



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA20/0204
Modification No.:	N/A
Council File No.:	D/2020/0204
Date of Lodgement:	13/05/2020
Applicant:	MAF McLaughlin 11 Bimbeen St TURVEY PARK NSW 2650
Proposal:	Alterations and additions to existing dwelling, and garage within the Heritage Conservation Area
Description of Modification:	N/A
Development Cost:	\$300000
Assessment Officer:	Emma Molloy
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 29 May to 5 June 2020.
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the eastern side of Bimbeen Street, approximately 20 metres from the intersection of Bimbeen and Coleman Streets.

SITE DETAILS

Subject Land:	11 Bimbeen St TURVEY PARK NSW 2650 Lot 22 DP 12289
Owner:	MJ McLaughlin & MAF McLaughlin

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Description of Development

The applicant seeks consent for alterations and additions to the existing dwelling within the Heritage Conservation Area. The proposed development will comprise of the following elements:

- Demolition of the existing rear skillion and rear portion of the building;
- Demolition of the existing garage and carport;
- Erection of a single storey extension to the rear to accommodate a master bedroom with ensuite and walk-in robe, a study, an open plan living, dining and kitchen area and alfresco area; and
- the erection of a double garage.

The Site and Locality

The subject site is legally known as Lot 22 DP12289 located at 11 Bimbeen street, Turvey Park. The subject site is within the Heritage Conservation Area, on the eastern side of Bimbeen Street, approximately 20 metres from the intersection of Bimbeen and Coleman Streets. The site is rectangular in shape and has an area of 619.70m². The site currently contains a timber clad interwar bungalow with a small front verandah, the verandah looks to be a later addition. The existing dwelling 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 is not benefitted or encumbered by any easements.

Previous Development Consents

- BA738/73 - Carport; and
- BA257/56 - Garage.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the R1 General Residential Zone.

The development is permissible with consent.

Part 2 Permitted or prohibited development Land Use

1 Objectives of zone

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

The proposed development seeks consent for alterations and additions of an existing dwelling. As such the proposed development fulfils the objectives of the zone by providing for the day to day needs of the current residents.

2.7 Demolition Requires Development Consent

The proposed development includes the demolition of the existing rear skillion and rear portion of the building, and the existing garage and carport. By submitting this application this clause is satisfied.

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 works consist of alterations and additions to the existing dwelling. The works include internal alterations to accommodate a rear extension to comprise of a master bedroom with ensuite and walk-in robe, a study, an open plan living, dining and kitchen area and alfresco area. The proposed works have been designed to be sympathetic to the built form and scale of the dwelling with the original features of the building being retained. As such the works are not considered to have a detrimental impact on the heritage significance of the Heritage Conservation Area.

Part 7 Additional Local Provisions

7.1A Earthworks

The objectives of this clause are to ensure that earthworks for which consent is required will not have a detrimental impact on environmental functions and processes and to allow earthworks of a minor nature without requiring separate development consent. Minor earthworks are expected as part of construction. The earthworks are not considered to have a detrimental impact on the subject site or adjoining land.

Additionally, conditions of consent will be imposed to ensure that adequate measures are put in place during construction to ensure that the proposed development will not have an adverse impact on the subject site or adjoining allotments.

7.2 Flooding

The subject site is mapped as prone to overland flow in a 1% storm event in the western portion of the site. The proposed additions will follow the existing floor level and as such will result in being 1 metre above ground level. The proposed garage replaces an existing structure on site and whilst may cause some displacement of water during a 1% event the

impact is considered acceptable. Therefore, no concerns are raised and the proposed development is not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site.

7.6 Groundwater Vulnerability

The objective of this clause is to protect and preserve groundwater sources. The subject site is identified as "Groundwater" on the Water Resource Map. However the proposed development is not specified for the purposes of this clause as such no further assessment is required.

State Environmental Planning Policies (SEPPs)

State Planning Policy No. 55 - Remediation of Land

Clause 7 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site was subdivided for residential use in 1924 and is not identified on Council's contaminated land register. As such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

State Environmental Policy (Building Sustainability Index; BASIX) 2004

A compliant BASIX Certificate (Certificate number: A377177) was submitted with the application.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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

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

Wagga Wagga Development Control Plan 2010

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

Section 1 - General

1.10 Notification of a Development Application

Surrounding landowners were notified in accordance with Council policy for a period of 7 days from 29 May to 5 June 2020. No submissions were received.

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The proposed development includes a variation to Section 3.3.2 Garages and Carports C4 in regards to the maximum size of garages. The variation will be assessed in the relevant section of this report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle Access and Movements

Existing vehicular access is provided from Bimbeen Street. The proposed development does not seek to alter the existing access which is considered acceptable and generally complies

with the controls and objectives within this section.

2.2 Off-street Parking

Off-street parking will be provided within a garage in the rear yard which is considered acceptable and satisfies the objectives and controls within this section.

2.3 Landscaping

The proposal does include some removal of existing landscaping within the rear yard to accommodate the proposed extension. Vegetation is below 8 metres in height and therefore does not require consent for its removal.

2.5 Safety and Security

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

2.6 Erosion and Sediment Control Principles

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

Section 3 - Heritage Conservation

3.3.2 Residential Precinct

Alterations and Additions and Infill Development

The proposal involves alterations and additions to the existing dwelling which includes both internal and external works. Works include:

- Demolition of the existing rear skillion and rear portion of the building;
- Demolition of the existing garage and carport;
- Erection of a single storey extension to the rear to accommodate a master bedroom with ensuite and walk-in robe, a study, an open plan living, dining and kitchen area and alfresco area; and
- the erection of a double garage.

The proposed development is largely to the rear of the existing dwelling and as such characteristic features of the dwelling will be maintained in accordance with controls. The development complements and is subservient in scale to the original dwelling and is below the main ridge height of the original dwelling. Whilst the open plan living and the extension to the rear use modern features with a considerable amount of glazing the addition is not considered to be out of character with the existing dwelling and will maximise solar access. The proposed alfresco area will continue the same roof line as the addition. The proposed development is considered to be an acceptable inclusion within the heritage conservation area and will not have an adverse impact on the heritage significance of the existing dwelling or the surrounding locality.

Garages and Carports

The proposal also makes provision for a double garage within the rear yard. The garage will be clad to match the extension and is subservient in scale to the dwelling. C4 requires double garages to be a maximum of 6 metres wide and 7.5 metres long with the walls 2.4 metres high and a 27 degree pitch rising to an apex of 3.9 metres high. The proposed garage is 7 metres long and 7.5 metres wide with a wall height of 2.4 metres rising to an apex of 3.8 metres. As such a variation is sought. Written justification was provided by the applicant at the time of lodgement. The justification stated that:

“As the garage is 7X7.5m at 25 degree roof pitch no the 6mx7.5m at 27 degree roof pitch,

This making it at the approximately same height of 3900mm. Making it have little to no impact on surrounding neighbours”.

The proposed garage replaces an existing much larger structure, the variation will allow for the garage to be more practical in terms of useability of the rear yard and the overall site. In addition, given the location within the rear yard with adequate setbacks the garage is unlikely to have an adverse impact on the surrounding dwellings. In addition, the proposed garage is generally compliant with the other relevant controls within the DCP and no submissions were received during the notification period. As such the variation can be supported.

Section 4 - Environmental Hazards and Management

4.2 Flooding

The subject site is mapped as prone to overland flow in a 1% storm event in the western portion of the site. The proposed additions will follow the existing floor level and as such will result in being 1 metre above ground level. The proposed garage replaces an existing structure on site and whilst may cause some displacement of water during a 1% event the impact is considered acceptable. Therefore, no concerns are raised and the proposed development is not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site.

Section 5 - Natural Resource and Landscape Management

5.4 Environmentally Sensitive Land

The subject site has been identified Environmental sensitivities have been previously assessed in Section 7.6 of this report.

Section 9 - Residential Development

9.2.1 Site Layout

The addition of the proposed development makes good use of the site. The proposed additions are compatible with the existing built form and will provide additional living space within the dwelling. Cross ventilation will be achieved through the location of windows and doors. As such the proposed development is considered to comply with the objectives and controls within this section.

9.2.2 Streetscape

The proposed development provides an attractive frontage that is consistent with surrounding built form. The proposed development is within the rear of the site and as such no concerns are raised in regards to streetscape.

9.3.2 Site Cover

The maximum site cover for a site between 600m² and 900m² is 50%. The proposed development will result in a site cover of 33.75%. As such the proposal complies with the controls within this section.

9.3.4 Solar Access

The living and kitchen areas for the proposed development have been orientated towards the north thus an acceptable amount of solar access will be achieved. Given the orientation of the site and the nature of the works the proposed development will not result in any additional impact to the solar access of the adjoining dwellings or private open space.

9.3.5 Private Open Space

An adequate amount of private open space is provided with direct access from the open plan living, dining and kitchen. No concerns are raised in regards to privacy of private open space

as the alfresco area is screened by the master bedroom on the southern side of the building and on the northern side it is screened by an existing tree on the neighbouring lot and it is located 5 metres from the boundary as to provide an acceptable amount of separation. As such the proposed development is considered to comply with the objectives and controls within this section.

9.3.7 Side and Rear Setbacks

The proposed development retains the existing side setbacks and whilst the rear shed is be constructed closer to the southern boundary, adequate separation has been provided for privacy, natural light and ventilation. The proposed development is considered to comply with the objectives of this section.

9.4.1 Building Elements

The proposed development provides quality built form and uses a rear alfresco area to link external and internal living areas. An existing front porch creates a sheltered and clearly visible entry. Ancillary components will be located as to not be visible from the street.

9.4.2 Materials and Finishes

The proposed development uses materials that are reflective of the existing dwelling. Unbroken expanses of any single material have been avoided through articulation in the built form and through the use of contrasting materials including cladding and brick. The proposal does not include an expansive use of reflective materials and as such the proposal is considered to comply with the objectives and controls within this section.

9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. Privacy concerns have not been raised as the dwelling is screened by the existing boundary fence and proposed windows have been offset from the neighbouring dwelling to the south and an acceptable amount of separation has been provided from the adjoining dwelling to the north in accordance with the objectives within this section.

9.4.4 Garages, Carports, Sheds and Driveways

The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area. The proposed garage is the only outbuilding to be constructed on the site. The garage is 29.8m² which is 4.8% of the subject site. C6 specifies the total height of an outbuilding to be no more than 4.8 metres. The proposed garage is a total height of 4.3 metres. As such the proposed garage is considered an acceptable inclusion within the locality which complies with the objectives and controls within this section

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

No planning agreements have been entered into under section 7.4.

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

Matters prescribed by the regulations have been satisfied.

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

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development retains the significant features and is subservient in scale from the original dwelling. The works are largely within the rear of the site and as such are considered to be acceptable within the sites context. The proposed

				development is an acceptable inclusion within the Heritage Conservation Area.
Streetscape	x			The works are to the rear of the existing dwelling and as such are not considered to have an adverse impact on the streetscape.
Traffic, access and parking	x			Vehicular access is provided from Bimbeen Street. The proposed development does not seek to alter the existing arrangement and proposes a new garage which is considered acceptable.
Public Domain	x			No adverse impacts identified.
Utilities	x			All services are connected and available to the site.
Heritage	x			The ridgeline of the proposed development is below that of the original dwelling. Significant architectural features will be retained. As such the works are not considered to have an adverse impact on the heritage significance of the subject site or the surrounding locality.
Other land resources	x			None identified.
Water Quality & Stormwater	x			The proposed development will be connected to the existing stormwater infrastructure.
Soils, soil erosion	x			Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments.
Air and microclimate	x			Dust is expected during demolition. A condition of consent will be imposed to require demolition to be carried out in accordance with the Australian Standard.
Flora and Fauna	x			Some vegetation will be removed as part of the proposed development. The vegetation is below 8 metres in height and therefore does not require approval for its removal.
Waste	x			Conditions of consent will be imposed to ensure waste is disposed of in an appropriate manner.
Energy	x			A compliant BASIX Certificate (A377177) was lodged with the application.
Noise & vibration	x			Noise is expected as part of the construction of the proposed development conditions of consent will be imposed to require works to be undertaken within acceptable hours.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area map	x			The subject site is not identified as bushfire or flood prone. However, the subject site is identified as prone to overland flow in a 1% rain event. As previously discussed the alterations and additions will be constructed to the existing floor level which will result in the development being 1 metre above natural ground. In addition the garage may cause some amount of displacement of water this is considered reasonable given the nature of the development.
Technological Hazards	x			Given the works include demolition there is a risk of coming into contact with asbestos. A condition of consent will be imposed to ensure that if any asbestos is found that it be handled and disposed of appropriately.
Safety, security and crime prevention	x			No adverse impacts have been identified.

Social impact in locality	x			The proposed development will allow the dwelling to be updated and maintained.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and related industries.
Site design and internal design	x			The proposed development makes good use of the site and addresses the sites constraints and opportunities. As such the development is considered to be an acceptable inclusion within the locality.
Overlooking - overshadowing	x			Given the orientation of the site and location of surrounding dwellings no concerns are raised in regards to overshadowing. No concerns are raised in regards to overlooking. Windows have been offset with the neighbouring dwelling to the south and the proposed development is separated by the driveway from the dwelling to the north. In addition there is a large tree within the lot to the north that will provide screening.
Landscaping	x			No adverse impacts have been identified.
Construction	x			To comply with the BCA.
Private open space	x			he proposed development provides adequate private open space.
Cumulative Impacts	x			None identified.
Disabled access			x	Not applicable.
Signage			x	Not applicable.
Setbacks, Building Envelopes	x			The proposed development provides appropriate setbacks.

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 have been considered. 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

Matters relating to flooding have been previously assessed in regards to the WWLEP 2010 and WWDCP2010 within this report. The above assessment supports the application.

Bush Fire Risk Assessment

The subject site is not identified as prone to bushfire therefore no further assessment is required.

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 will not result in any anticipated irreversible environmental damage, the proposal utilises an existing urban site for redevelopment and therefore is not considered to impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly the principles of ESD are considered to have been followed.

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

The subject land located at 11 Bimbeen Street, Turvey Park is considered to be suitable for the proposed development because it is residentially zoned land being developed for a residential purpose and is generally in accordance with the WWLEP2010 and WWDCP2010.

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

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

Notification - Adjoining landowners were notified in accordance with Council policy for a period of 7 days from 29 May to 5 June 2020. No submissions were received.

Advertising - The proposed development was not required to be advertised.

Public Submissions and those from public authorities

Nil submissions have been received at the time of this report.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the

Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Other Legislative Requirements

Section 1.7 of the Environmental Planning and Assessment Act 1979 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.

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

Section 7.12 of the EPA Act, 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution of \$3,000 applies and will be put towards the provision high quality and diverse public facilities to meet the expectations of the residents of the city.

Calculations

1% of estimated cost

1% of \$300,000 = **\$3,000**

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure. A Section 64 sewer contribution is not payable as the proposed development will not place an increased demand on the sewer infrastructure. However, stormwater contributions will be charged as the proposed development includes additional hardstand.

Calculations

Additional hardstand 85.72m²

Developer Charge for Urban West of Willans Hill \$3007

$DC = 85.72\text{m}^2 / 800\text{m}^2 \times 1/0.74 \times 3007 = \435.40

With CPI

$435.40 \times 117.1/87.9 = \textbf{\$580.04}$

Referrals:

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

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

Subdivision Engineer: Yes, no concerns raised. Standard conditions imposed.

Environmental Officer: N/A

Parks & Recreation Officer: N/A

Other Approvals:

Nil

Conclusion:

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

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

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

RECOMMENDATION

It is recommended that application number DA20/0204 for Alterations and additions to existing dwelling, and garage within the Heritage Conservation Area 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	Jones Designs		12.05.2020
A377177	BASIX Certificate	Jones Designs		12.05.2020
10188 1 of 6	Site Plan	Jones Designs	1	12.05.2020
10188 2 of 6	Existing Floor Plan	Jones Designs	1	12.05.2020
10188 3 of 6	Floor Plan	Jones Designs	1	12.05.2020
10188 4 of 6	Proposed Elevation	Jones Designs	1	12.05.2020
10188 5 of 6	Section & BASIX	Jones Designs	1	12.05.2020
10188 6 of 6	Shed	Jones Designs	1	12.05.2020

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.

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: 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

- 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 \$3,000 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 117.1/100.5) required to be paid is NIL

NOTE 6: The Section 64 Stormwater base figure is \$435.40

The Section 64 Stormwater contribution (updated by the 117.1/87.9) required to be paid is \$580.04

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.

- C.5 Prior to the issue of a construction certificate, a boundary survey must be undertaken by a Registered Surveyor and provided to the Registered Certifier, which verifies that the setback of the southernmost extent of the proposed development is a minimum distance of 900mm from the side (southern) boundary of the allotment.

Requirements before the commencement of any works

- C.6 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.7 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.8 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.9 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.10 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.11 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.12 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.13 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.14 Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.
- C.15 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.16 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.17 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.18 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.19 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.20 All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.

- C.21 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.22 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.23 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.24 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).

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

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

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

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A

Report Prepared by:



Emma Molloy
Town Planner

Date: 30.07.2020

Report Approved by:



Amanda Gray
Senior Town Planner

Date: 30.7.2020