



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

## APPLICATION DETAILS

Application No.:	DA18/0600
Modification No.:	DA18/0600.01
Council File No.:	D/2018/0600
Date of Lodgement:	11/05/2020
Applicant:	DJ Lenton 18 Freer St WAGGA WAGGA NSW 2650
Proposal:	Alteration & additions to the dwelling
Description of Modification:	To retain the existing bathroom, reconfigure the internal alterations, alterations to the first floor, replacement of three external windows and replacement of the external cladding on the first floor. Condition 1 Plans.
Development Cost:	\$164,000
Assessment Officer:	Emma Molloy
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	s4.55 (1A) modification
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 19 to 26 May
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the on the southern side of Freer Street, approximately 90 metres from the intersection of Freer and Simmons Streets.

## SITE DETAILS

Subject Land:	18 Freer St WAGGA WAGGA NSW 2650 Lot 1 DP 1237931
Owner:	DJ Lenton & NL Lenton

## PLANNING CONTROLS / STATUTORY CLASSIFICATION

*Pursuant to Part 4 (Division 1)*

### Description of Development

The original development application was for demolition, alterations and additions to the existing dwelling. The proposed development included:

- demolition of the existing exterior walls on the western elevation;
- demolition of the rear exterior walls on the southern and eastern elevation;
- demolition of the internal walls within the southern portion of the existing dwelling;
- the erection of a 1.2 metre timber fence on the northern boundary;
- an addition to the western elevation which will comprise of a living room and sitting room;
- an outdoor living area and verandah on the southern elevation; and
- a new glass pool fencing to enclose the existing pool.

The application was approved by DA18/0600 on 4 April 2020. This application seeks to modify the consent pursuant to S4.55 (1A) to retain the existing bathroom, reconfigure the internal proposed ground floor alterations, internal alterations to the existing first floor layout, replacement of three external windows within the existing first floor addition and replacement of the external cladding to the existing first floor addition.

### The Site and Locality

The subject site is legally known as Lot 1 DP1237931 located at 18 Freer Street, Wagga Wagga. The subject site is within the Heritage Conservation Area, on the southern side of Freer Street, approximately 90 metres from the intersection of Freer and Simmons Streets. The site is rectangular in shape and has an area of 966.30m<sup>2</sup>. The site currently contains a single storey Federation period house. The house is in rendered masonry with a hipped and gabled corrugated metal roof with a wraparound verandah with a skillion corrugated metal roof supported by timber posts. The dwelling has a later two storey addition to the rear. The existing dwelling fabric is considered contributory to the Heritage Conservation Area.

The surrounding locality is characterised by single storey dwellings from the interwar period of a similar size and scale to the subject site. The existing streetscape is contributory to the conservation area.

### Easements and Covenants

The subject site contains a sewer line that runs through the eastern portion of the site. The proposed development is clear of Council infrastructure and will not have an adverse impact on the existing infrastructure.

### Previous Development Consents

- DA269/88 for renovations and additions to residence and dual occupancy addition; and
- DA15/0602 for Use of Existing Addition to Garage

## MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55

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

**Section 4.55 (1A) Modifications involving minimal environmental impact****(a) *it is satisfied that the proposed modification is of minimal environmental impact.***

The modification seeks to modify the original consent to retain the existing bathroom, reconfigure the internal alterations, alterations to the first floor, replacement of three external windows and replacement of the external cladding on the first floor. As such the proposed development is considered to be of minimal environmental impact.

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

The modification is minor in nature and does not include any new elements except for the first floor cladding and window alterations as discussed below in LEP 5.10. The modification proposes alterations in the design of what was previously approved. As such the proposed development is substantially the same development.

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

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

The proposed modification was notified for a period of 7 days from 19 to 26 May 2020.

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

No submissions were received during the notification period.

**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**

All previous comments made in relation to the LEP under the previous assessment remain valid. The proposed development does seek to replace the existing exterior cladding on the first floor to reflect this an assessment against 5.10 is contained below:

**Part 5 Miscellaneous provisions****5.10 Heritage Conservation**

The subject site is within the Heritage Conservation Area, under Clause 5.10 (2) (iii) works within a Heritage Conservation Area requires development consent. The subject site contributes to the heritage significance of the surrounding area as it is of a similar age, scale and style that characterises the residential precinct within a Heritage Conservation Area. The modification proposes replacement of windows and the external cladding on the first floor. The first floor addition is a later addition to the dwelling and is setback from the characteristic elements of the building. The windows are of a smaller size than the existing windows and are located on the southern and western elevations away from the street. Cladding is considered an acceptable treatment to new additions and is required to reflect the alteration

to the window sizes. As such the works are not considered to have a detrimental impact on the heritage significance (than what was previously accepted on determination of the second storey) of the Heritage Conservation Area.

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

All previous comments made in relation to SEPPs under the previous assessment remain valid. No further assessment is required.

### **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 Planning Policy No. 55 - Remediation of Land has recently been subject to public consultation and is currently under review. In addition the Contaminated Land Planning Guidelines are also under review. The proposed changes to the SEPP will have no bearing on the previous assessment made under SEPP55.

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

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

The modification is of a minor nature and thus it is considered that all comments in the original section 4.15 report for DA18/600 remain valid with regards to this application. An assessment against 3.3.2 and 9.2.2 is contained below to reflect the alterations proposed by the modification.

#### **3.3.2 Residential Precinct**

##### **Alterations and Additions and Infill Development**

The proposed modification seeks to retain the existing bathroom, reconfigure the internal alterations, alterations to the first floor, replacement of three external windows and replacement of the external cladding on the first floor. This section does not contain any controls in regards to internal alterations however the proposed external alterations including the replacement of windows and cladding will be assessed.

The proposed modification seeks approval to replace the external windows on the southern and western elevations. The windows are a smaller size than the existing windows and will be constructed of aluminium. The use of aluminium is generally not supported on elevations facing the street however considering the subject windows are located away from the street the use of aluminium is considered acceptable and is not considered to have a detrimental impact on the heritage significance of the site or the surrounding locality. The modification also proposes the recladding of the first floor, the cladding is required to accommodate the alteration in the size of the windows. Cladding is considered acceptable for new additions and allows for differentiation between the existing and new work. The first floor addition is setback considerably from the original dwelling and as such the use of cladding is considered an acceptable inclusion within the heritage conservation area.

#### **9.2.2 Streetscape**

The proposed modification includes cladding on the northern elevation facing Freer Street. As discussed above cladding is generally accepted on new additions and will be located as not to dominant the original form of the dwelling visible from Freer Street. As such the proposed modification is considered to be compatible with the existing built form and will continue the predominant scale, rhythm of the street.

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

No planning agreements have been entered into under section 7.4, or any draft planning

agreements that a developer has offered to enter into under 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**

The proposed modification is such that the development will generally remain consistent with the assessment of the original application.

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

The site is within an established residential area being developed for a residential purpose. As such the site is suitable for the proposed development.

**Section 4.15 (1)(d) - any submissions made in accordance with the Act or the regulation** None

**Referrals** - No new referrals were required given the nature of the modification.

**Notification** - In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the Wagga Wagga Development Control Plan 2010, the application was notified for 7 days from 19 to 26 May 2020. No submissions were received.

**Advertising** - In accordance with the Council's advertising and notification provisions outlined in Section 1.10 of the Wagga Wagga Development Control Plan 2010 the application did not require advertising.

**Public Submissions and those from public authorities**  
Nil.

**Section 4.15 (1)(e) - the public interest**

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.

**Developer Contributions Plans**

Developer Contributions - Section 7.11/7.12 of the Environmental planning and Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Developer contributions remain the same as determined in the original application. This modification does not affect development contributions.

**REFERRALS:**

Nil

**Other Approvals**

Nil

**CONCLUSION:**

An assessment of the application has resulted in this application being supported based on the minor nature of the modification being substantially the same development and not resulting in any unacceptable impacts.

## RECOMMENDATION

It is recommended that application number DA18/0600.01 for Alteration & additions to the dwelling be approved, subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO.

- 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
	Cover Letter	Icono Building Design Pty Ltd		8.05.2020
	Statement of Environmental Effects and Statement of Heritage Impact	Icono Building Design Pty Ltd	C	7.05.2020
A01	Proposed Alterations and Additions	Icono Building Design Pty Ltd	4	8.05.2020
A02	Site and Site Analysis Plan	Icono Building Design Pty Ltd	5	8.05.2020
A03	Demolition Plan	Icono Building Design Pty Ltd	3	8.05.2020
A04	Ground Floor Plan	Icono Building Design Pty Ltd	6	8.05.2020
A05	First Floor Plan	Icono Building Design Pty Ltd	5	8.05.2020
A06	Elevations - Sheet 1	Icono Building Design Pty Ltd	4	8.05.2020
A07	Elevations - Sheet 2	Icono Building Design Pty Ltd	4	8.05.2020
A08	Section	Icono Building Design Pty Ltd	5	8.05.2020
A09	BASIX Commitments	Icono Building Design Pty Ltd	4	8.05.2020
A333461_03	BASIX Certificate	Icono Building Design Pty Ltd		7.05.2020

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.



REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

### **Prior to release of Construction Certificate**

2. **Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-**

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

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

**NOTE 1:** Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

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

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

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

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

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

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

3. Pursuant to s7.12 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, a levy in the amount of \$820 must be paid to Council prior to the issuing of the Construction Certificate. This amount is to be adjusted in accordance with clause 25J( 4) of the *Environmental Planning and Assessment Regulation 2000* and clause 11 of the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*. A copy of the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

**NOTE 1:** Clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006 provides for Section 94 contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

**NOTE 2:** The figures outlined in this consent are based on the applicable rate of CPI at the time of consent .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.

REASON: Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*, authorises the imposition of this condition in relation to the development the subject of this consent.

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/100.5) required to be paid is NIL
- NOTE 6:** The Section 64 Stormwater base figure is \$266.67
- The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is \$343.72
- 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.

**REASON:** It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

### Prior to Commencement of Works

- 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.

REASON: To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6. A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

**NOTE 1:** No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

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

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

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 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.**

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 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.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 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.**

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

- 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.

REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

**11. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:**

- a) in the case of work done by a licensee under the Act:
  - i) has been informed in writing of the licensee's name and contractor license number, and
  - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- b) in the case of work to be done by any other person:
  - i) has been informed in writing of the person's name and owner-builder permit number, or
  - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

**NOTE:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

**12. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours

- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

**NOTE:** This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### During works

14. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.

COLUMN 1	COLUMN 2
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.

Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

**NOTE 1:** A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

**NOTE 2:** The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

**NOTE 3:** Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

**REASON:** It is in the public interest that critical stage inspections be issued for these components of the development in accordance with Section 162A of the *Environmental Planning and Assessment Regulations 2000* as amended.

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

**REASON:** It is in the public interest that a copy of the Construction Certificate plans are available, and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 16. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.**

**Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.**

**REASON:** It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.



**17. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
  - i) The method of protection
  - ii) The date of installation of the system
  - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
  - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**18. 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.

REASON: It is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 4.15(1)(a) & (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 19. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 20. 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.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.**

REASON: To ensure that building and development works do not have adverse impact on the amenity of the area. Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 22. The extension must be constructed with the following materials and profiles:**
- Render must match the existing building;
  - Eaves/gutters must be of ogee/quad profile to match existing;

- Ridge and hip cappings must be roll top;
- Downpipes must be circular.

**NOTE 1:** This subject site is located within the Heritage Conservation Area, and as such, any external works, particularly those that may be viewed from the road frontage which affect the streetscape, require the submission of a Development Application to Council for consideration.

**NOTE 2:** Council's Heritage Advisor is available for further consultation in regards to any future alterations or renovations to the premises (including any alterations to the exterior of the building e.g. exterior colour schemes and fence modifications).

**NOTE 3:** Council provides a Local Heritage Fund for provision of small grants to encourage and assist owners of heritage listed buildings and buildings in the Heritage Conservation Area to achieve a positive contribution to the streetscape. Should you wish to make application for assistance for part of the works in the development proposal, the application for funding assistance must be approved prior to works commencing on that aspect of the work e.g. replacement fence, or colour scheme.

**REASON:** To ensure a positive impact on the streetscape and the character of the conservation area. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 23. 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.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Internal Sewer Drainage</b>	<b>When all internal plumbing and drainage work is installed and prior to concealment.</b>
<b>External Sewer Drainage</b>	<b>When all external plumbing and drainage work is installed and prior to concealment.</b>
<b>Stormwater Drainage</b>	<b>When all external stormwater drainage work is installed and prior to concealment.</b>
<b>Stack Work</b>	<b>When all work is installed and prior to concealment.</b>
<b>Final</b>	<b>Prior to occupation of the building or structure.</b>

**REASON:** It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2015 and Plumbing Code of Australia.

- 24. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

**25. All work is to comply with the Building Code of Australia, the Swimming Pools Act 1992 and the Swimming Pools Regulations. In this regard the following minimum requirements will apply:**

- a) a minimum 1.2 metre high child resistant barrier is to be provided to enclose the swimming pool,
- b) gate/s leading into the pool area is to be fitted with an outward opening, self closing and latching gate,
- c) pool latches are to be located 1.5 metres high above the ground level,
- d) a resuscitation poster is to be affixed within the pool area,
- e) Window openings are to be restricted to comply
- f) The swimming pool is to be fenced during construction works in accordance with the requirements of the Regulations.

**NOTE:** Prior to the issue of an occupation certificate, the owner of the property shall supply Council with documentary evidence that the completed swimming pool has been registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) as required by the amended Swimming Pool Act.

REASON: It is in the public interest that the provisions of the Building Code of Australia and the Swimming Pool Act 1992 be complied with. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**Prior to release of Occupation Certificate / Prior to Operation**

**26. An Occupation Certificate, must be obtained pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

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

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

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

28. **Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

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

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. **The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: To ensure the development complies with the requirements imposed under Clause 97A of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### General

30. **Any earthworks (including any structural support or other related structure for the purposes of the development):**
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and**

- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) retained material must have a gradient of at least 5%, and
- (d) must be constructed in accordance with the approved plans for such work(s).

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

31. **No part of the development, including cut, fill, or footings is to encroach the easement. Footings will need to address the angle of influence taking into account the depth of existing sewer and stormwater mains in the easement.**

REASON: To ensure the integrity of infrastructure within the easement is retained. Section 4.15(1) (c ) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

32. (1) **For the purposes of Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) **The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17 (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

<p><b>Report Prepared by:</b></p>  <p>Emma Molloy Town Planner</p> <p>Date: 16.06.2020</p>	<p><b>Report Approved by:</b></p>  <p>Cameron Collins Development Assessment Coordinator</p> <p>Date: 16/6/2020</p>
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