	x			Conditions of consent will be imposed to require construction waste to be disposed of in an appropriate manner.
Energy	x			None identified.
Noise & vibration	x			Noise is expected during construction, appropriate working hours will be conditioned as part of consent.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area map	x			The site is identified as flood prone. However given the sites location and the nature of the development. The proposed development has been previously assessed as being acceptable.
Technological Hazards	x			None identified.
Safety, security and crime prevention	x			None identified.
Social impact in locality	x			The proposed development will allow the current residents to enhance their private open space.
Economic Impact in Locality	x			Continued work for the construction and related industries.
Site design and internal design	x			The proposed development is well located to the rear of the dwelling over an existing hardstand area. No adverse impacts have been identified.
Overlooking - overshadowing	x			No adverse impact has been identified.
Landscaping	x			The proposal does not seek to alter the existing landscaping. No adverse impacts have been identified.
Construction	x			To comply with the BCA.
Private open space	x			The proposed development will allow for the replacement of an existing structure.
Cumulative Impacts	x			None identified.
Disabled access			x	Not applicable.
Signage			x	Not applicable.



Setbacks, Building Envelopes	x			The proposed carport/pergola has been located in an acceptable location and has been adequately setback in accordance with the WWDCP2010.
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## 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.*

The proposed development results in the demolition and the replacement of the existing structure to the rear of an existing dwelling. No concerns are raised in regards to the above principles.

## Section 4.15(C) - The Suitability of the site for the development

The subject land located at 41 Wollundry Avenue is considered to be suitable for the proposed development because it is residentially zoned land being developed for a



residential purpose and is generally in accordance with the WWLEP2010 and WWDCP2010.

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

Referrals - The proposal was referred to the relevant Council officers. No concerns were raised, standard conditions will be imposed.

Notification - Surrounding owners were notified in accordance with Council policy for a period of 7 days from 17 to 24 March 2020. No submissions were received.

Public Submissions and those from public authorities  
Nil submissions have been received at the time of this report.

#### **Section 4.15(e) - the public interest**

The public interest is a broad consideration relating to many issues and is not limited to. 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 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)**

On 21<sup>st</sup> 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 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, 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 WWDCP2010. The above assessment supports the proposed development.

### **Bush Fire Risk Assessment**

The development has been considered against the relevant provisions of the WWLEP2010 and WWDCP2010. A risk assessment is not required as the development is not mapped as being on Bushfire Prone Land.

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

Section 7.11 of the EPA Act, 1979 and the Wagga Wagga 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. A Section 7.11 contribution will not be charged as the proposed development is under \$100,000.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure. A Section 64 contribution is not payable as the proposed development does not increase demand on the sewer network and the proposed development is to be located over the existing hardstand area.

### **Referrals:**

Building Surveyor: Yes, no concerns raised. Standard conditions imposed.

Plumbing Inspector: Yes, no concerns raised. Standard conditions imposed.

Subdivision Engineer: Yes, no concerns raised. Conditions imposed.

Environmental Officer: N/A

Parks & Recreation Officer: N/A

### **Other Approvals:**

Nil

### **Conclusion:**

An assessment of the application has resulted in the application being supported on the following grounds:

- The application is to erect a patio to the rear of the existing dwelling in the R1 - General Residential Zone which is permitted with consent.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought within the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant provisions within the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

The application is subsequently recommended for approval, subject to conditions.

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## **RECOMMENDATION**

It is recommended that application number DA20/0117 for Replacement of existing carport 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
	Statement of Environmental Effects	Lifestyle Patios		5.03.2020
	Statement of Heritage Impact	Lifestyle Patios		5.03.2020
	Block Plan	Lifestyle Patios		5.03.2020
	Plan View	Lifestyle Patios		5.03.2020
	Elevations	Lifestyle Patios		5.03.2020

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 the commencement of any works**

- C.2 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.3 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.4 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.5 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.6 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.7 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.

C.8 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.

C.9 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.10 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.11 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.12 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- 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.
Stormwater Drainage	When all external stormwater 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 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.15 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.

### General requirements

- C.16 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).

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

N/A

## 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

<p><b>Report Prepared by:</b></p>  <p>Emma Molloy Town Planner</p> <p>Date: 6.05.2020</p>	<p><b>Report Approved by:</b></p>  <p>Steven Cook Senior Town Planner</p> <p>Date: 6/05/20</p>
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