

## 8. PLANFIRST DA FEE

PlanningNSW have introduced a new development fee determined by the amending regulation under the Environmental Planning and Assessment Act. The amending regulation authorises the collection of an additional development application fee of 0.064 cents for every dollar of the estimated cost of development valued at over \$50,000.

## 9. OWNER BUILDER'S PERMIT

The Builder's Licensing Act 1971 requires that any individual who is not a licensed builder but who wants to build themselves a new home, or make alterations and/or additions costing more than \$3,000 to his/her existing home, is required to obtain an Owner Builder's Permit from the Department of Fair Trading.

This applies to both the individual who intends to carry out all or part of the work and the individual who intends to supervise the work carried out by various sub-contractors. The fee together with the completed application form and a copy of the plans must be submitted directly to the Department of Fair Trading.

**A copy of the Owner-Builder licence must be presented to Council before the construction certificate is issued.**

## 10. HOME BUILDING INSURANCE

If a builder is to be, or has been, engaged to carry out the work, they **must** be a licensed builder in NSW and **must** sign a contract for that work using the exact name on their current license.

A copy of the Home Building Insurance for the proposed work and a copy of the certificate of currency (from the builder) must be provided to Council prior to the issue of the construction certificate.

## 11. GENERAL CONDITIONS OF APPROVAL

- a) All work is required to be carried out in accordance with the requirements of the Building Code of Australia and the Australian Standards and Codes of Practice adopted by that Code.
- b) **Forty-eight hours notice** is required for:
  - (i) Footings including strip footings or pads and piers.
  - (ii) Bearers and joints with all ant capping in position.
  - (iii) Slab steel with membrane in position ready for concrete.
  - (iv) Pool slab steel in position ready for concrete.
  - (v) Framework prior to external linings being fitted.
  - (vi) Pre-sheet ready for internal linings with any water plumbing and flashing in place.
  - (vii) Internal sanitary drainage prior to backfilling.
  - (viii) External sanitary drainage prior to backfilling with bedding material in place.
  - (ix) Waste Management System including disposal area constructed prior to backfilling.
  - (x) Occupation stage (Not fully complete however fit to occupy).

- (xi) Completed Building.
- c) All work carried out is to be in accordance with specific conditions listed on the development consent.
- d) The floor surface of a concrete slab for a dwelling is to be 200mm above adjacent finished ground level.

## 12. BUILDING LINE

- a) A building line or setback of 20 metres from the nearest alignment of a main or arterial road shall exist on any land zoned rural.
- b) A building line or setback of 10 metres from the Main Road boundary, 8 metres from the Village Road and 4 metres from an Access Road shall exist on all land zoned village.

**Note: Council may exercise discretionary powers to alter the distances shown in a) and b) above to 10 or 8 metres respectively.**

- c) Notwithstanding the above provisions where an allotment is what is known as a "corner block" in a village zone, a building line of 10 metres shall apply to its principal frontage and another setback of 3 metres shall apply to the other respective boundary.
- d) A side boundary clearance of not less than 4 metres shall be observed in respect of buildings erected in rural zones. In a village or town the side boundary clearance shall be as permitted by the Building Code of Australia.
- e) Single storey houses are to be at least 900mm and two storey houses are to be at least 1350mm from side and rear boundaries.
- f) A Building Line Exclusion Zone exists in Gunning between Warrataw Street and Barbour Park. In this zone commercial buildings can be located **on** the property boundary.

## 13. TREE PRESERVATION ORDERS

Gunning Shire Council has two Tree Preservation Orders in place. These orders are for the Villages of Breadalbane, Collector, Dalton, Gundaroo and Gunning and the Rural areas of Gunning Shire.

Council approval (in writing) is required for the following vegetative works:

- Cutting down,
- Topping,
- Lopping,
- Pruning,
- Ring barking, or
- Damaging.

## 14. SPECIAL REQUIREMENTS

### a) Structural Engineer's Details or Certificates

Structural Engineer's details are required for the following:

- (i) Raft and suspended/cantilevered reinforced concrete slabs.
- (ii) Structures proposed to be located on made ground.
- (iii) Footings over random rock outcrops or in proximity to embankments.
- (iv) Timber construction not being light timber-framed construction.
- (v) All structural steelwork.
- (vi) Unconventional construction.
- (vii) Under-pinning.
- (viii) Retaining walls.
- (ix) Inground swimming pools.

### b) Termites

Every building in this Local Government area is susceptible to the effects of termite infestation.

The builder shall ensure that all vegetable matter, wood, shavings and timber off-cuts are cleared away from the site of a building and for a distance of not less than one metre all around that site.

The Council suggests that the development applicant consult with a reputable pest control operator in order to prevent infestation of the area by termites or installation of an approved type of termite shield, eg. stainless steel mesh.

Treatment is suggested to be planned for prior to:

- (i) Installation of the vapour barrier where slab on ground construction is used; or,
- (ii) fitting of the flooring where suspended floors are used.

***Note: Certification to be provided to Council that some type of approved termite prevention system has been carried out.***

### c) Transmission Lines

- (i) The site plan for any Development Application shall indicate the location of any transmission or power lines across the property.
- (ii) Buildings shall not be located under power lines without the submission of evidence that the prior approval of Great Southern Energy has been obtained.

## 15. ENERGY EFFICIENCY STANDARDS

*Applicable to New Dwellings, Villas, Dual Occupancies & Townhouses and Alterations and Additions*

## 1. BUILDING ENVELOPE

### Background

An energy efficient dwelling is solar passive by design, and minimises household energy needs for the provision of services such as lighting and space heating and cooling. Passive solar design principles achieve these outcomes by combining and balancing the effects of window design, orientation and solar access, insulation, thermal mass, and ventilation to create naturally comfortable thermal interiors.

### Intent

**Building Envelope:** To maximise the thermal performance, thermal comfort, and energy efficiency of all new dwellings. Minimise unwanted winds and draughts in summer and winter while optimising natural ventilation.

**Space heating and cooling:** To encourage dwelling designs which eliminate or reduce the need for fuel-based heating and cooling and ensures that any mechanical heating or cooling will be energy efficient and minimise generation of greenhouse gas.

### Performance criteria

**Building Envelope:** Compliance is met by:

- Achieve a minimum House Energy Rating of 3.5 stars (using NatHERS or equivalent). An **HMB Assessor Certificate** needs to be attached to the DA.
- If design is unable to be assessed by a NatHERS Assessor, the Assessor will engage the **HMB Expert Panel**. The **HMB Assessor Certificate** will record the Expert Panel outcome.

**Space heating and cooling:** The selection of an energy efficient heating/cooling system should be made during dwelling design stage.

Heating/cooling systems should target only those spaces which require heating or cooling, and ensure efficient distribution/re-distribution of warm/cool air. Where a space heating and cooling system is installed, it should be selected for maximum energy efficiency.

## 2. HOT WATER

### Background

In many cases, water heating is the biggest greenhouse gas generator in the home. The following table rates hot water systems in terms of greenhouse gas emissions. Generally it shows that gas systems are more greenhouse-friendly than electric systems. The most greenhouse friendly system is a gas-boosted solar water heater.

**Intent** To require the installation of greenhouse-friendly hot water systems that minimise greenhouse gas generation.

### Performance Criteria

#### The intent can be achieved by:

- Installing a hot water system with a SEDA Greenhouse Score of 3.5 or greater [Refer to Table 1] and which suits the needs of the dwelling.

**Table 1: Typical Greenhouse Scores for water heaters**

Water heater type		SEDA Greenhouse Score
Solar-Gas Boost*	Storage	5
Electric-Storage	Heat Pump	4
Gas	Instantaneous	4
Gas-Storage	Storage	4
Solar-Electric Boost*	Continuous	4
Solar-Electric Boost*	OP2	4
Electric	Instantaneous	2
Electric	Continuous	1
Electric-Storage	Storage (OP1,OP2)	1

\* Greater than 50% solar contribution.

Where central gas systems are not used, individual water heating systems should preferably be positioned indoors, and close to the major points of use. A water heater in a closet can double as an airing cupboard.

**Note:** The Greenhouse Score for water heaters has been determined by SEDA and should not be confused with the star ratings found on gas water heaters. As you will note from the Table 1, all gas water heaters comply with the SEDA Greenhouse Score.

Contact: Sydney Water [www.sydneywater.com.au](http://www.sydneywater.com.au) 13 20 92.

### 3. ALTERATIONS & ADDITIONS

#### Background

At the time of renovation, it is possible to maximise the energy efficiency of the sections to be newly constructed. It is also an ideal opportunity to upgrade an existing dwelling anywhere the existing structure is impacted by the alterations. Where optimum passive solar design principles cannot be achieved due to existing physical conditions, this policy seeks to ensure that overall maximum energy efficiency is obtained.

The following Deemed-To-Satisfy conditions can be applied to any alteration or addition.

#### Intent

Building Envelope: To maximise the thermal performance, thermal-comfort, and energy efficiency of alterations and additions.

#### Performance criteria

##### The intent can be achieved where:

##### **Building Envelope:**

The following range of **Deemed-To-Satisfy criteria** must be included in any alteration and addition:

- **Ceiling insulation** - minimum insulation level-R4. An R value is a numerical value given to insulation. The higher the R-value the more insulating the product.
- **Wall insulation** – minimum insulation level R1.5 for both brick veneer and cavity brick construction.
- **Roof insulation** eg reflective foil if sarking under roof or foil backed anti-condensation blanket for metal roof (recommended)

- Provision of appropriate **shading** of living and bedroom and/or north, east and west facing glazing (eg eaves, blinds, window tinting, shade cloth, trees)

## References

\*Australian Standard for Insulation: AS 2627.1-1993 Thermal insulation of dwellings – thermal insulation of roof/ceilings and walls in dwellings [www.standards.com.au]

## 4. ALTERNATIVE PATHWAYS TO COMPLIANCE - CONCESSIONS

### Background

Dwellings are required to meet minimum thermal performance standards for the building envelope, which can be satisfied by achieving a minimum 3.5 NatHERS rating (or equivalent). There are some limited circumstances where alternate pathways to compliance can be considered.

There are six clauses defined for alternative pathways to compliance for the building envelope and 1 clause for an exemption relating to hot water systems detailed on a separate Policy Sheet].

Concessions can be determined by:

- Council [Clause 1, 2 and 3]
- Accredited HMB Assessor [Clause 4 and 5]
- HMB Expert Panel [Clause 6]

### Clause 1 Conflicting Guidelines

Any immediate or surrounding property conditions, development conditions, other Environmental Planning Instruments, or any other policy of guideline(s) that Council considers to over-ride or have priority over this policy (eg Environmental Heritage)

*Determined by Council.*

### Clause 2 Adverse impact on material amenity of adjoining land and buildings

*Determined by Council.*

### Clause 3 Uneconomic Requirements – Building Envelope

Where it can be demonstrated that the attainment of the 3.5 star NatHERS rating would require additional expenditure which is not cost effective within a five year period. The technique to establish the uneconomic nature of the requirements is the subject of a Guide Note available from Council [attached as Appendix 1].

*Determined by Council.*

### **Determinations by Accredited HMB Assessors [Clauses 4 & 5]**

An HMB Accredited Assessor may grant a Concession for site restrictions which can influence the achievement of a complying House Energy Rating. These can involve Block Topography, Block Geology, or Block Overshadowing (as identified above in clauses 2 & 3). An HMB Accredited Assessor will highlight this on the HMB Accredited Assessor Certificate as “Complying with Concession”. This is considered as an appropriate compliance method for the purpose of this Policy.

The Assessor must still conduct a House Energy Rating on the dwelling, where the predicted yearly heating and cooling load will be recorded. Based on the HMB Notes on applying Concessions, and Concessions clauses of the Policy, a recalculation may lead to a dwelling being assessed as ‘Complying with Concession’. The nature of the concession will be noted on the HMB Assessor Certificate. The

dwelling must otherwise perform to the minimum energy rating and be verified by an HMB Accredited Assessor.

If a site has any of the restrictions listed, a Concession will be granted by the Accredited Assessor, that can remove the necessity to overcome these restrictions. The dwelling must otherwise perform to the minimum energy rating and be verified by an HMB Accredited Assessor.

**Clause 4 Block Overshadowing**

Overshadowing is such that at least 80% of the area of dwelling facades from North-East to North-West is overshadowed for at least 4 hours between 9am and 3 pm between 22<sup>nd</sup> April and 22<sup>nd</sup> August, and the dwelling cannot be reasonably located on the block to improve solar access to glazing (eg adverse slope, existing or planned obstruction on immediate or surrounding property).

*Determined by Accredited HMB Assessor.*

**Clause 5 Block topography or geology**

Block topography or geology is such that a dwelling on the allotment cannot have slab-on-ground construction for at least 50% of its ground or lowest floor/s (eg slope, drainage, mine-subsidence). This condition may be established by the following and attached to the application:

- Written approval from Council staff with delegated authority; or
- Written confirmation (eg geotechnical report) from a qualified professional

*Determined by Accredited HMB Assessor.*

**HMB Expert Panel [Clause 6]**

An HMB Expert Panel was established in December 2002 to assess and determine compliance for dwellings with design and/or construction features that cannot be appropriately modeled by the current version of NatHERS (or equivalent).

**Clause 6 Novel Construction**

Where an HMB Accredited Assessor considers a dwelling design to be of Novel Construction, that is, the design and/or construction features cannot be appropriately modeled by the current version of NatHERS (or equivalent), it will be referred to the HMB Expert Panel. If the Panel deems that the dwelling is 'complying' this will be noted on the HMB Assessor Certificate as 'Complying with Concession'.

*Determined by HMB Expert Panel.*

**Hot Water Exemption Clause**

Dwellings are required to meet a minimum 3.5 star Greenhouse Score for water heaters.

Where it can be demonstrated that the installation of a low greenhouse gas emission water heating system (Greenhouse Score of 3.5 or greater) would require additional expenditure which is not cost effective within a five year period an exemption may be sought. The technique to establish the uneconomic nature of the requirements is the subject of a Guide Note available from Council.

**5. DEFINITIONS**

**HOUSE ENERGY RATING - NATHERS**

NatHERS – the Nationwide House Energy Rating Software is a computer-based tool developed by the CSIRO to model the thermal performance of dwellings based on a number of environmental, climate, construction and building fabric elements. A NatHERS rating is used to demonstrate compliance with the thermal performance requirements of the Energy Smart Homes Policy. NatHERS ratings are provided by Accredited HMB Assessors who to provide accurate and informed house energy ratings from design plans

and specifications. Accredited HMB Assessors are accredited by the HMB – the House Energy Rating Management Body in NSW. Ideally an Accredited Assessor should be contacted at the design concept stage, to maximise the energy efficiency of a dwelling, and achieve a high star-rating.

HMB Accredited Assessors need the following to complete a rating using NatHERS:

- Drafted and dimensioned plans, sections and elevations of the dwelling/s including site plan showing orientation and neighbouring structures and large trees. The scale can vary, however 1:100 is preferred.
- Indication of wall, ceiling and floor insulation on the drawings and specifications.
- Indication of internal and external window coverings or shading devices and floor coverings.
- Indication of colour of external walls and roofs.

### **NSW HOUSE ENERGY RATING MANAGEMENT BODY**

The NSW House Energy Rating Management Body is responsible for accrediting Assessors in NSW. The HMB monitors Assessors and conducts audits to ensure assessments are being conducted within the HMB Code of Practice. The HMB can be contacted for information about NatHERS, to find an Accredited Assessor, or to become an Accredited Assessor. A list of Accredited Assessors is available on the HMB website.

### **HMB EXPERT PANEL**

Where an HMB Accredited Assessor considers a dwelling design to be of Novel Construction, that is, the design and/or construction features cannot be appropriately modeled by the current version of NatHERS (or equivalent), it will be referred to the HMB Expert Panel. The outcome of the assessment will be recorded on the HMB Assessor Certificate for submission to council.

**Note: Building Code of Australia [BCA].** Once the BCA energy efficiency provisions are in place, anticipated May 2004, an HMB Certificate will be required at Construction Certificate stage, not DA stage, as is currently required. Methods of compliance with the BCA will include NatHERS Certification, Deemed-To-Satisfy, and Expert Opinion [eg HMB Expert Panel]. Further information will be available on Planning NSW website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

### **ENERGY EFFICIENCY**

#### **Water Efficiency – AAA Water Products**

##### **Background**

Water usage can contribute significantly to household greenhouse emissions, particularly when households use large quantities of hot water. The installation of low-flow, AAA rated fittings can reduce water consumption and thereby reduce greenhouse gas emissions.

##### **Policy**

Intent To require the installation of water efficient fittings that minimise greenhouse gas generation.

##### **Performance Criteria**

- Install AAA rated or higher water efficient shower roses.
- Install dual flush toilets.
- Install tap aerators on bathroom and kitchen hand basins and sinks.

Contact: For further info, contact Sydney Water on 132092 or [www.sydwater.com.au](http://www.sydwater.com.au)

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**CONTACTS**

**NATHERS & ACCREDITED ASSESSORS**

**HOUSE ENERGY RATING MANAGEMENT BODY (HMB)**

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**EXPERT OPINION**

**HMB EXPERT PANEL**

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**BCA**

**Planning NSW - Building Codes Policy and Reform Unit**

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## APPENDIX 1 - GUIDE NOTE FOR UNECONOMIC CLAUSE FOR BUILDING ENVELOPE

### Building Fabric

This Guide Note is a guide only. SEDA expressly disclaims all or any liability in respect of the reliance upon the whole or any part of the contents of this guide.

### ***Assessment of “Uneconomic Clauses” under the SEDA Energy Smart Homes Policy***

The SEDA Energy Smart Homes Policy provides for exemption from the compliance requirements of the Policy under certain circumstances. Currently, there are two circumstances which relate to the provisions in the Policy being “Uneconomic”; i.e.:

**Building Envelope:** “Where it can be demonstrated that the attainment of the 3.5 star [building envelope] rating would require additional expenditure which is not cost-effective within a five year period”.

**Water Heater:** “Where it is demonstrated that the installation of a low greenhouse gas emission water heating system (greenhouse score 3.5 or greater) would require additional expenditure which is not cost-effective within a five year period. The technique to establish the uneconomic nature of the requirements is the subject of a Guide Note available from Council”.

This Guide Note provides guidelines to Councils for the assessment of applications applying for exemption from Building Envelope requirements.

### 1. The BUILDING ENVELOPE

In relation to building envelope criteria, any application for exemption under the “Uneconomic Clause” is required to include a NatHERS assessment (commonly known as a “NatHERS Certificate” or “NatHERS Report”) which has been completed by a HMB Accredited Assessor.

The applicant should provide to Council:

- a) NatHERS Certificate or NatHERS Report for the project as follows:
  - i) With the specifications and design as submitted (to be known as the **Submitted Design Rating** or “**SDR**”); and,
  - ii) With the minimum possible amendments to the specifications or design necessary so that the application would comply with the Policy (such amendment/s must be clearly noted and distinguished from the desired building format) (to be known as the **Complying Design Rating** or “**CDR**”).
- b) Documentary evidence of the **costs of compliance** over and above the submitted scheme. Such evidence to include detailed builder’s and/or supplier’s and/or subcontractor’s quotes for both labour and materials. Where information from these sources is not available, costs should be justified with reports from a qualified professional/s such as an architect, building-designer, or quantity surveyor, or using information from up-to-date third party references such as “Cordells” or “Rawlinsons” cost guides, and providing an appropriate level of detail to Council satisfaction.

Using the MJ/m2 figures from the NatHERS Certificate follow the following procedure: