

# Notice of Determination

## of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the Modification of the above Development Application pursuant to Section 4.55 of the Environmental Planning & Assessment Act, 1979.

**Modification Number:** DA14/0448.02

**Development Application Modified:** DA14/0448

**Type of Modification:** s4.55(2)

**Applicant:** Mr Peter Carney  
Harness Racing New South Wales  
Po Box 1034  
BANKSTOWN NSW 1885

**Land to be Developed:** Wagga Wagga Harness Racing Association 92 Cooramin St  
CARTWRIGHTS HILL NSW 2650  
Lot 10 DP 1247474

**Description of Modification:** Increase hours of operation and allow an increased number of race events - Amend Conditions 1, 53 (g), 54, 73 and 93. New condition 53A.

**Determination:** Approved

**Description of Development:** Recreation Facility (Major) - Harness Racing Facility including Earthworks, Track, Clubhouse, Stables & Associated Infrastructure – s4.55(2) Modification to conditions 73 and 93 to increase hours of operation and allow an increased number of race events.

**Date of Determination of Modification:** 30/07/2020

On behalf of the Council



Amanda Gray  
Senior Town Planner

## Notice of Determination

### Lapsing of the Consent

This modification does not alter the lapsing date of the Consent. It remains as that shown on the original determination.

### Review of Determination

Where Council is the consent authority, Section 8.2 of the Environmental Planning and Assessment Act 1979, provides that the applicant may request the Council to review the determination. A request for review cannot be made after the period within which any appeal may be made to the Court has expired if no appeal was made. There is no right to review a determination of a complying development certificate, designated development, or Crown Development.

### Right of Appeal

Where an applicant is dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 provides a right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal or after the date of deemed refusal under section 8.11.

## CONDITIONS OF CONSENT FOR APPLICATION NO. AS MODIFIED BY APPLICATION NO. DA14/0448.02

### Approved Plans and Documentation

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
13064 DA: fig.1	Locality Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.2	Existing Boundaries & Site Detail	Peter Basha Planning & Development		6.2.18
13064 DA: fig.3	Proposed Site Plan	Peter Basha Planning & Development		6.2.18
13064 DA: fig.4	Surrounding Development Pattern	Peter Basha Planning & Development		6.2.18
DA1	Existing Site Plan	McKinnon Design	F	1.2.18
DA2	Proposed Site Plan	McKinnon Design	J	1.2.18
DA3	Proposed Part Site Plan	McKinnon Design	J	1.2.18

<b>DA4</b>	<b>Proposed Part Site Plan</b>	<b>McKinnon Design</b>	<b>J</b>	<b>1.2.18</b>
<b>DA5</b>	<b>Floor Plans Club Building</b>	<b>McKinnon Design</b>	<b>G</b>	<b>1.2.18</b>
<b>DA6</b>	<b>Elevations Club Building</b>	<b>McKinnon Design</b>	<b>G</b>	<b>1.2.18</b>
<b>DA7</b>	<b>Sections Club Building</b>	<b>McKinnon Design</b>	<b>F</b>	<b>1.2.18</b>
<b>DA8</b>	<b>Stables Floor Plan</b>	<b>McKinnon Design</b>	<b>G</b>	<b>1.2.18</b>
<b>DA9</b>	<b>Stables Elevations</b>	<b>McKinnon Design</b>	<b>F</b>	<b>1.2.18</b>
<b>DA10</b>	<b>Stables Sections</b>	<b>McKinnon Design</b>	<b>F</b>	<b>1.2.18</b>
<b>LD-02</b>	<b>Landscape Master Plan</b>	<b>Mark McCrone Landscape Architect</b>	<b>A</b>	<b>23.9.15</b>
<b>13065 C02</b>	<b>Notes and Typical Details</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C03</b>	<b>Overall Site Layout</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C04</b>	<b>Bulk Earthworks Plan</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C05</b>	<b>Site Sections A, B &amp; C</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C06 -C07</b>	<b>Race Track Long Sections</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C08 -C16</b>	<b>Race Track Cross Sections</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C17-C18</b>	<b>Cooramin Street Upgrade Plan and Long Section</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C19-C21</b>	<b>Cooramin Street Upgrade Cross Sections</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C22</b>	<b>Hampden Avenue Widening Plan and Long Section.</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C23-C25</b>	<b>Hampden Avenue Cross Sections.</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C26</b>	<b>Linemarking &amp; set-out plan Hampden Ave. &amp; Cooramin St. Intersection Sheet A</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C27</b>	<b>Linemarking &amp; set-out plan Hampden Ave. &amp; Cooramin St. Intersection</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>

	<b>Sheet B</b>			
<b>13065 C28-C29</b>	<b>Truck/Trailer Parking Area Finished Levels &amp; Set Out</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C30</b>	<b>Car Parking Area Finished Levels &amp; Set Out</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C31</b>	<b>Stormwater Reticulation Layout</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
<b>13065 C32</b>	<b>Stormwater Catchment Plan</b>	<b>Heath Consulting Engineers</b>	<b>F</b>	<b>7.11.17</b>
	<b>Statement of Environmental Effects</b>	<b>Peter Basha Planning &amp; Development</b>		<b>Sept. 2015</b>
	<b>Modification Application</b>	<b>Peter Basha Planning &amp; Development</b>		<b>Feb 2018</b>
<b>9197</b>	<b>Traffic and Parking Report</b>	<b>Colston Budd Hunt &amp; Kafes Pty Ltd</b>		<b>Feb 2014</b>
<b>JH/9197\</b> <b>jj</b>	<b>Traffic and Parking Report Addendum Letter</b>	<b>Colston Budd Hunt &amp; Kafes Pty Ltd</b>		<b>14.9.15</b>
<b>13330</b>	<b>Noise Impact Assessment</b>	<b>Wilkinson Murray</b>	<b>A</b>	<b>Sept. 2014</b>
	<b>Noise Impact - addendum letters</b>	<b>Wilkinson Murray</b>		<b>2.9.15 7.9.15</b>
	<b>Addendum Noise Impact Assessment - correspondence</b>	<b>Wilkinson Murray</b>		<b>6.2.18</b>
	<b>Flood Impact Assessment</b>	<b>WMA Water</b>		<b>May 2014</b>
	<b>Flood Impact Assessment</b>	<b>WMA Water</b>		<b>7.9.15</b>
	<b>Flood Impact Assessment for proposed harness racing track at N. Wagga Wagga</b>	<b>WMA Water</b>		<b>18 August 2017</b>
<b>S14-116</b>	<b>GeoTechnical Investigation</b>	<b>Aitken Rowe</b>		<b>17 June 2014</b>
	<b>Lighting Assessment Report</b>	<b>Musco Lighting</b>		<b>Sept. 14</b>

	Updated Plans associated with Lighting Report	Musco Lighting		October 2015
	Written Correspondence	Peter Basha Planning & Development		10.12.14
	Correspondence - Stormwater report	Heath Consulting Engineers		2.12.14
	Correspondence - event noise management plan	Wilkinson Murray		2.12.14
	Statement of Environmental Effects (4.55(2))	Michael Brown Planning Strategies		March 2020
	Noise Impact Assessment	Wilkinson Murray		April 2020

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

**NOTE:** Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

**REASON:** It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

### **Prior to release of Construction Certificate**

2. Prior to release of Construction Certificate a copy of the required Flood Work Approval must be provided to Council. The attached General Terms of Approval (GTA) are not the flood work approval. Application must be made for the relevant approval after consent has been issued by Council and before the commencement of any work or activity on the land.

Finalisation of a flood work approval can take up to 8 weeks from the date that the DPI Water receives all documentation (to it's satisfaction.) Application forms for the controlled activity approval are available from the DPI Water's website.

**REASON:** It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 2A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an updated Flood

**Work Approval from Water NSW must be provided to Council.**

**It is the applicant's responsibility to notify Water NSW of the modified DA reference and approval date to enable the Notice of Determination to be updated.**

REASON: It is in the public interest that the development complies with all legislative requirements. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. Provision must be made in the building and on the site for.**
- a) access to the building for people with disabilities in accordance with the Building Code of Australia;**
  - b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and**
  - c) motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.**

**NOTE: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.**

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 4. Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, a levy in the amount of \$65,000 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6A. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a levy in the amount of \$3,500 must be paid to Council towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

REASON: Having considered the development as modified in accordance with Section 94A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. Prior to the issue of Construction Certificate a bond of \$10,000 in the form of cash or bank guarantee shall be paid to Council for the following:
- (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,



- (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
- (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

REASON: In order to cover the cost of any works to Public Infrastructure requiring repair as a result of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

**NOTE 2:** Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

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

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

**NOTE 5:** The Section 64 Sewer base figure is \$45,887.86.  
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$48,764.41.

**NOTE 6:** The Section 64 Stormwater base figure is \$0.  
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0.

**NOTE 7:** Section 64 contributions shall be indexed in accordance with CPI.

**NOTE 8:** The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and



**you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.**

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

- 8A Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01, a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.**

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

**NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.**

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

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

**NOTE 5: The Section 64 Sewer base figure is \$15,921.  
The Section 64 Sewer contribution (updated by the CPI) required to be paid is \$17,568.55.**

**NOTE 6: The Section 64 Stormwater base figure is \$0.  
The Section 64 Stormwater contribution (updated by the CPI) required to be paid is \$0.**

**NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.**

**NOTE 8:** The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

**REASON:** It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

**9. Prior to the issue of a Construction Certificate, detailed engineering plans identifying the construction of Cooramin Street from the intersection of Hampden Avenue to a point 20 metres past the western most access driveway into the site shall be submitted to Council for approval. The design shall detail:**

- the full width formation of the road including a sealed width of 7.0 metres and 1.0m wide shoulders;
- the required intersection works at Cooramin Street and Hampden Avenue to accommodate turning paths for 19m long articulated vehicles in all directions;
- shoulder construction;
- swale formation and drainage works;
- pavement construction and sealing;
- service adjustments;
- signage and line marking;
- transition to existing pavement.

The design shall be in accordance with Council's Engineering Guidelines for Subdivision and Developments and relevant AUSTROADS and RMS Guidelines.

A pavement design shall be carried out by a suitably qualified Geotechnical Engineer based on an appropriate traffic loading for the development and shall take into account locally sourced road pavement gravels if proposed in the design.

Any required street lighting upgrade at the intersection or approaches shall be designed in accordance with relevant Australian Standards.

**REASON:** To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**10. Prior to release of Construction Certificate, a street lighting safety assessment shall be carried out on the existing level of lighting at the intersection of Cooramin Street and Hampden Avenue and shall consider (but not be limited**

to) traffic numbers, posted speed limits, geometry, sight distances, pedestrian and cyclist activity and crash history to determine whether a street lighting upgrade at the intersection and/or approaches is required as a result of the development. If the assessment determines that upgrades are necessary, the street lighting Street Lighting shall be designed and constructed in accordance with AS1158 Vehicular Traffic 2005 (or subsequent amendments).

REASON: It is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines and relevant Australian Standards. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**11. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a revised stormwater plan that indicates;**

- (i) The finished paving levels to demonstrate overland flow paths
- (ii) All pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.
- (iii) Water sensitive design features - the design is to give consideration to fine particle, contaminant and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Wagga Wagga City Council. Any proposed vegetation shall not have an adverse effect on the floodplain or flood storage.
- (iv) Stormwater runoff from the Cooramin Street road reserve not draining into the development site's proposed OSD/Infiltration basin. The proposed OSD/Infiltration basin shall only receive stormwater runoff from the development site discharged to the basin internally from the site.
- (v) An overflow weir and overland flow path from the proposed OSD/Infiltration basin.

REASON: The character of the development is such that it warrants storm water drainage of this type. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

**12. Prior to the issue of the Construction Certificate the applicant shall submit to Council for approval a sewer plan that indicates;**

- (i) Details of the sewer pump station and rising main and connection point into Council's gravity sewer main,
- (ii) Details of how the Pump Station can be isolated in a flood event,
- (iii) Clear out point in the rising main for blockages
- (iv) Calculations for sewer load

**The Sewer Pump Station and associated rising main shall be installed, owned and maintained by Harness Racing NSW.**

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 13. Prior to the issue of the Construction Certificate plans shall be submitted for approval indicating the finished floor levels of the proposed buildings and for the race track are in accordance with WMA Water Flood Impact Assessment dated 7 September 2015.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. Prior to the issue of a Construction Certificate a compliance certificate must be received and approved by the certifying authority.**

**The compliance certificate shall be from an accredited certifier who is a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.**

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. Prior to issue of the Construction Certificate detailed plans and elevations of the kitchen area shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2010 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 written approval from Council's Environmental Health Section for the food and drink preparation areas must be obtained.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 16. Prior to the release of the Construction Certificate a plan shall be submitted to and approved by Director of Planning and Regulatory Services, or delegate that identifies the intersection design at Cooramin Street and Hampden Avenue. This plan is required to be referred to the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.**

**NOTE 1:** A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.

**NOTE2:** The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission. Contact Council's Senior Traffic Officer for scheduled dates of Traffic Committee meetings.

**REASON:** To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 17. Prior to the release of Construction Certificate the landscape plan referenced 14/324/LD-02A prepared by Mark McCrone Landscape Architect and dated 23.9.15 shall be revised and submitted to Council for the approval of the Director of Planning and Regulatory Services, or delegate. The revised plan shall identify:-**

- (a) Retention of the westernmost river red gums and associated changes to the truck car park layout**
- (b) Replacement of Plane trees around the car park with native species**
- (c) All trees planted in 300mm container size pots not tubestocks.**

**REASON:** To ensure that appropriate and sufficient landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 18. Prior to release of Construction Certificate a Construction Management Plan to address construction activity access and parking is to be prepared to the satisfaction of the Director of Planning and Regulatory Services, or delegate. The management plan must address, but is not limited to, the following;**

- Construction and timing for construction of the works within the road reserves of Cooramin Street and Hampden Avenue**
- Timing for construction of the works across the site demonstrating any proposed staging of works across the site**
- Suitable provision being available on site for all vehicles associated with construction activity to alleviate any need to park within, or load/unload from, the surrounding public road network,**

- Access and egress arrangements for all construction related vehicles to and from the site,
- Details of any special equipment to be employed;
- Details of the frequency and times of the vehicles, their turning paths and parking/storing arrangements;
- Protection of vehicles and public assets,
- Location of hoarding, Work Zone and other traffic control devices,
- Details of, and vehicular movement diagrams for, the largest vehicle to access the site to show that such vehicles can enter and leave the site in a forward direction;
- Details of the type and location of waste storage containers to show that there will be no congestion, associated with the storage and removal of such materials;
- Details of what method will be used to ensure that the plan is adhered to including appropriate signage and fencing is to be installed and maintained to effect the plan.
- Details of all environmental controls and locations of all plant and equipment during construction including maintenance of vehicles on site.

REASON: To ensure that the site is developed in a planned manner and that vehicle movements to and from the site operate in a safe and controlled way. Section 79c(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

19. **Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.**

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

20. **Prior to the issue of Construction Certificate a person seeking to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.**

**The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.**



**Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval. All conditions of the approval must be complied with.**

REASON: To prevent damage to the Council's Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21. No works are to take place to any services without prior written approval from the relevant authority.**

**NOTE:** 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures.

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21A. Prior to the issue of an amended Construction Certificate consistent with the modified plans approved under DA14/0448.01 a copy of an amended site plan shall be submitted to and approved by Council. The plan shall identify a sealed parking treatment to the truck and trailer parking area with any reference to gravel base removed.**

REASON: In the interest of visual amenity and to minimise noise and dust pollution. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### **Prior to Commencement of Works**

- 22. Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**
- a) a standard flushing toilet connected to a public sewer, or**
  - b) if that is not practicable, an accredited sewage management facility approved by Council, or**
  - c) if that is not practicable, any other sewage management facility approved by Council.**

**NOTE 1:** The provision of toilet facilities in accordance with this condition must be completed before any other work is



- commenced and the toilet facility must not be removed without the prior written approval of Council.
- NOTE 2:** “Vicinity” in this condition is defined to mean within 50 metres of the subject building site.
- NOTE 3:** The toilet facilities are to comply with all WORK COVER NSW requirements.

**REASON:** To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 23. A CONSTRUCTION CERTIFICATE** pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

- NOTE 1:** No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.
- NOTE 2:** YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.
- NOTE 3:** It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

**REASON:** To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 23A. An AMENDED CONSTRUCTION CERTIFICATE** pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed modified works as approved under DA14/0448.01, are in accordance with the Building Code of Australia PRIOR to any modified works commencing.

- NOTE 1:** No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

**NOTE 2:** YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

**NOTE 3:** It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

**REASON:** To ensure the design of the proposed and modified work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 24. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

**Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.**

**NOTE 1:** No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

**NOTE 2:** Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

**NOTE 3:** The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

**REASON:** To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 25. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in**

accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

**NOTE:** All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

26. Prior to the commencement of road works a request to review the current speed limit within Cooramin Street is to be submitted to Roads and Maritime Services for approval. Any works/signage required as a result of this review of the speed limit shall be at full cost to the developer and be implemented prior to operation of the development.

REASON: To ensure that works are carried out in accordance with Roads and Maritime Services requirements. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. The existing tree to be retained situated within the property of the proposed development shall be protected from all construction works. All care must be taken to protect existing trees to be retained from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees/ vegetation within the development, contact shall be made with Council's Tree Management Officer to determine what remedial action should be taken,

**Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.**

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. Prior to the commencement of works, an application is required to be lodged for an Activity Approval under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.**

**NOTE 1: Works carried out under a separately approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.**

**NOTE 2: The Section 68 Activity Approval (PUBLIC) may be subject to a works bond payable prior to the release of the Section 68 Activity Approval. The works bond payable will be determined based on the category of works being undertaken. Refer to Council's Section 68 Activity Approval Guide for definition of works categories.**

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993.

- 29. The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".**

**NOTE: A copy of the Notice of Works form can be found on Council's website.**

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

- 30. A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

**Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.**

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing

Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
- a) stating that unauthorised entry to the site is prohibited, and**
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
  - c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**
- Any sign must be removed when the work has been completed.**

**NOTE: This condition does not apply to:**

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

**REASON:** To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

**REASON:** Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 33. Prior to works or activities commencing within the road reserve, approval under Section 138 of the *Roads Act 1993* is required from Council.**

**A written application for *Consent to Work on a Road Reserve* is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.**

**It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.**

**REASON:** It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for

compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

34. **A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. Once approved, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### **During works**

35. **Any proposed site fill must be of clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer. All such works are to comply with Wagga Wagga City Council's Guideline for Subdivision and Developments.**

**NOTE:** Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of a Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

36. **Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.**

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the *Environmental Planning and*



*Assessment Act 1979*, as amended.

- 37. All weather access, manoeuvring and parking areas shall be provided and maintained within the site throughout all of the construction and site works.**

REASON: To adequately provide for the safe, all weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 38. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 39. If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Final	Required prior to occupation of the building

**NOTE 1:** A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council.



Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

**NOTE 2:** The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the Environmental Planning and Assessment Act 1979, as amended.

**NOTE 3:** Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

**REASON:** It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 40. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

**REASON:** It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 41. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:**

a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.

b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

**Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and**

soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
  - i) The method of protection
  - ii) The date of installation of the system
  - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
  - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

42. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

43. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

44. The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 45. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2010 and the Food Safety Standards Code.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 46. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease in that immediate location and the applicant will contact the Office of Environment and Heritage. Any works which may result in destruction or damage to known Aboriginal sites will require an Aboriginal Heritage Impact Permit from the Office of Environment and Heritage in accordance with Section 90 of the National Parks & Wildlife Act 1974.**

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 47. Trees indicated on the submitted plans for removal as amended by the revised landscape referenced in condition 17, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.**

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - amenity tree industry 1998 No. 034.

An Arboricultural company with membership of a professional association as the National Arborists Association of Australia shall be engaged to carry out any works associated with trees in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

Tree stumps shall be removed below ground level and surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

REASON: Because it is considered that the subject trees are prejudicial the successful implementation of the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing work is installed and prior to concealment.

<b>Stormwater Drainage</b>	<b>When all external stormwater drainage work is installed and prior to concealment.</b>
<b>Final</b>	<b>Prior to occupation of the building.</b>

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

- 49. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 50. The Cut and Fill Batters are to be treated with vegetation (ground covers) to protect them from erosion and further ground movements.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 51. A survey report prepared by a registered land surveyor confirming Finish Ground Levels and Finished Floor Levels (as appropriate) shall be provided to the Principal Certifying Authority (PCA) prior to work proceeding beyond:**
- a) completed track (earthwork) height**
  - b) slab formwork for all buildings on site**
  - c) foundation walls**
  - d) for all completed building on the site.**

REASON: To ensure that the building is located in accordance with approved plans prior to further works being carried out on the subject site. Section 79C (1) (b) of the *Environmental Planning and Assessment Act 1979*, as amended.

#### **Prior to release of Occupation Certificate / Prior to Operation**

- 52. Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.**

REASON: To provide all weather vehicular movement and to minimise nuisances to adjoining development from noise and dust. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

**53. An Event Noise Management Plan shall be prepared by the applicant and submitted for approval by the Director of Planning and Regulatory Services or delegate. The plan shall be prepared in consultation with the local Council and local residents and include (as a minimum):-**

- (a) Clarification of the PA system details specifically the number, position and orientation of speakers to minimise noise emissions but satisfy course requirements.**
- (b) How the volume of the PA system is to be managed**
- (c) Times and dates of events to be held throughout the year and notification of these to the surrounding community.**
- (d) Details of noise monitoring locations and times**
- (e) Complaint management procedures**
- (f) Timescale for the plan to be regularly reviewed.**
- (g) Annual review of all events and clarification of recorded noise levels associated with each event to determine compliance with condition 85 of this consent (as modified by DA14/0448.02).**

**The plan must be made publicly available and maintained and implemented prior to operation of the site and regularly reviewed after events are held on site.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**53A. Prior to the operation of the increased number of race events and the additional operating hours an updated event noise management plan must be prepared and submitted for approval by the General Manager or delegate. The plan shall include the updated details as approved by the subject modification application (DA14/0448.02) as well as the existing details required under condition 53.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**54. A Site Management Plan shall be prepared and submitted for approval by the Director of Planning and Regulatory Services or delegate. The approved plan shall be implemented for the lifetime of the development on the subject site. The plan must be made available to all staff and contractors and maintained and implemented prior to operation of the site and updated and reviewed for all major events held on site for the first time.**

**The plan must specify (as a minimum) the following:**

- a) Traffic management details including the provision and control of overflow parking if applicable**
- b) Attended monitoring of noise levels**

- c) Dust mitigation measures
- d) Identified access and egress for emergency services vehicles
- e) Clearing of rubbish and management of on-site waste
- f) Management of on-site equine waste
- g) Evacuation plans in the event of a fire or other emergency
- h) Contact details of site manager responsible for all event activities
- i) On-going monitoring of lighting impacts
- j) Measures to manage patron behaviour in the car parks after 10pm

REASON: To ensure the development complies with the requirements imposed under Clause 98C of the Environmental Planning and Assessment Regulation 2000, as amended, and Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 55. A Venue & Security Management Plan shall be prepared in consultation with the Wagga Wagga Local Area Command. The plan must be signed and approved by the Local Area Commander or the Commander's Delegate, a copy of which must be lodged with the Wagga Wagga City Council prior to operation.**

The management plan must include a range of measures which include but are not limited to, patron safety and security, management of crime scenes, recording and reporting incidents of violence, the installation and maintenance of closed circuit television (CCTV), the quiet and good order of the neighbourhood, safe transport options, clearing of rubbish, addressing complaints relating to the operation of the premise and reviews, amendments and updates to the plan.

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 56. Prior to issue of an occupation certificate a rural address number must be displayed in a position clearly visible from the road, at the entrance to the property, in letters having a height of not less than 75 mm (3 inches). The number must be visible against the background on which it is placed.**

It will be necessary to contact Council to determine the correct rural address after the subject lots have been consolidated and access points have been constructed.

REASON: It is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 57. Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the amended landscape plan referenced under condition 17.**



**The construction and ongoing maintenance of all landscaping proposed is the responsibility of the developer and must be to the satisfaction of the Director of Planning and Regulatory Services, or their delegate.**

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 58. Prior to the operation of the development a Flood Management and Evacuation Plan for the site shall be submitted to Council to the satisfaction of the Director of Planning and Regulatory Services or their delegate. The plan shall include but is not limited to the following:**

- **safe evacuation of personnel**
- **safe evacuation of horses**
- **management of on-site machinery**
- **secure storage of goods free from flood including fuel and chemicals**

REASON: To provide a permanent, fail-safe, and maintenance-free measure for the orderly evacuation of people from the area in the event of a flood. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 59. Prior to the issue of an Occupation Certificate, certification from a Registered Surveyor and Works-As-Executed plans are required confirming finished floor levels are in accordance with the approved plans and the details outlined in Condition 11.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 60. Prior to the issue of an Occupation Certificate, the upgrade of Cooramin Street and all works associated with the Cooramin Street/Hampden Avenue intersection shall be completed to the satisfaction of Council. Works-As-Executed plans shall be provided to Council detailing all constructed road infrastructure in accordance with Council's Engineering Guidelines for Subdivision & Development and in accordance with the details approved under Condition 9.**

REASON: It is in the public interest that the design of the development complies with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 61. Prior to release of an Occupation Certificate an-into maintenance inspection must be carried out of the completed road works. The maintenance period will last for 12 months, upon which time an-out of maintenance inspection will be required to ensure the works are acceptable to Council.**

REASON: It is in the public interest to ensure that plumbing and drainage work are carried out in accordance with relevant legislations, standards and codes.



- 62. Prior to the issue of an Occupation Certificate, Street Lighting shall be designed and constructed if required in accordance with the recommendations of the street lighting safety assessment referred to under Condition 10.**

REASON: It is in the public interest that the design of the development complies with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 63. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**
- a) has been assessed by a properly qualified person; and**
  - b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

**NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.**

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 64. Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the Food Regulations 2010, Food Safety Standards Code.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 65. Prior to the release of the Occupation Certificate the Food Business Premise and current Food Safety Supervisor with the appropriate enforcement agency must be notified.**

REASON: To aid in the storage, preparation and display of food that is safety to be consumed by the public. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

66. **An Occupation Certificate, must be obtained pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

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

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

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

68. **Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

**NOTE 1:** The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon

**completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.**

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 69. Lots 1-6 and 19-24 in DP2655 are to be consolidated into one lot prior to the issue of an Occupation Certificate.**

**NOTE: Evidence of consolidation must be provided to Council**

REASON: The size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such to require the land be consolidated. Section 79C(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 70. Prior to the Issue of Occupation Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:**

- i) Essential Energy: Notification of Arrangement OR Certificate of Acceptance**
- ii) APA Gas: Certificate of Acceptance**
- iii) Riverina Water: Certificate of Compliance**

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

### **General**

- 71. Garbage receptacles for the disposal of litter must be installed, maintained and regularly emptied.**

REASON: To ensure the development does not reduce the amenity of the area by reason of an accumulation of litter. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 72. Exterior colours and materials of the building must be of neutral tones and sympathetic with the surrounding environment. Proposed colours must be submitted to and approved by the Director of Planning and Regulatory Services or delegate.**

REASON: To ensure the exterior colour scheme is compatible with the character and amenity of the area. Section 79C(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 73. The use of the race-track, associated loud speakers and track lighting must only be conducted between the following scheduled race hours:**

- 10am and 10.45pm on any Tier 1 or Tier 2 race day;
- 10am and 10pm on any other race day.

**The noise level of the PA speakers during all Tier 3 events must be reduced by 3dB(A) to ensure compliance with the established noise criteria at the closest residential receptors and minimise impacts on amenity. Track lighting must be turned off as soon as possible after the last scheduled event ends.**

**The use of the clubhouse facility must only be conducted between the hours of 9 am and midnight on Fridays and Saturdays and 9am and 11.00pm on Tier 1 and Tier 2 race days and 9am and 10.30pm all other days.**

**REASON:** To ensure development does not reduce the amenity of the area. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 74. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property. Lighting of the track shall be limited to race events only.**

**NOTE:** Compliance with Australian Standard AS4282.1997 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

**REASON:** To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 75. One wall sign on the southern elevation of the clubhouse building is approved as part of this application, no further signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.**

**REASON:** Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 76. Approval is granted for the use of the site as a harness racing facility, within the definition of a Recreation Facility (Major), and ancillary and subordinate uses such as stables, marquee, club-house and parking areas.**

**Any other use of the site for functions or temporary events which are not ancillary to the approved use will require the prior consent of Council.**

**Advice - The proponent is to consult with Council regarding additional proposed activities to determine if separate consent is required.**

REASON: It is in public interest that proposed development be limited to that which is applicable and permissible on the land. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 77. Appropriate facilities must be made available for the storage of goods, fuel and chemicals 500mm above the 100yr ARI flood level. No external storage of materials is permitted below the 20yr ARI flood level which may cause pollution or be potentially hazardous during any flood.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- 78. The applicant is to ensure that dust suppression measures are put in place to minimise dust generation during all race events. Dust control at all other times should form part of an on-site management plan.**

REASON: To ensure works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 79. All access between the subject site and the public road network shall be via Cooramin Street and then to Hampden Avenue. All access to and from the subject site via Wright Street is denied.**

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 80. The proposed lighting on site is to be designed, treated and orientated so as to minimise glare impacting on motorists on the Olympic Highway. The method and intensity of any illumination of the venue shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists on the adjoining road network particularly the Olympic Highway.**

REASON: In the interests of highway safety and public interest. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 81. All works associated with the proposed development shall be at no cost to Roads and Maritime Services.**

REASON: To ensure that works are carried out in accordance with Roads and Maritime Services requirements. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 82. Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant.**

REASON: In order to cover the cost of any works to Public Infrastructure as a result of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 83. During the first twelve months of operation, the applicant must notify Council's Environmental Compliance Team in writing, seven days prior to all events.**

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 84. During the first twelve months of operation, the applicant must conduct further noise monitoring of all events. This monitoring must include but is not limited to receivers north and east of the development. All logging results are to be lodged with Wagga Wagga City Council within 14 days of each logged event.**

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 85. No more than two events are permitted to exceed the background noise level by more than 5dB(A) per annum.**

**Background noise shall be defined as  $L_{90/4}$  minutes, while noise levels shall be measured as  $L_{10/4}$  minutes.**

REASON: It is in the public interest that the impact of noise is minimised. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 86. After each event, animal waste is to be collected and stored in secure vermin and insect proof containers with tight fitting lids.**

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 87. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.



- 88. The site manager shall be responsible for the control of noise generated at each event and shall ensure that patrons leave the vicinity of the site in an orderly manner as soon as practical after the end of each event.**

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 89. A minimum of 219 vehicle parking spaces must be made available on site at all times in accordance with Australian Standards AS2890.1 2004, AS2890.2.2002 and AS/NZS2890.6.2009.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 90. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004; AS2890.2.2002 and AS/NZS2890.6.2009.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 91. Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.**

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

- 92. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.**

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (l) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 93. The facility is limited to the carrying out of 52 events in any calendar year of which no more than 26 events shall be night time events.**

Two of the night time events are defined as major tier 1 events and two are defined as tier 2 events.



REASON: It is in the public interest that the development is carried out in accordance with the assessment and approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**94. The works must be undertaken in accordance with the attached General Terms of Approval issued by DPI (Water).**

REASON: It is in the public interest that the development is carried out in accordance with all legislative requirements. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

## General Terms of Approval (DPI Water)

For work requiring a flood work approval under s90 of the *Water Management Act 2000*

Number	Condition	File No: 2015-0515
Site Address:	Intersection of Hampden Avenue & Cooramin Street, Cartwrights Hill, Wagga Wagga	
DA Number:	DA14/0448	
LGA:	Wagga Wagga City Council	
Plans, standards and guidelines		
1	These General Terms of Approval (GTA) only apply to the flood works described in the plans and associated documentation relating to DA14/0448 and provided by Council: (i) Site plan, map and/or surveys (ii) Structural design and specifications (iii) Works Schedule (iv) Flood Assessment (v) Revised Submission SEE by Peter Basha Planning & Development dated September 2015 Any amendments or modifications to the proposed flood works may render these GTA invalid. If the proposed flood works are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of construction of the flood works (works), the consent holder must obtain a Flood Work Approval under the Water Management Act from DPI Water.	
3	The works must be designed, constructed and maintained in a way that will: A. ensure the works safe construction and operation, and B. prevent the possibility of damage being caused by the works, or resulting from the works, to any public or private interest.	
4	All plans must be prepared by a suitably qualified person and submitted to DPI Water for approval prior to the issuing of the flood works approval.	
5	The consent holder must (i) carry out construction of the works in accordance with approved plans and under the direct supervision of a suitably qualified professional and (ii) when required, provide a certificate of completion to DPI Water.	
END OF CONDITIONS		