



# Report of Development Application

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

### APPLICATION DETAILS

<b>Application No:</b>	DA20/0174
<b>Council File No:</b>	D/2020/0174
<b>Date of Lodgement:</b>	22/04/2020
<b>Applicant:</b>	Heffernan Building & Construction Pty Limited 6 Kapooka Rd SAN ISIDORE NSW 2650
<b>Proposal:</b>	Partial demolition, alterations and additions to dwelling including new double garage
<b>Development Cost</b>	\$377000
<b>Description of Modification:</b>	N/A
<b>Other Approvals:</b>	Nil
<b>Determination Body &amp; Reason:</b>	Officer Delegation 7.39
<b>Assessment Officer:</b>	Bikash Pokharel

### SITE DETAILS

<b>Subject Land:</b>	7 Campbell Pl WAGGA WAGGA NSW 2650 Lot 18 DP 202581
<b>Owner:</b>	JL Collins & MJ Collins

### REPORT

#### DESCRIPTION OF DEVELOPMENT

The applicant is seeking approval for alterations and additions to the existing dwelling. The proposal also seeks approval to carry out demolition works in order to undertake proposed new works. Below are details of demolition and new building works:

Demolition includes the following:

- To the front - existing verandah, lounge and carport area
- To the rear - bedroom 3 and 4, laundry, kitchen and dining area and rumpus room.

New addition includes the following:

- To the front - new double garage, porch, hallway and laundry area.
- To the rear - addition of master bedroom with ensuite, extended dining and kitchen area with built-in butler's pantry, lounge room and an alfresco/outdoor area.

In addition, the proposal involves replacement of existing roof with new one to accommodate new development under the same roof.

### **THE SITE & LOCALITY**

Location - The subject site is located on the northern side of Campbell Place approximately 91m west from the intersection of Thomas Street and Gurwood Street in Wagga Wagga.

Area - 891.60m<sup>2</sup>

Constraints and restrictions - The subject is burdened by unregistered sewer easement to the rear of the property. The proposed extension works are clear of the easement.

Occupation: The subject site has a single storey dwelling which is seeking approval for alterations and additions to existing residence under this application. An approval for in-ground swimming pool was granted from Council on 13/05/2020.

Surrounding character - Adjoining lots to east and west have single storey dwellings and outbuildings on their backyard. The northern lot has multiple single storey units on the block which is currently been used as a retirement village - Rosebank Retirement Village.

A site visit was undertaken on 7/05/2020 by the assessing officer.

### **MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)**

*The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment act 1979, and having regard to those matters, the following issues have been identified for further consideration:*

#### **Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument (EPI)**

##### **Wagga Wagga Local Environmental Plan 2010 (LEP 2010)**

Zoning of land (cl 2.2): R1

The development is permissible in the zone (cl. 2.3(1))

The development is consistent with the following objectives of the zone (cl. 2.3(2)):

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

The development is compliant with the relevant provisions of the LEP2010. Following provisions have been identified for further discussion:

## Part 7 - Additional Local Provisions

### 7.2 Flood Planning

- (1) *The objectives of this clause are as follows:*
  - (a) *to minimise the flood risk to life and property associated with the use of land,*
  - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
  - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to:*
  - (a) *land that is shown as "Flood planning area" on the Flood Planning Map, and*
  - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
  - (a) *is compatible with the flood hazard of the land, and*
  - (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *incorporates appropriate measures to manage risk to life from flood, and*
  - (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
  - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

**Comment:** The subject site is subject to inundation in a 1:100 year ARI flood event and therefore is subject to assessment under this clause.

The subject site is located within the Central Business Area protected by levee however, until such time that upgrades of the levee are complete, the levee does not provide full 1:100 year flood protection. These upgrade works are underway, but are yet to be finalised. Council has adopted a DCP which accepts the risk within the CBD and allowing development to continue noting that the economic and social impacts

should not prevent development of existing established areas.

The proposed development is for alterations and additions to an existing dwelling which is within the area of main city levee which is currently being upgraded to provide protection from 1:100 year flood events. It is unlikely that the proposal will result significant impact on flood behaviour or significant social and economic costs to the community given the dwelling on the site. The development is also considered compatible with the flood hazard on the land. In addition, significant warning time exists in the CBD area for riverine flood events, thus reducing the risk to life. All matters under Clause 7.2 have been considered and Council can be satisfied of the matters listed in 7.2(3).

Furthermore, the subject site is susceptible to inundation in 1:100-year stormwater event as identified on the Major Overland Flow Flood Study (MOFFS) 2015. However, the potential impact due to overland flow flood on the subject property is considered to be significantly lower given the depth of water within the area where the extension will occur is less than 150mm and finished floor level of proposed extension will be at least 250mm above the existing ground level. As such, the proposal is unlikely to cause potential threat to life and property, and is consistent with the matters in 7.2(3).

#### **State Environmental Planning Policy No. 55**

There is no indication that the site 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.

#### **State Environmental Planning Policy (BASIX) 2004**

A valid certificate (Certificate Number: A369139\_03) has been lodged with the application and assessed as compliant.

#### **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**

There are a number of state environmental planning policies currently subject to review, including some which have involved consultation and notification. With the exception of the following, none of these are applicable to this application.

#### **Remediation of Land SEPP and repeal of State Environmental Planning Policy 55**

The draft SEPP will not impact on the assessment of this application under SEPP 55 with regard to the potential contamination of this site and its suitability for the proposed development.

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

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

The development is compliant with the relevant provisions of the DCP 2010. The following provisions have been identified for further discussion:

## 1.10 Notification of a Development Application

In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the WWDCCP the application was not notified for 7 days between 30/04/2020 and 7/05/2020. No objections were received during the notification period.

## 4.2 Flooding

The subject site is identified as flood prone land on Council's *Flood Planning Map* under 1:100 Riverine Model 2014. The relevant objectives and controls are discussed as follow:

### Objectives

*O1 Minimise the public and private costs of flood damage.*

*O2 Minimise the risk of life during floods by encouraging construction and development that is "flood proofed" and compatible with the flood risk of the area.*

*O3 Ensure that development and construction are compatible with the flood hazard.*

*O4 Require compatibility with the Flood Plain Development Manual 2005 as relevant*

### Control

*C3 Development in the Central Wagga precinct (being the area protected by levees) is to comply with the provisions of Table 4.2.1.*

### Development within Central Business Area (Protected by levee)

Comment: The subject site is identified as flood prone under the current 1:100 Riverine Model 2014. The proposed finished floor level of new extension is above 225mm as specified under the provisions of Table 4.2.1. As such, the proposal complies with the control.

**Section 4.15(1)(a)(iiia) - 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**

No related planning agreement has been entered into under section 7.4.

### **Section 4.15(1)(a)(iv) - the regulation**

Matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied, including the addition of prescribed conditions. Condition of consent on any approval granted will ensure compliance with relevant provisions of the regulation.

**Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The likely impacts of the development have been considered and are deemed satisfactory.

### **Section 4.15(1)(c) - The suitability of the site for the development**

Matters relating to the suitability of the site for this development have been considered and the site is deemed suitable for the development.

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

No submissions were received at the time of writing this report.

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

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)**

The development is in a residential zone and not removing any significant vegetation; the development will have minimal impact and would not impact on any threatened species in the vicinity. No further assessment is required under this section.

#### **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 has been completed and appropriate conditions applied.

### ***Bush Fire Risk Assessment***

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. A risk assessment has been completed and as per the assessment no additional conditions are required.

### **Council Policies**

**Policy 046** - Processing Development Applications lodged by Councillors, staff and individuals of which a conflict of interest may arise, or on Council owned land.

No declaration has been made that would require action under this policy.

### **Comments from Internal Referrals**

Internal referrals were undertaken - relevant conditions will be imposed.

## Development Contributions

Council has the authority to charge developer contributions for certain types of development in accordance with the following legislation:

### *Section 7.12 - Environmental Planning and Assessment Act 1979*

A Section 7.12 applies to this development as the value is greater than \$100,000.

$$\$377,000 \times 1\% = \$ 3,770$$

### *Section 64 - Local Government Act 1993*

Section 64 sewer contributions are not applicable as the development does not involve subdivision or an intensification of the current land use "in terms of the Water Directorate Guidelines for sewer impacts".

Section 64 stormwater contributions are applicable to this development as the site was subdivided prior to 1984 and the proposed extensions will increase new hard stand area on site. The proposal involves demolition of existing carport, verandah, bedroom 4 and rumpus room which are considered existing hard stand area. Existing hard stand areas are to be deducted from the calculation.

The charges are calculated as follows:

$$\text{Total new impervious area (new hard stand area - existing hard stand area)} = 180.5\text{m}^2 \\ - \text{approximately } 76\text{m}^2 = 104.5\text{m}^2$$

$$(104.5\text{m}^2 / 800\text{m}^2) \times (1 / 0.74) \times \$3,007 \text{ [developer charge for urban west of Willans Hill]}$$

$$\text{Section 64 stormwater contribution} = \$530.79 \text{ (base figure)}$$

$$\$530.79 \times 115.2/87.9 = \$695.64 \text{ (updated by CPI).}$$

## 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 DA20/0174 for Partial demolition, alterations and additions to dwelling including new double garage be approved, subject to the following conditions:-



## CONDITIONS

### 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

NA

### 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/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
A01	Working Drawings Sheet 1 (Site Plan, Perspective view - Northwest, Southeast and Southwest)	Design2 Consulting	F	28/01/2020
A02	Working Drawings Sheet 2 (Proposed Floor Plan, Existing Floor Plan, Window, Door and demolition Schedule, Demolition Notes)	Design2 Consulting	F	28/01/2020
A03	Working Drawings Sheet 3 (Elevations - East, South, North and West, Perspective view - Northeast, Residence)	Design2 Consulting	F	28/01/2020



	Section, BASIX Certificate Schedule)			
A369139_03	BASIX Certificate	Design2 Consulting Pty Ltd	-	28/01/2020
-	Statement of Environmental Effects	Design2 Consulting	-	22/04/2020

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 a Construction Certificate can be issued

C.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 0778). 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 and 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

- C.3 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$3,370 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

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

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

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

- C.4 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

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

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

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

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

- NOTE 5: The Section 64 Sewer base figure is Nil
- The Section 64 Sewer contribution (updated by the CPI 115.2/100.5) required to be paid is Nil
- NOTE 6: The Section 64 Stormwater base figure is \$530.79
- The Section 64 Stormwater contribution (updated by the CPI 115.2/87.9) required to be paid is \$695.64
- NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

### **Requirements before the commencement of any works**

- C.5 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.6 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.7 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.8 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.9 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.

- C.10 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.11 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.12 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.13 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.14 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.15 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.16 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.17 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.
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### Requirements prior to issue of an Occupation Certificate or prior to operation

- C.18 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.19 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.20 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

### General requirements

- C.21 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)**

NA

## **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:

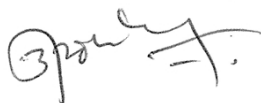
- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

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)

NA


**Report Prepared by:**



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Date: 4/06/2020

**Report Approved by:**



Steven Cook  
Senior Town Planner

Date: 4/6/20