



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

APPLICATION DETAILS

Application No.:	DA20/0348
Modification No.:	N/A
Council File No.:	D/2020/0348
Date of Lodgement:	21/07/2020
Applicant:	Project Planning & Design Po Box 8487 WAGGA WAGGA NSW 2650 Darryl Forbes-Taber
Proposal:	Alterations to the existing dual occupancy and construction of an additional dwelling.
Description of Modification:	N/A
Development Cost:	\$300000
Assessment Officer:	Victoria Rice
Determination Body:	Council
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	31 July to 14 August 2020
Advertising:	31 July to 14 August 2020
Owner's Consent Provided:	Yes
Location:	The subject site is located on the northern side of Spring Street approximately 188m west of the intersection with West Parade.

SITE DETAILS

Subject Land:	47 Spring St WAGGA WAGGA NSW 2650 Lot 1 DP 421513 Lot 1 DP 502818
Owner:	Millard Super Services Pty Ltd

Description of Development

This application is for the alterations and additions to the existing attached one-bedroom dwellings and construction of an additional two-bedroom dwelling to the rear of the site.

The works include demolishing the existing carport, demolition of the rear verandah on the existing attached dwellings and demolition of the shed located at the rear of the site.

The existing attached dwellings will be extended to the rear to accommodate a utility room, inbuilt wardrobes in the bedroom and larger kitchen and dining area. There is private open space to the rear of each dwelling to be fenced, an attached double carport to the north and two visitor's car parking spaces provided. External works are proposed to the exterior of these dwelling including removal of asbestos cladding and replacement with weatherboard cladding and make good works to the front verandah, balustrades and stairs.

A third dwelling is proposed to the rear of the existing attached dwelling. The dwelling will consist of two bedrooms, open plan living, dining room and kitchen, bathroom, laundry, pergola and attached single garage.

The Site and Locality

The subject site legally identified as Lot 1 DP421513 and Lot 1 DP502818 and is known as 47 Spring Street, Wagga Wagga. The site is comprised of two lots with an area of 746.16m² a recommended condition of consent will require the 2 lots to be consolidated. The subject site is located on the northern side of Spring Street approximately 188m west of the intersection with West Parade.

The subject site consists of an attached dual occupancy with an attached carport and shed to the rear of the site. There is an existing driveway to the west of the dwelling.

The surrounding area is characterised by a mix of residential densities. To the north and east of the site are established single storey dwellings. The adjoining site to the west is undergoing development and has an approval for a 21 lot community subdivision.

Easements and Covenants

The subject site is not benefitted or encumbered by any easements according to Council records.

Previous Development Consents

Nil.

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 objectives of the zone that would be considered relevant are:

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

The proposed development is consistent with the objectives to provide for the housing needs of the community through a variety of housing and density types.

Part 2 Permitted or prohibited development Land Use

The proposed development is defined as ‘multi dwelling housing’. This means

3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Multi-Dwelling housing is specifically listed as a land use that is permitted with consent in the R1 zone.

Part 3 Exempt & Complying Development

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

Part 4 Principal development standards

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

Part 5 Miscellaneous provisions

There are no miscellaneous provisions applicable to this application.

Part 6 Urban Release Areas

The subject site is not part of an Urban Release Area.

Part 7 Additional Local Provisions

7.2 Flood Planning

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the land’s flood hazard and to avoid significant adverse impacts on flood behaviour and the environment. The site is within the central area and subject to flooding during the 1:100 year event. Following the completion of the levee works the site will be

protected from such events. The proposed dwelling will be required to have a floor level of 225mm above existing ground level.

The development is considered to be compatible with the flood hazard of the land and will not result in detrimental increases in the potential flood affectation of other development or properties nearby. The risk to the community from the proposed residential development is considered to be minor and acceptable.

7.3 Biodiversity

As the site is identified as Biodiversity on the Terrestrial Biodiversity Map, the proposal would be subject to assessment under this clause.

The subject site is within an established residential area. The works would not have an adverse impact on those matters listed under section 3 of this clause. Council is satisfied that the works have been designed to have minimal impact.

The subject site is within the biocertified area and does not involve the removal of any vegetation. No impacts are expected and therefore the proposal complies with this section of the LEP 2010.

7.6 - Groundwater Vulnerability

Clause 7.6 of the WWLEP 2010 relates to groundwater vulnerability. The subject site is identified as sensitive on the Water Resources Map and as such this clause applies. The objective of this clause is to protect and preserve groundwater sources. The alterations proposed to the existing residence will not result in any adverse impacts to groundwater as the use is not development specified for the purposes of this clause.

7.9 - Primacy of Zone B3 Commercial Core

The objectives of this clause are as follows:

- (a) to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres,
- (b) to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.

The proposed development is for multi dwelling development in a residential zone. It is considered that the development is unlikely to impact the primacy of the B3 Commercial Core zone in the city centre.

State Environmental Planning Policies (SEPPs)

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

There is no indication that the site has been previously occupied by any use that could have led to contamination of the site. Furthermore, the land is not identified on Council's register of contaminated sites. Accordingly, it is not considered necessary to

request any investigation reports on the subject site.

State Environmental Planning Policy (BASIX)

A valid BASIX Certificate has been lodged for each dwelling and assessed as compliant.

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

Although several instruments have recently been notified, there are no relevant planning instruments under this clause that is currently or has been, the subject of public exhibition or comment.

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

Wagga Wagga Development Control Plan 2010

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

Pursuant to this provision, notification and advertising of the application was required. Surrounding properties were notified between 31 July 2020 and 14 August 2020. No submissions have been received at the time of this report

1.11 Complying with the Wagga Wagga Development Control Plan 2010

Where an application involves the variation of one or more controls within the DCP Council staff have delegation to approve variations but only limited to certain developments. The limitations are that adequate justification must be provided by the applicant for the number of controls being varied, the variation must not relate to multi dwelling housing and no objections shall have been received in relation to any numerical control that is being varied by greater than 10%. Whilst there were no objections received the development is multi dwelling housing that proposes a variation of greater than 10%. Therefore, Council staff do not have delegation to approve this application. The variation proposed relates to the minimum land area per dwelling required under the provisions of Control 1 under Section 9.3.1 of the DCP 2010.

The DCP requires that the following criteria must be considered in determining whether a departure from the DCP is warranted:

- Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.
- The nature and magnitude of the departure.

- The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.
- The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.
- Priorities identified in a site analysis being of greater importance than what is being departed from.
- Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.
- 4.15 of the Environmental Planning and Assessment Act 1979 - matters for consideration in the determination of a development application.

The proposed variation has been justified and is discussed in more detail under the applicable section of this report.

Section 2 - Controls that Apply to All Development

2.1 Vehicles access and movements

The relevant controls for this section are as follows:

C3 Vehicles are to enter and leave in a forward direction unless it can be demonstrated that site conditions prevent it.

C5 Access driveways are to be located in accordance with the relevant Australian Standard at the time of lodgement of an application.

C6 Ensure adequate sight lines for proposed driveways.

The dwellings will be accessed from the existing driveway to Spring Street. The driveway is appropriately designed with adequate distance and no sight line concerns. The design for vehicle access and movements is considered acceptable.

2.2 Off-street parking

The applicable standard for multi-dwelling housing is 1 space per 1 bedroom dwelling and 1.5 spaces per 2 bedroom dwelling plus 1 visitor space per 4 dwellings where there are more than 4 dwellings.

There are three dwellings proposed and the total required car parking spaces required is 3.5 spaces. There are 5 spaces provided on site which complies.

2.3 Landscaping

The landscaping plan has been submitted as part of the application and is considered consistent with landscaping commitments under BASIX certificate requirements.

2.4 Signage

No signage is proposed as part of this application.

2.5 Safety and Security

The development is designed to optimize personal safety and property security by way

of natural surveillance and clear definition between public and private areas with no blank walls facing the street. Whilst a crime risk assessment is not required for this development the overall design and layout is consistent with the overall controls and principles of this section of the DCP.

2.6 Erosion and Sediment Control Principles

Temporary sediment and erosion control measures will be implemented during construction. Conditions of consent have been recommended in this regard.

Section 3 - Heritage Conservation

The subject site is not within a heritage conservation area and is not identified as an item of heritage significance.

Section 4 - Environmental Hazards and Management

The land is identified as flood prone but as noted earlier in the report the development is not anticipated to have any impact upon existing flood conditions.

The land is not identified as prone to bushfire.

Section 5 - Natural Resource and Landscape Management

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

Section 6 - Villages

The proposal is for multi dwelling housing in the R1 zone. Section 6 is not applicable to this development.

Section 7 - Subdivision

The proposal is for multi dwelling housing in the R1 zone. No subdivision is proposed therefore Section 7 is not applicable to this development.

Section 8 - Rural Development

The proposal is for multi dwelling housing in the R1 zone. Section 8 is not applicable to this development.

Section 9 - Residential Development

9.2.1 Site Layout

Objectives

O1 Encourage site responsive development that is compatible with existing or desired built form.

O2 Facilitate sustainable development through passive solar design.

O3 Integrate landscaping and built form.

O4 Encourage designs which respond to the physical context and characteristics of the particular site.

O5 Encourage design that maximises the opportunity for passive surveillance of communal spaces from private living areas.

Controls

C1 Use site characteristics such as trees, changes in level or rock outcrops as features within the site layout.

C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.

C3 Orient living spaces to maximise solar access.

C4 Facilitate natural cross ventilation within dwellings through the location of windows and doors.

The proposed multi dwelling development makes good use of the site by integrating access, landscaping and amenity within the design. The existing dwellings will continue to receive adequate solar access while providing opportunities for natural cross ventilation as will the proposed dwelling. The layout of the dwellings is considered acceptable.

9.2.2 Streetscape

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

The presentation of the existing dwellings to Spring Street will be improved upon as the attached carport will be removed and a new carport erected to the rear of the attached dwellings. The elevation is consistent with the scale, rhythm and form of the street.

9.3.1 Site area per dwelling

O1 Ensure adequate area to provide separation between buildings, landscaping and private open space.

O2 Maintain development patterns that are compatible with the established character of established residential areas.

O3 Encourage maximum utilisation of land in the R3 Zone.

C1 The minimum area of any site in an R1 Zone on which development is carried out is to be in accordance with Table 9.3.1a.

Multi-dwelling housing within the R1 General Residential zone requires 375m² of land area per dwelling. The site area is 746.16m² therefore the development does not comply with this control. Compliance with the control would require 1125m² of land area. The applicant has proposed the following justification for the variation:

- The proposed development complies with objective 1 and 2.
- The existing site coverage of the attached dwellings is 12% with the additional dwelling the site coverage is 29%, 40% site cover is permissible on this site. The proposed site cover is not out of character with neighbourhood.
- The adjoining site to the west and to the south are being developed at 315m² per dwelling.
- 47 Spring Street is located at the western end of Spring Street and will not

- change the rhythm of the detached dwelling streetscape.
- The refurbishment of the existing one bedroom dwellings will improve liveability and fire safety for the occupants and neighbours.

The key objective (O1) of this control is to ensure that the land area of the development site is adequate to accommodate a functional and liveable dwelling. As detailed in this assessment report, the proposed multi dwelling development will meet all of the other development standards including the requirements for landscaping, private open space, solar access, privacy, setbacks and carparking. The development is able to achieve this compliance because of the small footprint of the dwellings (1 and 2 bedroom dwellings) and the resulting lower site coverage (see assessment below). Having regard to these circumstances, it is satisfied that the development meets the objective of this section of the DCP and it would therefore be unreasonable to require compliance with the land area control. It is recommended that the requested variation be supported.

9.3.2 Site Cover

C1 Maximum site cover is to be in accordance with Table 9.3.2a.

The maximum site cover for multi dwelling development in the R1 General Residential zone is 40%. The proposed site cover is 215.54m² or 28.88% which complies with this control.

Dwelling 1 and 2: 99.12m²
Dwelling 3: 116.42m²
Total: 215.54m²

9.3.4 Solar Access

C1 Locate garages, laundries and bathrooms to provide insulation from western sun.
The existing carport will be removed and attached to the northern elevation of the dwelling 2. The garage will be attached to the western elevation of dwelling 3. The location of the ensuites and bathrooms in dwelling 1 and 2 will remain the same. The laundry in dwelling 3 is located behind the garage on the western elevation and the bathroom is located adjacent to the bedrooms. The proposed layout doesn't raise any concerns.

C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.

The living areas and private open space will remain in the same location in dwelling 1 and 2. The living area and private open space are oriented to the north in dwelling 3. The dwellings will all receive adequate sunlight.

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

As noted above the new living and dining area faces north. The rear area provides private open space to the dwelling and benefits from sunlight access from the north. Compliant BASIX certificates have been provided with the application.

C5 For any adjacent dwellings that have north facing living areas, maintain 3 hours

sunlight access to the windows of the living areas between 9am and 3pm in mid-winter (June 22).

Adjoining properties do not have dwellings with north facing living areas that will be affected by the proposed development.

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

The private open space on the adjacent properties have adequate open space that will not be impacted by the proposed development.

9.3.5 Private open space

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

The existing dwellings each have over 24m² of private open space. Dwelling 3 has 87m² of private open space. The private open space will receive adequate solar access.

9.3.6 Front setbacks

There are no changes to the existing front setback to Spring Street.

9.3.7 Side and rear setbacks

The proposed multi-dwelling development makes optimum use of the site and the proposed additional dwelling provides adequate separation between boundaries for access and maintenance.

9.4.2 Materials and finishes

The existing dwellings will be reclad with cement weatherboards improving upon the existing asbestos sheet cladding. The new dwelling to the rear will also have the same cement weatherboard cladding and Colourbond roof. The proposed finishes will contribute to a quality streetscape and will be consistent with the existing character of the street.

9.4.3 Privacy

C1 Offset windows, balconies and private open space areas between adjoining dwellings.

C3 Screening is required where there is direct line of sight between neighbouring balconies or private open space areas, or between windows and door openings of habitable rooms.

The additions do not introduce any windows or balconies that will result in direct overlooking of neighbouring properties. No screening is necessary.

9.4.4 Garages, carports, sheds and driveways

C1 Where garage doors form part of the facade of a dwelling fronting a public road

- the garage door is to be:*
- less than 50% of the width of the house**
- no wider than 6m #*
- maximum 2.4m high #*

- double garages are only permitted on lots 12.5m wide or greater
- single fronted tandem garages with one space behind the other are permitted

02 - Variations to these controls may be considered for multi storey dwellings

- Variations to these controls may be considered where the setback of the dwelling exceeds 10 metres.

The attached single garage for dwelling 3 is less than 6m wide and less than 50% of the width of the dwelling. The garage door complies with this control.

9.4.5 Site Facilities

C3 Locate mail boxes so that they are clearly visible from the street or main entry. The plans are to include details of the location for letter boxes and any associated shelter structure.

C4 Garbage areas are to be easily accessible within the site, and are to have adequate lighting. The area should be visually screened from adjoining developments and public spaces.

C5 Provide an external drying area in an area that receives reasonable solar access. The drying area is to be screened from the street or adjoining public spaces.

All required facilities can be accommodated on site.

9.4.6 Changing the landform - cut and fill

There is no cut and fill proposed with this application.

Section 10 - Business Development

This application is for a multi-dwelling development in the R1 zone. Section 10 is not applicable to this development.

Section 11 - Industrial Development

This application is for a multi-dwelling development in the R1 zone. Section 11 is not applicable to this development.

Section 12 - Specific Uses and Developments

This application is for a multi-dwelling development in the R1 zone. Section 12 is not applicable to this development.

Section 13 - Bomen Urban Release Area

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

Section 14 - Boorooma Urban Release Area

The subject site is no within the Boorooma urban release area. Section 14 is not applicable to this development.

Section 15 - Lloyd Urban Release Area

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

Section 16 - Gobbagombalin Urban Release Area

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

Section 4.15(1)(a)(iiia) - Planning Agreements

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

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

There are no applicable matters prescribed by the regulations.

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

Context and setting

The site is located within an established residential area within the central part of the city. The surrounding development is generally low-density single storey residential although there are two storey dwellings to the south of the site. Furthermore, this site and the properties to the south are zoned R3 medium density residential where an increased density of development is permitted and encouraged. The development is consistent with the context and setting of the area.

Streetscape

The existing attached dwellings present to Spring Street and will remain largely unchanged as a result of this application. The only change to the streetscape will be the removal of the carport and recladding of the existing dwellings. There is existing established landscaping that will be retained and embellished. The additional dwelling will be set back and will have negligible impact on the streetscape. The development will not have a detrimental impact on the streetscape.

Access, transport and traffic

Existing access to and from the site will remain via the existing driveway at the western side of the dwelling. A new single garage is proposed attached to dwelling 3 at the rear of the site. One visitors parking bay is also provided. Turning areas on site provide for safe vehicle movements to and from the site by all vehicles.

Noise and vibration

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

Services

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

Natural Hazards

The development has been considered against the relevant flood provisions of the WWLEP2010 and DCP. The site is identified as flood prone and a condition of consent will require floor levels to be 225mm above existing ground level.

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

Man-Made Hazards

The site has been in continual use as a dwelling therefore it is not expected that the site would be contaminated. It is not listed on Councils' Contaminated Land Register. The demolition of old structures may result in the need for asbestos and other materials to be removed from site. Any consent should be conditional on appropriate treatment of any potentially contaminating materials removed from the site.

Economic and Social Impact in the Locality

The associated works to construct the additions will support local businesses such as builders, decorators and building supply companies.

The proposed works are likely to improve amenity for the occupants of the subject property. There are no likely adverse social impacts.

Energy Impacts

BASIX Certificates have been supplied in support of the development and compliance with the listed requirements will form a condition of consent.

Site Design and internal design

The siting of the additions are determined by the current layout of the property and are generally acceptable. The garage location was determined by the need to protect trees of best value within the rear garden. The location results in the removal of one palm tree which is an undesirable species in the local government area.

Cumulative Impacts

There are no likely adverse cumulative impacts from this development. Each proposal is assessed on its merits at the time of the application. The variation to the controls has been suitably justified for this development in this location.

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 one tree to be removed is listed within the Wagga area as a nuisance species and therefore there is no objection to its removal.

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

Section 4.15(c) - the suitability of the site for the development

The subject land is considered to be suitable for the proposed development because the development is for multi-residential development in the R1 zone. The development is permissible in the zone and is compliant with all relevant development standards applicable to this form of housing.

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

Referrals

The application was referred to relevant internal referral groups. Recommended

conditions of consent have been included.

Advertising

In accordance with the requirements of the WWDCP2010 the application was advertised between 31 July and 14 August 2020.

Notification

In accordance with the requirements of the WWDCP2010 the application was notified to adjoining neighbours between 31 July and 14 August 2020.

Submissions

No submissions were received.

Section 4.15(e) - the public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development has been assessed against the applicable DCP controls and assessed as acceptable.

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

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

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

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

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

Therefore, no further consideration of these matters is required.

Council Policies

None

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

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.11 contribution is calculated on a per dwelling basis - a credit applies to the existing two dwellings.

The calculation is therefore $1 \times \$7,702 = \$7,702$

Plus CPI

$117.4/115.1 = \$7,855.90$

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

Section 64 stormwater contribution

The subject site is located within the Urban West of Willans Hill DSP area. The calculation is based on the increased area of hardstand resulting from the proposed additions. The hardstand additions to the site of the new dwelling is 116.42m².

The calculation is therefore as follows:

$(0.83-0.74)/0.74 \times 3007$ (development charge) = \$363.85

Plus CPI

$(0.83-0.74)/0.74 \times 3007$ (development charge) $\times 117.1/87.9 = \$483.91$

Section 64 Sewer Contribution

The subject site is located within a serviced area for sewerage and the developer charge for the City of Wagga Wagga is \$3,538 per ET. The subject site contains two attached 1-bedroom dwellings, a credit of 1 ET exists for the two dwellings.

A two bedroom dwelling is charged at a rate of 0.75ET as follows:

$0.75 \times \$3538 = \2653.50 plus CPI $117.1/100.5 = \$3091.78$

Other Approvals

None required

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Councils Policies.

RECOMMENDATION

It is recommended that application number DA20/0348 for Alterations to the existing dual occupancy and construction of an additional dwelling. be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

Right click & select OR delete if NO deferred commencement consents

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
5532/1	Existing ground floor layout plan	D.J Forbes-Taber	-	13/5/2020
5532/2	Floor Layout Plan Unit no. 3, site & landscaping layout plan	D.J Forbes-Taber	-	13/5/2020
5532/3	Elevations & Sections details units 1&2	D.J Forbes-Taber	-	13/5/2020
5532/4	Elevations & Sections details unit 3	D.J Forbes-Taber	-	13/5/2020
5532/5	Sewage layout plan unit 1 & 2	D.J Forbes-Taber	-	13/5/2020
5532/6	Sewage layout plan unit 3	D.J Forbes-Taber	-	13/5/2020
-	Statement of Environmental Effects	Iris Planning	-	18/6/2020
A380993_02	BASIX Certificate	Evergreen Energy Consultants	-	8/7/2020
A380998_02	BASIX Certificate	Evergreen Energy Consultants	-	8/7/2020
1113087M_03	BASIX Certificate	Evergreen Energy Consultants	-	15/9/2020

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 release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

- C.3 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 and 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.4 Pursuant to s7.11 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution as identified in the table below 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.

Base monetary contribution (Contribution Rate in Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	\$7,702.00
Adopted CPI indexation applied at date of determination (as per Section 3.2 of Wagga Wagga Local Infrastructure Contributions Plan 2019-2034)	117.4/115.1 (see Note 1)
Indexed monetary contribution to be paid (valid for the financial year in which the date of determination was made)	\$7,855.90 (see Note 2)

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.11 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. Indexed developer contributions are

adopted annually by Council for the financial year.

For payments within the 2019/20 financial year, no indexation will be applied to the base monetary contribution as it is within the first year of the Contributions Plan.

NOTE 2: The final indexed 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.5 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: 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 \$2653.50.

The Section 64 Sewer contribution (updated by the 117.1/100.5) required to be paid is \$3091.78.

NOTE 6: The Section 64 Stormwater base figure is \$363.85.

The Section 64 Stormwater contribution (updated by the 117.1/87.9) required to be paid is \$483.91.

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.6 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.7 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.8 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.9 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.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 demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.16 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.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 developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

- C.19 Floor levels must be 225mm above existing ground level

- C.20 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
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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.21 Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.
- C.22 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.
- C.23 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.24 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.25 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

- C.26 Lot 1 in DP 421513 and Lot 1 in DP 502818 are to be consolidated into one. Evidence of consolidation must be provided to Council prior to the issue of an Occupation Certificate.

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

- D.1 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)

F.1 N/A
