



Report of Development Application

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

APPLICATION DETAILS

Application No.:	DA20/0244
Modification No.:	N/A
Council File No.:	D/2020/0244
Date of Lodgement:	29/05/2020
Applicant:	JM Corbett Po Box 6008 WAGGA WAGGA NSW 2650
Proposal:	Internal alterations to Dwelling in the heritage area
Description of Modification:	N/A
Development Cost:	\$83241
Assessment Officer:	Amanda Gray
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	5-12 June 2020
Advertising:	Not required
Owner's Consent Provided:	yes
Location:	On the eastern side of Fox Street approximately 45 metres to the north of the Sturt Highway.

SITE DETAILS

Subject Land:	7 Fox St WAGGA WAGGA NSW 2650 Lot 1 DP 318606
Owner:	JM Corbett

REPORT

Description of Development

This application is for alterations and additions to an existing dwelling in the conservation area. The proposal consists of the conversion one bedroom into an ensuite bathroom and walk-in-robe and includes the demolition of existing walls and doorways together with new stud walls and tiled bathroom area. The proposal also includes the renovation of an existing bathroom including the replacement of an existing window with obscure glass blocks.

The only external alteration is the new obscure glass blocks in place of an existing window. The location and size of the opening is not changing and this will not be visible from Fox Street.

The Site and Locality

The subject site is legally identified as Lot 1 DP318606 and is known as 7 Fox Street. The lot is uniform in shape extending to 505.9sq.m and is located on the eastern side of Fox Street approximately 50 metres to the north of the Sturt Highway.

The subject site consists of one detached dwelling with detached garage and car-port structure to the rear. There is a laneway to the rear (Womboy Lane) that provides vehicular access to the garage.

The surrounding area is characterised by single detached dwellings on similar sized blocks with varying sizes of detached outbuildings to the rear.

The site is within the heritage conservation area.

Easements and Covenants

There are no known easements or covenants across the site.

Previous Development Consents

63/97 - Ground and first floor extensions to existing residence. Approved 29.5.97.

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 R1 General Residential. The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of the residents.*
- *To ensure co-ordinated and cost effective provision of physical, social and cultural infrastructure in new residential areas.*

The proposal relates to an established single dwelling that provides for the housing needs of the community. The proposal is consistent with the first two listed objectives.

Part 2 Permitted or prohibited development Land Use

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

The use is an approved permissible use within the R1 zone. The proposed works being

ancillary and part of the dwelling are therefore deemed to be a permissible use in the 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

There are no principal development standards that apply to this application.

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 internal alterations and additions to an existing property. There will be negligible external alteration to the dwelling and this will not be visible from the streetscape. The significance of the heritage area is not adversely impacted by the proposed development.

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 demolition and reconfiguration of parts of the dwelling within a conservation area and therefore requires consent from Council. 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.

The proposed development is not considered to materially affect the heritage significance of the site or the conservation area in general.

Part 6 Urban Release Areas

The proposal is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.3 Biodiversity

Clause 7.3 relates to biodiversity. The whole of the site is covered by the biodiversity layer and therefore this clause applies. The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation. There is no significant vegetation being removed as a result of the development, the diversity of native flora and fauna is not adversely impacted and there is no identified threat to any habitats or wetland corridors. The application is consistent with the objectives of this clause and the matters relevant to clause 7.3 are therefore satisfied.

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. The proposed development will not result in any adverse impacts to groundwater as the use is not development specified for the purposes of this clause

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 relates to existing residential accommodation and therefore will have no impact upon the ongoing primacy of the CBD. The investment into residential properties such as this within such close proximity to the CBD contributes to the ongoing support of the businesses located within this area.

State Environmental Planning Policies (SEPPs)

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

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 has historically been in residential use and no changes to this use are proposed.

The site is considered suitable for the intended use in accordance with the SEPP.

SEPP (Building and Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been lodged with this application. Commitments made in the Certificate have been considered as part of this assessment. A standard condition for compliance with the Certificate will be imposed.

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 notified to adjoining neighbours from 5-12 June 2020. No submissions were received during the notification period.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

The existing vehicle access to the premises from Womboy Lane at the rear will remain the same.

2.2 Off-street parking

The existing garage to the rear satisfies the demand for parking on site.

2.3 Landscaping

No landscaping is proposed or required in association with the application. The rear garden will be maintained as existing.

2.4 Signage

No signage is proposed as part of this application.

2.5 Safety and security

The development is not considered to impact existing safety and security at the premises.

2.6 Erosion and Sediment Control Principles

It is recommended that a standard condition is imposed for the installation of sediment and erosion control measures during construction works.

2.7 Development adjoining open space

The development does not adjoin open space.

Section 3 - Heritage Conservation

3.3.2 Residential precinct

Controls within this section are applicable as the development is for alterations and additions in the heritage conservation area.

Alterations, additions and infill development

The objectives of this section are as follows:

O1 Retain characteristic buildings from significant periods of development for the conservation area.

O2 Retain details and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.

O3 Encourage new buildings to respond positively to the character of adjoining and nearby buildings.

O4 Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.

The internal alterations are minimal and sympathetic and have no impact upon the character of the conservation area. There are no characteristic features being removed as part of the development. The proposal is consistent with the listed objectives.

Alterations and additions

C1 Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.

The internal alterations offer improved amenity value to the occupiers without any detriment to the heritage value of the property.

C2 Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.

The proposal complies with this control.

C3 Additions are to retain, and be subservient in form and scale, to the primary form of the building.

C4 New work is to be below the main ridge height of the building and be articulated from the primary form by setbacks in the walls and height of the roof. Maintain a descending scale to the rear.

N/A

C5 Use vertically proportioned windows.

There is no change to the window size or shape which has dimensions of 800mm wide by 500mm height.

C6 Select materials to complement the period and style of the building and the conservation area. Use compatible, but not necessarily matching materials - modern materials may be appropriate.

The use of obscure glazed bricks in place of an obscure window is compatible with the existing character of the dwelling. The window is not visible from the streetscape and if not for the heritage conservation area such work would be exempt development.

Section 4 - Environmental Hazards and Management

The land is not identified as flood prone. The rear of the site is subject to overland flow, the proposed development is not within this part of the site and no impact is anticipated.

The land is not identified as prone to bushfire.

Section 5 - Natural Resource and Landscape Management

This issue has been addressed under Clauses 7.3 and 7.6 of the LEP above, given the nature of the works no issues are expected.

Section 6 - Villages

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 6 is not applicable to this development.

Section 7 - Subdivision

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 7 is not applicable to this development.

Section 8 - Rural Development

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 8 is not applicable to this development.

Section 9 - Residential Development

9.2.1 Site layout

C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces. Orient living spaces to maximise solar access.

The proposed development has no impact upon the site layout, the siting of the main dwelling and vehicle access is maintained as existing.

9.2.2 Streetscape

C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

The presentation of the dwelling to the heritage streetscape remains as existing.

9.3.4 Solar Access

C1 Locate garages, laundries and bathrooms to provide insulation from western sun.

The western elevation of the dwelling faces the street, compliance with this control is therefore not possible. The new en-suite bathroom is to the north of the dwelling and the refurbished bathroom remains to the south.

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.

C4 Variations can be considered to C1, C2 and C3 where it can be demonstrated that site constraints, existing built form and good design practices limit the ability of the proposal to

comply with these controls

No change to existing living area and open space that both benefit from northern and eastern aspects.

C5 For any adjacent dwellings that have north facing living areas, maintain 3 hours sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).

C6 Proposed development design should take into account the location of any adjacent private open space and avoid overshadowing of that space.

No impact to adjacent properties.

9.3.5 Private open space

C1 At least 24m² of private open space is required per dwelling. The private open space is to be directly accessible to the main living area and have a minimum dimension of 4m.

No change to existing private open space area.

9.4.2 Materials and finishes

The proposal is within the Conservation area, therefore Section 3 of the DCP applies and the provisions within that section take precedence. The alterations are in keeping with the existing property.

Section 10 - Business Development

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 10 is not applicable to this development.

Section 11 - Industrial Development

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 11 is not applicable to this development.

Section 12 - Specific Uses and Developments

The proposal is for alterations to a dwelling in the heritage area within the R1 zone. Section 12 is not applicable to this development.

Section 13 - Bomen Urban Release Area

The subject site is not within the Bomen urban release area. Section 13 is not applicable to this development.

Section 14 - Boorooma Urban Release Area

The subject site is not within the Boorooma urban release area. Section 14 is not applicable to this development.

Section 15 - Lloyd Urban Release Area

The subject site is not within the Lloyd urban release area. Section 15 is not applicable to this development.

Section 16 - Gobbagombalin Urban Release Area

The subject site is not within the Gobbagombalin urban release area. Section 16 is not applicable to this development.

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

There are no applicable matters prescribed by the regulations.

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 site is located within an established residential precinct, surrounding development is generally low density single storey residential and the majority of development in the vicinity has some heritage significance. There is a three-storey block of flats directly to the south that fronts onto Sturt Highway. This proposal maintains the residential use of the site, which is entirely compatible with adjoining residential uses. The development has been assessed as suitable within the existing context.

Streetscape

There is no impact to Fox Street, the heritage dwelling is maintained as existing when viewed from the street.

Access, transport and traffic

No change to existing rear access and garage.

Noise and vibration

Minor demolition works and construction will increase noise and vibration levels in the vicinity in the short term. Any consent would contain a standard condition limiting the days and hours of construction.

Services

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

Heritage

The development has been assessed against the specific controls in the WWLEP and WWDCP as detailed earlier in the report. The impacts upon the significance of the heritage area are concluded as acceptable.

Natural Hazards

The development has been considered against the relevant flood provisions of the WWLEP2010 and DCP. The site is impacted by overland flow to the rear. There are no adverse impacts anticipated.

The development has been considered against the relevant bushfire provisions of the WWLEP2010 and WWDCP2010. A risk assessment is not required as the development is not mapped as being bushfire prone and the surrounding land would all be considered managed urban land.

Man-Made Hazards

The site has been in continual use as a dwelling therefore it is not expected that the site would be contaminated. It is not listed on Councils' Contaminated Land Register.

Economic and Social Impact in the Locality

The associated works will support local businesses such as builders and decorators, the proposed works are likely to improve amenity for the occupants of the subject property. There are no likely adverse social impacts.

Energy Impacts

A BASIX Certificate has been supplied in support of the development and compliance with the listed requirements will form a condition of consent.

Site Design and internal design

The proposed development does not impact upon the existing site layout. The internal alterations are for the improved amenity of the occupiers and raise no concerns.

siting of the garage and studio is determined by the current layout of the property and is generally acceptable. The location allows for the retention of the established garden area. At the rear of the dwelling.

Cumulative Impacts

There are no likely adverse cumulative impacts from this development. Each proposal is assessed on its merits at the time of the application.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(b) an assessment of the risk-weighted consequences of various options.

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

(a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and

(b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and

(c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The proposed development will not result in any anticipated irreversible environmental damage, the proposal utilises an existing urban site for redevelopment and therefore is not considered to impact on biological diversity or ecological integrity.

The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly the principles of ESD are considered to have been followed.

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

The subject land is considered to be suitable for the proposed development because the development is for alterations to an existing property. The development is permissible in the zone, is consistent with developments in the residential area and compliments the heritage conservation area.

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.

Notification

The application was notified to adjoining neighbours from 5-12 June 2020. No submissions were received.

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.

The proposed alterations have been assessed against the applicable DCP controls, there is no impact on the streetscape to Fox Street and the impact to the heritage area is acceptable. There is no overall detrimental impact to the public interest.

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 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time of the making of the *Biodiversity Conservation Act 2016*. The subject site falls within an area subject to the Biodiversity Certification Order.

The effect of the Biodiversity Certification, as set out by Section 8.4 of the *Biodiversity Conservation Act 2016* is that:

An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

A consent authority, when determining a development application in relation to development on biodiversity certified land under Part 4 of the Environmental Planning and Assessment Act 1979, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Therefore, no further consideration of these matters is required.

Council Policies

None

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 7.12 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. 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.

There is no anticipated increase in demand on sewer or stormwater infrastructure and therefore a developer charge does not apply to the proposed development.

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.

RECOMMENDATION

It is recommended that application number DA20/0244 for Internal alterations to Dwelling in the heritage area be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	MJM Consulting Engineers	A	29.5.2020
200206 - BD01	Site Plan	MJM Consulting Engineers	B	22.5.2020
200206 - BD02	Floor Plans	MJM Consulting Engineers	B	22.5.2020
200206 - BD03	Call Out A; Call Out B	MJM Consulting Engineers	B	22.5.2020
200206 - BD04	South Elevation	MJM Consulting Engineers	B	22.5.2020
A386466	BASIX Certificate	MJM Consulting Engineers		13.8.2020

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 the commencement of any works

C.2 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

C.3 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.4 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.5 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.6 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.7 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.

C.8 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.9 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

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

- C.10 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.11 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.12 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.

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:



Amanda Gray
Senior Town Planner

Date: 17.8.2020

Report Reviewed by:



Sam Robins
Senior Town Planner

Date: 17/8/20