



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA20/0115
Modification No.:	N/A
Council File No.:	D/2020/0115
Date of Lodgement:	05/03/2020
Applicant:	Heffernan Building & Construction Pty Limited 6 Kapooka Rd SAN ISIDORE NSW 2650 Eugene Heffernan
Proposal:	Awning Posts to Existing Awning and Replacement of Cladding
Description of Modification:	N/A
Development Cost:	\$30000
Assessment Officer:	Steven Cook
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	11/6/20-18/6/20
Advertising:	NA
Owner's Consent Provided:	5/3/20
Location:	Road Reserve, adjacent to Lots 1 & 2 DP 200148, 248 and 250 Baylis Street, Wagga Wagga, approximately 20m south of the Baylis Street-Morrow Street intersection.

SITE DETAILS

Subject Land:	248 - 250 Baylis St WAGGA WAGGA NSW 2650 Lot 1 DP 200148, Lot 2 DP 200148
Owner:	SJJ Fletcher

REPORT

DESCRIPTION OF DEVELOPMENT

The proposal is for the rectification/modification of the shopfront awning within the road reserve adjacent to two premises at 248 & 250 Baylis Street. Works proposed include the provision of three awning posts, the removal of all guy cables from above the awning, removal of the asbestos ceiling from the awning, removal of electrical cabling in the awning and rectification of the existing box gutter and provision of drip drainage (rather than installation of rainhead and downpipes to Baylis Street)

THE SITE & LOCALITY

The site is the Baylis Street Road Reserve, adjacent to Lots 1 & 2 DP 200148, 248 and 250 Baylis Street, Wagga Wagga, approximately 20m south of the Baylis Street-Morrow Street intersection. The road reserve includes the carriageway of Baylis Street, the tiled footpath, as well as street trees, garden beds, and street furniture such as benches. In the immediate vicinity of the proposed works is a bench seat, a garden bed containing a hedge, a plaque embedded within the footpath, a light pole and a number of underground services.

The adjacent lots contain two buildings, built to a zero setback, and it is to these building that the awning is attached. The buildings are commercial premises, and are presently occupied by a florist and a barber.

The broader locality is the Wagga Wagga Central Business District, and contains a mix of retail, business and offices premises, as well as public administration buildings.

SUMMARY OF MAIN ISSUES

Disposal of stormwater

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the site is zoned B3 Commercial Core. The proposed development is for alterations and additions to an existing 'commercial premises'. Commercial premises are permitted with consent in the B3 zone. The objectives of the B3 zone are as follows:

The objectives of the B3 zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure the maintenance and improvement of the historic, architectural and aesthetic character of the commercial core area.*

The proposal ensures the maintenance and improvement of the architectural and aesthetic character of the commercial core area. Awnings are an important feature of Baylis Street, and the proposed works are to maintain and upgrade such a building feature.

Clause 4.3 of the WWLEP 2010 applies to the land which sets a maximum building height for the land. In the case of this land the maximum building height permitted is 25 metres. The proposed alterations will not alter the building height which currently comfortably complies with this control.

Clause 4.4 also applies, which specifies a maximum floor space ratio for the land, which is 4:1. The proposed alterations will not alter the existing FSR.

The land is subject to flooding in a 1 in 100 year flood event and thus clause 7.2 applies. This clause states:

3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is within the area protected by the main city levee and thus is only impacted upon by very large flood events. The community has accepted the risk associated with continuing development of the CBD in the face of this flood risk due to the substantial economic impacts that would result should development be halted or curtailed. The city levee is currently being upgraded to provide protection against floods up to the 1 in 100 year flood level, plus 500mm freeboard.

Notwithstanding, it is considered that the proposed development is compatible with the flood hazard of the land, will not significantly affect flood behaviour, incorporates appropriate measures to manage flood risk, will not cause erosion etc, and will not result in unsustainable social and economic costs to the community as a result of flooding. This is concluded because the development is for works to an awning on an existing premises on the flood plain in a well-developed area. The building footprint

will not increase and the use is not for residential/permanent occupation (i.e. it would be easily evacuated in times of flood).

Clause 7.6 applies to land identified as "Groundwater" on the Water Resources Map of the WWLEP 2010, as the subject site is. There are no relevant controls, however, within Clause 7.6 that apply to development of this type.

Clause 7.9 - Primacy of Zone B3 Commercial Core applies to all development and requires that:

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of Wagga Wagga.

The proposed development is for alterations to a premise in the Wagga Wagga Central Business District and therefore will help support the primacy of this area.

Clause 7.11 of the WWLEP 2010 applies to development that will penetrate the Obstacle Limitation Surface for the Wagga Wagga Airport. The land is within the OLS area, but the proposed building is not expected to penetrate the OLS (the OLS being approximately 182m above ground level at the development site) and thus Clause 7.11 does not apply.

There are no other provisions of the WWLEP 2010 relevant to this development.

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of SEPP 55 requires that:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed

investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

With respect to SEPP 55, the site is a road reserve next to a building used for commercial purposes. There is no evidence that the land has been used for a potentially contaminating land use and the site is not identified on Council's potentially contaminated land register.

As such, it has been considered whether the land is contaminated and Council can be satisfied that the site is suitable for the proposed development.

(a)(ii) - The provisions of 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policy - Remediation of Land

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

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

1.10 - Notification of a Development Application

The application was notified to adjoining neighbours from 11th June 2020 to 18th June 2020 in accordance with the provisions of the WWDCP 2010. No submissions were received.

Wagga Wagga Development Control Plan 2010

2.1 Vehicle access and movements

The development is for alterations to the awning of an existing premise. Access to the overall site will remain unaltered and the controls in this section are therefore not relevant.

2.2 Off-street parking

The development is for alterations to the awning of an existing premise. The controls in this section are therefore not relevant.

2.3 Landscaping

This section requires that landscaping be provided to commercial developments. The site is fully developed, and no capacity exists for onsite landscaping. This is consistent with other development in the locality.

The proposed works do involve the placement of an awning post in a garden bed, however, no landscaping will be impacted by this.

2.4 Signage

No new signage is proposed.

2.5 Safety and security

The controls in this section are largely applicable to new buildings and have little relevance to this development.

2.6 Erosion and Sediment Control Principles

It is recommended that standard conditions relating erosion and sediment control be imposed.

4.2 Flooding

This section of the WWDCP 2010 sets out controls for development within the floodplain on a precinct basis. The subject site is within the precinct known as "Wagga Central Business Area (Protected by levee)" and the controls for "low impact commercial" are:

Floor levels:

- Minimum floor height 225mm above ground level within the building footprint
- Consider local drainage and ponding of stormwater within the levee

The development is to existing buildings. The minimum floor level under this section are therefore not applicable.

10.1 City Centre

Central Spine

C1 Permit a nil setback to the street boundary along Baylis and Fitzmaurice Streets.
The adjacent buildings currently have a nil setback and will not be altered.

C2 Maintain a street wall to Baylis and Fitzmaurice Streets up to four storeys in height unless the existing building is a heritage item or streetscape reference building. Above

four storeys in height provide a nominal setback behind the parapet line. Where the building is a heritage listed building the setback control in control C2 applying to the Fitzmaurice Street precinct applies.

The buildings currently have a nil setback and will not be altered.

C3 Development on corner sites should be designed to address the corner, and achieve at least 3 storeys and up to five storeys in height.

The site is not a corner site.

C4 Reinstate the nil setback along Baylis and Fitzmaurice Streets where infill buildings have not been built to the street edge.

The buildings currently have a nil setback and will not be altered.

C5 Design with nil setbacks unless existing adjoining buildings have established an alternate setback pattern, such as along the northern side of Thompson Street.

The buildings currently have a nil setback and will not be altered.

C6 Sites adjoining heritage items or streetscape reference buildings are to be sympathetic in scale and character to the adjoining significant building. Additional design measures may be necessary to ensure an acceptable outcome.

The site does not adjoin any such buildings.

C7 Retain articulated and active shop front windows that continue the traditional rhythm of individual shop fronts where site consolidation is proposed.

The development will retain an active shop front window to the street.

C8 Retain and reinstate (where missing) continuous full width awnings along Baylis and Fitzmaurice Streets. Use traditional awning form. Infill awning type should have its fascia at a level consistent with that of adjacent awnings and should be designed to complement the local streetscape. Avoid peaked, bullnosed or other non-traditional forms.

The height and design of the existing awning remains unaltered, with the only change being the introduction of posts, making the awning post supported rather than cantilevered. The awning is considered acceptable.

C9 Service structures and mechanical equipment to be suitably treated, screened or incorporated within roof design.

No changes to service structures are proposed.

10.7 Awning Controls

C1 Awnings supported by timber or metal posts are to have a corrugated metal roof without bullnose. Awnings are to be a minimum height of 2600mm. Awnings are to be a minimum 2400mm width from the property line extending over the pavement to the edge of the footpath road kerb (providing minimum 600mm clearance for vehicles from pavement edge and should match any adjoining posts).

The awning complies with this control, being 3760mm wide. It is a further 3230mm to the edge of the footpath, which is then further separated from the carriageway by a hedge/street trees. The awning does not have a bullnose.

C2 Cantilevered or suspended awnings are to be a minimum height of 3000mm above footpath and have a minimum width of 2400mm from the building edge.

N/A. Will not be a cantilevered awning.

C3 The height of the fascia shall be minimum 300mm, maximum 450mm.

The height of the fascia is not proposed to be altered and is approximately 400mm.

C4 Roll up canvas blinds are permitted to be suspended from the outer edge of the awning. The blinds shall provide a minimum clearance of 2600mm above the footpath level. Blinds shall not be used for advertising purposes.

No blinds are proposed.

C5 For new buildings proposing the installation of an awning, to avoid additional water flow into street gutters and reduce potential for localised flooding, stormwater is not to drain into the street gutters and shall be plumbed directly into the properties existing storm water system.

The proposed awning is not a new awning. The development proposes drip drainage onto the footpath. The arrangement is not considered acceptable, as it will result in the disposal of stormwater directly onto pedestrian areas, increasing ponding on the footpath, and the potential for wetting pedestrians. It is recommended that a condition of consent be imposed requiring stormwater be plumbed, and drained to the street. As the awning is existing, it is considered that this will not significantly increase stormwater to the street.

C6 For any existing buildings that proposed to install an awning but cannot plumb directly into the existing stormwater system, all downpipes shall be concealed to ensure that gutters cannot be viewed from the street.

See above.

C7 Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure and coloured to suit.

The development complies with this control.

C8 Air conditioners, heaters and similar items should not be mounted on street awnings or the front facades of buildings. Consideration may be given to the mounting of heating/cooling appliances underneath the awning if the height of the appliance can comply with the controls in this sections and public health and safety can be protected.

No such structures are proposed on the awning.

C10 Signage shall be integrated into the awning design and not extend past the edges of any fascia, post or other awning element and be in accordance with the DCP advertising provisions.

No new signage is proposed.

C11 Original verandahs, awnings and shop fronts on heritage items or in the heritage conservation area shall be retained and conserved.

N/A. Site is not a heritage item or in the Heritage Conservation Area.

There are no other provisions of the WWDCP 2010 relevant to this Development Application.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreements have been entered into in relation to the subject land.

(a)(iv) - any matters prescribed by the regulations

It is considered that the matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied. Prescribed conditions should be imposed.

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

Context and setting

The proposed works to the awning are unlikely to result in any significant adverse impacts on the context and setting of the area, including the streetscape of Baylis Street. Post supported awnings, whilst less common in Baylis Street than cantilevered awnings, are a normal and usual component of the streetscape. A post supported awning would not be out of character with the buildings.

The awning will not adversely impact upon any street furniture or landscaping.

Access, transport and traffic

The location of the awning posts are such that they will not unreasonably impact on, or obstruct the pedestrian footpath area of the road reserve. Posts have been located outside the main foot-trafficked area.

Services

Conditions regarding the disposal of stormwater are discussed in part (a)(iii) of this assessment report.

Heritage

There are no items of environmental heritage on the site, nor is the site within a conservation area.

Natural Hazards

The site is subject to flooding, however, the works are to an existing building and will not increase floor area. The site is also protected against all but the largest flood events by a levee.

The site is also impacted by overland flooding, however, this is of a maximum 0.03m in a 100 year flood event, and thus is not considered significant.

Man-Made Hazards

There are no known previous uses that give rise to concerns regarding potential contamination.

Economic Impact in the Locality

The development will have a minor positive economic impact via construction activity associated with the works.

Social Impact in the Locality

The proposed development is unlikely to result in any significant social impacts.

Pollution and off-site environmental effects

The development will unlikely result in any pollution or similar impacts. The site is fully developed, as are surrounding sites.

Flora and fauna

There is no significant flora or fauna known to occur on the site. No vegetation is proposed to be removed as a result of the development.

Noise and Vibration

Standard conditions of consent are recommended to control construction hours. The development is unlikely to result in any ongoing noise or vibration impacts.

Energy Impacts

It is not likely that there will be any significant energy impacts resulting from this development.

Site Design and internal design

Minimal physical works are proposed under this development. Site design is considered acceptable.

Construction

Minimal physical works are proposed under this development. Construction related impacts are unlikely to be significant.

Ecologically Sustainable Development

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

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

The site is considered suitable for the proposed development being an existing premises in a commercial precinct. There are no specific site constraints that would render the site inappropriate. All impacts can be managed through the imposition of suitable conditions.

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

Standard internal referrals only, as well as a referral to Director Commercial Operations.

Notification

In accordance with the provisions of the WWDCP 2010, the application was notified to adjoining land owners from 11th June 2020 to 20th June 2020.

Advertising

In accordance with the provisions of the WWDCP 2010, the application was not required to be advertised.

Public Submissions and those from public authorities

No submissions were received.

(e) - the public interest

The maintenance and restoration of awnings in the main street of Wagga Wagga contributes to the streetscape of Baylis Street, and provides amenities to pedestrians shopping in the CBD on foot. The development is therefore considered to be in the public interest.

Other Legislative Requirements

Section 1.7 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, other than the Harris Road reserve, 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 for the site.

Section 733 of the Local Government Act 1993

Section 733 of the Local Government Act 1993 provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The site is affected by flood but as indicated earlier in the report there are not anticipated to be any adverse impacts resulting from this development.

Bush Fire Risk Assessment

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

Council Policies

POL 050 - Awnings Policy

POL050 - Awnings Policy applies to all land in the Wagga Wagga Local Government Area. The policy requires that awnings comply with AS1170.0, 1170.1 and 1170.2. Compliance with these standards is covered in the BCA assessment and will be assessed under the Construction Certificate.

The Policy also requires that the owners of awnings hold public liability insurance to the value of \$20 million. It is recommended that conditions of consent requiring this are imposed.

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are available on the file.

Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11/7.12

Section 7.11/7.12 of the *Environmental Planning and Assessment 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. In accordance with the Contributions Plan, as the development is not for residential development, and the cost of the development is under \$100,000, no contribution is payable.

Section 64

Section 64 of the *Environmental Planning and Assessment Act 1979*, 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 2006 enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure.

The proposed development will not increase hardstand area and will not have any impact on sewer, and as such, no Section 64 contributions are payable.

Other Approvals

No other approvals have been sought

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that application number DA20/0115 for Awning Posts to Existing Awning and Replacement of Cladding 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/Doc Title	Prepared by	Issue	Date
Statement of Environmental Effects	Eugene Heffernan / Design2 Consulting		Undated
Proposed Rectification Works Sht. 1	Design2 Consulting	D	5/5/20
Proposed Rectification Works Sht. 2	Design2 Consulting	B	22/5/20
Concrete Footing & Roof Beam Details (as amended by Council)	Design2 Consulting	C	7/4/20

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

- C.2 Approval is not granted for the stormwater overflow over the Council footpath in the form of drip drainage. The stormwater and overflow shall be directed to legal point of discharge, being a kerb outlet or service spur.

Requirements before a Construction Certificate can be issued

- C.3 Prior to the issue of a Construction Certificate, awning plans, certified by a practicing Structural Engineer shall be submitted to Council, to the satisfaction of the General Manager or delegate.
- C.4 Prior to the issue of a Construction Certificate, amended plans showing disposal of stormwater in accordance with C.2 shall be submitted to Council, to the satisfaction of the General Manager or delegate.

Requirements before the commencement of any works

- C.5 Public liability insurance is to be taken out and maintained during the period this Consent operates in relation to the activity authorised by this Consent for an amount of \$20,000,000.00 noting the Council's interest as the owner of the public road over which the awning is located. Written evidence of such insurance is to be provided to the Council before any work authorised by this Consent commences and by not later than June 30 in each year during which this Consent operates or at any other time requested by the Council.
- C.6 No work authorised by this Consent may be carried out unless the Council has first approved arrangements to protect pedestrians, cyclists and motorists using the road reserve during the period in which such work will be carried out, being arrangements that do not unduly interfere with the use of the footpath or carriageway.

C.7 If the work involved in the erection or demolition of a building or structure:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

C.8 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.9 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.10 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.11 The existing street trees fronting the property shall be retained and protected from the proposed development. These trees shall not be impacted upon in any way without the consent of Council's Supervisor of Tree Planning and Management.

A Tree Protection Zone (TPZ) shall be constructed for the street tree immediately adjacent to the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

- C.12 A Section 68 Approval must be obtained from Council prior to any stormwater work being carried out on the site.

The stormwater and overflow shall be directed to legal point of discharge, being a kerb outlet or service spur. Overflow over council footpath in the form of drip drainage is not permitted.

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.

- C.13 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

- C.14 No works are to take place to any services without prior written approval from the relevant authority.

NOTE: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

Requirements during construction or site works

- C.15 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council.
- C.16 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.17 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.18 Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.
- C.19 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.20 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.21 All street furniture, landscaping, and plaques shall be protected during works from any damage.
- C.22 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
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.23 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.24 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

General requirements

- C.25 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

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.

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

N/A

E. SCHEDULE E – Prescribed Conditions

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

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

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

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

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

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

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

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

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

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

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

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



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

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

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

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

N/A

Report Prepared & approved by:  Steven Cook Senior Town Planner Date: 5/8/20	Report Reviewed by:  Amanda Gray Senior Town Planner Date: 5.8.2020
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