



# Report of Development Application

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

### APPLICATION DETAILS

Application No.:	DA20/0182
Modification No.:	N/A
Council File No.:	D/2020/0182
Date of Lodgement:	27/04/2020
Applicant:	DJ Favero Suite 8/152 Fitzmaurice St WAGGA WAGGA NSW 2650
Proposal:	Alterations to the upper level of the front elevation to incorporate windows, door and verandah addition with steel column supports to footpath and change of use of ground floor to Business Premises.
Description of Modification:	N/A
Development Cost:	\$35000
Assessment Officer:	Amanda Gray
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal Heritage Advisor
Adjoining Owners Notification:	25 May - 8 June 2020
Advertising:	Not required
Owner's Consent Provided:	yes
Location:	On the western side of Fitzmaurice Street approximately 60 metres to the north of the junction with Kincaid Street

### SITE DETAILS

Subject Land:	154 Fitzmaurice St WAGGA WAGGA NSW 2650 Lot 2 DP 777580
Owner:	DJ Favero

## REPORT

### Description of Development

This application is for the change of use of a ground floor tenancy from medical centre to a business premises and alterations and additions to the front façade of the building.

The alterations consist of a new verandah/awning across the front façade of the building. The structure will provide an awning over the business premises frontage and a covered verandah for the residential premises above. The verandah will project across the Council owned footpath by four metres. Council, as landowner authorised the lodgement of the development application.

Access from the residential premises to the verandah would require the demolition of part of the front façade of the building to reinstate a central doorway and a window opening each side of the door. Two new custom timber framed double hung windows would be installed on the residential façade, along with a custom timber door to fit the reinstated doorway opening which would provide direct access to the verandah from the living room.

The verandah will be steel framed and require three steel columns to be installed in the footpath for support purposes. The colorbond roof will be further supported by decorative columns aligned with those at ground level. There will be a minimum ceiling height of 2.05 metres from the finished floor level of the deck, and a maximum height of approximately 2.8 metres where the roof would meet the building façade. A cast iron railing is proposed around the verandah which extends to approximately 31 sqm in area.

The verandah will effectively provide an awning to the business premises, it will be three metres in height above the existing footpath. Business identification signage is proposed on the fascia of the awning above the business premises. Whilst no specific details of the sign have been provided it is anticipated that business identification signage will be exempt.

The verandah is of an appropriate size and scale to avoid compatibility issues with the existing light post, sewer manhole and service line located within council land, and would result in a 1360 mm setback from the face of the gutter.

### The Site and Locality

The subject site is legally identified as Lot 2 DP777580 and is known as 154 Fitzmaurice Street. The lot is uniform in shape extending to 558sq.m and is located on the western side of Fitzmaurice Street approximately 60 metres to the north of the junction with Kincaid Street.

The premises consist of a two-storey building previously used as a medical centre (Synergy Healthworks) with residential accommodation on the upper floor. The ground floor has recently been in use as a real estate business premises. The front façade of the building includes intact key features, the original verandah has been removed and the first floor door and windows infilled.

The site access is accessed on the southern side via a shared driveway with the adjoining property at 152 Fitzmaurice Street. The driveway leads to a rear parking area that includes a carport and outbuilding.

The surrounding land uses are a mix of commercial premises including a service station, food and drink premises and retail premises.

The site is within the heritage conservation area.

### Easements and Covenants

The land is not subject to any known easements or covenants.

There is a sewer main and manhole within the footpath to the front of the building, the awning will project over these and a build over approval is therefore required. A standard condition of consent has been included.

### Previous Development Consents

DA13/0178 - Change of Use from Office Premises to Medical Centre. Approved 30.5.13.

DA12/0546 - Alterations (Painting) to Existing Building in Conservation Area. Approved 3.1.13.

DA10/0598 - Alterations & Additions & Partial Change of Use to Business Premises. Approved 1.2.11.

## 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 WWLEP 2010 the land is zoned B3 Commercial Core. The objectives of the B3 zone are:

- *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 development is consistent with the objectives of the zone providing business premises to serve the local and wider community with associated employment. The site is within the commercial core and easily accessible via various modes of transport. The proposed works to the front façade of the building are contributory to the streetscape and satisfy the fourth listed objective by improving the historic character of the commercial core.

### Part 2 Permitted or prohibited development Land Use

The use of the ground floor of the premises is defined as **Business Premises** as follows:  
*business premises means a building or place at or on which-*

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis,*

The upper floor of the premises would be defined as **shop top housing** as follows:-  
*one or more dwellings located above ground floor retail premises or business premises.*

Both listed land uses are permitted with consent in the B3 zone.

### Part 3 Exempt & Complying Development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

### Part 4 Principal development standards

#### 4.3 Height of buildings

*The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*

The development site is shown on the Height of Buildings Map as being within an area that permits a maximum building height of sixteen (16) metres. There are no changes proposed to the building that is much lower in height than the permitted maximum height.

#### 4.4 Floor space ratio

*The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map*

The development site is shown on the Floor Space Ratio Map as being within an area that permits a FSR of '2:1'. As there are no changes to the floor area as part of this application the premises remain well within the permitted floor space ratio.

### Part 5 Miscellaneous provisions

#### 5.10 Heritage Conservation

*The objectives of this clause are:*

- (a) *to conserve the environmental heritage of Wagga Wagga*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views*

The proposal is for alterations to an existing property in the conservation area. The external alterations to the front façade will be highly visible in the streetscape and are not out of character with the locality.

*Requirement for consent:*

*Development consent is required for any of the following:*

- (a) *demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior*
- (c) *altering a heritage item that is a building by making structural changes to its interior.*

This proposal includes external alterations and additions to a building in a conservation area and therefore requires consent. The lodgement of this application satisfies this clause.

*Effect on heritage significance*

*The consent authority must before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted.*

Fitzmaurice Street includes a mix of awnings, balcony and verandah designs with not one particular style dominating the streetscape. The upper parts of the front façade will be retained and the significance of the heritage area will not be adversely impacted by the proposed development.

#### *Heritage Assessment*

Certain development requires the preparation of a heritage management document. The heritage impacts associated with the development are well addressed within the Statement of Environmental Effects and no further documents are required.

### **Part 6 Urban Release Areas**

The proposal is not within an Urban Release Area.

### **Part 7 Additional Local Provisions**

#### **7.6 - Groundwater Vulnerability**

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. It is not anticipated that there will be any adverse impacts on groundwater as the use is not identified under this clause as impacting on groundwater sources.

#### **7.9 - Primacy of Zone B3 Commercial Core**

Clause 7.9 states 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 development is within the CBD and therefore satisfies this control.

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

#### **SEPP 55 Remediation of Land**

Clause 7 of SEPP 55 states the following:

*(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.*

The subject site is not listed on Council's potentially contaminated land register and there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The site is considered suitable for the intended use in accordance with the SEPP.

**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**

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

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

**Wagga Wagga Development Control Plan 2010**

The 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**

The application was advertised and notified to adjoining neighbours from 25 May to 8 June 2020 in accordance with the provisions of the DCP. No submissions were received during the notification period.

**Section 2 - Controls that Apply to All Development**

**2.1 Vehicle access and movements**

Access arrangements to and from the site will remain unchanged. Access is via an existing driveway at the side of the building that is shared with the adjoining premises. There are gates across this driveway that are open during operational hours and secured at night.

**2.2 Off-street parking**

The following controls of this section are relevant to this development:

*C6 In the case of redevelopment or change of use within the B3 zone where there is no increase in gross floor area, no additional car parking spaces will be required, except in the following instances:*

- a. Outbuildings are proposed to be used in association with the development, or*
- b. A Traffic Impact Assessment (TIA) is required by Council for the development.*

As the proposal does not increase gross floor area no additional parking is required.

Notwithstanding the above control eight parking spaces are provided on site which is greater than would be required if minimum parking standards were applied. (upper floor residence - 1 space; business premises - 4 spaces based 1/45sq.m and floor area of 140sq.m)

This clause is satisfied.

**2.3 Landscaping**

There is no landscaping proposed or existing at the subject site.



## 2.4 Signage

No signage is included as part of this application. A fascia sign is indicated on the new awning and it is anticipated that this will be exempt development.

## 2.5 Safety and security

The entrance to the building is clearly defined and is located on a busy street allowing for natural surveillance of the premises. The frontage to the street is not blank with windows allowing clear visibility. Lighting from street lights allows for a secure environment around the building. The upper floor residence further enhances security at the site as persons are on site at all times. The ability to close the gates to the driveway when the businesses are closed maintains a safe environment for the residents.

## 2.6 Erosion and Sediment Control Principles

Standard conditions will apply during construction works.

## 2.7 Development adjoining open space

The development does not adjoin open space.

## Section 3 - Heritage Conservation

### 3.3.1 Fitzmaurice commercial precinct

The Fitzmaurice Street commercial precinct comprises the early town centre. While some shopfronts have been altered, most characteristic buildings retain period detailing above awning level. Original verandahs have been removed from some buildings. The objectives applicable to this development are:-

- O1 Retain evidence, including layout, of original shopfronts*
- O2 Encourage reinstatement of traditional features and sympathetic new work*
- O3 Encourage reinstatement of front verandahs and awnings based on historic information (drawings, photographs) and/ or interpretation of period details.*
- O4 Encourage use of traditional colour schemes based on the period of the building.*
- O5 Encourage signs that complement, rather than dominate, the architectural characteristics of the building.*

An old photograph of the building identifies a narrow cantilevered verandah at the front of the building. The reinstatement of a feature such as this is not considered suitable in association with the additional works that are proposed to the front façade and would allow for minimal access or use from the upper floor residential accommodation. The building is fairly isolated within the Fitzmaurice Street streetscape and is not set amongst buildings that present either awnings or verandahs as characteristic features. The proposed verandah is not considered to detract from the existing character of this part of Fitzmaurice Street and allows for the original upper floor openings to be restored. The food and drink premises opposite the site (Thirsty Crow) has a wide awning across the full width of the footpath and will be seen within the context of the proposed new verandah area.

The proposed development is consistent with the listed objectives.

#### Controls

##### Facade treatment

*C1 Retain original elements and features, including features that are above awning level.*

*C2 Where original shopfronts, verandahs or awnings have been altered, the replacement is to be based on historic information and/or the interpretation of period details.*

*C3 Infilling original verandahs is not supported.*

The above awning openings that are currently bricked up will be restored allowing access to the new verandah area. The proposed full width verandah is comparable to many others within the commercial precinct providing for usable space at the upper level without detracting from the original building. The use of steel materials as opposed to timber is acceptable and in keeping with other awnings and columns within this precinct. Whilst timber may have originally been used for such features the applicants seek the use of steel due to the durability and structural integrity it provides. The proposed treatment of the front of the building does not detract from the building and will provide improved amenity to the streetscape and users of the building at both ground and first floor levels.

##### Colour schemes

*C1 Colour schemes are to reflect the period and detail of the building, particularly where a building is identified as a streetscape reference building or contributes to the character of the conservation area.*

The building has previously been painted and there is no change in colour proposed as part of this application. The steel material to be used for the awning and the decorative features on the verandah area will assist in breaking up the appearance of the building. The detached building is within a part of Fitzmaurice Street that includes a variety of uses such as a neighbouring service station and fast food take-away outlet and within this context the works proposed are considered a positive improvement to the streetscape.

## Section 4 - Environmental Hazards and Management

The subject site is not identified as flood prone or bush fire prone.

## Section 5 - Natural Resource and Landscape Management

This issue has been addressed under Clauses 7.6 of the LEP above, given the nature of the works negligible issues are expected.

There are no applicable controls in Chapters 6, 7, or 8.

## Section 9 - Residential Development

There is an existing residential unit on the upper floor of the premises. This would be defined as shop-top housing being residential accommodation above business premises. The following controls are of relevance to this application.

### 9.3.4 Solar Access

*C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.*



The works to the upper floor to create the links to the new verandah will result in improved solar access into the residence as two window openings and a glazed doorway are introduced to the north-eastern elevation of the building. One window will be to a bedroom and the other window and door will be to the living area.

#### 9.3.5 Private Open Space

*C4 For residential flat developments and shop top housing, each unit without direct access to ground level must have a balcony with a minimum area of 8m<sup>2</sup>, and minimum dimension of 2m that is directly accessible from the main living area.*

The new verandah has a depth of 4 metres and an area of approximately 30sq.m easily satisfying this clause.

### Section 10 - Business Development

#### 10.1 City Centre

The building is situated within the Fitzmaurice Street Precinct. The precinct comprises the early town centre and the buildings include a mix from the Victorian, Edwardian and Inter war periods, with some contemporary infill development. The majority of the precinct is within the heritage conservation area and in accordance with Section 3.3.1 of the DCP works should be sympathetic to the heritage significance and characteristic elements of the precinct.

##### Objectives

*O1 Support the ongoing economic viability of the precinct and its development as a distinctive retail, restaurant and cafe area.*

*O2 Support the application of heritage controls for the Fitzmaurice Street Conservation Area, including the conservation of distinctive facades.*

The proposed development allows for the ongoing use of the building for business premises with shop-top housing above contributing to the economic viability of the commercial core. An assessment of the development against the heritage controls is included in this report.

##### Controls

*C1 Comply with the requirements of Section 3.3.1 of the DCP.*

*C2 Maintain the two to three storey street wall to Fitzmaurice Street. Where upper levels are proposed, provide a nominal setback behind the parapet line as shown on Figure 10.1.2.*

The development complies with these controls. There are no changes to the height of the building, the upper floor parapet is maintained and the streetscape is enhanced by the addition of awning and verandah with detailed balustrades.

#### 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, it is 3020mm in height and 4000mm wide, it is a further 1360mm to the edge of the footpath. The awning does not have a bullnose as it includes an

upper floor verandah.

*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 proposed as 500mm and is not consistent with this control. A condition will require that the fascia be reduced on 450mm on the construction plans and this has been agreed to by the applicants.

*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 development proposes to discharge into the existing kerb and gutter on Fitzmaurice Street. The design is acceptable.

*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. The proposal is for a new awning and verandah in the heritage area.

There are no applicable controls in Chapters 11, 12, 13, 14, 15 or 16.

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

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

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

An assessment under Clause 94 of the EPA Regulation has concluded that there is a need for a partial upgrade to the building in the form of smoke alarms & second stairway egress. Based on the scale and size of the development it is considered that some deficiencies such as lack of protection of openings and fire separation requirements can be effectively addressed by provision of adequate early warning and egress arrangement. Conditions of consent are recommended that require the necessary works to be shown on the Construction Certificate plans and completed prior to the issue of any occupation certificate

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

The subject site contains a two storey brick commercial premise with a shop-top residence and associated on-site carparking at the rear. Adjoining land uses are predominantly commercial and include a mix of uses including a service station, fast food premises, hotel, bottle shop and other food and drink premises. The alterations to the building will provide improved amenity to the upper floor level of the premises without detriment to the existing context.

**Streetscape**

The proposed alterations will impact the streetscape as the development introduces both an upper floor verandah and supporting posts within the footpath. Whilst very few premises have posts supporting the upper floor awnings or verandahs in this part of Fitzmaurice Street, within the next block south of Kincaid Street supporting posts such as those proposed are a common feature within the streetscape. As noted above the streetscape is characterised by a complete mix of building types and styles and the changes to the streetscape are therefore not considered to be detrimental as they add to the diversity of styles that are already existing.

**Access, transport and traffic**

There are no changes to the vehicle access or parking arrangements at the subject site.

**Noise and vibration**

There will be short-term noise disturbance during construction which can be controlled by condition. Given the location of the building within the commercial core minimal impact is anticipated.

**Services**

The site is fully serviced and no changes are required as a result of the development.

## Heritage

The subject site is located within the heritage conservation area, the application has been assessed against the applicable controls as noted above. Comments have been provided from the heritage advisor at a pre DA meeting and addressed within the applicant's SEE.

## Natural Hazards

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.

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

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.

## Man-Made Hazards

The site is not subject to any known man-made hazards.

## Socio- Economic Impact in the Locality

The development introduces additional amenity to the shop-top housing by the provision of increased solar access and private open space that will have positive social impacts for the occupiers. The works will provide short-term economic benefits as tradespersons are employed to complete the construction work.

There are no anticipated detrimental social or economic impacts.

## Public Domain

The proposal introduces three new columns within the footpath to support the new awning and verandah. Whilst there are no such features currently along this part of Fitzmaurice Street they are a dominant feature to the south of Kincaid Street and are not considered to be of detriment to the public domain or streetscape. Adequate room is maintained to the edge of the footpath to allow for cars parking to open doors and the structure is clear of infrastructure including a lamp-post and parking signs.

## 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 proposed change of use utilises an established building within the commercial core 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 Other Approvals**

The subject site is an existing building that has been used for a variety of commercial uses with upper floor residential accommodation.

The proposed works include restoring original openings to the front façade and introducing a new upper floor verandah that will provide private open space for the residence and awning protection to the ground floor commercial premises.

The change of use of the ground floor makes good use of a building within the CBD with no anticipated detrimental impacts to the surrounding locality. The site is easily accessible and the use is permitted with consent.

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

##### **Referrals**

The application was referred to relevant internal referral groups. Recommended conditions of consent have been included.

##### **Heritage Advisor**

The following comments were provided from the heritage advisor at a pre-DA meeting:-

*The HA fully supports the proposal and offers the following advice and options to ensure that the works are compatible with the heritage value of the building and setting and also that the verandah adds value and functionality to the building and occupants. It is recommended that the works should utilise traditional construction consisting for the verandah consisting of a simple timber structure with stop chamfered posts and cypress flooring, corrugated galvanised iron roof with rolled flashings and cast iron balustrading from the Wagga Foundry.*

The application details propose the use of steel not timber and have detailed the reasons for this in the Statement of Environmental Effects. The application was referred to the heritage advisor, no further comments have been received.

Council staff are comfortable with the use of steel and acknowledge the applicants concerns about using timber. The proposal is not considered to be out of character with the heritage area and provides a positive improvement to the streetscape.

##### **Notification**

The application was notified to adjoining neighbours from 25 May to 8 June 2020 in accordance with the provisions of the DCP. No submissions were received during the notification period

##### **Advertising**

The application was not required to be advertised.



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

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

Subject to the imposition of conditions of consent, as suitably amended, the proposed development remains compliant with the requirements of the Environmental Planning and Assessment Act 1979. The proposed development is believed to have a positive socioeconomic impact on the community and has been conditioned to help avoid adverse effects on the surrounding area and the environment.

#### **Other Legislative Requirements**

##### **Section 1.7 of the EPA 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 21<sup>st</sup> 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.

#### **Council Policies**

The owner of the building, Mr Favero, is a relative of a Wagga Wagga City Council Staff member, and therefore Council's Policy No. 046, '*Processing development applications lodged by Councillors, Staff and Individuals of which a conflict of interest may arise, or on Council owned land*' applies.

In accordance with part 2.1.4 (3) of that Policy, any development application received by Council where the applicant or land owner is relative of a staff member of Council, (other than the Manager of Development Services, Manager of Strategic Planning, a Director or the General Manager); shall be determined under delegation by the Manager of Development Services.

### **Development Contributions - Section 7.11/7.12 Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000**

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution is calculated as 1% of the development cost for developments of a value greater than \$100,000. The cost of development is less than \$100,000 and therefore no contribution is payable.

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 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The previous use of the ground floor of the premises as a medical centre would be equivalent to a greater number of ETs than the proposed business premises. Equally the upper floor residential use is not changing and is afforded a credit of 1ET in accordance with this being an established use. As there is a credit of ETs no sewer contributions are payable in association with this application.

The subject site is currently all hardstand and no changes to this are proposed. No stormwater contributions are payable.

### **Other Approvals**

None required

### **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.

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## **RECOMMENDATION**

It is recommended that application number DA20/0182 for Alterations to the upper level of the front elevation to incorporate windows, door and verandah addition with steel column supports to footpath and change of use of ground floor to Business Premises. 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	MJM Consulting Engineers	A	14.5.2020
BD01	Site Plan	MJM Consulting Engineers	A	24.4.2020
BD02	Ground Floor Plans	MJM Consulting Engineers	A	24.4.2020
BD03	First Floor Plans	MJM Consulting Engineers	A	24.4.2020
BD04	Elevations	MJM Consulting Engineers	A	24.4.2020
BD05	Section A-A	MJM Consulting Engineers	A	24.4.2020

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 the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.
- a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:
- i) Structure - Section B- (Part B1)
  - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
  - iii) Access and Egress - Section D- (Parts D1, D2, D3)
  - iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
  - v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
  - vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
  - vii) Special Use Buildings- Section H- (Parts H1, H2, H3)
  - viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)
- C.3** Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1:** 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.
- NOTE 2:** Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.
- NOTE 3:** The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

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

NOTE 5: The Section 64 Sewer base figure is nil.

The Section 64 Sewer contribution (updated by the CPI/100.5) required to be paid is nil.

NOTE 6: The Section 64 Stormwater base figure is nil.

The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is nil.

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.4 Prior to issue of the Construction Certificate plans must be submitted to the satisfaction of the Certifying Authority pursuant to clause 139 of the Regulation that detail building upgrade works required by this condition, as follows:

1. Smoke alarms complying with AS3786 and powered from the consumer mains source must be provided within the residential occupancy. The alarms shall be located on the ceiling and in the corridor serving a bedroom/s, and at the bottom of the internal access stairs at the street level. The alarms shall be interconnected in order to provide an early warning of fire for the occupants of the upper storey residential accommodation
2. The existing spiral stairway at the back of the premises must be made available for egress of occupants from the upper storey residential accommodation. Any door or gate or similar in the path of travel to a road shall be readily openable without a key from the inside by a single hand downward action on a lever type device.
3. The area beneath the internal stairway providing access to the upstairs residential accommodation shall not be used for storage. All paths of travel shall be kept clear at all times and free of any encroachments.

C.5 Prior to the issue of the Construction Certificate amended plans must be submitted to the satisfaction of the Certifying Authority that show the width of the fascia reduced to a maximum of 450mm.

- C.6 Prior to the issue of a Construction Certificate awning plans certified by a practicing Structural Engineer shall be submitted to Council for approval.
- C.7 Prior to the issue of a Construction Certificate, an application for a Build Over Permit is required to be lodged with and approved by Council for the works proposed over the existing sewer main/stormwater main located within the site.

A copy of that Approval/Permit to Encumber a Service Line and or Easement shall be provided to Council's City Development section as evidence of the satisfaction of this condition.

NOTE: Contact Council's Waste and Stormwater Division on 1300 292 442 in relation to obtaining the required Approval/Permit to Encumber a Service Line and or Easement.

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

- C.8 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 30 June in each year during which this Consent operates or at any other time requested by the Council.
- C.9 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.10 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.11 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.12 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.13 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.14 Prior to the commencement of works a 138 Awning Approval as per Councils Awning Policy POL050 must be obtained. Further information is available from Councils Road Reserves Officer on 1300 292 442 regarding the application process.

- C.15 The proposed colour scheme for the approved works must be submitted for approval prior to the commencement of works. Colours must be selected from the heritage range.

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

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

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

- C.16 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.17 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.18 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.

- C.19 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.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 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.22 The upgrade works identified in the plans required under condition C4 are to be completed to the satisfaction of the Certifying Authority prior to the issue of any occupation certificate.
- 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.

- C.25 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.26 No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.
- C.27 A structural engineering report relating to the awning the subject of this Consent is to be submitted to the Council at no cost to the Council not later than every five (5) years from the date of this Consent or at any other time requested by the Council if the Council considers that such a report should be submitted.

## **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

<p><b>Report Prepared by:</b></p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 6.8.2020</p>	<p><b>Report Approved by:</b></p>  <p>Paul O'Brien Manager Development Assessment &amp; Building Certification</p> <p>Date: 07.08.2020</p>
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