

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

## APPLICATION DETAILS

Application No.:	DA20/0373
Modification No.:	N/A
Council File No.:	D/2020/0373
Date of Lodgement:	04/08/2020
Applicant:	AJ Challender PO Box 5094 WAGGA WAGGA BC NSW 2650
Proposal:	Alterations and Additions to existing dwelling with attached double garage and patio
Description of Modification:	N/A
Development Cost:	\$220000
Assessment Officer:	Emma Molloy
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 30 September to 7 October 2020
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the southern side of Freer Street, approximately 108 metres from the intersection of Freer Street and Johnston Street.

## SITE DETAILS

Subject Land:	20 Freer St WAGGA WAGGA NSW 2650 Lot 11 DP 2910
Owner:	AJ Challender & PGL Challender

## PLANNING CONTROLS / STATUTORY CLASSIFICATION

*Pursuant to Part 4 (Division 1)*

### Description of Development

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

- demolition of the existing rear skillion, loggia, carport and garden shed;
- reconfiguration of the existing lounge room to accommodate a walk in robe and ensuite;
- the erection of a rear extension to comprise a study/4<sup>th</sup> bedroom, living dining and kitchen area, laundry;
- the erection of a double garage with attached patio accessed from Coedong Lane;
- replacement of the existing bull nose on the front verandah with soft curved (Convex) roof; and
- the construction of a 1 metre high front boundary fence.

It should be noted that the proposal seeks to attached the dwelling to the rear garage via a link, this link will contain the dining area and laundry.

### The Site and Locality

The subject site is legally known as Lot 11 DP 2910 located at 20 Freer Street, Wagga Wagga. The subject site is within the Heritage Conservation Area, on the southern side of Freer Street, approximately 110 metres from the intersection of Freer and Simmons Streets. The site is rectangular in shape and has an area of 480.60m<sup>2</sup>. The site currently contains a traditional red brick cottage from the late Victorian period with a galvanised iron roof and bull nose verandah on timber posts. The existing dwelling is considered contributory to the Heritage Conservation Area.

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

### Easements and Covenants

The subject land is not benefitted or encumbered by any easements or covenants.

### Previous Development Consents

- DA116/96 - Renovation and Extension 20 Freer Street: Demolition and Construction of a new Residence at 22 Freer Street (Future Bed and Breakfast).
- BA164/70 - Additions to Dwelling

## MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

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

### Wagga Wagga Local Environmental Plan 2010

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

The development is permissible with consent.

## Part 2 Permitted or prohibited development Land Use

### 1 Objectives of zone

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

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

## Part 5 Miscellaneous provisions

### 5.10 Heritage Conservation

The subject site is within the Heritage Conservation Area, under Clause 5.10 (2) (iii) works within a Heritage Conservation Area require development consent. The subject site contributes to the heritage significance of the surrounding area as it is of a similar age, scale and style that characterises the residential precinct within a Heritage Conservation Area. The works consist of alterations and additions to the existing dwelling. The additions have been designed to reflect the style and period of the dwelling and are considerably setback and articulated in order for the original built form to be read and retained. As such the works are not considered to have a detrimental impact on the heritage significance of the Heritage Conservation Area.

## Part 7 Additional Local Provisions

### 7.1A Earthworks

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

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

### 7.2 Flooding

The subject site is currently mapped as flood prone using the current levee model. The current levee does not protect the site from a 1:100 year event however is considered an acceptable level of protection. As such the proposed development is considered to be compatible with the flood hazard of the land and will not have an adverse impact on flood behaviour or result in an increase in risk to life or property. In addition it should be noted that the site is not mapped as flood prone using the upgraded levee model.

The subject site is also mapped as prone to overland flow as identified in MOFFS 2015. The proposed additions are not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site given the minor of the inundation.

### 7.3 Biodiversity

The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation. A portion of the subject site is identified as “Biodiversity” on the Terrestrial Biodiversity Map. The site is within an established urban area that has been previously cleared as such the proposed development is not considered to have an adverse impact on biodiversity.

#### **7.6 Groundwater Vulnerability**

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

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

#### **State Planning Policy No. 55 - Remediation of Land**

Clause 7 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site was subdivided for residential use in 1893 and is not identified on Council’s contaminated land register. As such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

#### **State Environmental Policy (Building Sustainability Index; BASIX) 2004**

A compliant BASIX Certificate (Certificate number: A382038) was submitted with the application.

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

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

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

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

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

#### **Section 1 - General**

##### **1.10 Notification of a Development Application**

Surrounding landowners were notified in accordance with Council policy for a period of 7 days from 30 September to 7 October 2020. No submissions were received.

##### **1.11 Complying with the Development Control Plan 2010**

The proposed development seeks to vary C1 and C3 within Section 3.3.2 Residential Precinct - Alterations and Additions, C4 within Section 3.3.2 Residential Precinct - Garages. Variations will be assessed in the relevant sections of this report.

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

### 2.1 Vehicle Access and Movements

Existing vehicular access is provided from Cooodong Lane. The proposed development does not seek to alter the existing access which is considered acceptable and generally complies with the controls and objectives within this section.

### 2.2 Off-street Parking

Off-street parking will be provided by the proposed double garage off Cooodong Lane which is considered acceptable and satisfies the objectives and controls within this section.

### 2.3 Landscaping

The proposal does include some removal of existing landscaping within the rear yard to accommodate the proposed extension. All vegetation to be removed is below 8 metres and therefore does not require consent for removal.

### 2.5 Safety and Security

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

### 2.6 Erosion and Sediment Control Principles

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

## Section 3 - Heritage Conservation

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

- demolition of the existing rear skillion, loggia, carport and garden shed;
- reconfiguration of the existing lounge room to accommodate a walk in robe and ensuite;
- the erection of a rear extension to comprise a study/4<sup>th</sup> bedroom, living dining and kitchen area, laundry;
- the erection of a double garage with attached patio accessed from Cooodong Lane;
- replacement of the existing bull nose on the front verandah with soft curved (Convex) roof; and
- the construction of a 1 metre high front boundary fence.

### Alterations and Additions

The proposal involves an addition to the rear of the existing dwelling to be constructed of brick veneer to blend with the existing dwelling. The front three bedrooms and front verandah will be retained by the proposal with the exception of an alteration in roof of the verandah which is considered acceptable. The roof form of the addition is below the ridge height of the existing dwelling. However, the proposal does involve attaching the garage to the proposed addition which will result in a continuous structure from the front of the existing dwelling to the rear lane. This is not considered to complement the style and period of the building and does not result in an addition that is subservient in scale to the building. As such a variation is required to both C1 and C3 within this section.

Council is currently undergoing a process to review and change these controls to support further considered development within the Heritage Conservation Area (HCA). In addition, Council has formed a position based on previous approvals within the HCA to support additions of this nature. Given this, an assessment against the draft controls which have been on public exhibition are below.

~~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.~~

~~C2 Alterations and additions are to be designed so as to maintain the historical integrity and visual prominence of the existing building within the heritage streetscape.~~

The proposed addition retains the existing front three bedrooms and whilst the proposal does include an alteration to the existing verandah roof, this has been designed to maintain the historical integrity of the existing building. The proposal is considered to comply with the above control.

~~C3 Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.~~

The proposed additions are to the rear of the property.

~~C4 Additions are to retain, and be subservient in form and scale, to the primary form of the building.~~

~~C5 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.~~

The proposed addition is below the ridge height of the existing dwelling and is articulated from the existing dwelling by setting the addition around a court yard.

~~C6 Any dwelling addition, secondary dwelling or outbuilding proposed in the heritage conservation area should avoid being visible from the public domain, other than rear lane elevations.~~

The proposed development includes a garage that is accessed from Coedong to the rear. The garage is not visible from Freer Street.

~~C7 Any addition that is attached to an existing dwelling or structure shall be suitably articulated to avoid a monolithic appearance. For example, by using stepped or rebated connections, compound roof forms, etc.~~

The proposed addition is attached to the existing dwelling and the proposed rear garage. A monolithic appearance has been avoided through the use of a small link that will comprise of the laundry and by building around a court yard that provides private open space accessible from the open plan living area.

~~C8 Use vertically proportioned windows.~~

Vertically portioned windows have been used throughout the proposed development.

~~C9 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.~~

Materials have been selected to be consistent with the existing built form and as such

complement the period and style of the existing building.

*C10 The addition is not to extend across the full width of the building form.*

The addition will be built around a rear courtyard as such the proposed development will not extend across the full width of the site.

*C11 Access at least 1m in width must be provided from the rear lane frontage to the back yard of properties via an unenclosed area.*

A setback of 1 metre has been provided.

*C12 A rear setback of at least 1m from laneways must be maintained by any garage structures.*

The garage is setback 1 metre within the site in accordance with the above control.

Given the above assessment the proposed variations can be supported as the proposed development is considered to comply with the draft controls.

### **Garages and Carports**

The proposal includes a garage to be accessed from Cooedong Lane. The garage is to be constructed of brick consistent with the dwelling and will be 7.7 metres wide and 6.9 metres long and 4.1 metres height with two roller doors. C4 requires a double garage to be 6000mm wide x 7500mm long, 2400mm walls, 27 degree roof pitch rising to apex 3900mm high. As such the proposed development requires a variation to the control.

As discussed above Council is currently undergoing a process to review and change these controls and Council has formed a position based on previous approvals within the Heritage Conservation Area (HCA) Given this, an assessment against the draft controls which have been on public exhibition are below.

~~*C1 Where possible, car access should be from a rear lane.*~~

~~*C2 Where lanes exist with vehicular access to the rear of the property; driveways, crossings and garages are not to be provided on the primary street frontage.*~~

The proposed garage will be accessed from Cooedong Lane.

~~*C3 Where no rear lane access is available locate the garage or carport behind the building line, or preferably to the rear of the property. Alterations that require removal of original features on a front elevation or require demolition of significant building fabric to enable car access will not be supported.*~~

~~*C4 Materials are to be compatible with the materials of the main building. Any detailing is to be subservient to the detailing or decorative features of the main building.*~~

The proposed garage is to be constructed of brick to reflect the dwelling. Detailing is subservient to that of the dwelling.

~~*C5 Max size of garages:*~~

~~*Single garage – 3000mm wide x 7500mm long, 2400mm walls, 27 degree roof pitch rising to an apex 3400mm high. Garage*~~

~~roller door 2600mm wide.  
Double garage – 6000mm wide x 7500mm long, 2400mm walls,  
27 degree roof pitch rising to apex 3900mm high. Two roller  
doors 2600mm wide in 3 equal wall bays.  
Roof pitch 27 degrees (quarter pitch) or steeper to match the  
roof pitch of the house. Roof pitches can be broken with a 10 to  
12.5 degree pitch verandah skillion.~~

**C6 Specifications:**

~~Walls can be in Custom Orb corrugated metal, weatherboards, fibre cement sheet or face  
brick Galvanised corrugated metal roof preferred rather than Zinalume. Roll barge and roll  
top. Gutters are to be quad or ogee profile and galvanised.~~

~~C7 Doors may be tilt doors of a simple design and neutral colour. Roller doors may be  
considered on merit.~~

~~C8 The scale or size of the carport, garage or shed should not dominate the main house.~~

The proposed garage is sited on the eastern portion of the site to allow for a patio structure, as such the garage is of acceptable size and scale that does not dominate the original dwelling and makes provision for accessible private open space within the site.

Given the above assessment the proposal is considered acceptable within the context of the HCA and as such the variations to the existing controls can be supported.

## **Fences**

The proposal includes a front boundary fence visible from Freer Street. The fence is to be constructed of timber pickets with timber posts on top of the existing brick course that runs along the boundary. The fence is 1 metre in height and is of a design that is complementary to the style of period of the dwelling and is therefore considered acceptable.

## **Section 4 - Environmental Hazards and Management**

### **4.2 Flooding**

The subject site is identified as flood prone however is located in the area protected by the Central Levee. Whilst the Levee does not protect the site in a 1:100 year event, the protection it does offer is considered acceptable. As such the proposed development is considered to be compatible with the flood hazard of the land and will not have an adverse impact on flood behaviour or result in an increase in risk to life or property. It should be noted that the upgraded levee model no longer identifies the site as flood prone.

The subject site is also mapped as prone to overland flow as identified in MOFFS 2015. The proposed additions are not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site.

## **Section 5 - Natural Resource and Landscape Management**

### **5.4 Environmentally Sensitive Land**

The subject site has been identified Environmental sensitivities have been previously assessed in Section 7.3 and 7.6 of this report.

## **Section 9 - Residential Development**

### **9.2.1 Site Layout**

The addition of the proposed development makes good use of the site. The proposed

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

### **9.2.2 Streetscape**

The proposed development provides an attractive frontage that is consistent with surrounding built form. The proposal includes a 1 metre high front fence that will be constructed of timber pickets on the existing brickwork. The proposed fence provides an important feature within the streetscape and is complementary towards the surrounding locality. The proposed development is considered to comply with the objectives and controls detailed in this section.

### **9.3.2 Site Cover**

The maximum site cover for a less than 600m<sup>2</sup> is 60%. The proposed development will result in a site cover of 44.94%. As such the proposal complies with the controls within this section.

### **9.3.4 Solar Access**

A reasonable amount of solar access will be achieved by the proposed development. Given the orientation of the site and the nature of the works the proposed development will result in a negligible impact to the solar access of the adjoining dwellings or private open space.

### **9.3.5 Private Open Space**

An adequate amount of private open space is provided with direct access from the open plan living, dining and kitchen. Private open space is adequately screened by the existing boundary fence and vegetation. As such the proposed development is considered to comply with the objectives and controls within this section.

### **9.3.7 Side and Rear Setbacks**

Adequate separation has been provided for privacy, natural light and ventilation. The proposed garage will be built to the eastern boundary, the garage has been designed to meet the requirement of the Building Code of Australia as such the proposed development is considered to comply with the objectives of this section.

### **9.4.1 Building Elements**

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

### **9.4.2 Materials and Finishes**

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

### **9.4.3 Privacy**

Visual and acoustic privacy are important for good residential amenity. The proposed development does not raise any particular concerns. The proposed development will be effectively screened by the existing boundary fence and the established landscaping.

### **9.4.4 Garages, Carports, Sheds and Driveways**

The required setback for a garage that opens onto a rear laneway is 1 metre. The proposed

garage is setback 1 metre from Coedong Lane. The garage is 4.1 metres in height which is below the height specified in the control (4.8 metres). As such the proposed development is considered an acceptable inclusion to the site and will not have an adverse impact on the surrounding locality.

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

### SECTION 4.15(1)(B) - LIKELY IMPACTS OF THAT DEVELOPMENT

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development retains the significant features and form of the dwelling. Whilst the proposal does include an attached garage, the design has been articulated from the original portion of the building which in this instance is considered acceptable. As such the proposed development is not considered to have an adverse impact on the context and setting of the original dwelling within the streetscape when viewed from Freer Street.
Streetscape	x			The majority of the development is to the rear or internal of the dwelling with the exception of the front fence which is considered acceptable. As such the proposed development is considered to be an acceptable inclusion within Freer Street.
Traffic, access and parking	x			The existing access from Coedong Lane will be retained. No concerns are raised by the proposal.
Public Domain	x			None identified.
Utilities	x			All services are connected and available to the site.
Heritage	x			The proposed development has been designed to be sympathetic and complementary towards the original dwelling. The proposal has been assessed against Section 3.3.2 and the proposed variations have been assessed against the draft controls (which have been exhibited) given Council's recent position regarding development within the HCA. The proposal is considered to be an acceptable inclusion within the HCA and reflective of the future direction Council is intending to take. As such the proposal is considered acceptable.
Other land resources	x			None identified.
Water Quality & Stormwater	x			The proposed development will be connected to the existing stormwater infrastructure within the site.
Soils, soil erosion	x			Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments.
Air and microclimate	x			Dust is expected during demolition. A condition of consent will be imposed to require demolition to be carried out in accordance with the Australian Standard.
Flora and Fauna	x			The proposal does include removal of some vegetation however the vegetation is not of a size or species that requires consent for removal.

Waste	x			Conditions of consent will be imposed to ensure waste is disposed of in an appropriate manner.
Energy	x			A compliant BASIX Certificate (A382038) was lodged with the application.
Noise & vibration	x			Noise is expected as part of the construction of the proposed development conditions of consent will be imposed to require works to be undertaken within acceptable hours.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area map	x			As previously discussed within this report.
Technological Hazards	x			None identified.
Safety, security and crime prevention	x			No adverse impacts have been identified.
Social impact in locality	x			The proposed development will allow the dwelling to be updated and maintained.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and related industries.
Site design and internal design	x			The proposed development makes good use of the site and addresses the sites constraints and opportunities. As such the development is considered to be an acceptable inclusion within the locality.
Overlooking - overshadowing	x			No concerns are raised in regards to overlooking or overshadowing. The proposed development is single storey and will be effectively screened by the existing boundary fence and established landscaping.
Landscaping	x			An adequate area for landscaping will result from the proposed development.
Construction	x			To comply with the BCA.
Private open space	x			No concerns are raised.
Cumulative Impacts	x			None identified.
Disabled access			x	Not applicable.
Signage			x	Not applicable.
Setbacks, Building Envelopes	x			The proposed development is within the existing setbacks. No concerns have been raised.

## The Principles of Ecologically Sustainable Development

*The following are principles of ecological sustainability:*

### **1 The precautionary principle**

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

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

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

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

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

## **2 Intergenerational equity**

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

## **3 Conservation of biological diversity and ecological integrity**

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

## **4 Improved valuation, pricing and incentive mechanisms**

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

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

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

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

The subject land located at 20 Freer Street is considered to be suitable for the proposed development because it is residentially zoned land being developed for a residential purpose and is generally in accordance with the WWLEP2010 and WWDCP2010.

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

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

The proposal was referred to Council's Heritage Advisor for comment. The Advisor was generally in support of the proposal. Comments are included below:

- *Demolish minor rear extensions*
  - o *The rear elements are of minor significance and their removal is accepted*
- *Modify garden path for symmetrical entry to verandah*
  - o *The concept is appreciated. A simple and appropriate option for achieving this is to terminate the existing path in the front garden at a 3m dia circular paved area and then create a wider path from the rear of the circle, at the width of your hall passage, to meet the verandah*
- *Replace bull nose with skillion verandah roof and structure for headroom*

*o It would be preferable to have some evidence that the original was a skillion. It is appreciated that the height is an issue and that the original may have been a skillion. The appearance of a skillion certainly will not have the authenticity or appeal that a curved or part bull nose verandah would have. It is therefore recommended that soft curved (Convex) verandah roof be utilised in place of a skillion or bull nose. This will give you the extra height at the beam but retain the character suited to the period and style.*

The applicant submitted amended plans to reflect this concern. The stamped plans show a convex verandah roof.

- *Replace roof with new galvanised roof*
  - o Perfect - on the basis that it is plain galvanised Z600 material and not Zincalume which is different and not supported*
  - o The gutters are to be smooth unperforated quad and circular downpipes with traditional rolled flashings to the roof and all in Z600 material to avoid dissimilar metallic corrosion.*

This can be addressed through a condition of consent.

- *Restore chimney top*
  - o Use a lime based mortar with joints to match the existing. If the flue is to be used, a terra-cotta cap style pot is recommended.*

This recommendation has been forwarded to the applicant.

- *New pine posts with stirrups*
  - o Pine is fine but the size will appear too small whereas an ex 125mm post chamfered 15mm between the 400mm top and bottom sections would be appropriate for the style and period. The steel stirrups are a good measure to reduce the damp. The look can be reduced by cladding the lower portion in mitred skirting sections to conceal the steel fixings. The brackets are probably not suitable for the period and should be omitted but check with the Museum/Historical Society and the Sherry Morris book for good references.*

Recommendations are reflected in the amended plans.

- *Optional timber brackets*
  - o Omit without evidence*
  - o Noted that the shutters are likely to be decorative additions from a later period. If functional and original retain or if you just love them so much but otherwise remove them to restore the integrity*

*The timer brackets have been removed in the amended plans. The timber shutters will be retained.*

- *SW - New side window*
  - o The Victorians did vertically proportioned windows or decorative bulls-eyes. The*

*note says match existing but I cannot see one window like this. These two top hung awning additions will not enhance the character. Nominal timber 600x1100mm DHSS with suitable window sills are recommended for ventilation and retaining a suitable character to the front rooms.*

The proposed window has not been altered in the amended plans. It is considered that this window is acceptable in this location, as a vertically portioned window would impact on the privacy and views of the neighbouring dwelling. It should also be noted that this window is well setback in the site and will not be visible from the street and the impact on the heritage significance of the site is considered reasonable.

- *New brick extension*
  - o *The design is just fine*
- *New timber doors and windows*
  - o *The fenestration is just fine*
- *New rear double garage*
  - o *While the scale is non-compliant, the proposal would be acceptable subject to the following to ensure that it picks up on the traditional galvanised iron sheds of the lanes:*
    - The garage is to be clad externally in Z600 galvanised iron with matching walls, roofing, rolled flashings, smooth quad gutters, fascias, downpipes and roller shutters/garage doors;*
    - The existing fencing is replaced and where fencing is required to the yard, that is Z600 galvanised iron to the appropriate height*
    - Supplementary planting is provided to the remaining rear garden courtyard space to ensure that an element of garden planting is provided to replace the character evident in the site photos*

These recommendations have not been incorporated into the amended plans. The existing DCP Controls do not support this recommendation. The garage will be constructed of brick to match the proposed extension consistent with the existing DCP Controls and the Heritage Conservation Area.

- *Panel sheet to gables*
  - o *The gables are to be Z600 CGI as above*
- *Two roller doors to Lane elevation*
  - o *The doors are to be GI in whatever door can be supplied with that finish*
- *Red face brick to garage*
  - o *Replace red bricks which are residential material with a shed material - CGI  NE - Fire rated wall in red face brick*
  - o *The inside skin can be either lightweight or block to comply with the BCA - fire*

The garage will be constructed as discussed above.

- *Side elevation and windows*
  - o *All CGI and timber windows as drawn*
  
- *AC unit at GL*
  - o *Fine and out of sight and easy to maintain. Make sure the conduit is painted to match the adjoining wall colour and fully sealed against pests.*
  
- *New cut in window*
  - o *Timber DHS as above*
  
- *Replacement metal paling fence with timber expressed posts and palings & gate*
  - o *Just love it, but refer to colour scheme notes*
  
- *Colour scheme*
  - o *Retained red face brick*
  - o *New brick walls to match existing*
    - *This is always really hard and often just does not work. Two further recommendations: Where the new walls meet the old, insert a contrasting vertical material/detail/joint- Study/bed 4 insert a full height slot window 400mm wide. This allows movement - yes, it will crack and separates new from old. On the far side just make sure the builder uses a good vertical construction joint. The second point is to select a face brick which is just a shade darker than your house brick as this will ensure that it recedes while the earlier bricks stand out as they cannot be matched in colour or texture*

*The colour scheme proposed is a very contemporary right on trend set of grey and white colours. It will look fine for 3 years and then. I know that it is only paint but just saying try to be bit braver in your choices and look up Colour schemes for Australian Houses Vols. 1 & 2 - they are in the Library. For example Consider substituting either Woodland Grey or Deep Bronze Green for the dark grey to give the building elements some life*

- o *Barge/fascia - Surfmist - try Hog Bristle as it is softer and warmer next to the red*
  - o *Joinery - Grey shadow*
  - o *Verandah - Dark Grey - as above*
  - o *Roof - CGI*
  - o *Flashings - Woodland Grey*
  - o *Fence - Grey shadow*
  - o *Fence posts - Dark Grey - as above*
  - o *Roller doors - Woodland Grey*
  - o *Garage gables - Dark Grey*
- The screen door detracts from the presentation, period and style.*

*Consider providing a simple timber framed screen door if one is required and give it a dark or timber colour so that it is visually recessive in the elevation. It is not about the screen door it is about the front door and the house.*

These suggestions have been forwarded to the applicant. Confirmation of colours will be conditioned to be provided prior to the commencement of painting works.

Notification - Adjoining landowners were notified in accordance with Council policy for a

period of 7 days from 30 September to 7 October 2020. No submissions were received.

Public Submissions and those from public authorities  
Nil submissions have been received at the time of this report.

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

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

#### **Other Legislative Requirements**

#### **Section 1.7 of the Environmental Planning and Assessment Act 1979 and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)**

On 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.

#### **Section 733 of the Local Government Act 1993**

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

#### **Flooding Risk Assessment**

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

#### **Bush Fire Risk Assessment**

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

### **Development Contributions - Section 7.11/712 of the Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000**

Section 7.12 of the EPA Act, 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution of \$2,200 applies and will be put towards the provision high quality and diverse public facilities to meet the expectations of the residents of the city.

#### **Calculations**

1% of \$220,000

$220,000 \times 1\% = \mathbf{\$2,200}$

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

#### **Calculations**

Additional hardstand 62.1m<sup>2</sup>

Developer Charge for Urban East of Willans Hill \$3007

$DC = 62.1\text{m}^2 / 800\text{m}^2 \times 1/0.74 \times 3007 = \$315.43$

With CPI

$315.43 \times 117.1/87.9 = \mathbf{\$420.21}$

#### **Referrals:**

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

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

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

Environmental Officer: N/A

Parks & Recreation Officer: N/A

#### **Other Approvals:**

Nil

#### **Conclusion:**

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

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

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

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## RECOMMENDATION

It is recommended that application number DA20/0373 for Alterations and Additions to existing dwelling with attached double garage and patio 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

- B.1 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	BCM Design Centre Pty Ltd		3.08.2020
A382038	BASIX Certificate	BCM Design Centre Pty Ltd		3.08.2020
20066-1	Detail of Existing	BCM Design Centre Pty Ltd		3.08.2020
20066 - 2A	Proposal Sketch	BCM Design Centre Pty Ltd	A	21.09.2020
20066 - 3A	Proposal Sketch	BCM Design Centre Pty Ltd	A	21.09.2020

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

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

### Requirements before a Construction Certificate can be issued

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

\$2000 for security deposit on the kerb and gutter and footpath

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

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

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

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

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

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

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

C.3 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$2,200.00 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 117.4/115.1.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.4 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE 1: '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: N/A

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

NOTE 6: The Section 64 Stormwater base figure is \$315.43

The Section 64 Stormwater contribution (updated by the 117.1/87.9) required to be paid is \$420.21

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.

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

C.5 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

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

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

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

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

- C.6 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.7 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

C.8 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

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 Coedong Lane.

C.10 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.11 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

### **Requirements during construction or site works**

C.12 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.

C.13 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

C.14 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

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

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

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
  - d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
    - i) The method of protection
    - ii) The date of installation of the system
    - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
    - iv) The need to maintain and inspect the system on a regular basis.
- C.15 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.16 All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to:
- a) the existing roofwater drainage system,
- in accordance with AS/NZS 3500.3.2003 'Stormwater Drainage'.
- Stormwater disposal drains must be connected to all roof gutter downpipes within fourteen (14) days of installation of the downpipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.
- C.17 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.18 The applicant must take all reasonable steps to minimise dust and vibration generation during the demolition and construction process.

- C.19 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.20 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.21 The extension must be constructed with the following materials and profiles:
- Windows to be double hung timber framed to match existing;
  - Eaves/gutters must be of quad profile to match existing;
  - Ridge and hip cappings must be roll top;
  - Downpipes must be circular.

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

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

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

- C.22 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
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.23 In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000 the owner of the building shall ensure that the building is equipped with smoke alarms that are located on or near the ceiling and complying with the following:

- (a) in any storey of the building containing bedrooms - in every corridor or hallway associated with a bedroom, and if there is no such corridor or hallway associated with a bedroom, between that part of the building containing the bedroom and the remainder of the building; and
- (b) in any other storey of the building not containing bedrooms.

Where more than one smoke alarm is installed within the Class 1(a) building, they must be interconnected.

The smoke alarm(s) installed shall be functioning and shall comply with the requirements of AS 3786 and shall be powered from the mains electricity supply, or by a non-removable battery with a minimum life expectancy of 10 years that is connected to the smoke alarm.

- C.24 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.25 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.26 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.27 Any earthworks (including any structural support or other related structure for the purposes of the development):

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

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

N/A

#### **E. SCHEDULE E – Prescribed Conditions**

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

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

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

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

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

N/A

<p><b>Report Prepared by:</b></p>  <p>Emma Molloy Town Planner</p> <p>Date: 2.11.2020</p>	<p><b>Report Approved by:</b></p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 2/11/20</p>
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