

Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No.:	DA22/0484
Modification No.:	N/A
Council File No.:	D/2022/0484
Date of Lodgement:	12/08/2022
Applicant:	N Howman 5-7 Scott St THE ROCK NSW 2655
Proposal:	Change of Use to Business Premises (Beauty Salon) and internal alterations
Description of Modification:	N/A
Development Cost:	\$10000
Assessment Officer:	Emma Molloy
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	Yes, 8 to 22 September 2022
Advertising:	No
Owner's Consent Provided:	Yes
Location:	The subject site is located on the eastern side of Lake Albert Road approximately 40 metres from the intersection of Lake Albert Road and Cobbola Street.

SITE DETAILS

Subject Land:	403 Lake Albert Rd KOORINGAL NSW 2650 Lot 15 DP 39141
Owner:	Dewrang (Wagga Wagga) Pty Ltd

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Description of Development

The proposed development seeks consent for a change of use from an existing commercial tenancy (tenancy 2) to a business premises (beauty salon). The proposal involves the construction of internal partition walls to accommodate 4 treatment rooms, each with a sink.

The salon will operate between 9am to 9pm Monday to Saturday and will employ 4 staff. Business identification signage will also be installed however the signage as stated in the submitted SEE is defined as exempt development under the State Environmental Planning Policy (Exempt and Comply Development Codes) 2008 and therefore is not subject to this assessment.

It should be noted that on inspection of the site, works on the partition walls have begun, this means that a Construction Certificate is not able to be issued and no condition of consent in relation to a Construction Certificate will be imposed. Also, on advice by Council's Building Surveyor a Building Information Certificate is not required.

The Site and Locality

The subject site is legally known as Lot 15 DP39141 located at 403 Lake Albert Road. The subject site is located on the eastern side of Lake Albert Road approximately 40 metres from the intersection of Lake Albert Road and Cobbola Street. The site is rectangular in shape and comprises of 645m² in area. The existing building comprises of three tenancies with a hairdresser and café and all tenancies are accessed from Lake Albert Road. Services and staff parking are located in the rear of the site accessed via a right of carriageway from the neighbouring lots to the east. A small car parking area is located on Lake Albert Road for customer parking.

The immediate locality contains several commercial uses to the east and a Telstra exchange to the north. The surrounding locality is characterised by low scale residential development.

Easements and Covenants

The subject land is benefitted by a right of carriageway from the neighbouring lots to the east.

Previous Development Consents

- CDC15/0243 - Commercial Alterations and Additions;
- BA432/82 - Extension to existing premises; and
- BA51/58 - Shops and Storeroom.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP2010, the subject site is within the **subject site is within the B1 Neighbourhood Centre zone.**

The development is permissible with consent.

Part 2 Permitted or prohibited development Land Use

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood

The proposed development fulfils the above objectives by providing a business that will serve the needs of the people who live and work in the surrounding neighbourhood.

Part 4 Miscellaneous Provisions

5.21 Flood Planning

The subject site is mapped within the Flood Planning Area (FPA) for the Major Overland Flow Flood Study. The identified area is within the rear of the site with a small portion of the building within the mapped area. The proposed development is within an existing tenancy therefore no works are proposed that would alter flood behaviour within the site or adjoining sites. Therefore, the proposed development is considered to be consistent with the flood hazard of the land and no adverse impacts in regards to flooding would result from the proposed development.

Part 7 Additional Local Provisions

7.9 Primacy of Zone B3 Commercial Core

The objectives of this clause are to maintain the primacy of Zone B3 Commercial Core as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure the development does not conflict with the hierarchy of commercial centres and to strengthen Wagga Wagga's position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, healthcare, culture and the arts. The proposed development is a business premises within the B1 Neighbourhood Centre Zone which seeks to cater for the needs of the surrounding area and therefore will not impact on the primacy of the Commercial Core.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 states that a consent authority must not grant consent unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out. The subject site has been utilised as a general store since 1959, more recently the site has been utilised as three separate commercial tenancies none of which raise any concerns in regard to contamination. The site is not identified on Council's contaminated Land Register and as such the subject site is considered to be suitable for the proposed development and no further investigation is deemed necessary.

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

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

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

Section 1 - General

1.10 Notification of a Development Application

The proposed development was notified to surrounding landowners for a period of 14 days from 8 to 22 September 2022. No submissions were received.

Section 2 - Controls that Apply to All Development

2.1 Vehicle Access and Movements

Vehicular access is provided from the rear of the site from a right of carriage way from the neighbouring lots to the east from Cobbola Street. There are no alterations to the existing arrangement proposed as part of the development which is considered acceptable and generally complies with the objectives and controls within this section.

2.2 Off-street Parking

Parking required for the proposed development is as follows:

- 1 space per 33m² for a business premises or retail premises ($92/33 = 2.78$).

A total of 3 carparks are required. C5 states in the case of redevelopment or a change of use (other than in the B3 zone) the parking requirements are to be calculated by:

- a. Determining the parking requirement of the current or previous use in accordance with the table, then
- b. Determining the parking requirement for the new use, then
- c. Subtracting the existing requirement from the requirement for the proposed use to determine the number of spaces required (i.e. a credit is provided for any shortfall that exists on the site for the current use)

The previous use of the site was as a retail premises, therefore the parking requirements were:

- Retail 1 space per 33m² for a business premises or retail premises ($92/33 = 2.78$).

This equates to the same parking requirements as the proposed use and therefore no additional parking is required. Carparking is provided in the rear of the site however this is not available to customers. Customer carparking is located within a dedicated lane in the road reserve within Lake Albert Road. Aerial imagery shows that this configuration has been in place since at least 1971 when the site was used as a general store and butchery. This is considered reasonable for the proposed use given that no additional parking is required, and the on-street parking will be able to accommodate the proposed development without having an adverse impact on the road network. As such the proposed development is considered to comply with the objectives and controls within this section.

2.3 Landscaping

Landscaping is located in the front of the site within the paved walkway that covers the front

of the site. The development proposes internal works only and therefore the existing landscaping is considered appropriate given the use of the site. No further landscaping works are considered necessary.

2.4 Signage

The proposed development does not include any signage. Signage will be installed but will comply with the exempt provisions within the SEPP (Exempt and Complying Development Codes) 2008 as discussed earlier. A condition of consent will be imposed to reflect this.

2.5 Safety and Security

The subject site has clearly defined public and private areas. The existing entry is clearly visible and the inclusion of signage will assist in public wayfinding. There are no blank walls along the Lake Albert Road street frontage and there are no areas for concealment in accordance with the objectives and controls within this section.

Section 4 - Environmental Hazards and Management

4.2 Flooding

The subject site is identified as within the FPA for MOFFS as discussed earlier within this report. The proposed development is within an existing tenancy with no external works proposed. Therefore, the proposed development is considered to be consistent with the flood hazard of the land and will not have an adverse impact on flood behaviour.

Section 10 - Business Development

10.3 Local Centres

The proposed development involves a change of use to an existing tenancy. The existing building provides an active address towards Lake Albert Road. Given that only internal works are proposed the proposed development does not seek to alter any building setbacks that would have an impact on the surrounding residential uses. Signage will be installed in accordance with the exempt provisions and will not be illuminated as mentioned above therefore light spill is not anticipated. The proposed development will utilise the existing arrangement in regard to vehicular access unloading and loading which is considered acceptable. Existing bicycle parking will be accessible by customers and services, mechanical vents and equipment are located away from residential development. The proposed hours of operation are 9am to 9pm Monday to Saturday which is within the specified hours within C8. The proposed development is considered to be an acceptable use of the site and is considered to comply with the objectives and controls within this section.

Section 4.15(1)(a)(iia) - Planning Agreements

No planning agreement have been entered into under section 7.4.

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

Clause 61 applies to development in the Wagga Wagga Local Government Area and is as follows:

(7) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must take into consideration whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.

The subject site is not within the Wagga Wagga Special Activation Precinct.

SECTION 4.15(1)(B) - LIKELY IMPACTS OF THAT DEVELOPMENT

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	x			The proposed development provides an acceptable use within the B1 Neighbourhood Centre zone. The proposed development involves interior works only and therefore does not impact on the context and setting of the site.
Streetscape	x			The existing building provides an acceptable amount of amenity within the streetscape. The proposed development utilises an existing building with no works proposed that would impact on the streetscape.
Traffic, access and parking	x			The proposed development will utilise the existing access. Parking is provided within the site however is not available to customers. It is envisaged that customers will use the existing on-street parking which is provided in a dedicated lane on Lake Albert Road, this has been historically utilised by the site since the site contained a grocery store and butchery. The proposed development is not considered to have a detrimental impact on available parking within the street given the nature of the use.
Public Domain	x			No adverse impacts have been identified.
Utilities	x			Essential services are available to the site.
Heritage			x	Not applicable, the subject site is not located within the Heritage Conservation Area or known to contain any items of Aboriginal Heritage.
Other land resources	x			None identified.
Water Quality & Stormwater	x			The proposed development will utilise the existing connections to the site.
Soils, soil erosion	x			Given the works are internal no adverse impacts have been identified.
Air and microclimate	x			No adverse impacts have been identified.
Flora and Fauna	x			The proposed development does not involve the removal of vegetation and utilises a site that previously accommodated a business use. As such no adverse impacts have been identified.
Waste	x			Conditions of consent will be imposed to required construction waste be disposed of appropriately.
Energy	x			No adverse impacts have been identified.
Noise & vibration	x			Given that the proposed development is a commercial use within a residential area, noise impacts to the adjoining residential development should be considered. The proposed use is a beauty salon within an existing commercial premise. The use itself is not considered to cause unreasonable amounts of noise. Services to the rear of the site would have some impact on the residential development to north of the site

				however there are two existing businesses operating from the site, therefore the impact is existing and the addition of the proposed development would not have a detrimental impact.
Hours of operation	x			The proposed hours of operation are 9am to 9pm Monday to Saturday. This is considered acceptable and is not considered to have an adverse impact on the surrounding development.
Natural hazards - Flooding - Bushfire Prone Area map	x			The subject site is identified as within the FPA for MOFFS. The proposed development is within an existing building and no works that would affect flood behaviour are proposed. Therefore the proposed development is considered to be consistent with the flood hazard of the land and raises no concerns.
Technological Hazards	x			None identified.
Safety, security and crime prevention	x			No adverse impacts have been identified.
Social impact in locality	x			The proposed development will enable a local business to provide services to the public.
Economic Impact in Locality	x			The proposed development will create additional work for the building and related industries. In addition, the proposed development will accommodate a locally owned business that will provide additional value to the local economy.
Site design and internal design	x			The proposed development has been designed with regard to the constraints of the site. No adverse impacts have been identified.
Overlooking - overshadowing	x			The existing building is effectively screened by boundary fencing from the adjoining residential development. No concerns are raised by the proposed development.
Landscaping	x			Adequate landscaping is provided within the site. No further landscaping is required.
Construction	x			To comply with the BCA.
Private open space			x	Not applicable.
Cumulative Impacts	x			None identified.
Disabled access	x			The existing building provides acceptable access.
Signage			x	No signage is not proposed as part of the application.
Setbacks, Building Envelopes	x			The proposed development utilises an existing building. No adverse impacts have been identified.

Section 733 of the Local Government Act 1993

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

Flooding Risk Assessment

Matters relating to flooding have been previously assessed in regard to the WWLEP 2010 and WWDCP2010 within this report. The above assessment supports the application.

Bush Fire Risk Assessment

The subject site is not identified as prone to bushfire therefore no further assessment is required.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development will not result in any anticipated irreversible environmental damage, the proposal seeks to change the use of an existing commercial tenancy and therefore is not considered to impact on biological diversity or ecological integrity. The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed. Accordingly, the principles of ESD are considered to have been followed.

Section 4.15(c) - The Suitability of the site for the development

The subject land located at 403 Lake Albert Road is considered to be suitable for the proposed development because it provides an acceptable use to service the needs of the surrounding locality.

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

Referrals - The proposed development was referred to the relevant Council officers. No concerns were raised and the Standard conditions of consent will be imposed.

Notification - The proposed development was notified for a period of 14 days from 8 to 22 September 2022. No submissions were received.

Public Submissions and those from public authorities
Nil submissions have been received at the time of this report.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is the public interest.

Other Legislative Requirements

Section 1.7 of the Environmental Planning and Assessment Act 1979 and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

Section 5AA and Part 7 of the Biodiversity Conservation Act 2016 (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

There are a number of tests to determine whether the proposed triggers the NSW Biodiversity Offset Scheme under the NSW Biodiversity Conservation Act 2016 and results in the need for further assessments or offsets.

1. *Is the subject site identified as an area of outstanding biodiversity value on the biodiversity values map?*

No

2. *Does the amount of native vegetation being removed exceed the biodiversity offsets scheme threshold.*

No native vegetation is proposed to be removed.

3. *Test of Significance - the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.*

Given that no native vegetation is being removed and the absence of any recorded endangered flora or fauna on the site of the proposed development, is not anticipated to significantly affect threatened species or ecological communities or their habitats.

Based on the above assessment it is satisfied that the development will not trigger the Biodiversity Offset Scheme.

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

Section 7.12

Not applicable as the change cost of the development is under \$100,000.

Section 64 Stormwater

Not applicable as there is no increase in floor area.

Section 64 Sewer

Based on the plans provided there are 3 additional washbasins. According to the Water Directorate Guidelines, each basin attracts a Section 64 sewer contribution of 0.79ET. The ET base rate is \$3,538. Section 64 Sewer contribution is based on the following calculation.

Section 64 Sewer = 3 x 0.79ET x \$3,538 = \$8,385

Sewer CPI = \$8,385 x 121.6/100.5 = \$10,145

Referrals:

Building Surveyor: Yes, no concerns raised. Standard conditions of consent will be imposed.
Subdivision Engineer: Yes, no concerns raised. Standard conditions of consent will be imposed.

Environmental Officer: N/A

Parks & Recreation Officer: N/A

Other Approvals:

Nil

Conclusion:

An assessment of the application has resulted in the application being supported on the following grounds:

- The application is for a business premises (beauty salon) in the B1 - Neighbourhood Centre Zone which is permitted with consent.
- The development complies with the requirements of the Environmental Planning and Assessment Act 1979 and will not compromise the outcomes sought within the Wagga Wagga Local Environmental Plan 2010.
- An assessment of the application against the relevant provisions within the Wagga Wagga Development Control Plan 2010 demonstrates that the proposed development will not cause any significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities or local character and amenity.

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

RECOMMENDATION

It is recommended that application number DA22/0484 for Change of Use to Business Premises (Beauty Salon) and internal alterations be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO.

A. SCHEDULE A – Reasons for Conditions

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

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

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Camilla Rocks		1.08.2022
22737-1	Site Layout	Final Draft		6.09.2022
22737-2A	Ground Floor Plan Layout	Final Draft		6.09.2022
	Floor Plan (with sinks)	Applicant		July 2022

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 the commencement of any works

- C.2 Prior to the commencement of works, 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 \$8,385.
- The Section 64 Sewer contribution (updated by the CPI 121.6/100.5) required to be paid is \$10,145.
- NOTE 6: The Section 64 Stormwater base figure is \$0.
- 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.3 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 standard flushing toilet connected to a public sewer, or
 - 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.4 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.5 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.

Requirements during construction or site works

- C.6 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.7 During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.

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

- C.8 The construction and finish of areas to be used for the purpose of hairdressing/beauty salons are to comply with Schedule 2 Part 2 and 3 of the Local Government (General) Regulation 2005 and the Public Health Act 2010 and Public Health Regulation 2012.

Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening a health inspection must be carried out by Council's Environmental Health Officer.

NOTE: The area used for the purposes of waxing/skin penetration must comply with the Public Health Act 2010 and Public Health Regulation 2012. The area used for the purpose of skin penetration must comply with the Public Health Act 2010 and Public Health Regulation 2012 and Schedule 2 Part 3 of the Local Government (General) Regulation 2005. Medical waste, such as sharps, must not be disposed of at any of Council's Waste Management Facilities. In this regard, a Medical Waste Management Plan must be submitted to Council's Environmental Health Officer, for approval, prior to the issue of a final Occupation Certificate for the development.

- C.9 Prior to the issue of an Occupation Certificate, the owner must submit to the Council a Fire Safety System Plan prepared by an accredited Fire Safety Practitioner for the whole of the building. The plan must show the statutory fire safety measures that exist or are proposed in the building and in accordance with the Fire Safety Schedule. The plan must clearly identify the system of performance that is required to be met for each fire safety measure including the relevant provision of the Building Code of Australia that must be met and where applicable the relevant Specification and Australian Standard. The plan must be endorsed by an Accredited Fire Safety Practitioner as complying with the Building Code of Australia.

- C.10 Prior to the issue of the Occupation Certificate the building must comply with the Fire Safety Schedule, attached.

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

- C.11 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.

- C.12 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.13 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.14 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 Development Application No.

General requirements

- C.15 The approved use must only be conducted on Mondays to Saturdays inclusive, between the hours of 9.00 am and 9.00 pm.
- C.16 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.2019 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

- C.17 No signage is approved as part of the application, no 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.
- C.18 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

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

Report Prepared & approved by:  Emma Molloy Town Planner Date: 25.10.2022	Report Reviewed by:  Amanda Gray Senior Town Planner Date: 24.10.2022
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