



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

APPLICATION DETAILS

Application No.:	DA20/0154
Modification No.:	N/A
Council File No.:	D/2020/0154
Date of Lodgement:	02/04/2020
Applicant:	Kurrajong Po Box 8576 WAGGA WAGGA NSW 2650
Proposal:	Community Facility (Temporary offices)
Description of Modification:	N/A
Development Cost:	\$8500
Assessment Officer:	Sam Robins
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	17/4/20 - 24/4/20
Advertising:	N/A
Owner's Consent Provided:	Yes
Location:	The subject land comprises of Lot 21 DP 835331 located at 131 Lord Baden Powell Drive, Turvey Park.

SITE DETAILS

Subject Land:	131 Lord Baden Powell Dr TURVEY PARK NSW 2650 Lot 21 DP 835331
Owner:	Kurrajong Waratah Industries Ltd

DESCRIPTION OF DEVELOPMENT

This application is for two transportable temporary office buildings in the form of 7.3m x 3.1m skillion roof buildings simply containing two offices each. The buildings are proposed to be located immediately north west of the main building.

Council currently has an application (DA20/0099) for alterations and additions to the main building but due to the immediate needs this application has been proposed at the same time.

The transportable will be removed prior to construction of the permanent additions. The

applicant has requested a two year period and this will be conditioned.

THE SITE & LOCALITY

The subject land comprises of Lot 21 DP 835331 located at 131 Lord Baden Powell Drive, Turvey Park. The adjoining lot (Lot 22 DP 835331) does not form part of this application, but together with the subject site forms a larger parcel of land that accommodates the Kurrajong Waratah Centre.

The site is located on the northern side of Lord Baden Powell Drive approximately 45m east of its intersection with Macleay Street.

The locality is an established urban area characterised by a mixture of residential and community uses and is surrounded by the same with the Botanical Gardens located to the south opposite Lord Baden Powell Drive.

The site is considered Bush Fire Prone Land.

A site visit was undertaken on 27/4/20 by the assessing officer.

Previous Development Consents

DA17/0092 - Demolition of existing office/workshop building and construction of new office/storeroom/garage for community facility.

DA18/0390 - Demolition, alterations and additions to the administration centre of the Community Facility

SUMMARY OF MAIN ISSUES

Nil

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)

The following provisions of the LEP 2010 apply:

Land Use Table

Under the LEP the site is zoned R1 - General Residential

The objectives of the zone that would be considered relevant 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.*

Under the LEP 2010 the proposal would be considered an alterations and additions associated with a Community Facility.

A community facility is defined as *a building or place*:

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

The facility will provide services to the community including community-directed support programs related to social and cultural development and welfare of the community.

Under Section 3 - Community Facilities (and therefore alterations and additions to Community Facilities) are permitted with consent, the provisions of the WWLEP2010 encourages *"coordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas."* The proposal is for additions to an existing Community Facility that will continue to satisfy the outcome sought by the above mentioned objective of the zone.

Part 7 - Additional Local Provisions

7.3 - Biodiversity

As the application site falls within this zone as identified as Biodiversity on the Terrestrial Biodiversity Map, the proposal would be subject to assessment under this clause.

Council is satisfied that the works have been designed and sited to have minimal adverse impact.

The subject site is within the biocertified area and does not involve the removal of any native vegetation. No impacts are expected and therefore the proposal complies with this section of the LEP 2010.

7.6 - Groundwater Vulnerability

As the application site is identified as 'Groundwater' on the Water Resource Map, the works would be subject to assessment under this clause.

As the application is for alterations and additions to an existing Community Facility on a residential lot, the impact on the existing groundwater sources will be minimal. The proposal is therefore not considered to be detrimental to any of the issues under this section of the LEP 2010 and therefore complies with this section of the LEP 2010.

Clause 7.9 - Primacy of Zone B3 Commercial Core

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 alterations and additions to an existing Community Facility. The use is established in the locality and altering it or extending it does not detrimentally impact of the primacy of the CBD.

State Environmental Planning Policies

State Environmental Planning Policy No. 55

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

contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. There is no indication that the location of the works has previously been occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Councils register of contaminated sites. Accordingly, it is not considered necessary to request any investigation reports on the subject site. The site is considered suitable for the proposed use.

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

Draft local environmental plans

N/A

Draft state environmental planning instruments

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The relevant controls of the DCP have been addressed below.

2.1 Vehicle access and movements

The potential impacts of traffic generated by the proposed development are considered minor and will not result in any traffic safety issues. Existing road infrastructure is able to accommodate the new works. Vehicular access to the site is currently off Lord Baden Powell Drive and the proposal will not alter this arrangement.

2.2 Off-street parking

Developments are required to provide off-street parking to meet anticipated demands. There are no specific provisions for community facilities. Currently car parking spaces are scattered over the site and the proposal will not result in the loss of existing parking facilities or require an additional demand for parking on-site. The applicant has provided the following comment on this issues.

'...there are currently 13 covered carparks provided at the south entry. The rear north west carpark accommodates another 12 cars. Additional carparks are scattered throughout the site.

This quantity would satisfy the DCP requirements for Office Buildings. With the new additions the gross floor area of the office building will be approximately 517.3m². This would require 17 carparks to be provided with 1 carpark required every 33m² of Office Building..."

The existing on-site parking is considered sufficient.

2.3 Landscaping

No landscaping is required or proposed as part of the development given the works will take place on lawn area and not remove any native vegetation on site.

2.5 Safety and security

The objectives and controls of this section that are relevant for this development are as follows:

Objectives

- O3 *Maximise opportunities for natural surveillance of public spaces and building or site entrances.*

Controls

- C1 *Use good site planning to clearly define public, semi-public and private areas.*
- C2 *Entries are to be clearly visible and identifiable from the street, and are to give the resident/occupier a sense of personal address and shelter. For non-residential uses, administration offices or showroom are to be located at the front of the building.*
- C3 *Minimise blank walls along street frontages.*
- C4 *Avoid areas of potential concealment and 'blind' corners.*
- C5 *Provide lighting to external entry areas, driveways and car parks in accordance with the relevant Australian Standards. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.*
- C6 *Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.*

The buildings raise no safety or security concerns. The proposal is considered generally compliant with the controls and would meet the relevant objective of this section of the DCP. The focus of an entry point would improve the access and operation of the site from a security perspective.

2.6 Erosion and Sediment Control Principles

Conditions of consent will ensure that appropriate control measures are put in place during any construction.

2.7 Development adjoining open space

The lot is adjoined to the west and south by a public reserve. The relevant objectives and controls are as follows:

Objectives

- O1 *Ensure that developments adjoining open space contain impacts within their boundaries and don't impinge on, or rely on the open space area as a buffer.*
- O2 *Encourage positive visual and physical relationships between private developments and public areas and reserves.*

Controls

- C1 *Private developments are not to gain access across public open space.*
- C2 *Materials are not to be stored on public land.*
- C3 *Design, massing, scale and materials to be compatible with the amenity, views and outlook from the open space area.*
- C4 *Landscaping is not to encroach into any public reserve.*

The office buildings will not have a detrimental impact on the amenity of the public space and given the size of the site and its location in relation to the open space there will be no material stored on the public land. No issues are raised.

Section 4 Environmental Hazards and Management

- 4.1 Bushfire
- C1 *Applications are to satisfy the relevant provisions of Planning for Bush Fire Protection 2006 (or any later versions) and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.*
- C2 *Where required, a clear separation is to be provided between buildings and bushfire hazards in the form of a fuel-reduced Asset Protection Zone (APZ). In all cases the APZ is to be located wholly within the land zoned Residential. Refer to the requirements of Planning for Bush Fire Protection 2006*

The site is mapped as bushfire prone land. *Planning for Bush Fire Protection 2019* applies to all development applications on land classified as bushfire prone. In this instance the development would be classed as 'other development'. Section 8 of the PBP2019 is therefore relevant:

8.1 Introduction

...In order to comply with PBP the following conditions must be met:

- *satisfy the aim and objectives of PBP outlined in Chapter 1;*
- *consider any issues listed for the specific purpose for the development set out in this chapter; and*
- *propose an appropriate combination of BPMs...*

The aim and objectives are as follows:

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment. More specifically, the objectives are to:

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defensible space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters.*

The building is surrounded on all sides by managed land for a distance of more than 140 metres providing adequate defensible space. Driveways and roads provide clear access and egress to the site as required for emergency service personnel and occupants. The site is serviced by mains water supply. The objectives of PBP are considered to have been met and satisfied.

8.3.1 Buildings of Class 5 to 8 under the NCC

...The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings...

...Whilst bush fire is not captured in the NCC for Class 5-8 buildings, the following objectives will be applied in relation to access, water supply and services, and emergency and evacuation planning:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*
- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;*
- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and*
- *to locate gas and electricity so as not to contribute to the risk of fire to a building; and provide for the storage of hazardous materials away from the hazard wherever possible.*

As previously noted safe access to and from the site is established and not altered in anyway by the proposed development, these roads allow for the safe evacuation of persons from site if required. Water supply, gas and electricity to the site is existing and does not raise a concern.

Section 9 Residential Development

Whilst the site is zoned residential the land use is a Community Facility and therefore this section of the DCP does not apply.

There are no further sections of the DCP that would be considered relevant for an application of this nature.

(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

The EPA Regulation 2000

... **temporary building** means-

- (a) a temporary structure, or
- (b) a building that is stated to be a temporary building in a development consent or complying development certificate granted or issued in relation to its erection.

...
(2) A reference in this Regulation to building work does not include a reference to any physical activity involved in the erection of a temporary structure.

...
In respect of definitions, the SEE states that this development is in relation to erection of a temporary building. As such, as the definition above excludes temporary building/structure as building work, the Construction Certificate would not be required. Considerations of the clause below:

94A Fire safety and other considerations applying to erection of temporary structures

- (1) This clause applies to a development application for the erection of a temporary structure.
- (2) In determining a development application to which this clause applies, a consent authority is to take into consideration-
 - (a) whether the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and
 - (b) whether the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.

(3) The matters prescribed by this clause are prescribed for the purposes of section 4.15(1)(a)(iv) of the Act.

In respect of fire protection and structural capacity, the pre-made structures are suitable for application and appropriate condition will be drafted. The temporary buildings would require a fire extinguisher which is available in the proximity in the main offices. The proposed temporary offices are in conjunction with existing building and form a complex therefore external walls of each office are not considered to be a fire source feature. Existing access and sanitary facility remain in place. The ground is levelled and suitable for installation.

All other matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

(b) - The likely impacts of the development

Context and setting

The proposed development will be ancillary to the existing buildings and use on the site. The proposed works in terms of its size, scale and setting is compatible with existing buildings on the site and is not expected to have any impact on surrounding developments being centrally located to the larger portion of land occupied by the Kurrajong Waratah.

Access, transport and traffic

Matters regarding traffic generation and parking have been discussed elsewhere in this report. It is considered that the proposed development will not have any adverse traffic implications in terms of road network capacity

Noise and vibration

Minimal impact during construction and will be controlled by conditions of any consent granted.

Natural Hazards

The site is not flood prone land.

The bush fire prone nature of the site has been discussed above.

Waste

Conditions of consent will ensure that the site is kept in an appropriate state during demolition and construction.

Services/Utilities

As the subject development is located within a developed area, all power, water, sewer and telecommunications are available to the site.

Heritage

The subject site is not within the heritage conservation area and there are no listed heritage items within proximity of the site.

Economic and Social Impact

It is anticipated that the proposed development will continue to provide a positive social impact by providing services to the community including community-directed support programs related to social and cultural development and welfare of the community.

Other Land Resources

The proposal will have no impact on land resources.

Pollution and off-site environmental effects

The development is not considered to cause pollution and off-site environmental effects.

Flora and fauna

The proposal will not involve the removal of any native vegetation

Site Design

The overall design results in minimal impacts.

Overall the development would be considered acceptable on a merits based assessment for the site.

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 would result in an extension and alterations to a Community Facility within a residential zone. The impacts assessed above have concluded that the development would be acceptable with minimal impact on the environment.

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

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

The site is currently zoned residential and contains a Community Facility with associated outbuildings and surrounded by residential developments or reserves. The site is considered suitable for the office buildings. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

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

Referrals

Internal only

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCP the application was notified for a period of 7 days on the following dates 17/4/20 to 24/4/20 and referred surrounding tenancies. 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 affect 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)

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 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 DCP. A risk assessment is not required as the development is not mapped as being on Flood Prone Land.

Bush Fire Risk Assessment

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

Council Policies

Nil

Comments by Council's Officers

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

Development Contributions

No Section 7.11/7.12 applies as the cost of the works is under \$100,000

Given the two year consent period and the fact that DA20/0099 has imposed sewer and stormwater contribution and will be built in the place of these offices it would be unreasonable to impose a sewer and stormwater charge as ultimately the applicant would then have to pay twice.

No contributions would be appropriate for this application.

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 and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that application number DA20/0154 for Community Facility (Temporary offices) 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	Icono Building Design	A	2/4/20
A01	Site & Site Analysis Plans	Icono Building Design	2	2/4/20
A02	Floor Plans & Elevations	Icono Building Design	2	2/4/20

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 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 operation.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until operation of the development.

- C.4 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.5 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.6 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.

Requirements prior to operation

- C.7 The two temporary buildings shall be placed over sufficiently firm and level ground and shall be installed in accordance with the manufacturer's details taking into account wind load for the location.
- C.8 A fire extinguisher shall be made available on the building premises either within proposed temporary buildings or within existing building but not further than 15 meters away.
- C.9 A minimum 1.0m clear path shall be kept between the proposed building B and existing brick building.
- C.10 Prior to the operation 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 Development Application number.

General requirements

- C.11 Approval is granted for a period of 24 months from the date of this consent. All buildings approved as part of this application must be removed from site within 1 month from the date the consent ceases to operate.

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

Report Prepared & approved by:  Sam Robins Senior Town Planner Date: 8/5/20	Report Reviewed by:  Amanda Gray Senior Town Planner Date: 8.5.2020
---	--