



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

## APPLICATION DETAILS

Application No.:	DA19/0575
Modification No.:	N/A
Council File No.:	D/2019/0575
Date of Lodgement:	30/10/2019
Applicant:	GP Kimpton, PR Kimpton Ceda Lodge Rmb 1010 Glenoak Mail Sturt Hwy YARRAGUNDRY NSW 2650
Proposal:	Alterations and Additions to an existing dwelling, and Double Garage with an Attached Workshop
Description of Modification:	N/A
Development Cost:	\$335000
Assessment Officer:	Emma Molloy
Determination Body:	Delegation
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 25 November to 2 December 2019
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the east side of Best Street, approximately 89 metres from the intersection of Best and Morgan Streets.

## SITE DETAILS

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

## **PLANNING CONTROLS / STATUTORY CLASSIFICATION**

*Pursuant to Part 4 (Division 1)*

<b>Environmental Planning Instrument:</b>	Wagga Wagga Local Environmental Plan 2010
<b>Zoning:</b>	R1 General Residential
<b>Land Use Definition:</b>	Dwelling (Alterations and Additions)
<b>Statement of Permissibility:</b>	Permissible with consent

### **Description of Development**

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

- Replacement of roof in corrugated iron;
- Replacement of window hood on western façade;
- Demolition of the existing carport;
- Demolition of the existing rear wall, outbuilding and patio;
- The removal of a bedroom to accommodate a walk in robe and ensuite;
- A new entry on the western elevation behind the carport;
- Erection of a single storey extension to the rear to accommodate an open plan living, dining, kitchen with walk in pantry, study nook, laundry and patio;
- The erection of 7 metre x 9 metre double garage with an attached 3.5 metre 7 metre hobby room with toilet; and
- New 1.4 metre high front boundary fence with brick piers and cast metal infill.

### **The Site and Locality**

The subject site is legally known as Lot 1 DP916119 located at 33 Best Street, Wagga Wagga. The subject site is within the Heritage Conservation Area, on the eastern side of Best Street, approximately 85 metres from the intersection of Best and Morgan Streets. The site is rectangular in shape and has an area of 674.4m<sup>2</sup>. The site currently contains a dwelling that was built in 1958 and is constructed of face brick with a hipped, terracotta tile roof with aluminium windows and doors. The existing dwelling is uncharacteristic within the Heritage Conservation Area.

The surrounding locality is an established residential area characterised by single storey dwellings from the Victorian to interwar period.

### **Easements and Covenants**

The subject site is not benefitted or encumbered by any easements.

### **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 development is permissible with consent.

### **Part 2 Permitted or prohibited development Land Use**

#### **1 Objectives of zone**

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

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

#### **2.7 Demolition Requires Development Consent**

The proposed development includes the demolition of the existing lean to and patio attached to the rear of the dwelling. By submitting this application this clause is satisfied.

### **Part 5 Miscellaneous provisions**

#### **5.10 Heritage Conservation**

The subject site is within the Heritage Conservation Area, under Clause 5.10 (2) (iii) works within a Heritage Conservation Area require development consent. The existing dwelling was constructed in 1958 and is reflective of that era. As such the existing dwelling is typical example of the post war era and is out of character with the predominant built form within the locality. The works include both internal and external alterations and have been designed to be complimentary to the built form of the surrounding dwellings and traditional materials including face brick will be maintained. The works are not considered to have a detrimental impact on the significance of the Heritage Conservation Area.

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

#### **7.1A Earthworks**

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

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

## **7.2 Flooding**

The subject site is identified as prone to overland flow in large rain events as identified in MOFFS 2015. Inundation is limited to the southern portion of the site and is maximum of 0.06 metres and is of a low hazard. As such the proposed development is not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site.

## **7.6 Groundwater Vulnerability**

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

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

The objectives of this clause are 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, and to strengthen Wagga Wagga’s position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, healthcare, culture and the arts. The proposed development involves alterations and additions to an existing dwelling within a residential area. As such the primacy of the B3 commercial core will be maintained.

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

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

Clause 7 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site was subdivided for residential use in 1895 and is not identified on Council’s contaminated land register. As such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 45 requires that for development carried out within 5 metres of an overhead powerline, the consent authority must give written notice to the electricity supply authority inviting comments about potential safety risks and take into consideration any response to that notice within 21 days after the notice is given. An overhead power line is located in the laneway behind the subject site. The subject development was referred to Essential Energy for comment in which concerns were raised in regards to the proposed development. Essential Energy noted that a distance of 10 metres (including any blowout) from the nearest point to Essential

Energy's infrastructure should be maintained. The proposed alterations and additions are located 16 metres from the overhead powerline which is considered acceptable.

It should be noted that the proposed garage and attached workshop are located 2.9 metres from the power pole and 1.3 metres from the overhead powerline. The proposed garage and attached workshop do not comply with the relevant controls as assessed within this report and will not be supported. Therefore, concerns raised by Essential Energy have been addressed and conditions of consent will be imposed to ensure compliance with Essential Energy's requirements.

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

A compliant BASIX Certificate (Certificate number: A361054) was submitted with the application.

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

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

### **Section 4.15(1)(a)(iii) - The provisions of any development control plan Wagga Wagga Development Control Plan 2010**

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

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

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

Surrounding landowners were notified in accordance with Council policy for a period of 7 days from 25 November to 2 December 2019. No submissions were received.

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

The proposed development includes a variation to Section 3.3.2 Garages and Carports C4 in regards to the maximum size of garages and Section 3.3.2 Fences C2 in regards to the maximum fence heights. Variations will be assessed in the relevant section of this report.

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

##### **2.1 Vehicle Access and Movements**

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

## **2.2 Off-street Parking**

Off-street parking will be provided within a carport off Best Street and an existing rear garage off Biroomba Lane which is considered acceptable and satisfies the objectives and controls within this section.

## **2.3 Landscaping**

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

## **2.5 Safety and Security**

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

## **2.6 Erosion and Sediment Control Principles**

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

## **Section 3 - Heritage Conservation**

### **3.3.2 Residential Precinct**

#### **Alterations and Additions and Infill Development**

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

- The removal of a bedroom to accommodate a walk in robe and ensuite;
- A new entry on the western elevation behind the carport; and
- Erection of a single storey extension to the rear to accommodate an open plan living, dining, kitchen with walk in pantry, study nook, laundry and patio.

External works include;

- Demolition of the existing carport;
- Demolition of the existing rear wall, outbuilding and patio;
- The erection of 7 metre x 9 metre double garage with an attached 3.5 metre 7 metre hobby room with toilet; and
- New 1.4 metre high front boundary fence with brick piers and cast metal infill.

The proposed development includes alterations and additions to both the front façade and to the rear. The existing dwelling is a later addition and as such is not considered a contributory element within the Heritage Conservation Area. The works to the front façade involves the inclusion of a front porch which has been designed to be complementary and responsive to the predominant built form and scale of the surrounding dwellings. Rendering of face brick will be used for the supporting wall and columns for the porch, whilst the rendering of face brick is not typically encouraged it will allow for the works to be reflective of the similar style porch to that of the neighbouring dwelling to the south. In addition the proposal involves the replacement of the window hood on the western façade. The window hood has been designed to be in a similar style to both the porch and the surrounding dwellings. As

such the works are considered an acceptable inclusion and will enable the dwelling to reflect similar features of the surrounding dwellings.

The proposed development also includes an extension to the rear to allow for an open plan kitchen, living and dining room, a laundry, a study nook, a walk-in pantry and a patio. The extension uses materials that are reflective of the dwelling and uses the existing side setbacks. The addition to the rear will remove the laundry structure to the rear and will improve the usability of the site and improve the access to private open space. The applicant sought advice from Council's Heritage Advisor. The Advisor was supportive of the works to the dwelling but did state that the roof line on the rear extension should be below the existing ridge height. The applicant has not followed this advice with the extension following the existing roof form to the rear. As such the proposal does not comply with C4 which requires new work to be below the main ridge height of the building and be articulated from the primary form of the building to maintain a descending scale to the rear. The design requires a variation which considering the dwelling is not considered contributory to the Heritage Conservation Area, the proposed patio is subservient in scale from the dwelling and the extension is not above the existing ridge height, the visual impact would be negligible. As such the proposed works are considered acceptable and will not have a detrimental impact on the heritage significance of the locality.

### **Garages and Carports**

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.

The proposal also includes the replacement of the existing carport accessed from Best Street. The carport is setback 1.7 metres from the principal building line and has a skillion roof in accordance with the controls. The works to the carport will allow for the structure to be complimentary to the surrounding locality and as such is considered an appropriate inclusion and is supported.

### **Fences**

The proposal includes a 1.4 metre high front fence. The fence will be constructed of brick with brick piers at 1.4 metres high and cast metal infill that will be a maximum of 1.2 metres. C2 requires front fences to be a maximum height of 1.2 metres and as such a variation is sought in regards to the height of the piers. The variation is 200mm and is considered minor and the use of higher piers is not uncommon within the Heritage Conservation Area and is reflective of the height and style of the fence at number 35 Best Street. As such the proposed fence is considered an acceptable inclusion within the streetscape and the variation is supported.

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

### **4.2 Flooding**

The subject site is identified as prone to overland flow in large rain events. Inundation is limited to the southern portion of the site and is maximum of 0.06 metres and is of a low hazard. As such the proposed development is not considered to have a detrimental impact on the overland flow path or disturb the hydraulic function of the site.

## **Section 9 - Residential Development**

### **9.2.1 Site Layout**

The alterations and addition to the existing dwelling make good use of the site. The works to the dwelling are compatible with the existing built form and will provide additional living space both internally and externally. Cross ventilation will be



achieved through the location of windows and doors. As such the works to the dwelling are considered to comply with the objectives and controls within this section.

The proposed development also includes a double garage with an attached workshop, the garage is not considered to be compatible with the desired built form of the locality.

### **9.2.2 Streetscape**

The proposed development provides an attractive frontage that is not inconsistent with surrounding built form. The proposal includes a 1.4 metre high front fence that will be constructed of brick piers with a cast metal infill. The fence has been previously assessed against Section 3.3.2 and proposes a variation of 200mm to accommodate the height of the piers. The variation has been supported and provides an important feature within the streetscape that reflects the height and design of the neighbouring fence at 35 Best Street.

### **9.3.2 Site Cover**

The maximum site cover for a site between 600m<sup>2</sup> and 900m<sup>2</sup> is 50%. The proposed development will result in a site cover of 47.06%. As such the proposal complies with the controls within this section.

### **9.3.4 Solar Access**

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

### **9.3.5 Private Open Space**

Private open space is provided by the proposed patio which is directly accessible from the open plan living, dining and kitchen area. The patio is effectively screened by the existing boundary fence and established vegetation. As such the proposed development is considered to comply with the objectives and controls within this section.

### **9.4.1 Building Elements**

The proposed alterations and additions to the existing dwelling provide quality built form and uses a front porch and a rear patio to link external and internal living areas. The entry will be updated and will create a sheltered and clearly visible entry. Ancillary components will be located as to not be visible from the street.

### **9.4.2 Materials and Finishes**

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

### 9.4.3 Privacy

Visual and acoustic privacy are important for good residential amenity. The proposed development does not raise any concerns in regards to privacy as the development is effectively screened by the existing boundary fence and established vegetation.

### 9.4.4 Garages, Carports, Sheds and Driveways

The required setback for a garage that opens onto a rear laneway is 1 metre. The proposed garage is setback 1.5 metres from Biroomba Lane which is considered acceptable. The total cumulative floor area of all outbuildings on any one property shall not exceed 8% of the site area which is 53.95m<sup>2</sup>. The proposed garage and hobby space are a total of 86.27m<sup>2</sup> which equates to 12.79% of the site area. As such a variation is required. The proposed garage and attached workshop will result in overdevelopment of the site and does not support the desired future outcomes for the locality. The proposed garage has frontage to the rear lane which given is not a street in the traditional sense but dominance of garages within the laneway should be considered. The relevant objective within this section is to minimise the visual dominance of garages and driveways within the streetscape. Given the size of the structure the proposed garage would not fulfil this objective and is out of context within the sites setting within the Heritage Conservation Area. As such the variation is not supported.

The maximum height of an outbuilding is 4.8 metres, the height of the proposed structure is 4.7 metres. As such the with exemption of the cumulative floor area of all outbuildings, the proposed garage is considered to comply with the objectives and controls within this section.

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

No planning agreements have been entered into under section 7.4.

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

Matters prescribed by the regulations have been satisfied.

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

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The works to the dwelling is considered appropriate and responsive within the locality. The proposed garage and attached workshop do not reflect desired character of the Conservation Area and does not comply with the relevant controls and as such is not supported by this assessment.
Streetscape	x			The proposed development includes a front verandah that is detailed to reflect the predominant built form within the locality. In addition, the proposed front fence has been designed to reflect the form and scale of the neighbouring fence at number 35. As such the works are considered to be compatible within the street and make a positive contribution to the streetscape. No adverse impacts have been identified.
Traffic, access and parking	x			Vehicular access is provided from Biroomba Lane. The proposed development does not seek to alter

				the existing arrangement. The proposed garage whilst providing an appropriate amount of parking is not supported given the garage does not comply with the relevant controls and is not reflective of the desired character within the Heritage Conservation Area.
Public Domain	x			No adverse impacts have been identified.
Utilities	x			All services are connected and available to the site.
Heritage	x			The impact of the proposed development has been discussed in detail within this report. Whilst the alterations and additions to the dwelling are considered appropriate the proposed garage and attached workshop are not. Refusal of the garage and attached workshop is recommended.
Other land Resources	x			None identified.
Water Quality & Stormwater	x			The proposed development will be connected to the existing stormwater infrastructure.
Soils, soil erosion	x			Conditions of consent will be imposed to ensure the proposed development does not have an adverse impact on the subject site or adjoining allotments.
Air and microclimate	x			Dust is expected during demolition. A condition of consent will be imposed to require demolition to be carried out in accordance with the Australian Standard.
Flora and Fauna Trees	x			The proposal does not include the removal of any significant vegetation.
Waste	x			Conditions of consent will be imposed to ensure waste is disposed of in an appropriate manner.
Energy	x			A compliant BASIX Certificate (A361054) was lodged with the application.
Noise & vibration	x			Noise is expected as part of the construction of the proposed development conditions of consent will be imposed to require works to be undertaken within acceptable hours.
Hours of operation			x	Not applicable.
Natural hazards - Flooding - Bushfire Prone Area Map	x			The subject site is not identified as bushfire prone however is identified as prone to overland flow. Inundation within the site is considered minor and as such the proposed development is not considered to have an adverse impact on overland flow or the hydraulic function of the land.
Technological Hazards	x			Given the works include demolition there is a risk of coming into contact with asbestos. A condition of consent will be imposed to ensure that if any asbestos is found that it be handled and disposed of appropriately.
Safety, security and crime prevention	x			No adverse impacts have been identified.
Social impact in locality	x			The proposed development will allow the dwelling to be updated and maintained.
Economic Impact in Locality	x			The proposed development will provide continued work for the construction and related industries.
Site design and internal design	x			The proposed development makes good use of the site and addresses the sites constraints and opportunities. As such the development (with the exception of the garage and attached workshop) is considered to be an acceptable inclusion within the locality.
Overlooking - overshadowing	x			Given the orientation of the site and location of surrounding dwellings no concerns are raised in

				regards to overshadowing. The proposed development is adequately screened by the existing fencing and vegetation. No adverse impacts have been identified.
Landscaping	x			Existing trees within the site are to be retained. An adequate amount of landscaping will be retained by the development.
Construction	x			To comply with the BCA.
Private open space	x			The proposed development provides adequate private open space.
Cumulative Impacts	x			None identified.
Disabled access			x	Not applicable.
Signage			x	Not applicable.
Setbacks, Building Envelopes	x			The proposed development provides appropriate setbacks.

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

The subject land located at 33 Best Street is considered to be suitable for the proposed development because it is residentially zoned land being developed for a residential purpose and is generally in accordance with the WWLEP2010 and WWDCP2010.

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

##### **Referrals**

The proposal was referred to the relevant Council officers. No concerns were raised, standard conditions will be imposed.

##### **Notification**

Adjoining landowners were notified in accordance with Council policy for a period of 7 days from 25 November to 2 December 2019. No submissions were received.

##### **Public Submissions and those from public authorities**

No public submissions were received during the notification period. The proposed development was referred to Essential Energy. Comments were received and have been dissuaded within this report.

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

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report). The approval of the alterations and additions to the dwelling are in the public interest. However, approval of the proposed garage and attached workshop is not in the public interest for the following reasons:

- The garage and attached workshop would set a poor precedent within the Heritage Conservation Area and have unreasonable impacts on the setting and context within the locality; and

- The garage and attached workshop is not consistent with the objectives and controls within the DCP and therefore would result in an inconsistent approach when implementing the DCP. The DCP provides a degree of certainty to the public when developing land in particular areas.

### **Other Legislative Requirements**

#### **Section 5AA 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)**

The development is in a residential zone and not removing any substantial vegetation; the development will have minimal impact on any threatened species in the vicinity. No further assessment is required under this section.

#### **The Principles of Ecologically Sustainable Development**

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

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

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

#### **Flooding Risk Assessment**

The subject site is identified as flood prone. Matters relating to flooding have been previously assessed in regards to the WWLEP 2010 and WWDCP2010 within this report. The above assessment supports the application.

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

The subject site is not identified as bushfire prone. Therefore, no further assessment is required.

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

Section 7.12 of the EPA Act, 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. A Section 7.12 contribution of \$3,302.07 applies and will be put towards the provision high quality and diverse public facilities to meet the expectations of the residents of the city. Please note that contributions do not include the proposed garage and workshop area which is not supported by this assessment.

## Calculations

1% of estimated cost

The estimated cost of the proposed development is \$355,000. The estimated cost of works not including the proposed garage or workshop is \$330,207.10.

1% of \$330,207.10 = **\$3,302.07**

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

## Calculations

Additional hardstand 53.4 m<sup>2</sup>

Developer Charge for Urban West of Willans Hill \$3007

DC= 53.4m<sup>2</sup>/800m<sup>2</sup> x 1/0.74 x 3007 = \$271.49

With CPI

271.49 x 115.2/87.9 = **\$355.80**

## REFERRALS:

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

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

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

Environmental Officer: N/A

Parks & Recreation Officer: N/A

## Other Approvals

Nil

## CONCLUSION:

An assessment of the application has resulted in the application being supported for the alterations and additions to the existing dwelling on the following grounds:

- The application is for alterations and additions to the existing dwelling in the R1 - General Residential Zone which is permitted with consent.

- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought within the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant provisions within the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development (with the exception of the garage and attached workshop) will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

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

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## RECOMMENDATION

It is recommended that application number DA19/0575 for Alterations and Additions to an existing dwelling, and Double Garage with an Attached Workshop be approved, subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO.

### A. SCHEDULE A – Reasons for Conditions

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

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

### B. SCHEDULE B – Deferred Commencement Conditions

N/A

## C. SCHEDULE C – Conditions

### Approved Plans and Documentation

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

Plan/DocNo	Plan/Doc Title	Prepared by	Issue	Date
.	Statement of Environmental Effects	BCM Design Centre Pty Ltd		23.10.2019
19120 - 1	General Details	BCM Design Centre Pty Ltd		28.10.2019
19120 - 2	General Details	BCM Design Centre Pty Ltd		28.10.2019
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 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.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.

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

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.

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

N/A

## E. SCHEDULE E – Prescribed Conditions

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

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

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

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

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

N/A

<p><b>Report Prepared by:</b></p>  <p>Emma Molloy Town Planner</p> <p>Date: 14.01.2020</p>	<p><b>Report Approved by:</b></p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 14/1/20</p>
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