

COUNCIL ASSESSMENT REPORT

Panel Reference	PPWES-32
DA Number	DA2020/0171
LGA	Cabonne Council
Proposed Development	Demolition of existing building and construction of a Community Facility
Street Address	94-98 Bank Street Molong
Applicant/Owner	Cabonne Council
Date of DA lodgement	11/06/2020
Number of Submissions	Zero (0)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Public Authority project (Being Cabonne Council) with a Capital Investment Value of More than \$5million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Cabonne Local Environmental Plan 2012 • State Environmental Planning Policy No. 55 (Remediation of Land) • State Environmental Planning Policy No. 64 (Advertising and Signage) • State Environmental Planning Policy (Koala Habitat Protection) 2019 • State Environmental Planning Policy (Infrastructure) 2007 • Draft Remediation of Land State Environmental Planning Policy • Environmental Planning and Assessment Regulation Clause 92
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Application Form- Form 002 • Statement of Environmental Effects prepared by King & Campbell – June 2020 (Ref: 6371) • Architectural Plans prepared by King & Campbell – 5/6/2020 (Ref: 6371 DA1.1-7.6) • Engineering Drawings prepared by King & Campbell - 3/6/2020 (Ref:6371P-PLAN 1-9) • Statement of Heritage Impact – Barbara Hickson – 25/05/2020 • Heritage Impact Statement – Complete Urban – 16/11/2016 • Stormwater Management Report – King & Campbell – 1/5/2020
Clause 4.6 requests	<ul style="list-style-type: none"> • Nil
Summary of key submissions	<ul style="list-style-type: none"> • Nil
Report prepared by	Christopher Eldred – Department Leader of Development Services
Report date	24/07/2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not Applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report



Development Application 2020/0171
Doc ID 1136734

Executive Summary

The following report provides an assessment of the development application submitted for the demolition of existing buildings and construction of a Community Facility (being the Cabonne Community Centre) at Lot 1 DP 1263954 (formerly known as Lot 2 DP 1082943, Lot 432 DP 1070957 and Lot B DP 155735) being 94-98 Bank Street, Molong.

The Capital Investment Value (CIV) of the proposed development is \$5,043,600. Pursuant to Clause 20 of the *State Environmental Planning Policy (State and Regional Development) 2011*, the development is defined as Regional Significant Development as the CIV exceeds \$5million and is being undertaken by Council. Therefore, the development is required to be determined by the Western Joint Regional Planning Panel.

The development proposes to demolish the three (3) existing buildings on the subject lot and construct a new Community Facility on the subject site. The Community Facility will comprise:

- An Auditorium
- Library, meeting rooms and art gallery
- Ancillary kitchen and amenities
- Carparking

The application is recommended for approval subject to the attached draft development consent.

Applicant:	Cabonne Council c/- King & Campbell Pty Ltd
Owner:	Cabonne Council & The Council of the Shire of Molong
Proposal:	Demolition of Existing Buildings and Construction of a Community Facility
Location:	Lot 1 DP 1263954 (formerly known as Lot 2 DP 1082943, Lot 432 DP 1070957 and Lot B DP 155735) being 94-98 Bank Street Molong.
Zone:	R1 General Residential

PROPOSED DEVELOPMENT

Development consent has been sought for the demolition of all buildings on the subject lot and construction of a Community Facility, being the Cabonne Community Centre.

The proposed development will involve the demolition of the existing dwelling on the former Lot 432 DP 1070957, an identified Heritage Item (I212: House 'Manbronky'), as well as the existing buildings (being the existing Molong Community Centre and Mitchell Room) on the former Lot 2 DP 1082943 and Lot B DP 155735. It is noted that whilst the heritage item is identified as Lot 432 DP 1070957, the actual 'Manbronky' dwelling is located on Lot 433 DP 1070957.

The development seeks to construct a new building, being a Community Facility, on the subject lot. The building will have a footprint of 818m² and will front Bank Street. The building will have a setback of 8.11m to the northern boundary and 3.14m to the eastern boundary. The proposed building will be constructed with two 'wings' with gable ends fronting Bank Street to reflect the existing built form.

The building will include:

- An auditorium on the western end of the building with capacity for 240 persons including a stage, green room, change room, ancillary amenities and storage.
- A library and adjoining meeting room/gallery on the north-eastern corner of the building.
- Ancillary kitchen and amenities in the south-eastern corner of the building.

The front setback of the building will include an elevated terrace on the corner of Bank Street and Shields Lane. Pedestrian access to the building will be provided by front steps to Bank Street with a ramp at street level on the western edge of the building.

Vehicular access will be via a double-width accessway along the western edge of the lot providing access to a carpark in the south-western corner of the site. The carpark will provide designated parking for 17 vehicles (including 1 accessible parking space on the western side of the building, parallel to the accessway). A designated loading zone will be to the south of the accessible parking space.

The development proposes to augment the existing stormwater on site to divert it around the proposed building. This would include the construction of detention pipes within the eastern setback to Shields Lane. Two 5,000L water tanks will be located on the eastern side of the building to capture roof water. Sixteen solar panels are proposed on the western facing roof in two groupings of eight panels. A new connection to the reticulated sewer network is proposed.

An existing shipping container on the former Lot B DP155735 is to be relocated east to the rear of the former Lot 432 DP 1070957.

THE SITE



Figure 1: Aerial Image of Subject Site

The subject site, Lot 1 DP 1263954, is an irregular shaped allotment on the South-Western corner of Bank Street and Shields Lane approx. 350m west of the intersection of Bank Street and Watson Street. The site has an area of 2,532m² with a frontage of 47m to Bank Street and 37m to Shields Lane.

At present the site contains an existing dwelling on the former lot 432, the Mitchell Room on the former Lot B and the auditorium/Molong Community Centre on the former Lot 2. All three parcels are within the Molong Heritage Conservation Area (C2), with the former Lot 432 DP 1070957 comprising a heritage item (I212: House 'Manbronky'). As identified above, the

'Manbronky' dwelling is actually located on Lot 433 DP 1070957, with the listing under Schedule 5 of Cabonne Local Environmental Plan 2012 being an error. It is noted that the dwelling on the former Lot 432 DP 1070957 was identified under Cabonne Council's Community Heritage Study, however was not adopted as a heritage item.

The site has a slope south-west to north-east, with a fall of approx. 5.4m across the site. The rear of the subject site, predominantly on the former Lot 2 DP 1082943, is a vacant grassed area. It is noted that an existing fence in the rear yard is not reflective of the lot boundary, with the boundary being approx. 16m further south than the current fence.

The surrounding area comprises residential development to the east, south and west, generally comprising low density single dwellings with a number of ancillary outbuildings. It is noted that there is a multi-dwelling housing development that is approved (but not yet constructed) to the south of the subject site (DA2016/0173). To the north of the subject site is a commercial area comprising the Cabonne Council administration building, a place of public worship and a small number of commercial premises. The whole of Bank street in the vicinity of the subject site forms part of the Molong Heritage Conservation Area with a number of heritage items on close proximity to the site including I179: House 'Hawthorne' to the immediate west of the site (Lot 8 DP 1061743) and I190: School and Church (former) to the immediate south of the site (Lot 1-3 DP 1165660).

MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (ie the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEI) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Cabonne LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Trigger 1

The site is not mapped on the Biodiversity Values Map.

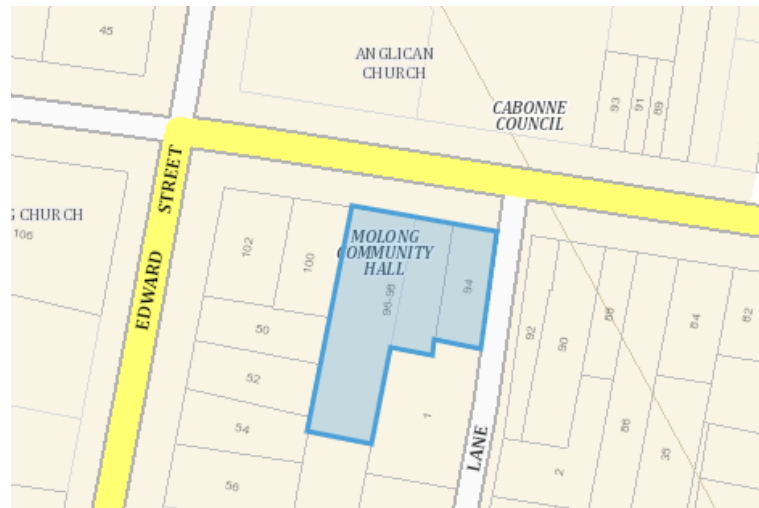


Figure 2: Biodiversity Values Map of Subject Site

Trigger 2

Pursuant to Clause 7.2 Clearing of area of land that exceeds threshold of the Biodiversity Conservation Regulation 2017 requires a BDAR to be lodged with the development.

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The proposed development site is 2,532m² with the amount of vegetation (being surface grasses) to be removed being approx. 1,000m² which is below the threshold, and therefore does not meet this trigger.

Trigger 3

With regard to the third trigger, the test for determining whether proposed development is otherwise likely to significantly affect threatened species is listed in the BC Act 2016, under s7.3:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

- (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
- (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Having regard to the above provisions, the development is unlikely to significantly affect threatened species or their habitats, nor is it likely to adversely impact upon any endangered or ecological communities. The land is not identified, nor declared as an area of outstanding biodiversity value. There are no observable habitat links/vegetation corridors to or from the land. The land is more or less surrounded by highly disturbed urban environments with limited habitat potential.

Given the characteristics of the site and the minimal level of habitat provided on the land, the proposed development does not involve key threatening processes that could threaten the survival or evolutionary development of a species.

In this regard, the development is considered to be satisfactory with respect to Section 7.3 of the Biodiversity Conservation Act 2016.

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

s4.15(1)(a)(i) PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Cabonne Local Environmental Plan 2012

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2.

- (a) *to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,*
- (c) *to facilitate and encourage sustainable growth and development that achieves the following—*
 - (i) *contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,*
 - (ii) *allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,*
 - (iii) *encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,*
 - (iv) *promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,*

- (v) *protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,*
- (vi) *avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,*
- (vii) *protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,*
- (viii) *protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.*

The application is considered to be consistent with the aims of the Plan as discussed in the body of this report.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned R1 General Residential
Lot size map	Minimum lot size 500m ²
Heritage map	Is a heritage item (Lot 432 DP 1070957, is item I212: House 'Manbrony'). The site is also within the Molong Heritage Conservation Area (C2)
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Not within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Not affected by riparian, watercourse or groundwater vulnerability
Land reservation acquisition map	Not Applicable

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*

- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Comment: The subject site is impacted by an easement for the disposal of stormwater and sewage. The easement runs along the western boundary of Lot 2 DP 1082943 with a width of 2m. The easement benefits the lot to the south (Lot 3 DP 1165660). The easements will remain in place with the development not impeding the identified services within these areas.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the R1 General Residential zone. The proposed development is defined as a Community Facility under CLEP 2012 and is permitted with consent for this zone. This application is seeking consent.

Community facility means a building or place—

- a) *owned or controlled by a public authority or non-profit community organisation, and*
- b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Comment: The application seeks to construct a new Community Facility on the subject site. The community facility will comprise a library, auditorium and ancillary services which would be owned by Cabonne Council, a public authority. The facility would be used for the physical, social, cultural and intellectual development of the community and therefore is consistent with the above standard instrument definition of a Community Facility.

Clause 2.3 of LEP 2012 references the Land Use Table and Objectives for each zone in LEP 2012. These objectives for land zoned R1 General Residential are as follows:

1 - Objectives of the R1 General Residential 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.*

Comment: Whilst the proposed land use is not consistent with the first two objectives of the zone, that seeks to provide for housing for the community in a variety of typologies, it is consistent with the third objective that enables for other land uses that provides facilities or services to meet the day to day needs of residents. The community facility would provide for the needs of local and surrounding residents by providing necessary facilities (e.g. a library, meeting rooms etc.). In addition, the application seeks to replace an existing facility of similar nature on the subject site. In turn, the development will not prejudice the first two objectives being achieved.

Therefore, Council is satisfied that the proposed development is consistent with the objectives of the R1 General Residential Zone.

Clause 2.6 - Subdivision - Consent Requirements

This clause triggers the need for development consent for the subdivision of land. Additionally, the clause prohibits subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal and secondary dwellings being located on separate lots if either of those lots are below the minimum lot size applying to the land.

Comment: The application as submitted has sought approval for the consolidation of the 3 former allotments. It is noted that the consolidation of land does not require development

consent, and the process has been undertaken concurrently with this application and has resulted in the 3 former lots being consolidated into Lot 1 DP 1263954.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

Comment: The proposal involves demolition and the applicant is seeking the consent of council. The demolition works will be required to be undertaken in accordance with the legislative requirements. Conditions of consent will be recommended to ensure the requirements are adhered to.

Clause 2.8 - Temporary Use of Land

Not applicable to the proposed development.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.1 - Minimum Subdivision Lot Size

Not applicable to the proposed development.

Clause 4.1AA - Minimum Subdivision Lot Size for Community Title Schemes

Not applicable to the proposed development.

Clause 4.1A – Minimum subdivision lot size for strata plan schemes in certain rural zones

Not applicable to the proposed development.

Clause 4.2 - Rural Subdivision

Not applicable to the proposed development.

Clause 4.2A – Erection of dual occupancies and dwelling houses on land in certain rural zones

Not applicable to the proposed development.

Clause 4.2B – Boundary Adjustments in Certain Rural Zones

Not applicable to the proposed development.

Clause 4.3 Height of Buildings

Not adopted

Clause 4.4 Floor Space Ratio

Not adopted

Clause 4.5 Calculation of floor space ratio and site area

Not adopted

Clause 4.6 - Exceptions to Development Standards

The application does not seek exceptions or variations to any development standards.

Part 5 - Miscellaneous Provisions

5.1 Relevant acquisition authority

DA 2020/0171

Community Facility

The application does not seek to acquire land as part of the proposed development.

5.2 Classification and reclassification of public land

The application does not seek to classify or reclassify public land.

5.3 Development near zone boundaries

The development does not seek to undertake a land use via this clause.

5.4 Controls relating to miscellaneous permissible uses

Not applicable to the proposed development.

5.5 (Repealed)

5.6 Architectural roof features

Not adopted

5.7 Development below mean high water mark

Not applicable

5.8 Conversion of fire alarms

The development seeks to construct a new building, therefore this clause is not applicable.

5.9, 5.9AA (Repealed)

5.10 - Heritage Conservation

Note: Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Cabonne,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for Consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*

- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

...

(4) Effect of Proposed Development on Heritage Significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage Assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

...

Comment: The application seeks to demolish the existing structures on the subject site, including a heritage item (I232), on land that is identified as being within the Molong Heritage Conservation Area.

- (a) *on land on which a heritage item is located,*

The existing dwelling on the former Lot 432 DP 1070957 is listed as an identified Heritage Item (I212: House 'Manbronky') under Schedule 5 of Cabonne Local Environmental Plan 2012. As previously addressed, the actual Manbronky dwelling is located on Lot 433 DP 1070957, with the listing being an error in the LEP listing (the address under schedule 5 is listed as 1 Shields Lane being the address of Lot 433 DP 1070957). The dwelling on the former Lot 432 DP 1070957 was identified as a building of heritage significance under the Cabonne Community Heritage Study but was not formally adopted as a heritage item. The proposed development seeks to demolish the dwelling to allow for the construction of the new Community Facility. The dwelling is a single storey cottage constructed in the inter-war period. The dwelling is constructed with fibro sheet walls, corrugated metal hipped roof and a brick verandah. It is assumed the dwelling was constructed in the late 1930s, however a search of Council archives has not found the original plans or approval.

As part of a prior development application for the subject site, DA2017/0093 that proposed to similarly demolish the dwelling, a heritage impact statement (HIS) was prepared. The HIS identified that the dwelling is generally in original condition, however the overall condition of the building fabric is poor. In addition, there are no ancillary structures or features (Outbuildings or landscaping etc.) that would contribute to the heritage significance of the building.

The location of the dwelling, on the south-western corner of the intersection of Bank Street and Shields Lane, and the adjoining buildings comprising a civic precinct, visually and physically isolates the dwelling from the surrounding residential pattern. As such, the dwelling does not visually contribute to the significance of the broader heritage conservation area.

The buildings poor condition, limited footprint and isolated location would inhibit any practical re-use of the building. Therefore, the demolition of the dwelling (although a heritage item) will not adversely impact the heritage significance of the broader heritage conservation area.

(b) on land that is within a heritage conservation area,

All three lots are within the Molong Heritage Conservation Area. As addressed above, the demolition of the dwelling (identified as heritage item I212: House 'Manbrony' on the former Lot 432 DP 1070957 but actually on Lot 433 DP 1070957) would not adversely impact the significance of the broader heritage conservation area. The other two lots and buildings are also proposed to be demolished as part of the proposed development.

Lot 2 DP 1082943 contains the former School of Arts building. The building is of masonry construction with a tall gable end fronting Bank Street. The roof comprising corrugated iron which has been replaced in parts and shows signs of deterioration. Internally, the original timber floor appears to have been replaced.

A Heritage Impact Statement (HIS) was prepared and submitted with the development application that details the fabric and history of the building. Historical records indicate that the foundation stone of the building was laid in April 1879 (along with a time capsule) and was likely operational from later that year (it is noted that the records indicate the building was 'opened' by Sir Henry Parkes in July 1878, however this contradicts records referring to the laying of the foundation stone and time capsule). Within ten years, a standalone tea room was constructed to the east of the school of arts building. The buildings have been altered many times most notably in 1960 with an addition to the façade of the building and the linking of the School of Arts building to the tea room (comprising the Mitchell Room on Lot B DP 155735). The addition comprised a masonry construction to the north and east of the School of Arts building with a metal clad parapet. The addition housed meeting rooms, a kitchen and amenities. As such, the appearance of the building was significantly altered.

Evidence suggests the construction of the current building has been undertaken in at least six stages. Currently the building is in fair to poor condition, with evidence of structural stability measures (through steel rods and buttresses) to stabilise the building and signs of dampness.

The HIS identifies that the former School of Arts building is unremarkable in detail through the many alterations and additions with a low to moderate rate of heritage significance. The significance of the building is strongly tied to the community facility that it provided and social activities that it housed. These facilities will be replicated in the proposed community facility

The addition to the east of the School of Arts building (known as the Mitchell Room) is of poor architectural or heritage merit and is generally in poor condition.

Given the buildings are in a poor state, have been significantly modified and have poor architectural merit, their demolition is supported in this instance. The heritage significance of the buildings is tied to the social and community functions that they provided and this will be replicated through the construction of a modern facility, constructed to current building specifications. Further to this, the proposed building has been designed with two gable ends fronting Bank Street to reminisce the former buildings with the western end of the building (housing the auditorium) having a gable end approx. 1.5m higher than the eastern end that reflects the current building form of buildings following the topography down the hill of Bank Street (Figure 4).

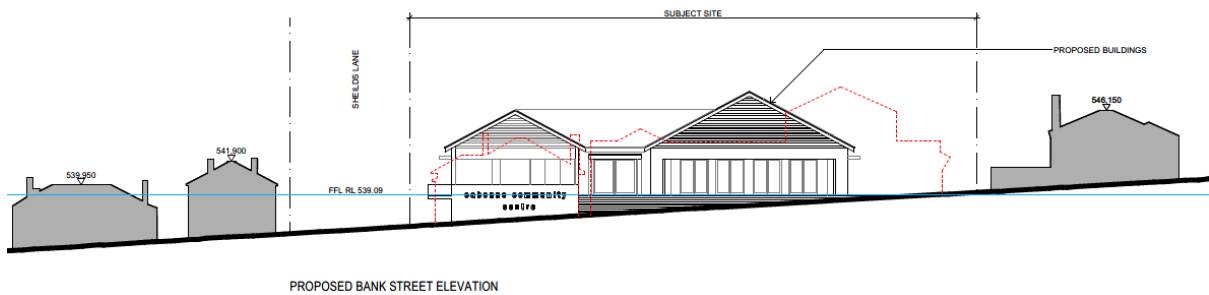


Figure 3: Extract from Plans showing the existing and proposed Bank Street Elevation

Council considers that the demolition of the buildings from within the Heritage Conservation Area, and construction of the new Community Facility, will not have an adverse impact on the broader heritage conservation area, with the proposed building to be compatible with the surrounding development pattern.

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

The surrounding area to the north, east and west comprises part of the Molong Heritage Conservation area including a number of heritage items. The proposed development seeks to construct a building of similar proportions to the existing, however with an increased setback to Bank Street. The building will be setback approx. 8m from the primary (northern) boundary which will mitigate potential impacts on the surrounding heritage area and items. Of note is the heritage item to the immediate west of the subject site (1179: House 'Hawthorne'). The proposed development seeks to increase the setback to this heritage item from approx. 8.25m to 16m. This combined with the increased primary setback will ensure that the proposed development does not adversely impact the heritage significant item.

As identified in the extract above, the development has been designed with gables and stepped roof heights will allow the proposed building to be compatible with the surrounding streetscape.

Council is satisfied that although the development proposes the demolition of a heritage item and buildings within a heritage conservation area and adjacent to other heritage items, it will not adversely impact the broader heritage conservation area, or surrounding items.

5.11 Bush Fire Hazard Reduction

Not applicable to the proposed development.

5.12 Infrastructure development and use of existing buildings of the Crown

Not applicable to the proposed development.

5.13 Eco- Tourist Facilities

Not applicable to the proposed development.

5.14 Siding Spring Observatory- Maintaining dark sky

Not applicable to the proposed development.

5.15 Defence communications facility

Not applicable to the proposed development.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Not applicable to the proposed development.

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

Not applicable to the proposed development.

5.18 Intensive Livestock Agriculture

Not applicable to the proposed development.

5.19 Pond-Based, tank based and oyster aquaculture

Not applicable to the proposed development.

Part 6 - Additional Local Provisions

6.1 - Flood Planning

The subject site is not identified as being within a 'Flood Planning Area' on the Flood Planning Map.

6.2 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal will result in an increase in the amount of impermeable surfaces on the subject site, predominantly through the sealed car park to the rear of the building. The development proposes to include onsite retention of stormwater through the use of rainwater tanks and detention pipes to reduce the amount of stormwater leaving the subject site to pre-development levels. The measures proposed were recommended following the preparation of a Stormwater Management Plan (prepared by King + Campbell) that was submitted with the development application. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels should the proposed measures be implemented.

6.3 - Terrestrial Biodiversity

The subject site is not identified as 'Biodiversity' on the Terrestrial Biodiversity Map.

6.4 - Groundwater Vulnerability

The subject site is not identified as being 'Groundwater Vulnerable' on the Groundwater Vulnerability Map.

6.5 - Drinking Water Catchments

The subject site is not identified as being within a 'Drinking Water Catchment' on the Drinking Water Catchment map.

6.6 - Riparian Land and Watercourses

The subject site is not identified as a 'Watercourse' on the Riparian Lands and Watercourses Map, nor is it within 40m of any identified land.

Clause 6.7 – Land affected by karst

The subject site is not identified as 'Karst' on the Natural Resources – Karst Map.

Clause 6.8 - Essential Services

Clause 6.8 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *storm water drainage or on-site conservation,*
- (e) *suitable road access.*

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

Water: The subject site is presently connected to reticulated water being the Molong Water Supply. Augmentation or adjustment to the connection would be required to accommodate the proposed development.

Electricity: The subject site is presently connected to the electricity network. Adjustment to the connection is likely required to accommodate the proposed development.

Sewage: The subject site is presently connected to the reticulated sewer network. As part of the development, a new connection to the network is proposed.

Stormwater: The subject site currently drains stormwater to the on street stormwater network. As part of the proposed development addition impermeable area will be introduced which has potential to increase the amount of stormwater run-off. The applicant has proposed to construct on site retention to capture stormwater on site and mitigate flows off site to pre-development flows.

Road Access: The subject site currently has vehicular access to Bank Street via a driveway cross over on the western edge of the site. As part of the proposed development, the access will be upgraded to allow for two- way traffic flow.

Council is satisfied that the subject site and proposed development will be connected to essential services.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy 55 Remediation of Land

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) is applicable. Pursuant to Clause 7 Contamination and remediation to be considered in determining development application:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: The subject site has historically been utilised as a community facility or residential accommodation. Therefore, following a site inspection, Council considers that it is unlikely that the subject site could be potentially contaminated and is suitable for the proposed development in its current state without the need for further investigation or remediation. It is

noted that the buildings currently on the site likely contain asbestos. Therefore, prior to the demolition works commencing, a Hazardous Materials Inspection Report will be required to be prepared to identify the hazardous materials and ensure that they are suitably disposed of.

State Environmental Planning Policy (Koala Habitat Protection) 2019

Cabonne Council is identified within the SEPP Koala Habitat Protect schedule as having koala habitat. A BioNet search did not reveal any sighting of Koalas in the locality.

The Draft Koala Habitat Protection Guideline published by the NSW Department Planning, Industry and Environment has two key aims:

- To guide councils on how to prepare Koala Plans of Management, and
- To standardise the process that applicants are to follow and consent authorities to implement when preparing and assessing development applications.

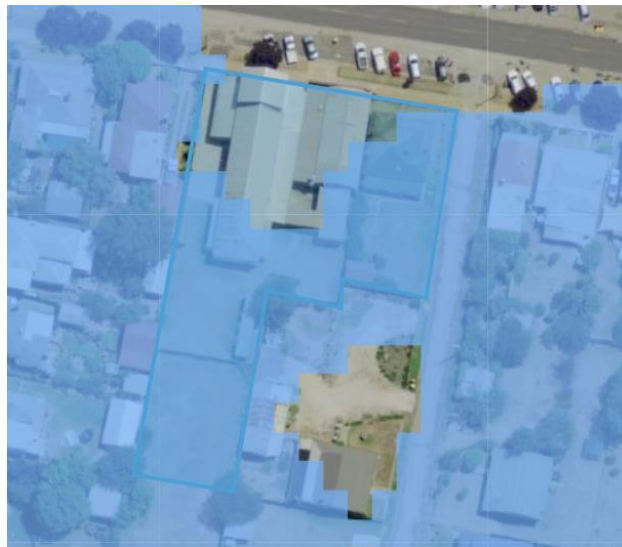


Figure 4 – Koala Habitat Mapping

It is considered that the proposed development falls within the Tier 1 category of the Draft Guideline in which there is low or no direct impact arising as a result of the development. The proposal is considered to have low or no direct impact for the following reasons:

- The subject land does not comprise core Koala habitat but has been mapped as a site investigation area.
- The subject land is generally cleared, and the proposed development will not result in the clearing of native vegetation (aside from surface grasses).
- The development does not trigger the Biodiversity Offsets Scheme threshold under the Biodiversity Conservation Act 2016.
- The footprint of the development will not compromise the movements of Koalas.

In this regard, the proposal is considered to satisfy the requirements of the SEPP and a Koala Plan of Management is not required in this instance. Accordingly, the development is considered to have low or no direct impact upon Koalas and their habitats.

State Environmental Planning Policy 64 - Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage (SEPP 64) is applicable and states in part:

3 Aims, Objectives etc

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish, and*

(8) **Granting of Consent to Signage**

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposed development proposes a sign on the front wall fronting Bank Street depicting 'Cabonne Community Centre'. The signage will be approximately 8.5m x 1.8m and will simply involve the lettering on the wall with no other graphics proposed. The application has not identified proposed colours for the signage. Pursuant to clause 8(b) of SEPP 64 above, an assessment against the criteria within Schedule 1 will be undertaken below:

1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Comment: Yes, the commercial precinct in the vicinity of the subject site contains a number of premises that contain signage similar to the proposed. Whilst the area comprises a heritage conservation area, the proposed signage does not detract from the surrounding heritage area.

2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Comment: As identified above, even though the site is within a heritage conservation area, the signage is unlikely to detract from the broader heritage conservation area. The lettering of the sign (size and form) is comparable to the existing signage and compatible with other buildings that contain a variety of signage.

3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

Comment: The signage is attached to the front wall of the centre and will not obscure important views, dominate the skyline or impede viewing rights of other advertisers.

4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

- *Does the proposal require ongoing vegetation management?*

Comment: The scale of the sign is proportionate to the proposed building and is similar to other signage in the vicinity of the surrounding area. The sign breaks up a black brick wall facing the street and will not require any vegetation removal (aside from that being removed for the broader development) or ongoing vegetation management.

5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Comment: Yes, the scale of the proposed signage is suitable to the proposed building. Whilst the sign dimensions of the sign are considerable (8.5m x 1.8m), when viewed in the context of the proposed building, it is proportionate to the overall scale. The signage makes effective use of an otherwise blank wall to identify the proposed community facility.

6 - Associated Devices and Logos With Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Comment: Not applicable to the proposed sign.

7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

Comment: The signage will not be illuminated.

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Comment: The signage is fixed to the wall of the building, and will not contain and lights or moving aspects, therefore Council is satisfied that the signage will not have an adverse impact on road or pedestrian safety.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 45 of this SEPP, a referral was sent to the electricity authority as the subject site is in close proximity to electricity infrastructure being overhead powerlines. The electricity authority, being Essential Energy raised no objections to the proposed development.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

From 31 January to 13 April 2018 the Department of Planning and Environment publically exhibited an Explanation of Intended Effect (EIE) and Draft Planning Guidelines for the proposed Remediation of Land SEPP, which will repeal and replace State Environmental

Planning Policy 55 – Remediation of Land (SEPP 55). Of particular note, the Draft Planning Guidelines state:

“In undertaking an initial evaluation, a planning authority should consider whether there is any known or potential contamination on nearby or neighbouring properties, or in nearby groundwater, and whether that contamination needs to be considered in the assessment and decision making process.”

“If the planning authority knows that contamination of nearby land is present but has not yet been investigated, it may require further information from the applicant to demonstrate that the contamination on nearby land will not adversely affect the subject land having regard to the proposed use.” (Proposed Remediation of Lands SEPP - Draft Planning Guidelines, Page 10).

The Draft SEPP requires in part that consideration be given to potential contamination on nearby or neighbouring properties and groundwater. Land adjoining the site is not identified or considered to be contaminated. The contamination status of neighbouring business lands will not impact on the modified development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

There are no development control plans that are applicable to the proposed development or subject site.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 92)

The proposal involves the demolition of the existing buildings on the subject site. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 1991: The Demolition of Structures*.

Fire Safety Considerations (clause 93)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (clause 94)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (clause 97A)

BASIX is not applicable to the proposed development. A Section J energy efficiency statement will be required with the Construction Certificate application.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

The proposed development seeks to demolish an existing Community Facility and dwelling and construct a new community facility in its place with a smaller overall footprint within a residential zone. The proposed development is generally consistent with the existing community facility land uses on site. The proposed development has been sited from front and site boundaries to mitigate impacts to the surrounding residential area whilst being sympathetic to adjoining heritage items and the broader heritage conservation area. Whilst

the surrounding area does comprise predominantly of residential land uses, the presence of the facility is unlikely to adversely impact the residential setting of the dwellings. Further to this, a community facility has been located on the subject site for over 130 years, and the development seeks to replace the building with a modern, more practical facility.

Council is satisfied that the proposed development will not adversely impact the residential/commercial context of the subject site or the surrounding area.

Traffic, Access and Parking

The traffic impacts associated with the development relates to the proposals effect on the surrounding and existing road network and its ability to function at pre-development levels.

It is noted that the Guide to Traffic Generating Developments Updated traffic surveys does not identify a 'Community Facility' or any similar comparable land uses that could be utilised as part of the assessment. It is considered that the proposed development would generate traffic levels above the current facility given the inclusion of a library. Whilst no formal traffic counts have been provided as part of the assessment, it is considered that the additional traffic generated as part of the development is unlikely to adversely impact the traffic flows on Bank Street or the broader Molong street network.

A new two-way vehicular access to the subject site is proposed on the western boundary to Bank Street. The construction of the access will be required to adhere to Council's Provision of Private Access standards and to be capable of accommodating up to medium-rigid vehicles. The two-way access will allow for the effective flow of vehicles in and out of the subject site. The sight lines are deemed acceptable both east and west along Bank Street however it is noted that the presence of the fence on the common boundary with Lot 8 DP 1061743 may create a visual barrier, particularly in relation to pedestrians walking east along Bank Street. Therefore, a condition of consent will be recommended requiring the installation of signage on the exit to the site to make drivers aware of the potential for pedestrians.

A total of 17 car parking spaces have been proposed on the subject site (including 1 accessible space within the accessway). In addition, a designated drop-off zone will be provided within the accessway. All parking spaces have been designed in accordance with AS2890 Parking Facilities with suitable areas identified for vehicles up to 6.4m in length (being small rigid vehicles) to turn around and leave in a forward direction. It is noted that a medium rigid vehicle would be required to leave the subject site in a reverse direction due to the inability to turn around on the subject site. Conditions of consent will be recommended requiring the preparation of a vehicle management plan to set out measures to be in place in such situations to ensure the truck leaving in a reverse direction does not have an adverse impact on the flow of traffic or pedestrians along Bank Street.

The applicant has undertaken carparking calculations on the basis of 1 space per 30m² which would generate a requirement for 29 car parks. It is noted that Council does not have an adopted Car parking requirement rate, and therefore proposals for carparking are assessed on their merits. The current site only provides a single car park (for the existing dwelling), therefore the provision of an additional 16 spaces would suitably cater for the parking for the proposed development whilst likely reducing the current reliance of on-street carparking. It is acknowledged that larger events at the Community Facility (particularly within the auditorium with a proposed capacity of 240 persons) would generate the need for parking well above the 17 spaces provided. In these instances, it is considered that the street carparking of the surrounding area would likely cater for these events. As per above, a Vehicle Management Plan is recommended to provide measures to be implemented for larger events that would likely attract carparking well above the capacity of the car park.

A previous development consent (DA2006/0291) for a Medical Facility to the north of the subject site (on the northern side of Bank Street) required the provision of 21 spaces due to the inability of the required parking to be catered for on the lot of that development. The parking spaces were proposed to be located on the subject site, with plans for the parking layout being prepared which identified a car park to the rear (south) of the existing buildings. The aforementioned development consent did not reference the subject lots, nor was any restriction placed on the title of the subject site requiring the provision of such parking. It is

noted that the car park was never constructed, with the medical facility operating for 10 years without parking being provided at the rate required by the development consent (being 30 spaces in total). Therefore, whilst the intention of the assessing officers at the time may have been to ensure suitable parking was available for the medical facility, there was no enforcement of this condition and the facility was allowed to operate with the provision of only 9 spaces (located to the rear of the Cabonne Council building). Therefore, Council considers it unrealistic to require the parking to be provided on the subject site as proposed.

In consideration of the above, the additional traffic generated as result of this development is reasonable and will integrate appropriately with the existing road network without adverse consequence. It is considered that the capacity of the existing road network is able to accommodate the development without compromising the ability of the road network to function at pre-development levels.

Streetscape/ Visual Impact

The proposed development, with the demolition of 3 buildings and construction of a new community facility, is likely to have an impact on the streetscape appearance of the subject site.

The building to be constructed has been proposed with a setback of 8m from the northern boundary (with Bank Street), which is a significant increase from the existing school of arts/Mitchell Room buildings which were built to boundary and 4m for the existing dwelling. In addition, the building will be setback 3m from the eastern boundary (with Shields Lane), an increase of 1m. This will ensure the building does not appear overly bulky on the south-eastern corner.

The façade of the building has been designed with two gabled ends to respect the roof structure of the surrounding heritage development as well as the existing buildings on the lot. In addition, the western gabled will be higher than the eastern to assist in the streetscape appearance of the lowering roof heights as buildings go down Bank Street, this is demonstrated in Figure 4 above.

The building does present a large elevation to Shields Lane, which largely consists of smaller cottage style development. The proposed elevation will be approx. 23m in length with a wall height of 5m in the south-eastern corner, extending to 6m in the north-eastern corner. The increased setback to 3m from the eastern boundary ensures that the visual aspect, and framing, of the Cabonne Council building is maintained. Whilst the proposed building is not typical of Shields Lane, the presence of the building will not adversely impact the visual aspect north or south along the laneway.

The building will be finished with a brick exterior, metal sheet roof and weather board cladding to the gable ends. These materials are typical of the surrounding development and assists in integrating the building into the surrounding area.

Although the building will be higher in the eastern portion, the increased setback and effective use of gabled ends will ensure the building is sympathetic to the surrounding development pattern and roof form and in turn ensure that the development will not adversely impact the streetscape appearance of have an adverse visual impact on the surrounding area.

Heritage

As addressed under clause 5.10 of the LEP, the proposed development seeks to demolish a heritage item as well as 2 additional buildings within the heritage conservation area. The development has been sited and designed to be sympathetic to the surrounding heritage conservation area and adjoining heritage items. The increased setback, use of architectural form and materials comparable to the surrounding area would ensure that the development does not adversely impact the heritage significance of the surrounding area.

Utilities

All required services available to the subject site. As part of the demolition, all services will be required to be disconnected prior to works commencing. A new connection to the sewer

network is proposed to the subject site. The existing utilities will be extended as required for the proposed building.

The provision of a new sewer connection, or extension of existing services is unlikely to have an adverse impact on the subject site or the surrounding area.

Noise and Vibration

During demolition and construction works, it is anticipated that the proposed works will generate standard construction impacts including noise and some vibration. Conditions of consent are recommended for standard construction hours to mitigate adverse impacts during works.

Once operational, the use of the site is to be generally consistent with the current land use (aside from the provision of the library which is considered to be a low impact development). The modern construction methods, and increased setbacks to adjoining dwellings, are likely to ensure that the community facility will not have an adverse impact in regard to noise impacts on the surrounding residential development.

Earthworks

The development will require cut and fill to create a level surface for the slab of the proposed building and carpark. The maximum cut is 600mm and will predominantly take place in the vicinity of the car park to create a level surface. The fill will predominantly take place under the proposed building with a proposed maximum depth of approx. 1.6m in the north-eastern corner of the terrace (although this is subject to confirmation when the final engineered design is undertaken). Whilst this represents a significant amount of fill on the lot, the resulting building will be of a height and form that is not dissimilar to the existing building when viewed from the street. Upon conclusion of the works, the proposed fill will not be visible.

Conditions of consent will be recommended requiring the fill on site to be Virgin Excavated Natural Material (VENM). In addition, a comprehensive Erosion and Sedimentation plan will be recommended to ensure that the proposed works do not have an adverse impact in regard to sediment leaving the subject site.

Flora and Fauna

The development seeks to remove approx. 1,000m² of predominantly surface grasses to accommodate the development. A search of the NSW Bionet indicates that there are no known sightings of vulnerable or endangered flora or fauna on or in the vicinity of the subject site with no mature vegetation capable of supporting habitat for fauna being identified on the site.

Council is satisfied that the proposed development is unlikely to have an adverse impact on any known flora or fauna.

Overlooking and Privacy

Whilst the proposed building will be located further east of the western boundary, providing an additional buffer to the adjacent dwelling, the building will be located 3m from the eastern boundary being Shields Lane as well as being 3.7m from the southern boundary with Lot 433 DP 1070957. This places the proposed building closer and higher to existing dwellings to the south and east of the subject site, with windows or doors fronting the residential development, potentially allowing for privacy or overlooking impacts.

The dwelling on the eastern side of Shields Lane contains a doorway and two small windows. The eastern elevation of the Community Facility fronting the dwelling is proposed to have two adjoining windows with a combined length of 9.4m. The windows are proposed to be made of glass louvers with the ability to open. This window would directly face the openings on the western side of the dwelling on the eastern side of Shields Lane. However, the windows would be situated 3.8m-5.8 above existing ground level. In addition, the windows would be approximately 14m from the adjacent dwelling. Therefore, given the combination of the height of the windows and the separation it is unlikely that there would be potential for adverse overlooking from the proposed community facility to the dwelling on eastern side of Shields Lane.

The dwelling to the rear of the subject site, on Lot 433 DP 1070957, is significantly setback from the common boundary with a setback of approx. 26m. In addition, the southern elevation of the proposed Community Facility only provides for service doors which would not be regularly left open and allow for privacy or overlooking impacts. Given this, Council considers that there would not be an adverse impact on the dwelling to the south as a result of this development.

Overshadowing

The applicant did not provide shadow diagrams as part of the development application; however, the proposed building presents an overall footprint and height that is comparable to the existing building. It is noted that the proposed building will have a reduced rear (southern) setback to the adjoining residential property. The dwelling on the lot to the south is located approx. 27m to the common (northern) boundary with the subject site, being a significant setback in a residential context. Given the significant setback, Council is satisfied that the proposed development would not adversely impact the lot to the south.

Stormwater

The development proposes to increase the amount of impermeable surface on the subject lot, therefore increasing the potential rate of stormwater captured and leaving the site. As part of the development, a stormwater management plan was prepared by the applicant. The stormwater management plan proposed to install additional stormwater infrastructure on the site by way of rainwater tanks and detention pipes to mitigate stormwater flows off the site. Council is satisfied that the proposed stormwater infrastructure will ensure that stormwater does not leave the site at above pre-development levels and therefore, ensure that the development will not have an adverse impact on the subject site or the broader area in regards to stormwater.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The proposed development is located in the R1 General Residential zone and is permissible with the consent of council. The suitability of the site has been addressed in the above sections of the report. The development of the site will not create significant adverse impacts on the context and setting of the area. Additionally, the development of the site will not detrimentally affect the adjoining land and is unlikely to lead to land use conflict.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "advertised development" under the provisions of the LEP. The application was advertised for the prescribed period of 14 days and at the end of that period zero (0) submissions were received.

PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of Cabonne Local Environmental Plan 2012 (as amended). A section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

INTERNAL COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Development Engineer are included in the attached draft conditions of consent.

Report Prepared by

Report Approved by

C D ELDRED

**Department Leader – Development
Services**

Date:

H J Nicholls

Deputy General Manager - Services

Date:

DRAFT CONDITIONS OF CONSENT

GENERAL

1. APPROVED PLANS AND SUPPORTING DOCUMENTS

The development shall be carried out in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any modification application**. Where the plans relate to alteration or additions only those works shown in colour or highlighted/shaded are approved.

Reference/Dwg No	Title/Description	Prepared By	Date/s
6371- DA1.1 - 7.6	Architectural Plans	King & Campbell	5/6/2020
6371P-PLAN Sheets 1 to 9	Engineering Drawings	King & Campbell	3/6/2020
6371 SoEE	Statement of Environmental Effects	King & Campbell	June 2020
6371- Stormwater Management Report	Stormwater Management Report	King & Campbell	1 May 2020
School of Arts Bank Street Molong	Statement of Heritage Impact	Barbara Hickson Architect and Heritage Advisor	25 May 2020
Version 2.	Heritage Impact Statement	Complete Urban	16/11/2016

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

Note 2: *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the person having benefit of this consent not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

Note 3: *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

(Reason: To confirm and clarify the terms of consent)

2. OBTAINING A CONSTRUCTION CERTIFICATE FOR BUILDING WORK

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence **upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.**

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence **prior to the issue of a Construction Certificate.**

(Reason: Information)

3. COMPLIANCE WITH DISABILITY DISCRIMINATION ACT

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the person having benefit of this consent/owner is therefore advised to investigate their liability under this Act. Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

4. ACCESS FOR PEOPLE WITH DISABILITIES

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.

(Reason: To inform of relevant access requirements for persons with a disability)

5. - COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Note: A person having benefit of this consent who has lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the Environmental Planning and Assessment Regulation 2000, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

6. COMPLIANCE - ALLOTMENT/BOUNDARY CONFINES

The built structures shall be contained wholly within the confines of the allotment boundaries.

(Reason: To ensure the development is within the legal boundaries of the subject site)

7. TIME CAPSUAL

Historical records indicate that presence of a time capsule within the south-western corner of the former School of Arts building. Upmost care must be taken during demolition works in the vicinity of this area to allow for the recovery of the capsule. Council staff must be notified if/when the capsule is found.

(Reason: Public Interest)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. CONSTRUCTION CERTIFICATE - PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the **issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.**

(Reason: Statutory Requirement)

9. LONG SERVICE LEVY PAYMENTS

The payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

(Reason: Statutory)

10. SECTION J REPORT

Prior to the issue of a Construction Certificate, a Section J Report demonstrating the buildings compliance with Section J of the National Construction Code (NCC) is to be submitted to the Principal Certifying Authority.

(Reason: Statutory)

11. - CONSTRUCTION MANAGEMENT PLAN

Prior to the release of any Construction Certificate, the person having benefit of this consent must submit to the Principal Certifying Authority a Construction Management Plan that details all activities to be undertaken during construction works and methods to be employed to mitigate potential impacts.

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

12. -APPLICATION FOR A CONSTRUCTION CERTIFICATE

The person having benefit of this consent must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428.
- (f) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the person having benefit of this consent's expense. Any fees relating to any review are required to be paid prior to the issue of the Construction Certificate.

(Reason: Statutory requirement)

13. - APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:

- (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

14. - WASTE MANAGEMENT PLAN

Prior to the release of a Construction Certificate, a Waste Management Plan is to be prepared by the person having benefit of this consent and submitted to the Principal Certifying Authority for approval. The plan should detail all materials to be removed from the site and their proposed location as well as the materials to be reused on site.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

15. HAZARDOUS MATERIALS INSPECTION REPORT

Prior to the release of a Construction Certificate, a Hazardous Materials Inspection Report is to be prepared by a suitably qualified person identifying hazardous materials in the buildings to be demolished. The report should detail the proposed plan of removal and disposal of the hazardous material.

(Reason: Public safety)

16. RETAINING WALLS

Where retaining walls exceed 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1 metre in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

(Reason: Statutory)

17. LANDSCAPE PLAN

A landscape plan prepared to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier with the Construction Certificate application.

The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used.
- delineate and identify all trees to be retained, removed or transplanted.
- existing and proposed finished ground levels.
- top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

During site work and construction, protective measures will be required around trees to be retained. Details illustrating these measures shall be in accordance with AS4970-2009 and are required with the landscape plan at the development application stage.

(Reason: Landscape quality)

18. - EROSION AND SEDIMENTATION CONTROL PLANS

An overall erosion and sedimentation control plan is to be prepared to a standard acceptable to the Principal Certifying Authority.

The plan is to note any proposed vegetation retention and planting and is to be submitted and approved prior to the issue of any Construction Certificate for any works.

Specific construction zone erosion and sedimentation control plans are to be prepared to a standard acceptable to the Principal Certifying Authority and are required to be approved prior to the issue of Construction Certificates for each and any stage of the development.

(Reason: To prevent soil erosion and watercourse contamination during and subsequent to the course of the development)

19. CAR PARKING AREAS

The following car parking and service vehicle requirements apply and shall comprise of:

- (a) 16 spaces (inclusive of one (1) accessible space).
- (b) Parking space dimensions shall be in accordance with AS2890.1. All car spaces shall be allocated and marked according to this requirement.

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons and constructed in accordance with AS 2890.6 and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

20. TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

The person having benefit of this consent is to prepare and submit a Traffic Management Plan prior to the release of the Construction Certificate that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards.

(Reason: Public Safety)

21. VEHICLE MANAGEMENT PLAN

A vehicle management plan is to detail all vehicle movements entering and leaving the site post construction. The VMP should detail measures taken for vehicles larger than small-rigid

vehicles to visit the site and for events likely to require carparking above that provided on the subject site.

The VMP shall be prepared by the person having benefit of this consent and then submitted for approval by Council prior to issue of any Construction Certificate for the development.

(Reason: Public Safety)

22. - DISABLED TOILETS

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

23. FIRE SAFETY SCHEDULE

Prior to the issue of a Construction Certificate, pursuant to Part 9, Division 2 of the Environmental Planning and Assessment Regulation 2000 (as amended) a Fire Safety Schedule is to be submitted to the Principal Certifying Authority. The Fire Safety Schedule must:

- Deal with the whole of the building,
- Include fire safety measures proposed or required to be implemented in the building,
- Distinguish between the fire safety measures proposed or required to be implemented in the building premises, and
- Identify each measure that is a critical fire safety measure and the intervals (being intervals of less than 12 months) at which supplementary fire safety statements must be given to Council in respect of each such measure, and
- Specify the minimum standard of performance for each fire safety measure included in the schedule.

(Reason: Fire Safety)

PRIOR TO ANY WORKS COMMENCING ON THE SITE AREA

24. - NOTICE OF COMMENCEMENT

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days" notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Cabonne Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

(Reason: Statutory Requirement)

25. - SITE SAFETY FENCING

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

26. - CONSTRUCTION CERTIFICATE - PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

(Reason; Statutory Requirement)

27. - PRINCIPAL CERTIFYING AUTHORITY (PCA) SIGN

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply 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.

(Reason: Statutory Requirement)

28. DISCONNECTION OF SERVICES PRIOR TO DEMOLITION

That the existing water and sewerage services are to be disconnected prior to any demolition work commencing, such disconnection being carried out to the satisfaction of Council's staff after a permit for such works has been obtained.

(Reason: Protection of Infrastructure)

29. - DEMOLITION

Demolition - General

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and • Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$20,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
 - Monday to Saturday inclusive - 7:00am - 5:00pm
 - Sundays and Public Holidays - No work
- c. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Buildings built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information:

www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or

a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

30. - TOILET AMENITIES ON CONSTRUCTION SITE

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with WorkCover NSW requirements.

Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

31. - S68 PLUMBING AND DRAINAGE APPLICATION APPROVAL

To ensure an approval is in place for the installation of any Plumbing and Drainage work the person having benefit of this consent is required to apply for a S68 Plumbing and drainage Application in accordance with Section 68 Part B of the Local Government Act 1993.

(Reason: Statutory requirement)

DURING CONSTRUCTION OR WORKS

32. - NOISE - CONSTRUCTION

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – "Guide to noise and vibration control on construction, demolition and maintenance sites" for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes "Interim construction noise guideline" and AS2436-2010 – "Guide to noise and vibration control on construction, demolition and maintenance sites" for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

33. - CRITICAL STAGE INSPECTIONS FOR BUILDING WORK (CLASSES 5 ,6, 7, 8 OR 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- (c) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection the principal contractor (or owner-builder) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

34. - FOOD PREMISES - GENERAL

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fit Out of Food Premises where:
 - (a) The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, graded and drained to a trapped floor waste.
 - (b) The floor must be coved at the intersection with the walls.
 - (c) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
 - (d) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
 - (e) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.

- (f) A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
- (g) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
- (h) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
- (i) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60oC or colder than 5oC and be provided with a thermometer, accurate to 1oC and which can be easily read without opening the appliance.
- (j) All self-service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- (k) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- (l) To ensure the adequate storage and collection of waste, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fit Out of Food Premises, and must be: i. Provided with a hose tap connected to the water supply; ii. Paved with impervious floor materials; iii. Coved at the intersection of the floor and walls;
- iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Cabonne Council);
- v. Adequately ventilated (mechanically if necessary) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Certifying Authority with the Construction Certificate.

- (m) Cool room(s), refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- (n) The floor of the cool room must be graded to the door and a floor trapped waste outlet must be located outside the cool room as near as possible to the door opening.
 - i. All proposed shelving in the cool room must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - ii. The floor of the cool room must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
 - iii. Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
- (o) An approved audible alarm device must be located outside the cool room(s) but controllable only from within the cool room(s) and be able to achieve a sound pressure level outside the chamber or cool room(s) of 90 d B (A) when measured 3 metres from the sounding device.
- (p) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.

- (q) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- (r) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- (s) The following requirements apply to clearances and supports of equipment:
 - i. All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
 - ii. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(Reason: Compliance legislation and standards)

35. - PLUMBING AND DRAINAGE WORKS

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

(Reason: Statutory requirement)

36. - USE OF FOOTPATHS

- a) The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.
- b) No material, goods or machinery shall be stored, placed or otherwise permitted to stand between the building line and the street alignment.

(Reason: Statutory requirement)

37. CONNECTION TO THE SEWERAGE SYSTEM

The person having benefit of this consent is required to connect the development to the sewerage system before occupation by applying directly to Sewer Supply Authority (Cabonne Council) **A COMPLIANCE CERTIFICATE FOR THE WORKS IS TO BE ISSUED BY THE SUPPLY AUTHORITY** and a copy be provided to Council. All relevant work is to be completed **BEFORE THE ISSUE OF THE OCCUPANCY CERTIFICATE.**

(Reason: To ensure essential services are available to the subject site)

38. VEHICULAR CROSSING

Construction of new heavy duty vehicular crossing, *including the layback if needed*, over the full width of the footpath to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath. Driveway to extend from the back of the layback/kerb to the property boundary.

All works shall be in accordance with Council's Drawing **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE.**

(Reason: To provide for vehicle entry to the development)

39. PROVISION OF PRIVATE ACCESS

The existing access point off Bank Street, Molong must be upgraded in accordance with Councils' Provision of Private Access Specification that is current at the time of application.

Council prior to the commencement of any access works to the subject site, an Access Construction Certificate must be obtained.

A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineer on 6392 3271 to arrange a suitable date and time for the inspection.

Council prior to any Occupation Certificate being issued for the development must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the subject land)

40. - CONSTRUCTION HOURS

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

41. FILL MATERIAL

To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority or the Cabonne Council upon request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

42. PROTECTION OF PUBLIC PLACES

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

(Reason: Safety)

43. PREVENTION OF NUISANCE

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

44. ARCHEOLOGICAL RELICS

During construction, the development is to proceed with caution. If any objects, heritage items or relics are found, works should stop, and Cabonne Councils' Development Services Department are to be contacted. All workers on the site are to be made aware of this condition.

(Reason: Heritage)

45. LIGHTING

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

46. - EVIDENCE OF LAWFUL ASBESTOS DISPOSAL

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the person having benefit of this consent provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Please Contact NSW EPA on 131 555 or visit www.epa.nsw.gov.au for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

47. – DRAINAGE RECORDS

To provide an accurate record of drainage works. The below listed records are to be submitted to Council prior to the release of the final Plumbing and Drainage Certificate. **ANY OCCUPATION CERTIFICATE MUST NOT BE ISSUED** until the final Plumbing and Drainage certificate has been issued by council. (Templates can be found on council's website www.cabonnecouncil.nsw.gov.au).

- Notice of Works,

- Certificate of Compliance, and
- Sewer Service Diagram drawn to the scale of 1 in 200 of drainage.

(Reason: Statutory requirement)

48. CIVIL WORKS ON THE FOOTWAY

The person having benefit of this consent is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and,
- Reconstruct existing public drainage pit/pipe system, and
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council's Development Engineer **prior to issue of any Occupation Certificate.**

Note: The above works will require the submission of the relevant application for the works to be undertaken.

(Reason: To preserve Council's assets and amenity)

49. - FIRE SAFETY CERTIFICATE

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the issue of the Final Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:-

1. Forwarded to Cabonne Council;
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

(Reason: Fire safety)

50. - OCCUPATION CERTIFICATE (SECTION 6.9 OF THE ACT)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

51. CAR PARKING SIGNAGE

Off street car parking is to be encouraged by the placement of prominent signs indicating its availability. The signage is to be located at the entrance to the carpark prior to the release of the Occupation Certificate

(Reason: To ensure available car parking is clearly defined)

52. EMERGENCY PROCEDURES.

Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times prior to the issue of an Occupation Certificate of the use.

(Reason: To ensure suitable emergency procedures are in place)

POST CONSENT REQUIREMENTS

53. ANNUAL FIRE SAFETY STATEMENT

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained, and Fire Safety Schedule shall also be: -

1. Forwarded to the Commissioner of the New South Wales Fire Brigade,
2. Forwarded to Cabonne Council, and
3. Prominently displayed in the building

(Reason: Fire safety)

ADVISORY NOTES

DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

ESSENTIAL ENERGY

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.