

Report of Development Application

Pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

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| Application No.: | DA19/0575 |
| Review No: | REV20/0001 |
| Council File No.: | REV/2020/0001 |
| Date of Lodgement: | 14/02/2020 |
| Applicant: | GP Kimpton, PR Kimpton 135 Eleven Mile Lane YARRAGUNDRY NSW 2650 |
| Proposal: | Alterations and Additions to an existing dwelling and Double Garage with an Attached Workshop |
| Description of Review: | Review of Determination DA19/0575 to approve the garage and workshop – delete condition C23 and add condition C25 |
| Development Cost: | \$335,000.00 |
| Assessment Officer: | Cameron Collins |
| Determination Body: | Council |
| Other Approvals | Nil |
| Type of Application: | Review of Determination |
| Concurrence Required: | No |
| Referrals: | Internal |
| Adjoining Owners Notification: | Not required |
| Advertising: | Not required |
| Owner's Consent Provided: | yes |
| Location: | On the eastern side of Best Street, approximately 90 metres to the south of the junction of Best and Morgan Streets. |

SITE DETAILS

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|---------------|--|
| Subject Land: | 33 Best St WAGGA WAGGA NSW 2650 Lot 1 DP 916119 |
| Owner: | GP Kimpton & PR Kimpton |

This application was reported to Council on 28 June 2021 - the Review report and recommendation is detailed below. The report recommended that the original decision be upheld to not approve the garage and workshop.

The Council overturned the decision and approved the review by the deletion of condition C23 and the addition of condition C25. Resolution number 21/197.

Review Report to Council

Development Consent DA19/0575 was approved by Council under delegation (Senior Town Planner) on 14 January 2020. The proposal was for alterations and additions to an existing dwelling at 33 Best Street including the construction of a new double garage with an attached workshop fronting the rear laneway (Biroomba Lane).

Approval, subject to conditions, was granted for the proposed alterations and additions to the dwelling however the approval did not consent to the proposed double garage and workshop. The decision not to approve the garage/workshop was confirmed via the inclusion of a condition of consent (Condition C.23) as follows:

C.23 The proposed garage and attached workshop is not approved under this consent.

An application has now been lodged under Division 8.2 of the Environmental Planning and Assessment Act 1979 to review the decision to impose Condition C.23 denying consent for the proposed garage/workshop.

The applicant has elected to seek the review based on the original submitted plans and design for the garage/workshop building (i.e. no amendments have been made to the building as originally proposed). The applicant has provided written correspondence with their application supporting their proposition that Council should approve the garage/workshop building.

Notification Requirements for Reviews under Section 82

The original application (including the proposed garage/workshop) was notified to adjoining neighbours in accordance with the provisions of the DCP 2010. No submissions were received.

For Reviews of Determination, the DCP 2010 states that:

As a minimum, Section 82A applications to review a previously determined development application will require re-notification to those people who may have previously made submissions to the original application.

As no submissions were made, it was determined that re-notification was not necessary.

Original Assessment

The determination was supported by an assessment of the garage/workshop building under the relevant provisions of the Wagga Wagga Development Control Plan 2010, specifically Section 3.3.2 dealing with alterations and additions (including garages and carports) within the residential precinct of the heritage conservation area. The following is an overview of the officer's assessment of the proposal:

The proposal also makes provision for a double garage with a hobby room to be accessed Biroomba Lane. The garage and hobby room will be constructed of Colourbond. C4 requires double garages to be a maximum of 6 metres wide and 7.5 metres long with the walls 2.4 metres high rising to an apex of 3.9 metres. The proposed garage is in two sections with one bay being a total of 9 metres in length whilst the other bay and hobby room are a total of 7 metres in length. The walls are a minimum of 2.7 metres high and rising to 3.5 metres. The structure is 4.7 metres in height. As such a variation is sought. Written justification was provided by the applicant at the time of lodgement. The justification states "that rear lanes

consist of a mix of everything from small rusty sheds to full width brick garages and two storey structures with secondary dwellings". Questions were raised over the legitimacy of two storey secondary dwellings in regards to the objectives of the Conservation Area and that in allowing two storey structures indicates that the rear lanes are of no importance. An argument was made "that harsh restrictions are not serving any great purpose and that the current theme is no theme at all which at the end of the day does it really matter". The applicant did state that lifestyles have changed dramatically since these houses were built and that the garage is needed to provide secure storage for the occupant's possessions. A list of photos demonstrating the non-compliant structures within the laneway were also provided.

Variations are considered in terms of impact, nature and magnitude of the departure, the degree of compliance with other controls and objectives, whether the particular control is unreasonable or unnecessary, whether non-compliance will prejudice the objectives of the zone and the aims of the DCP and any matters of consideration with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Whilst the above justification does raise some valid points in regards to secondary dwellings and character of the laneway. The DCP is a community adopted document that controls development within the Local Government Area. The current DCP was adopted in 2010 with specific controls for the Conservation Area to address concerns raised over the built form within the Heritage Conservation Area. To use other structures within the laneway especially those built prior to the adoption of current controls would not be conducive to what the community identified as an acceptable built form within the Conservation Area. Councils consistent practice post 2010 has been to accept small variations to double garages and allowing open skillion roof carports and workshops that have been articulated from the primary form of the double garage. The subject development offers no articulation to the laneway side as such it would be inconsistent with Council's current practice to support such a variation and would result in the controls no longer being of any relevance. In addition, as stated previously the applicant did receive advice from Council's Heritage Advisor. The advisor was given plans for the garage that were 11m x 8m, the Advisor did note that this would not be supported. The submitted plans have been shown to the Heritage Advisor for further comment, the Advisor did not support the revised plans. The proposed garage and workshop is therefore not supported.

As identified, the assessment concluded that the variation sort with respect to the numerical controls under Section 3.3.2 were unreasonable and unjustified having regard to the objectives of this section of the DCP 2010. The assessment recommended that the garage/workshop building not be approved and that this restriction be imposed via a recommended condition of consent. This recommendation was adopted in the notice of determination issued.

Review of Assessment

The following table provides a summary of the applicable controls under Section 3.3.2 of the DCP 2010. As identified in the original assessment and confirmed in the table below, the development as proposed fails to meet all or the numerical controls that govern the scale of the garage under Control C4.

| Assessment under current controls for garages - Section 3.3.2 (DCP 2010) | | | |
|---|--|---------------------------|----------|
| DCP Control | DCP Requirement | Proposed | Complies |
| C1 | Where possible, car access should be from a rear lane. | Rear lane access proposed | Yes |

| | | | |
|----|---|---|---|
| C2 | 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. | N/A - rear lane access available No demolition or removal of significant fabric proposed. | Yes Yes |
| C3 | 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. | Materials will not be inconsistent. Main dwelling contains no significant detailing or decorative features. | Yes |
| C4 | 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 - <ul style="list-style-type: none"> • 6000mm wide • 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. | N/A <ul style="list-style-type: none"> • 10800mm wide • 9000mm long • 3600mm walls • 27° • 4734mm apex • Two doors 3000mm wide each 27° | N/A No No No Yes No No Yes |
| C5 | Specifications: Walls can be in Custom Orb corrugated metal, weatherboards, fibre cement sheet or face brick Galvanised corrugated metal roof preferred rather than Zincalume. Roll barge and roll top. Gutters are to be quad or ogee profile and galvanised. | Corrugated metal walls Corrugated metal roof (Colorbond) Unspecified Unspecified | Yes Yes To be conditioned To be conditioned |
| C6 | Doors may be tilt doors of a simple design and neutral colour. Roller doors may be considered on merit. | 2 x roller doors | Roller doors non-compliant with C4 |

The numerical controls under C4 are specified to support the attainment of the objective of this part of the DCP 2010 which is to minimise the visual intrusion of garages and to establish parameters for the proportion and detailing of garages. Given that the variations to these

parameters are significant and are beyond any minor variations that Council has previously supported in relation to other similar proposals, it is satisfied that the conclusion and recommendation provided in the original assessment is sound.

Proposed Amendments to Section 3 of DCP 2010

Council is in the process of considering a draft amendment to provisions of Section 3 of DCP 2010 (Amendment No. 16) relating to heritage conservation. The intent of the draft DCP Amendment is to better direct development outcomes in line with Council's identified strategic needs as detailed in the Wagga Wagga Local Strategic Planning Statement (LSPS).

The LSPS identifies the need for housing diversity and infill development in Central Wagga Wagga which includes significant identified attributes of the Conservation Area. Heritage streetscapes and character features are to remain intact and predominantly at the frontage of properties throughout the Conservation Area. The draft amendment to the DCP would allow well-designed extensions, secondary dwellings and other outbuildings and amenities, up to two storeys, recessed to the rear of heritage dwellings.

The key outcomes of the amendment include:

- a framework for buildings and property to be updated to meet contemporary living expectations;
- an appropriate standard of design quality and presentation in the Conservation Area
- provide and incentivise reinvestment into heritage properties and their upkeep
- retain significant character dwellings and streetscape features to property frontages; and
- provide further variety in living options that are not typical of other segments and locations within the local housing market.

In line with these outcomes, the amendment seeks to provide opportunity for further development to the rear of conservation area properties including development fronting affected laneways. Specific amendments are proposed to the controls relating to garages within the conservation area contained at Section 3.3.2. The following image provides a summary of the changes proposed in the amendment for Section 3.3.2. The primary intent of the amendments is to remove the prescriptive standards for dimensions of the garage and to allow consideration of the size of the building on merits in line with the key outcomes identified above.

Garages and carports

The absence of garages and carports in the streetscape is an important characteristic of the conservation area. A number of the streets have rear lanes, and where the property is adequate, consideration can be given to a double garage/ carport on the rear lane.

Objectives

- O1 Minimise visual intrusion from garages and carports, and require structures to be located behind the building line.
- O2 Establish parameters for the proportion and detailing of garage and carports.

Controls

- 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.~~
- 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.
- 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 Zincalume.~~
 - ~~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 at the front elevation.~~
- C9 Where metal is used in buildings and fences, corrugated profile is preferred. Contemporary ribbed profiles are inappropriate (Trimdek, etc.). Other profiles may be appropriate subject to heritage advice. Galvanised or monochrome matt finishes are preferred finishes.
- C10 Contemporary downpipe and guttering profiles (when not part of modern design), PVC products, contrast coloured & decorated garage doors are inappropriate. Timber frame windows and tilt panel garage doors are preferred.

The proposed amendment to Section 3 (including the amendments identified above) was considered by Council at its meeting of 26 April 2021. Council resolved to

a note the outcomes of the public exhibition of draft DCP Amendment No.16

and

take no further action on this amendment and hold any further amendments to the DCP in relation to Heritage provisions, pending completion of a review as part of the CBD Master Plan

Whilst Council has elected to defer its consideration of any amendments to the heritage provisions of the DCP, the intended outcomes of the amendment remain a strategic direction under the adopted LSPS. The strategic direction of the LSPS is a matter of public interest and for this reason should be given consideration with regard to the review of the subject determination.

The following is an assessment of the proposed development in regard to the key outcomes of the draft DCP amendment and also in regard to the proposed amendments to the controls for garages under Section 3.3.2.

| Assessment against key outcomes of the draft DCP amendment | |
|---|---|
| Outcome | Comment |
| a framework for buildings and property to be updated to meet contemporary living expectations | The development is consistent with pattern of development occurring within the residential section of the conservation area which is reflective of the desire for larger garaging and storage opportunities. Landowners are seeking secure parking/storage and larger floorspace to provide flexibility in use including other activities such as workshops, studio spaces and storage of recreational items and equipment. |
| an appropriate standard of design quality and presentation in the Conservation Area | Proposed colours, materials and profiles are acceptable and consistent with those represented throughout the adjoining laneway and other laneways within the conservation area. |
| provide and incentivise reinvestment into heritage properties and their upkeep | Improved development opportunities to the rear of the property will promote investment in the renovation and upkeep of the primary building (the dwelling) on the site and the ongoing preservation of the primary streetscape. This is reflective of the overall development proposed under this application which includes substantial improvements to the existing dwelling and its presentation to Best Street. |
| retain significant character dwellings and streetscape features to property frontages | The existing dwelling is not a contributory building within the Best Street streetscape and contains no significant detailing or |

| | |
|---|---|
| | decorative features. Despite this, the development proposes renovation to the dwelling which will improve its streetscape appeal including new fencing and landscaping. |
| provide further variety in living options that are not typical of other segments and locations within the local housing market. | The development does not propose an alternate living option, however will maintain an the existing single detached dwelling. |
| Conclusion: The development is consistent with the strategic direction offered by the LSPS and the key outcomes of the supporting draft DCP amendment. | |

Assessment against proposed amendments to controls for garages - Section 3.3.2 (DCP 2010)

| DCP Control | <u>Proposed</u> DCP Requirement | Proposed | Complies |
|-------------|--|---|---|
| C... | Where lanes exist...garages are not to be provided on the primary street frontage | Garage proposed on laneway | Yes |
| C... | 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. | N/A - rear lane access available No demolition or removal of significant fabric proposed. | Yes Yes |
| C... | 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. | Materials will not be inconsistent. Main dwelling contains no significant detailing or decorative features. | Yes |
| C... | The scale or size of the... garage... shall not dominate the main house at the front elevation. | The garage will not be visible from Best Street. | Yes |
| C... | Where metal is used in building and fences, corrugated profile is preferred... Galvanised or monochrome finishes are preferred... | Monochrome corrugated metal sheeting proposed for roof and walls. | Yes |
| C... | Contemporary downpipes and gutter profiles..., PVC products, contrast coloured and decorated garage doors, are inappropriate. Timber framed windows and tilt panel garage doors are proposed. | Unspecified Aluminium windows proposed. | Profiles to be conditioned Windows not visible externally to site Roller doors satisfactory |

Conclusion: The removal of the prescriptive standards for dimensions of the garage allow consideration of the size of the building on merits in line with the key outcomes identified above. It is satisfied that the proposed building will not have a detrimental impact within the conservation area with respect to the underlying objective of the controls to: *Minimise visual intrusion from garages and carports, and require structures to be located behind the building line.* The proposed garage is compliant with relevant draft DCP controls under Section 3.3.2.

Whilst the LSPS and the resulting draft DCP amendment is a matter for consideration under the public interest, the question of weighting that should be applied within the decision making process must be considered when compared to the current provisions of the DCP 2010.

The fact that the Council has made a clear and recent decision to defer the amendment to Section 3 of the DCP 2010 clarifies that it has in no way endorsed these proposed amendments and that minimal weight should be given to their application. The current provisions of Section 3.3.2 relating to garages remain the primary position of the Council with respect to the assessment of development proposed within the Conservation Area. As identified earlier in this report the variations to these controls are significant and are beyond any minor variations that Council has previously supported in relation to other similar proposals.

Having regard to the current provisions of the DCP 2010 and the status of the proposed amendment, it is satisfied that the conclusion and recommendation provided in the original assessment is sound.

Recommendation

That the Wagga Wagga City Council, following the Review of Determination under Division 8.2 of the *Environmental Planning & Assessment Act 1979*, uphold its original determination to approve DA18/0395 subject to conditions, including the retention of Condition C.23 as follows:

The proposed garage and attached workshop is not approved under this consent.

Reasons for Decision

1. The proposed development (garage/workshop) is not consistent with the controls of Section 3.3.2 of the Wagga Wagga Development Control Plan 2010.
2. The variations sort with respect to the numerical controls under Section 3.3.2 are unreasonable and unjustified having regard to the objectives of this section of the Wagga Wagga Development Control Plan 2010.
3. Whilst the development is compliant with amendments proposed to Section 3.3.2 of the Wagga Wagga Development Control Plan 2010 (draft Amendment No. 16), the draft amendments do not hold sufficient weight to justify a departure from the current provisions of the DCP 2010 and an alternate determination of the application.

RECOMMENDATION

It is recommended that application number REV20/0001 for Alterations and Additions to an existing dwelling and Double Garage with an Attached Workshop - Review of Determination DA19/0575 to approve the garage and workshop be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.DA19/0575 AS MODIFIED BY APPLICATION NO. REV20/0001

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 |
|-------------|--|---------------------------|-------|-----------|
| . | Review Correspondence | BCM Design Centre Pty Ltd | | 13.2.2020 |
| 19120 - 1 - | General Details - garage and workshop details approved under REV20/0001. | BCM Design Centre Pty Ltd | | 4.05.2021 |
| 19120 - 2 - | General Details - garage and workshop details approved under REV20/0001. | BCM Design Centre Pty Ltd | | 4.05.2021 |

| | | | | |
|----------------|---|---------------------------|--|------------|
| | Statement of Environmental Effects | BCM Design Centre Pty Ltd | | 23.10.2019 |
| | Cover Letter - linked to DA19/0575.01 | Applicant | | 21.04.2021 |
| 19120 - 1 - V3 | General Details - as amended under DA19/0575.01 | BCM Design Centre Pty Ltd | | 4.05.2021 |
| 19120 - 2 - V3 | General Details - as amended under DA19/0575.01 | BCM Design Centre Pty Ltd | | 4.05.2021 |
| A361054 | BASIX Certificate | BCM Design Centre Pty Ltd | | 29.10.2019 |

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:-

\$1000.00 for security deposit on the kerb and gutter and footpath

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

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

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

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

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

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

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

Council's infrastructure is not repaired to the satisfaction of Council.
All damage is to be repaired at the full cost of the applicant

- C.3 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$3,302.07 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

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

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

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

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

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

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

- NOTE 5: The Section 64 Sewer base figure is NIL
- The Section 64 Sewer contribution (updated by the 115.2/100.5) required to be paid is NIL
- NOTE 6: The Section 64 Stormwater base figure is \$271.49
- The Section 64 Stormwater contribution (updated by the CPI/87.9) required to be paid is \$355.80
- 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 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.10 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.

- C.11 Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development:

- a) in the case of work done by a licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Act,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

- C.12 Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours

- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

- C.13 At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.

Requirements during construction or site works

- C.14 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.15 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.16 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.17 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

C.18 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

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

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

C.19 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.20 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.21 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.22 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).
- C.23 DELETED.
- C.24 (1) For the purposes of Section 4.17 (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) 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.
- C.25 The construction materials for the proposed garage/workshop must comply with the below specifications:
- Sheet metal walls and roof are to be corrugated profile
 - Capping shall be roll barge and roll top
 - Gutters are to be quad or ogee profile

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

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| <p>Report approved by Council Resolution 21/0197:</p> <p>Date: 28 June 2021</p> | <p>Report Prepared by:</p>  <p>Cameron Collins Development Assessment Coordinator</p> <p>Date: 15/7/2021</p> |
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