



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: | DA22/0534 |
| Applicant: | The Trustee For SKM Planning Trust 6 Murphy Crescent GRIFFITH NSW 2680 |
| Land to be Developed: | 61 Edison Rd EAST WAGGA WAGGA NSW 2650 Lot 9 DP 846835 |
| Description | Industrial subdivision (13 lots) and construction of seven industrial buildings |
| Determination: | Approved subject to Conditions |
| Date of Determination: | 03/03/2023 |
| Consent to Operate from: | 03/03/2023 |
| Consent to Lapse on: | 03/03/2028 |
| Other Approvals: | Nil |

On behalf of the Council

Cameron Collins
Development Assessment Coordinator

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 6 months from the date the decision is notified or registered on the NSW planning portal. An objector has no right of appeal against this determination.

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. DA22/0534

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 |
|---------------------|---|---------------------|-------|------------|
| FS0522 - Sheet A01 | Site Layout - Site Plan (Stage 1) | Yoogali Engineering | F | 24/08/2022 |
| FS0522 - Sheet A01B | Site Layout - Site Plan (Stage 2) | Yoogali Engineering | F | 24/08/2022 |
| FS0522 - Sheet A02 | Office Building - Floor Plan and Elevations | Yoogali Engineering | C | 18/07/2022 |
| FS0522 - Sheet A03 | Industrial Building - Floor Plan and Elevations | Yoogali Engineering | D | 26/07/2022 |
| FS0522 - Sheet A04 | Site Layout - B Double | Yoogali Engineering | E | 01/08/2022 |
| FS0522 - Sheet A05 | Site Layout - B Double | Yoogali Engineering | E | 01/08/2022 |
| FS0522 - Sheet A06 | Site Layout - Preliminary Landscaping & | Yoogali Engineering | F | 24/08/2022 |

| | | | | |
|--------------------|--|---------------------|-------|------------|
| | Stormwater Plan (Part A) | | | |
| FS0522 - Sheet A07 | Site Layout - Preliminary Landscaping & Stormwater Plan (Part B) | Yoogali Engineering | F | 24/08/2022 |
| FS0522 - Sheet L01 | Site Layout - Subdivision Layout | Yoogali Engineering | F | 24/08/2022 |
| - | Statement of Environmental Effects | SKM Planning | Final | 26/08/2022 |
| 3119 | Biodiversity Development Assessment Report | AEP | 01 | 14/12/2022 |

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 a Construction Certificate can be issued

C.2 Provision must be made in each building and on the site for:

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

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

C.3 Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.

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

- 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 \$41,900 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 123.7.
- 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 \$68,107.

The Section 64 Sewer contribution (updated by the CPI of 121.6/100.5) required to be paid is \$82,406.

NOTE 6: The Section 64 Stormwater base figure is \$94,312.

The Section 64 Stormwater contribution (updated by the CPI of 121.6/87.9) required to be paid is \$130,483.

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 commencement of any works on site or prior to issue of any construction certificate, whichever occurs first, the class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may also be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the following table requirements must be provided to Council prior to commencement of works or the issue of any construction certificate, whichever occurs first.

Table - Species Credit required to be retired - like for like

| Impacted species credit species | Number of species credit | IBRA subregion |
|-----------------------------------|--------------------------|----------------|
| Crinia sloanei - Sloane's Froglet | 1 | Any in NSW |

C.7 A Biodiversity Management Plan (BMP) must be prepared for the retention and regeneration of 0.41ha of native vegetation. The BMP shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works on site or prior to issue of any construction certificate, whichever occurs first.

The Biodiversity Management Plan must:

- Identify the areas of native vegetation to be retained and regenerated generally in accordance with the approved Biodiversity Development Assessment Report (BDAR) and approved plans.
- Ensure the establishment/implementation and ongoing management, where required, of all matters identified in Section 2.2 of the approved BDAR, including performance measures for each commitment.

The applicant shall ensure compliance with all requirements of the final approved BMP at all times.

NOTE: The approved BDAR is the document titled "Biodiversity Development Assessment

Report - Proposed Industrial Warehouse Complex at 61 Edison Road, East Wagga Wagga NSW" (project number 3119 revision 01) prepared by AEP and dated 14 December 2022.

- C.8 A Construction Environmental Management Plan (CEMP) shall be prepared and submitted to Council. The CEMP shall be to the satisfaction of the General Manager or their delegate prior to commencement of any works on site or prior to issue of any construction certificate, whichever occurs first. The CEMP shall ensure, as a minimum:
- The establishment/implementation and ongoing management, where required, of all relevant matters identified in Sections 2.2.2, 2.2.3, 2.2.4, 2.2.5 and 2.2.6 of the approved BDAR, including performance measures for each commitment.
 - Incorporation of the approved Biodiversity Management Plan referred to in condition C7 of this consent including any required management actions from this plan.

The applicant shall ensure compliance with all requirements of the final approved CEMP during construction works.

NOTE: The approved BDAR is the document titled "Biodiversity Development Assessment

Report - Proposed Industrial Warehouse Complex at 61 Edison Road, East Wagga Wagga NSW" (project number 3119 revision 01) prepared by AEP and dated 14 December 2022.

- C.9 Prior to issue of the construction certificate,
- a revised site plan for all 7 proposed buildings under Stage 1 of the development shall be provided detailing all vehicular movement area to be constructed including the circulation areas for larger vehicles around the perimeter of each building providing access for loading and unloading.
 - A revised landscaping plan detailing compliance with control C9 of Section 2.2 (tree planting requirements for carpark areas) of the Wagga Wagga Development Control Plan 2010 and the recommendations with regard to the selection of landscaping species contained within the approved BDAR.

The revised plans shall be to the satisfaction of the General Manager or their delegate.

NOTE: The approved BDAR is the document titled "Biodiversity Development Assessment

Report - Proposed Industrial Warehouse Complex at 61 Edison Road, East Wagga Wagga NSW" (project number 3119 revision 01) prepared by AEP and dated 14 December 2022.

- C.10 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate. The certification shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.
- C.11 Prior to the release of the Construction Certificate, plans submitted with the Construction Certificate shall detail how any part of the building at or below the 1:100 year flood level plus 500mm freeboard will be of flood compatible construction to the satisfaction of the General Manager or their delegate.
- C.12 Prior to the release of the Construction Certificate, a Fire Safety Systems Plan prepared by an Accredited Fire Safety Practitioner shall be submitted showing the layout, extent and location of key components of the fire safety system and specifications which show the basis for the design, installation and construction of the fire safety system and identify the provisions of the Building Code of Australia on which the system is based.

The Plan/specification must be

(i) certified by a compliance certificate as complying with the relevant provisions of the Building Code of Australia, or

(ii) endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the Building Code of Australia.

- C.13 Prior to the release of the Construction Certificate a Part J Energy Report prepared by an Accredited Energy Practitioner shall be submitted.
- C.14 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate.

The certification shall be from a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

Requirements before the commencement of any works

- C.15 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.16 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.17 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.18 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.19 Prior to the commencement of any works, the applicant shall comply with Conditions C6, C7 and C8 of this consent.

- C.20 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 private 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.21 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.22 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include

- i) the submission of Engineering plans including a pavement design and associated stormwater works
- ii) the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the

plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

- C.23 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.24 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.25 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.26 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.27 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.28 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.
- C.29 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.30 The requirements of the Biodiversity Management Plan (BMP) approved under condition C7 of this consent for the retention and regeneration of the relevant area of native vegetation shall be implemented at all times by the owners and/or operator of
- the proposed allotment under Stage 1 of the development; and
 - each of the proposed allotments under Stage 2 of the development;
- during the development and ongoing operation of the site.
- C.31 The requirements of the Construction Environmental Management Plan (CEMP) approved under condition C8 of this consent shall be implemented at all times during:
1. Development of Stage 1

2. Future Development of each of the proposed allotments under Stage 2 of the development by the owner and/or developer of this land.

- C.32 No approval is granted for the removal of the 2 existing trees to the rear of buildings 106 and 107. These trees shall be protected from all construction works in accordance with the Biodiversity Management Plan (BMP) approved under condition C7 of this consent, the Construction Environmental Management Plan (CEMP) approved under condition C8 of this consent and the requirements of this condition.

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.33 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.

- C.34 Trees approved for removal (not including 2 existing trees to the rear of buildings 106 and 107), 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.35 Any fill placed on the site shall be either:
- 'Virgin Excavated Natural Material' as defined by the Protection of the Environment Operations Act 1997, or
 - Material that complies with the 'excavated natural material order 2014' made under the Protection of the Environment Operations (Waste) Regulation 2014.
- C.36 The applicant shall comply with the following requirements of Essential Energy:
- Works shall comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.
 - If the proposed development changes, Essential Energy shall be consulted as there may be potential safety risks.
 - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property shall be complied with.
 - Any activities in proximity to electrical infrastructure 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.
 - 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
- C.37 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. Heritage NSW 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 Heritage NSW.
- C.38 Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.
- C.39 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Requirements before a Subdivision Certificate can be issued

- C.40 Prior to the release of the Subdivision Certificate, pursuant to Section 88B of the Conveyancing Act 1919, the following Restriction as to Users, and Positive Covenants (as relevant), with Council empowered to uplift, shall be written and shown on the submitted Plans of Subdivision:

| Lots Burdened | Effect of Restriction as to User / Positive Covenant |
|--|--|
| Any allotment containing land that is subject to the Biodiversity Management Plan (BMP) required under condition C7 of this development consent. | The owner of the land shall at all times implement the requirements the Biodiversity Management Plan (BMP) approved under condition C7 of this consent for the retention and regeneration of the relevant area of native vegetation. |
| | The owner of the land shall implement the requirements of the approved Construction Environmental Management Plan (CEMP) approved under condition C8 of this consent, during any construction works, earth works or other related works on the site. |

- C.41 Prior to the release of the first Subdivision Certificate for stage 2 of the development, a Street Tree masterplan showing the location of all proposed street trees within the development shall be submitted for approval by the General Manager or delegate. Generally, one tree per lot is to be provided.
- C.42 The establishment of street tree/s in accordance with the approved plan referred to in condition C.41 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 \$640.00 per street tree proposed for installation prior to the release of the Subdivision 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.43 As street trees will become an asset of Council, if the applicant chooses to engage a contractor the following information is to be supplied for review and approval by Council's Supervisor of Tree Planning and Management prior to the release of the Subdivision Certificate:

- (1) Company trading name
- (2) Contractor's license number
- (3) Relevant experience of company
- (4) Relevant qualifications of key staff undertaking the works

If the applicant chooses to engage a contractor to undertake the street tree planting then a bond of \$640 per street tree is required to be paid to Council prior to the release of the Subdivision Certificate. Installation can only occur during the next available planting season (May-August).

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.44 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council for Stage 2, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

- C.45 Lighting shall be designed and constructed to comply with the Australian standard. Certification from an appropriately qualified person shall be provided prior to the release of the subdivision certificate. Edison Rd and the internal proposed road shall have lighting category PR4.
- C.46 Prior to the release of the Subdivision Certificate for Stage 2, the proposed lots are to be adequately serviced.

i) A sewer junction and spur must be provided to each of the lots from Council's sewer main.

ii) A stormwater spur must be provided to each of the lots from Council's stormwater main.

The works shall be at the full cost of the developer and must be carried out by a Council approved contractor. Works as Executed (WAE) plans shall be provided in accordance with Council's Guidelines for Subdivision and Developments.

NOTE: A Section 68 approval will be required for the works. The WAE plans shall show the location of the constructed mains/junctions and spurs to confirm they are servicing each lot.

C.47 Prior to the issue of the Subdivision Certificate for Stage 2, the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement (to be made to the Contestable Works Section at Essential Energy);
- ii) Riverina Water: Certificate of Compliance;
- iii) Certification from an approved telecommunications provider.

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

C.48 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.49 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.

C.50 Prior to the issue of an Occupation Certificate for Stage 1:

- Edison Road works (including the approved Tasman Road intersection upgrade) and all associated stormwater works, shall be completed.
- All connecting stormwater works from Edison Road discharging at pre-development rates, through to the existing stormwater easement containing the current east-west open drainage channel located in Lot 10 DP 1163676.
- The alignment of the proposed internal north-south road (cul-de-sac) shall be dedicated as road reserve.
- The roadway within the proposed internal north-south road reserve shall be constructed, as a minimum, to the proposed access driveways servicing proposed buildings 103 and 104. A temporary turning head is to be constructed at the end of the constructed road. Alternatively, the full roadway and cul-de-sac shall be constructed.
- Sewer and stormwater mains shall be extended and spurs provided to service all buildings proposed in Stage 1.

The completion of all works required under this condition shall be to the satisfaction of the General Manager or their delegate

C.51 The sites (Buildings 101 - 107) shall be established and maintained with one-way vehicular circulation in accordance with the approved plans. Prior to the issue of Occupation Certificate, signage and line marking must be in place that clearly indicate to drivers of vehicles the direction of travel on the site and the driveway by which they are to enter and leave the site.

C.52 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.53 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.54 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.55 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

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

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

General requirements

- C.56 Any earthworks (including any structural support or other related structure for the purposes of the development):
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) retained material must have a gradient of at least 5%, and
 - (d) must be constructed in accordance with the approved plans for such work(s).
 - (e) must be wholly located within the subject site (including footings of any retaining structures)
- C.57 Once street trees have been planted, inspected and approved by Council the two years maintenance period will commence. Ongoing establishment and maintenance is to occur during this period to ensure a 100% survival rate of street trees. Any trees lost during this period due to death, disease, vandalism etc will require replacement by the organisation that installed the trees (be it Council or the applicant).
- If planting is undertaken by a contractor, at the end of the two years maintenance period the General Manager or their delegate will undertake an inspection of the street trees. Council will utilise the collected bond paid for each tree incorrectly planted and not replaced correctly to undertake the supply, planting and maintenance of the replacement tree/s.
- C.58 The car park, vehicular movement areas 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.59 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.
- C.60 Any external storage of waste, materials, goods or items shall occur within designated areas located behind the building line. Storage of waste, materials, goods or items is not permitted within the approved car parking spaces or vehicular movement areas. In this regard, all vehicular movement areas, loading/unloading areas and carparking areas must remain clear at all times.
- C.61 All manufacturing and fabrication processes shall occur within the confines of the proposed buildings.
- C.62 All liquid waste is to be removed from the site by a licensed liquid waste contractor and disposed of to a licensed waste facility.

- C.63 All liquid storage vessels (including any liquid waste) shall be stored in a weatherproof area that is bunded and/or graded, has impervious flooring and has a capacity to contain 110% of the volume of the largest storage vessel contained in the area.
- C.64 The facility shall operate at all times in accordance with the requirements of the document titled "NSW Government - Code of Practice - Spray painting and Powder Coating, August 2019".
- C.65 The proposed road shall be named Bungaree Place. This is in accordance with the adopted theme under Council's Road and Suburb Naming Policy for the East Wagga Industrial Area which is Australian explorers.
- C.66 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