



City of
Wagga Wagga

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the following Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

Application Number:	DA21/0604
Applicant:	Damasa Pty Ltd 2 O'Reilly Street, Wagga Wagga NSW 2650
Land to be Developed:	199 Morgan St WAGGA WAGGA & 205 Morgan St WAGGA WAGGA NSW 2650 Lot 7 DP 203835, Lot A DP 331461, Lot 1 DP 375748
Description	Multi-level Commercial Office & Car Park
Determination:	Approved by Council Resolution 22/110 Subject to Conditions
Date of Determination:	11/04/2022
Consent to Operate from:	13/04/2022
Consent to Lapse on:	13/04/2027
Other Approvals:	Nil

On behalf of the Council

Steven Cook
Senior Town Planner

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 12 months from the date the decision is notified or registered on the NSW planning portal

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA21/0604

A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Salvestro Planning	2.2	25/11/21
DA050	Site Plan	Morrison Design Partnership	DA2	22/11/22
DA080	Demolition and Tree Removal Plan	Morrison Design Partnership	DA2	22/11/22
DA100	Floor Plan	Morrison Design Partnership	DA2	22/11/22
DA101	Floor Plan	Morrison Design Partnership	DA2	22/11/22
DA102	Floor Plan	Morrison Design Partnership	DA2	22/11/22
DA103	Floor and Roof Plan	Morrison Design Partnership	DA2	22/11/22
DA201	Elevations	Morrison Design Partnership	DA2	22/11/22

DA202	Material Elevations	Morrison Design Partnership	DA2	22/11/22
DA301	Sections	Morrison Design Partnership	DA2	22/11/22
DA510	3D Rendered Views	Morrison Design Partnership	DA2	22/11/22
DA800	Area Plans	Morrison Design Partnership	DA2	22/11/22
DA900	Shadow Diagrams	Morrison Design Partnership	DA2	22/11/22
DA901	Shadow Diagrams	Morrison Design Partnership	DA2	22/11/22
01	Concept Plan (Landscaping)	TaylorBrammer	A	2/9/21
02	Planting Plan	TaylorBrammer	A	2/9/21
03	Tree Removal Retention Plan	TaylorBrammer	A	2/9/21
04	Planting Palette	TaylorBrammer	A	2/9/21
05	Landscape Details	TaylorBrammer	A	2/9/21
DA-C03.0	Concept Civil Works and Stormwater Levels Plan	Northrop	C	10/12/21
DA-C03.1	Concept Civil Works and Stormwater Levels Plan	Northrop	A	23/7/21
	Loading and Operational Waste Management Plan	Morrison Design Partnership	DA01	16/9/21
	Arborist Report	Mark D McCrone Landscape Architect		March 2021
	Concept Stormwater Management Plan (Appendix A approved separately)	Northrop	A	14/07/21
	Flood Impact Assessment	WMA Water		16/7/21
	Flood Impact Assessment Additional Information	Northrop		9/11/21
	Email chain further clarifying flood impact assessment			3/12/21 - 8/12/21
	Traffic and Parking Impact Assessment of Mixed Use Development (Stage 2) at Morgan St, Wagga Wagga (excluding Annexure A)	McLaren Traffic Engineering and Road Safety Consultants	E	20/9/21

	Letter of Response to Council Comments for Mixed Use Development at Morgan Street, Wagga Wagga (excluding Annexure A)	McLaren Traffic Engineering and Road Safety Consultants		16/11/21
	Supplementary Letter of Advice for Mixed Use Development at Morgan Street, Wagga Wagga (excluding Annexure A)	McLaren Traffic Engineering and Road Safety Consultants		24/11/21
	Detailed Site Investigation (excluding Appendix A)	ARTL	2	Nov 2021

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

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

- C.2** Prior to the release of the Construction Certificate Engineers Certification is required for all retaining walls over 1m in height or over 600mm and within 1m of the boundary. Retaining wall detail to include suitable subsoil drainage measures with granular backfill. Copies of the details, plans and or specifications for all proposed retaining walls, showing compliance with the provisions of the Building Code of Australia, shall be submitted to and approved by the Accredited Certifier.
- C.3** Prior to the issue of the Construction Certificate it must be demonstrated that the building complies with the requirements of the Commonwealth Disability Discrimination Act 1992, the NSW Anti-Discrimination Act 1977 and the relevant provisions of the Disability (Access to Premises - Buildings) Standards 2010.
- NOTE 1:** The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.
- NOTE 2:** Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission, are available from the Commission or from Council's Planning Directorate. That these matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.
- C.4** Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$250,000 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

- NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 118.5.
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.
- C.5 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.
- NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.
- NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.
- NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.
- NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- NOTE 5: The Section 64 Sewer base figure is \$267,650.
- The Section 64 Sewer contribution (updated by the 118/100.5) required to be paid is \$314,255.
- NOTE 6: The Section 64 Stormwater base figure is \$6,984.

The Section 64 Stormwater contribution (updated by the 118/87.9) required to be paid is \$9,376.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

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

- C.6 Prior to the release of the Construction Certificate, amended plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, reducing the entry and exit driveway to a single lane, where the driveways join Docker St.

The amended plans must be designed to ensure that there is sufficient vehicle storage capacity within the site to mitigate queuing concerns on Docker St. The entry driveway shall have enough holding capacity so that no part of a vehicle shall protrude on to Docker St.

The driveways shall be designed such that they are evident as being one lane entry and one lane exit for approaching motorists (e.g. by way of width reduction, etc).

- C.7 Prior to the release of the Construction Certificate, turning paths of the largest vehicles to enter the development, shall be submitted to Council, to the satisfaction of the General Manager or delegate.

- C.8 Prior to the release of the Construction Certificate, a Pedestrian Access and Mobility Plan (PAMP) showing a pedestrian access strategy to and from the premises, shall be submitted to Council, to the satisfaction of the General Manager or delegate. The PAMP shall ensure that pedestrian linkages to Docker St and Morgan St, from the car park, are included in the development and that these linkages provide clearly defined and easily accessible access.

- C.9 Prior to the release of the Construction Certificate, a Construction Management Plan (CMP), shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The CMP shall include details for parking of trades/workers/construction vehicles, material storage areas, site access arrangements and delivery arrangements.

- C.10 Prior to the release of the Construction Certificate, a detailed report, prepared by a suitably qualified arborist, outlining measures/works required to be carried out for the retention of trees 1 and 5/16 (as identified in the Arborist Report, prepared by Mark McCrone and dated March 2021) shall be submitted to Council, to the satisfaction of the General Manager or delegate.

Any works set out in the detailed report shall be carried out during the development.

If it is assessed by a suitably qualified arborist that the trees cannot be reasonably retained, the detailed report should set out the reasons that retention of the trees cannot be achieved. These reasons shall be to the satisfaction of the General Manager or delegate.

- C.11 Prior to the release of the Construction Certificate, an amended tree removal plan shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The amended tree removal plan shall identify the removal of additional trees consistent with the recommendations of the Arborist Report, prepared by Mark McCrone and dated March 2021 and shall include any additional trees that require removal following the satisfaction of Condition C.10. Trees identified on this approved plan shall be removed as part of the development works.

NOTE: This plan should not be prepared and submitted to Council until such time that Council advises that Condition C.10 has been satisfied.

- C.12 Prior to the release of the Construction Certificate, an amended landscaping plan shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The amended landscaping plan shall be prepared to ensure the plan is consistent with the Arborist Report, prepared by Mark McCrone and dated March 2021, including recommendations for additional tree removal, and the amended the removal plan required under Condition C.11. The amended landscaping plan shall include replacement street tree plantings for any street trees proposed to be removed to facilitate the development.

- C.13 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council 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. The certification shall be from a qualified structural/civil engineer and shall be to the satisfaction of the General Manager or delegate.

- C.14 Prior to the release of the Construction Certificate a plan shall be submitted to and approved by the General Manager or delegate, that identifies all traffic management works in Docker Street.

The plan shall include provision of a median strip within Docker Street, of sufficient length to prevent right turn manoeuvres to and from the subject site.

The median shall be designed to ensure:

- That travelling lane and parking lane widths are maintained at 3.3m (minimum) and 2.1m (minimum) respectively on each side of Docker St along the length of the proposed central median.
- That unobstructed access is maintain to the existing driveways servicing 94-96 and 121 Docker St. This may require minor amendments to the proposed driveway locations to ensure that the median is of adequate length so as not to obstruct continued vehicular access to adjacent properties.

This plan is required to be referred to, and approved by 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.

- C.15 Prior to the issue of a Construction Certificate, the applicant must engage a suitably qualified person to prepare a pre-construction dilapidation report. This report shall include clear photos and descriptions of all existing public infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and shall be approved by Council, to the satisfaction of the General Manager or delegate.

Requirements before the commencement of any works

- C.16 If the work involved in the erection or demolition of a building or structure:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

- C.17 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

a) a standard flushing toilet connected to a public sewer, or

b) if that is not practicable, an accredited sewage management facility approved by Council, or

- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

- C.18 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

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

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

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

- C.19 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

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

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

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

C.20 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

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

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

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

C.21 Prior to works commencing on the carpark extension in Morgan Street, a Section 138 Road Reserve Permit is required. Detailed Engineering plans of the proposed works shall be provided to Council detailing:

- Pavement design levels and any required stormwater drainage
- Pavement design report prepared by a Geotechnical Engineer in accordance with Council & AUSTRROADS Guidelines
- Traffic Management Control plan
- Lighting design in accordance with Australian standards

C.22 Prior to works commencing a report shall be provided to Council, to the satisfaction of the General Manager or delegate, prepared by a Structural Engineer certifying:

- that the existing open channel structure is structurally adequate for the expected imposed loads from the building, carpark and driveway crossovers. If the channel structure is found to be inadequate the report shall detail what remedial works are required to make the channel structure fit for the intended loads.
- the design of the driveway crossovers and pathway bridging the open channel are structurally adequate and designed in accordance with the relevant Australian Standards.

C.23 Prior to the commencement of any demolition work, any service line/s (overhead or underground) to the properties must be disconnected.

C.24 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.25 Prior to works commencing within the road reserve, approval is required from Council. The applicant shall arrange a Pre-Start meeting with Council's Development and

Subdivisions Engineer. Please contact Council's Development and Subdivisions Engineer on 1300 292 442 to book inspections quoting the reference number shown on the approved plans.

- C.26 The existing Street trees fronting the property not identified for removal under the approved plans (as amended) shall be retained and protected from the proposed development. These trees shall not be impacted upon in any way without the consent of Council's Supervisor of Tree Planning and Management.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees fronting 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 Supervisor of Tree Planning and Management, 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.

- C.27 Required pruning maintenance to Council street trees shall be carried out by Council or an approved contractor of Council at full cost to the applicant. Council is to be notified of any contractor prior to the commencement of works.

Pruning shall be carried out in accordance with Australian Standards AS 4373-2007 Pruning of Amenity Trees.

- C.28 The existing tree/s 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 Supervisor of Tree Planning and Management, 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 Supervisor of Tree Planning and Management 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.

- C.29 Prior to the commencement of works , an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure

sewer / stormwater works, where that work is proposed to be carried out on public or Council owned land.

NOTE 1: Works carried out under an 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: Prior to the commencement of works a bond may be required to be lodged with Council for public infrastructure works. Refer to Council's Section 68 Activity Approval Application Guide for detail.

- C.30 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

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

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

- C.31 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.

Requirements during construction or site works

- C.32 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <<https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath>> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.

- C.33 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

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

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

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

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

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

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

C.34 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

C.35 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

C.36 During works the following shall be carried out to the satisfaction of the General Manager or delegate:

- sewer mains shall be diverted to be clear of the building works,
- any redundant Council sewer mains shall be decommissioned and removed.

C.37 No fill shall be imported to the site. Any excavated material removed from the site must only be taken to a site approved for the receipt of such material.

C.38 The following requirements of Essential Energy must be complied with:

1. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposed development in accordance with ‘NSW Service and Installation Rules’. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
2. Essential Energy’s records also indicate there are various overhead and underground powerlines around the proposal development area:
 - a. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW) to locate all underground powerlines.
 - b. The Applicant, or its contractors, must be aware of and maintain all necessary safety clearances to all existing powerlines (overhead and underground).
3. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

4. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
 5. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 'ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure'. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
 6. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the 'Code of Practice - Work near Overhead Power Lines' and 'Code of Practice - Work near Underground Assets'.
- C.39 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.40 A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The temporary security fence shall not be erected in the Council road reserve without an approved Section 138 Permit.
- C.41 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.42 Inspections are to be carried out on the approved carpark extension in accordance with Council's Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of the works shall be inspected at the required hold points:
- (a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.
 - (b) Subgrade proof roll. Survey levels and compaction results.
 - (c) Subbase proof roll. Provision of compaction results.
 - (d) Basecourse proof roll. Survey levels and provision of compaction results.
 - (e) Prior to sealing
 - (f) Sewer works, prior to backfilling of trenches (where applicable).
 - (g) Stormwater works, prior to backfilling of trenches (where applicable).
 - (h) Concrete works prior to pouring (where applicable).
 - (i) Into Maintenance inspection.
 - (j) Out Of Maintenance inspection at expiry of the maintenance period.

NOTE: Fees for inspections will be charged in accordance with Council's current Fees and Charges Schedule. Please contact Council's Development Engineer on 1300 292 442 to book inspections.

- C.43 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.
- C.44 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. NSW Environment, Energy and Science shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by NSW Environment, Energy and Science.
- C.45 Trees indicated on the submitted plans (as amended by this consent) for removal, 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.

Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

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

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

- C.46 Temporary access through Tree Protection Zones during construction requires the approval of Council's Supervisor of Tree Planning and Management who shall be notified of such need and a site inspection will be carried out to determine the level of access.

A root protection layer shall be installed over the root zone to help minimise the effects of soil compaction to the tree's root system. A 150 mm layer of coarse woodchip or other like material shall be placed over the trafficable surface. This should not be considered for long term use.

Services that require passing through or within close proximity of protected tree's root zone shall be installed underground and under bored. Under boring shall start and finish two (2) metres outside of the tree's drip zone with a minimum depth of 900 mm. Utility authorities should make use of a common trench where possible to minimise impact to the tree's root system.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.47 Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.

C.48 Prior to the issue of an Occupation Certificate, a maintenance bond equal to 5% of the total cost of carpark extension works shall be paid to Council. The bond shall be held for the duration of the maintenance period until the works are accepted Out of Maintenance.

C.49 The applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.

The report shall include a comparison with the with the pre-construction dilapidation report required by these conditions and have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure.

The report shall be submitted to and shall be approved by Council, to the satisfaction of the General Manager or delegate, prior to the release of the Occupation Certificate.

Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- b) relocate, or pay the full costs associated with relocating any infrastructure needs to be relocated as a result of the development.

C.50 Prior to the issue of any Occupation Certificate all works external to the site, including Traffic Management works in Docker Street, carpark extension in Morgan Street and sewer mains diversion works shall be completed to the satisfaction of the General Manager or delegate.

C.51 Prior to the release of the Occupation Certificate, an Operational Management Plan shall be prepared for the site and submitted to Council, to the satisfaction of the General Manager or delegate. The OMP shall incorporate a:

- Site Specific Flood Management Plan for the site, prepared in conjunction with an appropriately qualified flood engineer, setting out protocols and procedures for the site in the event of flooding to minimise the risk to occupants of the land, including operation of the car park, and persons moving onto and off the site during flooding.
- A Car Park Management Plan for the site, detailing operation of the car park, including provisions to ensure that 169 parking spaces are quarantined and available for use by tenants of the office space component.

C.52 The establishment of street tree/s in accordance with the approved plan referred to in Condition C.12 shall be carried out at full cost to the applicant.

Works shall be carried out by Council or a contractor approved by Council. Works include the supply, planting and two years maintenance for each street tree. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

If the applicant chooses to engage Council, they are to pay to Council a fee of \$500.00 per street tree proposed for installation prior to the release of the Occupation Certificate.

Using this fee Council will undertake the supply and installation of containerised stock, and will maintain them for a period of two years following installation. Installation will occur during the next available planting season (generally May-August each year).

NOTE: The fee per street tree will be in accordance with the figure nominated in this condition or in accordance with Council's adopted Revenue and Pricing Policy at the time of payment of this fee whichever is the greater.

- C.53 Prior to the issue of any Occupation Certificate, any tree management works identified in the detailed report required under Condition C.10 shall be completed to the satisfaction of the General Manager or delegate.
- C.54 Prior to the issue of an Occupation Certificate for the completed development fees for Civil Works (including road works, stormwater, sewer, concrete works) inspections shall be paid in full. Inspections will be charged in accordance with Council's current Fees and Charges Schedule.
- C.55 Prior to release of an Occupation Certificate for the completed development an "into maintenance inspection" must be carried out of the completed works within the road reserve. 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.
- C.56 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

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

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

- C.57 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

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

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

- C.58 Prior to the issue of Occupation Certificate, signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.

- C.59 Prior to the release of the Occupation Certificate, Lot 7 DP 203835, Lot 1 DP 375748 and Lot A DP 331461 shall be consolidated into a single allotment. Satisfactory evidence of the registration of the consolidation with NSW Land Registry Services shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to the release of the Occupation Certificate.

General requirements

- C.60 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

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

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

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

- C.61 A minimum 169 parking spaces shall be available at all times for use in association with the tenants of the office space component of this development.
- C.62 Waste collection shall occur in accordance with the measures set out in the approved 'Loading and Operational Waste Management Plan', unless otherwise agreed to, in writing, by the General Manager or delegate.
- C.63 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.
- C.64 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.
- C.65 Provision for the parking of bicycles on site shall be in accordance with AS 2890.3-2015 "Bicycle parking facilities".

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

N/A

E. SCHEDULE E – Prescribed Conditions

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

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

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

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

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning

and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

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

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

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

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

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

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

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

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

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

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

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

N/A