

# Report of Development Application

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

### APPLICATION DETAILS

Application No.:	DA19/0665
Modification No.:	DA19/0665.03
Council File No.:	D/2019/0665
Date of Lodgement:	20/03/2023
Applicant:	Joshua Trowell Bunnings Group Ltd Level 8, 5 Rider Boulevard RHODES NSW 2137
Proposal:	Demolition of Existing Structures, Tree Removal and Construction Hardware and Building Supplies, Garden Centre and Ancillary Cafe
Description of Modification:	Administrative Modification (Rectify Error in Deferred Commencement Lapse Date)
Development Cost:	\$24,860,000.00
Assessment Officer:	Steven Cook
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Section 4.55(1) Modification
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	N/A
Advertising:	N/A
Owner's Consent Provided:	20/3/23
Location:	South-western corner of the intersection of Pearson St and Sturt Hwy.

### SITE DETAILS

Subject Land:	64 Pearson St WAGGA WAGGA NSW 2650 Lot 1 DP 798753
Owner:	Bunnings Properties Pty Ltd

### REPORT

#### **DESCRIPTION OF DEVELOPMENT**

DA19/0665 for "Demolition of Existing Structures, Tree Removal and Construction Hardware and Building Supplies, Garden Centre and Ancillary Café" was approved (subject to a deferred commencement condition) by Council on 6/12/21.

Subsequently DA19/0665.01, which was an application to modify the consent, pursuant to

s4.55(1A) of the Act, was approved by Council on 18<sup>th</sup> July 2022. This modification amended the approved plans and conditions to permit a vehicular egress from the site directly to the Sturt Highway.

A further application to modify the consent under s4.55(2) of the Act is currently under assessment and remains undetermined. The application seeks approval for left-turn only, light vehicle egress from the site to Pearson St.

The subject application has been submitted under s4.55(1) of the Act and is to rectify a minor Council error in the consent. Specifically, the error relates to the lapse date given for the deferred commencement component of the Development Application.

A deferred commencement period of 24 months was imposed on the original consent. 4.53(6) of the *Environmental Planning and Assessment Act 1979*, however, provides that for all consents granted during or after the “prescribed period” the lapse period for the deferred commencement component of a consent is 5 years.

The prescribed period is defined as the period commencing on 25 March 2020 and ending on 25 March 2022. The original consent was granted during this time and therefore the 5 year lapse period should have been imposed.

### **THE SITE & LOCALITY**

The site, being Lot 1 DP 798753, 64 Pearson St, Wagga Wagga, is located on the south-western corner of the intersection of Pearson St and Sturt Hwy. The site also has frontage to one of the cul-de-sac heads of Saxon St to the south.

On the site stands a concrete block factory and batching plant, including:

- a maintenance workshop and associated infrastructure,
- a covered vehicle storage area,
- an office and a small building with a bathroom and
- storage areas and a concrete hopper.

The 4.67ha site is flat and generally rectangular. A small portion of land immediately on the Sturt Hwy-Pearson St intersection frontage is excised from the site and houses sewer infrastructure.

A small number of trees stand on the site, but otherwise the site is devoid of vegetation, including in most part, absent of any groundcover. Street trees are located within the Sturt Hwy, Pearson St and Saxon St road reserves bounding the site.

The locality is mixed but is predominantly characterised by uses found along highway land and major roads. To the east of the site are retailers, such as Barbeques Galore, auto parts shops and vehicle repair premises. These types of uses adjoin the site to the southeast along Pearson St, including a mower and chainsaw sales and repair business immediately to the south, and beyond, uses such as a car window tinting business.

Immediately to the south of the site, on Saxon St, uses are more traditionally “industrial” in character, including a builder’s depot, a bus depot, as well as associated uses, such as a brothel. West of the site is land zoned for public recreation, which also houses stormwater infrastructure, and beyond this lies residential land housing single dwellings. North of the site is undeveloped Crown Land.

Pearson St bounds the site to the east, and is a four lane road as it passes the site. To the north is the Sturt Hwy, which also carries the traffic of the Olympic Hwy at this point. At the western end of the site the Sturt Hwy is a two lane road, but diverges into a four lane road at eastern end of the site. Pearson St and the Sturt Hwy meet at a large two lane roundabout on the north eastern corner of the site, with the Sturt Hwy continuing east, and the Olympic Hwy traffic diverting north at the roundabout onto Moorong St, which is the northern extension of Pearson St. Saxon St is a two lane road to the south, with the interface of the site with this street being a cul-de-sac head.

#### *Easements*

An easement for sewer, 3m wide, runs along the northern boundary of the site.

#### *Previous Consents*

BA66/71 - Concrete Block Making Factory

BA74/810 - Concrete Brick Factory

BA690/76 - Industrial Building and Amenity Block

BA438/77 - Petrol Instillation

BA766/80 - Concrete Batching Plant to Existing Factory

BA375/81 - Install 2,000 Litre Motor Spirit Tank and 15,000 Litre Distillate Tank All Underground

DA000073 - Tank Farm for Storage of Liquid Waste

### **MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55 OR 4.56**

#### **Section 4.55(1) Modifications involving minor error, misdescription or miscalculation**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6), and Part 8 do not apply to such a modification.*

As set out in the description of the development, the modification relates to a minor Council error in the deferred commencement condition of the consent.

### **MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)**

*For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.*

Matters under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 are not required to be considered for applications made under Section 4.55(1) of the Act.

#### **Other Legislative Requirements**

#### **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)**

The requirements of the Biodiversity Conservation Act 2016 were considered under the original application. Nothing in these modifications alters that original assessment.

#### **Council Policies**

No additional Council policies apply to this development.

### Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

### Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Contributions are not amended or impacted by this modification.

### Other Approvals

No other approvals have been sought.

### Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Council's Policies. No objections to the proposal were received.

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## RECOMMENDATION

It is recommended that application number DA19/0665.03 to modify Development Consent DA19/0665 for Demolition of Existing Structures, Tree Removal and Construction Hardware and Building Supplies, Garden Centre and Ancillary Cafe - Administrative Modification (Rectify Error in Deferred Commencement Lapse Date) be approved subject to the following conditions:-

## CONDITIONS OF CONSENT FOR APPLICATION NO.DA19/0665 AS MODIFIED BY APPLICATION NO. DA19//0665.01 & DA19/0665.03

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, (as amended). This consent does not become operative until the requirements listed in Schedule 'B' of this consent have been satisfied. All issues shall be satisfactorily resolved within a period of 5 years from the original determination date (i.e. by 6/12/26).

Upon compliance with the requirements/conditions listed under Schedule 'B', and written confirmation from Council to that effect, the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'C' and Schedule 'E', and any additional conditions arising from the requirements of Schedule 'B'.

### 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**

- B.1 Submission to Council and Transport for NSW of a detailed dimensioned intersection design and signal phase configuration for the installation of traffic signals at the intersection of Bye and Pearson Streets to the satisfaction of Transport for NSW and the Wagga Wagga City Council General Manager or delegate. The intersection design and signal phase configuration shall also make provision for a leg of the signals to service exiting traffic from 31 Pearson St. The design, including signposting and line marking, shall be in accordance with the Austroads Guide to Road Design for the posted speed limit. Prior to submission of the plans to Council, consultation shall be carried out with both Council and Transport for NSW to determine design requirements. Any design shall be consistent with these requirements.

NOTE 1: This plan is required to be referred to, and approved by the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.

NOTE 2: A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.

NOTE 3: The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission. Contact Council's Traffic Officer for meeting dates and requirements.

- B.2 Submission to Council and Transport for NSW of a Traffic Impact Assessment, to the satisfaction of Transport for NSW and the Wagga Wagga City Council General Manager or delegate, demonstrating that the impacts of the traffic signalisation (including signal phase configuration) of the intersection of Bye and Pearson St, in conjunction with the amendments to site access required under the conditions of this consent, on the wider road network are satisfactory. 'Satisfactory traffic impacts' will be determined in the opinion of both Transport for NSW and the General Manager or delegate (i.e. satisfaction of both entities). Prior to carrying out of the Traffic Impact Assessment, consultation shall be carried out with Council and Transport for NSW to determine the elements of the road network to be considered in the TIA and the TIA shall be consistent with these requirements.
- B.3 Submission to Council of a Flood Impact Assessment for overland flow, to the satisfaction of the General Manager or delegate, demonstrating that the impacts on overland flooding on adjoining properties or roads as a result of the development is satisfactory. 'Satisfactory impacts' will be determined in the opinion of the General Manager or delegate.

## 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 (excluding all appendices, with all relevant additional documents listed below). Where a plan indicated in the SEE is inconsistent with a plan or document listed below, the listed plan or document prevails over the SEE.	NGH Environmental	Final v2.0	20/07/20
HD03	Site Plan	High Definition Design Pty Ltd	18	8/3/22
HD03a	Edward Street Works 1	High Definition Design Pty Ltd	18	8/3/22
HD03b	Edward Street Works 2	High Definition Design Pty Ltd	18	21/2/22
HD03c	Edward Street Works 3	High Definition Design Pty Ltd	18	21/2/22
HD05	North Elevations	High Definition Design Pty Ltd	18	8/3/22
HD06	South Elevations	High Definition Design Pty Ltd	18	8/3/22
HD07	East and West Elevations	High Definition Design Pty Ltd	18	8/3/22
HD08	Section 1	High Definition Design Pty Ltd	18	8/3/22
HD09	Section 2 and 3	High Definition Design Pty Ltd	18	8/3/22
HD10	Pylon Sign	High Definition Design Pty Ltd	18	8/3/22
C01	Overall Plan (Civil)	High Definition Design Pty Ltd	18	15/6/22
C02	Civil Sheet 1 of 4	High Definition Design Pty Ltd	18	15/6/22
C03	Civil Sheet 2 of 4	High Definition Design Pty Ltd	18	15/6/22
C04	Civil Sheet 3 of 4	High Definition Design Pty Ltd	18	15/6/22



C05	Civil Sheet 4 of 4	High Definition Design Pty Ltd	18 (19 on sheet)	15/6/22
C06	Catchment Plan	High Definition Design Pty Ltd	18	15/6/22
C07	Detention Basin Detail Plan	High Definition Design Pty Ltd	19 (18 on sheet)	15/6/22
	Landscape Plan	High Definition Design Pty Ltd	03	12/6/22
19033	Assessment of Traffic and Parking Implications (excluding Appendix B)	Transport and Traffic Planning Associates	F	May 2021
	Detailed Site Investigation (Excluding Appendices)	Valley Civilab	Rev 3	7/9/20
	Remedial Action Plan (excluding annexures)	Hunter Civilab	Rev 0	4/5/21
	HAZMAT Survey	Valley Civilab	Rev 0	
	Aboriginal Heritage Due Diligence Assessment	NGH Environmental	Final	9/8/19

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.

- C.2 Approval is not granted under this consent for the additional panel on the proposed pylon signs marked “now open” on the approved plans.

### **Requirements before a Construction Certificate can be issued**

- C.3 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 \$248,600 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

- NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 118.5
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.
- C.4 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 \$0
- NOTE 6: The Section 64 Stormwater base figure is \$132,637.76
- The Section 64 Stormwater contribution (updated by the 121.6 at the time of the determination of the modification DA19/0665.01) required to be paid is \$183,489.78
- 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.5 Prior to the release of a Construction Certificate, amended detailed design plans shall be submitted to, and approved by Council, to the satisfaction of both the General Manager or delegate, and Transport for NSW showing all proposed roadworks, linemarking and signage, including the following:
- a) DELETED
  - a1) Works in the road reserve associated with the egress to the Sturt Hwy generally in accordance with the approved plans. The existing cycleway and its crossing of Edward Street shall be relocated to the west. The location and design of the cycleway shall be developed in consultation with TfNSW and Council.
  - b) A raised central median within the Sturt Hwy to deny right turn to/from the development site. The central median shall extend from the roundabout at the intersection of Sturt Highway and Pearson Streets to a point generally consistent with the approved plans. The median shall be consistent with the dimensions, design and materials of the existing median to the east of the roundabout at the intersection of Sturt Highway and Pearson Streets;
  - c) A Channelised Left Turn (CHL) treatment provided in the Sturt Highway for the proposed entry driveways to the development site. The left turn lane shall not change the alignment of the existing kerb and gutter on the western side of the roundabout at the intersection of Sturt Highway and Pearson Streets;
  - d) The Channelised Left Turn (CHL) and ingress driveways from the Sturt Highway shall be constructed as a roadway formation with kerb and gutter extending from the end of the existing kerb and gutter at the roundabout at the intersection of Edward and Pearson Streets to the western boundary of the development site;
  - e) The driveways proposed from the Sturt Highway shall be designed and signposted to clearly separate the access to the customer carpark from the access to the heavy vehicle/trade access.
  - f) As a minimum the works on the Sturt Highway shall maintain the two (2) travel lanes in each direction as currently exists on the Sturt Highway to the west of the roundabout at the intersection of Sturt Highway and Pearson Streets. The travel lanes shall have a minimum width of 3.5 metres;
  - g) The raised median shall be appropriately designed, signposted and line marked to deny U-Turn movements for west bound vehicles along the Sturt Highway;
  - h) Full time "No Stopping" restriction shall be implemented on the southern and northern sides of the carriageway of the Sturt Highway for the full frontage of the development site. This shall be appropriately signposted.
  - i) The exit driveway for light vehicles from the development site to Pearson Street deleted;
  - j) An Auxiliary Left Turn (AUL) treatment provided for left turn entry driveway to

the development site from Pearson Street;

- k) Right turn access to the development site from Pearson Street denied by a combination of a raised central median constructed in Pearson Street and the design of the Auxiliary Left Turn (AUL) treatment to the development site from Pearson Street;
- l) The raised central median in Pearson Street shall be consistent with the design, dimensions and materials of the existing median to the east of the roundabout at the intersection of Edward and Pearson Streets;
- m) The median in Pearson Street shall include a pedestrian refuge for pedestrian access across Pearson Street at a location to the satisfaction of Council and Transport for NSW;
- n) The works within Pearson Street shall maintain two (2) travel lanes with a minimum width to the satisfaction of Council for each direction of travel along Pearson Street;
- o) The raised median in Pearson Street shall be appropriately designed, signposted and line marked to deny U-Turn movements for south bound vehicles along Pearson Street;
- p) The raised median in Pearson Street shall be appropriately designed to ensure that full access to the driveway on the southern side of the building at 368-370 Edward St is maintained.
- q) Full time "No Stopping" restriction shall be implemented on the western side of the carriageway of Pearson Street for the full frontage of the development site;
- r) The proposed gated driveway to Pearson Street located in the south eastern corner of the development site shall be limited to exit only, left turn only, and nursery and bagged goods area vehicles only. This restriction shall be appropriately signposted. This driveway is to be managed as a gated arrangement opened only to allow for the egress of delivery vehicles servicing the nursery and bagged goods area.
- s) A pedestrian pathway provided for the full frontage of the site to Pearson Street, with ramp/connection to the carriageway at a point adjacent to the pedestrian refuge.
- t) Pedestrian access into the development site provided separate to any vehicle driveways. The access is to cater for all forms of pedestrian mobility. Landscaping and/or fencing are to be provided along the frontages of the site to the public roads to direct pedestrians to the defined pedestrian access point.
- u) Facilities provided to facilitate safe pedestrian movements throughout the site. Traffic calming devices are to be installed to minimise conflict between pedestrians and vehicles within the site. Pedestrian crossing stripes are not to be installed as these resemble pedestrian crossings on the road and create confusion as to who has priority

- v) Facilities for the parking of bicycles.
- w) All proposed signage and linemarking, including signage to clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land. With regard to the egress to Saxon St, a comprehensive internal signage strategy will be required to direct all traffic to this exit point.
- x) Amended internal car parking design, taking into account changes to access required under this condition, to ensure the efficient movement of vehicles on and off the site.

The plans shall be designed including signposting and line marking in accordance with the Austroads Guide to Road Design for the posted speed limit as amended by the supplements adopted by Transport for NSW and other relevant Australian Standards and Codes of Practice. The pavement design shall be in accordance with Austroads standards. All pavement markings shall be in accordance with AS/NZS 1742.2 and Supplements adopted by Transport for NSW. All plans shall be to the satisfaction of both the General Manager or delegate and Transport for NSW.

The plans are required to be referred to, and approved by the Local Traffic Committee before they are approved as these works incorporate a prescribed traffic control device.

- NOTE 1: A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.
- NOTE 2: The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission. Contact Council's Traffic Officer for meeting dates and requirements.

- C.6 The Sturt Highway is part of the State Road network. For works on the State Road network or for the construction of Traffic Signals the developer is required to enter into a Works Authorisation Deed (WAD) with Transport for NSW before finalising the design or undertaking any construction work within or connecting to the road reserve. Please email [development.south.west@transport.nsw.gov.au](mailto:development.south.west@transport.nsw.gov.au) for further detail or to commence the WAD process. Prior to the release of the Construction Certificate a WAD shall be in place for the works on the Sturt Highway and for the construction of traffic signals.

- C.7 Prior to the issue of a Construction Certificate stormwater drainage shall be designed to limit post development flows to pre-developed flows
- i) to adjoining road reserve of any adjoining road
  - ii) to any Council stormwater infrastructure
  - iii) in addition, any access driveway shall be designed and constructed to prevent water from proceeding onto, or ponding within the carriageway of Pearson or Edward Streets.

Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations in the form of a stormwater report shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to the release of the Construction Certificate.

- C.8 Prior to the issue of a Construction Certificate, amended plans detailing fencing around any On-Site Detention basin to prevent any public access to the basin, shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.
- C.9 Prior to the issue of Construction Certificate, sewer plans shall be submitted to Council, to the satisfaction of the General Manager or delegate, showing the existing sewer spur to be upgraded to a 150mm diameter spur. These works must be carried out under a Section 68 (PUBLIC) approval issued by Council.
- C.10 Prior to the issue of a Construction Certificate a pavement design carried out by a Geotechnical Engineer shall be submitted to Council, to the satisfaction of the General Manager or delegate, for the carpark and internal vehicle movement areas. The pavement design shall take into account the expected traffic loading within the site.
- C.11 Prior to the issue of a Construction Certificate, amended plans clearly identifying all structures to be demolished and all vegetation to be removed (including any street trees) shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.
- C.12 On completion of demolition of existing buildings, concrete slabs and associated structures, further site contamination investigation which includes soil and groundwater sampling, must be undertaken to address the uncertainty identified in the Detailed Site Investigation, prepared by Valley Civlab and dated 7/9/20. The further investigation must take the form of a Supplementary Detailed Site Investigation and must be prepared by an environmental consultant certified under a NSW EPA recognised scheme. The investigation and report must be undertaken in accordance with relevant NSW EPA Guidelines including, but not limited to "Guidelines for Consultants Reporting on Contaminated Sites 2011." The investigation must also meet the requirements of the National Environment Protection Measure - Assessment of Site Contamination 2013 (NEPM 2013). The Supplementary Detailed Site Investigation must include an assessment of the suitability of the land for the proposed land use and outline remedial measures that may be required to ensure the site is suitable for the proposed use. The Supplementary Detailed Site Investigation Report must be submitted to Council, to the satisfaction of the General Manager or delegate, prior to construction and the issue of any Construction Certificate.
- C.13 Following the completion and reporting of the Supplementary Detailed Site Investigation, the Remedial Action Plan must be amended by an environmental consultant certified under a NSW EPA recognised scheme to address the results and outcomes of the supplementary detailed investigation. The amended Remedial Action Plan, must be submitted to Council, to the satisfaction of the General Manager or delegate, prior to construction and issue of any Construction Certificate.
- C.14 The site must be remediated in accordance with the Amended Remedial Action Plan. On completion of remedial works, a Validation Report must be prepared by an appropriately qualified, experienced and certified environmental consultant in accordance with relevant NSW EPA guidelines including, but not limited to, the NSW EPA Guidelines 'Consultants Reporting on Contaminated Land' 2020. The certified environmental consultant must be certified under a NSW EPA recognised scheme.

The Validation Report must verify that the site has been remediated in accordance with the Remedial Action Plan (as amended) and also verify that the site is suitable for the proposed development.

The Validation Report must be reviewed by a NSW EPA accredited site auditor and a Section A1 Site Audit Statement provided, verifying that the site is suitable for commercial and industrial use. The Validation Report and Site Audit Statement must be proved to Council, to the satisfaction of the General Manager or delegate, within 60 days of the completion of the remediation works and prior to Construction and issue of Construction Certificate.

NOTE: As required by the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation 2019); decommissioning of a UPSS requires the person responsible to provide a report to Council within 60 days of completion of decommissioning. The Validation Report required above, is deemed to satisfy this requirement of the UPSS Regulation 2019.

- C.15 Prior to the release of the Construction Certificate, access design drawings shall be provided to Essential Energy for comment. Any advice received from Essential Energy shall be forwarded to Council, and shall be incorporated into the final access design for the development, to the satisfaction of the General Manager or delegate.
- C.16 Satisfactory arrangements must be made for the provision of power with Essential Energy with respect to the proposed development. The Applicant is required to submit a Design Information Request to Essential Energy for determination. Refer to Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au)

Prior to the release of the Construction Certificate, evidence of the determination of the application to Essential Energy shall be provided to Council, to the satisfaction of the General Manager or delegate.

- C.17 Prior to the release of the Construction Certificate, details of the proposed sliding gate (including materials, colour and height) to Saxon St shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.  
The proposed gate shall be modified so that it does not close across the light vehicle egress to Saxon Street, with the light vehicle exit open at all times to ensure any vehicle that inadvertently enters the site after hours is able to exit.
- C.18 A management plan to address demolition and construction activity, and associated access and parking, shall be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve of Pearson Street or the Sturt Highway. The storage of any material within the road reserve is denied. Access from the Sturt Highway for construction purposes is denied, and measures should be implemented to minimise construction access from Pearson Street and maximise construction access from Saxon Street. Appropriate signage and fencing is to be installed and maintained to effect this requirement. Prior to the release of the Construction Certificate this plan shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate.
- C.19 Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.
- C.20 Prior to the release of the Construction Certificate, a Street Tree masterplan showing provision of adequate street tree plantings adjacent to the site (including

replacement trees for trees removed) shall be submitted to and approved by Council to the satisfaction of the General Manager or delegate. "Adequate" provision of street trees shall be in the opinion of the General Manager or delegate.

- C.21 Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.

Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.

Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

### **Requirements before the commencement of any works**

- C.22 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

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

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

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

- C.23 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 (other than demolition work).

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

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

Access to construction site via adjoining council public reserve is prohibited.

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

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 the Principal Certifying Authority prior to application for an Occupation Certificate for the development.

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

All reasonable steps must be taken to ensure that dust from the construction and demolition activities on site is kept to a minimum. This includes wetting down disturbed soils and providing adequate cover.

Note: Wagga Wagga City Council's Gregadoo Waste Facility is the EPA licensed facility within the Local Government Area to accept waste material

- C.25 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:
- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
  - b) Erosion and Sediment Control Guidelines for Building Sites; and
  - c) Soils and Construction Volume 1, Managing Urban Stormwater

All vehicles involved with the construction and/or demolition process and departing the property with demolition material, spoil, debris and loose material must have their loads covered before entering the public road. Suitable measures shall be in place to ensure that sediment is not tracked onto the roadway by vehicles leaving the site.

This may require the installation of an all-weather temporary driveway for all construction vehicles accessing and leaving the site.

It is an offence to allow, permit or cause materials to pollute waters.

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

- C.26 Prior to works commencing within the road reserve of a Classified Road or Council Road, the applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Transport for NSW. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.
- C.27 Essential Energy's records indicate that there is currently an overhead powerline located on the property in the vicinity of the proposed new warehouse location. Prior to any demolition works commencing, this line must be disconnected and removed, at the Applicant's expense. Refer to Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au)
- C.28 An application for a Road Occupancy Licence (ROL) to Transport for NSW is required for any works within the road reserve of the Sturt Highway. Works are not permitted to commence within the carriageway until the Licence is issued by Transport for NSW.
- C.29 Prior to works commencing on site:
- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
  - ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.
- C.30 Prior to works commencing within the road reserve, approval is required from Council. The applicant shall arrange a Pre-Start meeting with Council's Development and Subdivisions Engineer. Please contact Council's Development and Subdivisions Engineer on 1300 292 442 to book inspections quoting the reference number shown on the approved plans.
- C.31 Street tree removal works shall be carried out by Council or an approved contractor. Council is to be notified of any contractor prior to the commencement of works.

Tree removal consent only applies to the proposed development application (DA19/0665). If the development (DA) is (DA19/0665) not commenced the subject street tree/s shall be retained on the road reserve.

The approved works shall be executed so as to comply with the NSW Work Cover Code of Practice - Amenity Tree Industry 1998 No. 034.

Tree stump/s shall be removed below ground level to a depth of 300mm and surface area reinstated to prevent potential injury. Dial before you dig shall be undertaken

before the removal of tree/s stumps to prevent damage to underground services.

Tree removal and stump grinding will be undertaken by Council or approved contractor, at the applicant's expense.

- C.32 The existing tree/s to be retained within the site or adjacent road reserve, shall be protected from all construction works.

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

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

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

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

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Supervisor of Tree Planning and Management to determine what remedial action should be taken. Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

- C.33 Prior to the commencement of works , an Activity Approval is required under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works, where that work is proposed to be carried out on public or Council owned land.

i) Connection into Council's stormwater infrastructure

ii) Upgrading of sewer spur to 150mm diameter

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

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

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.35 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) <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

### **Requirements during construction or site works**

- C.36 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. 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.37 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.38 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.39 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.40 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.41 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.42 If unexpected soil and/or groundwater contamination is encountered during any works, all work associated with that task must cease and the situation must be promptly evaluated by a suitably qualified environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the supervising environmental consultant, in accordance with the Unexpected Finds Protocol provided in the Remedial Action Plan and relevant NSW Environment Protection Authority (EPA) guidelines.

Prior to recommencement of works, if unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW

EPA guidelines. The verification documentation must be provided to the satisfaction of the NSW EPA accredited site auditor, prior to the recommencement of any works.

- C.43 The existing underground petroleum storage system and associated infrastructure must be decommissioned and removed by a Duly Qualified Person, in accordance with, but not limited to the following:
- The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
  - AS 4978 - 2014 Removal and Disposal of Underground Petroleum Storage Tanks.
  - AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids.
  - Work Health & Safety Act 2011 and Work Health & Safety Regulation 2011.
  - SafeWork NSW requirements.
  - Remedial Action Plan.

NOTE: As required by the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation 2019); decommissioning of a UPSS requires the person responsible to provide a report to Council within 60 days of completion of decommissioning. The Validation Report of the site remediation is deemed to satisfy this requirement of the Regulation 2019.

- C.44 Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified, skilled and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

With respect to fill material classified as special waste (asbestos); the waste facility must be licensed to accept asbestos waste.

Any existing soils excavated to be reused on the site must be assessed by an appropriately qualified, skilled and experienced environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (amended 2013) and any relevant guidelines approved under the Contaminated Land Management Act 1997; to verify that the material is suitable for the intended land use, prior to reuse.

Any soils not suitable for the intended land use must be removed from site and disposed of in accordance with the requirements for disposal set out above.

Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the

Protection of the Environment Operations (Waste) Regulation 2014.

Prior to placing any fill material on the site, appropriate waste classification/certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to Council, to the satisfaction of the General Manager or delegate.

NOTE: An appropriately qualified and experienced environmental consultant must be certified by a NSW EPA recognised certification scheme.

- C.45 Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 'ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure'. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the 'Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets'.

- C.46 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.47 A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The temporary security fence shall not be erected in the Council road reserve without an approved Section 138 Permit.
- C.48 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.49 Inspections are to be carried out on the approved road works in accordance with Council's Engineering Guidelines for Subdivisions and Development (or as amended) by Council. The following aspects of road works shall be inspected at the required hold points:
- (a) Pre-start inspection and inspection of traffic management & soil & erosion control measures.
  - (b) Subgrade proof roll. Survey levels and compaction results.
  - (c) Subbase proof roll. Compaction results.
  - (d) Basecourse proof roll. Survey levels and compaction results.
  - (e) Prior to sealing
  - (f) Sewer works, prior to backfilling of trenches.
  - (g) Stormwater works, prior to backfilling of trenches.
  - (h) Concrete works prior to pouring.



- (i) Into Maintenance inspection.
- (j) Out Of Maintenance inspection at expiry of the maintenance period.

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

- C.50 The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.
- C.51 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. NSW Environment, Energy and Science shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by NSW Environment, Energy and Science.
- C.52 Trees indicated on the submitted plans for removal, shall be removed from the site in accordance with the proposed development. Consent under Council's Tree Preservation Order is not required for removal of the subject trees.

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

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

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

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

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

- C.53 Prior to the issue of an Occupation Certificate, the paving of all vehicular movement areas must be sealed in bitumen or concrete, and all parking bays and directional linemarking and signage within the carpark completed.
- C.54 Prior to the issue of an Occupation Certificate, a maintenance bond equal to 5% of the total cost of civil works for Council assets shall be paid. The bond shall be held for the duration of the maintenance period until the works are accepted Out of Maintenance.
- C.55 If an Environmental Management Plan is required by the site audit statement prior to the release of the Occupation Certificate a covenant on the title of the land under the provisions of the Conveyancing Act 1919 must be created. The covenant must stipulate that the use of the site is subject to the management and maintenance requirements provided in the site auditor endorsed environmental management plan. The positive covenant/s must be binding upon the registered proprietors of the subject lots and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the covenant.

Details of the registration of the covenant shall be provided to Council, to the satisfaction of the General Manager or delegate, prior to the release of the Occupation Certificate.

- C.56 Prior to the release of the Occupation Certificate, all approved works for the signalisation of the Bye Street-Pearson Street intersection shall be completed, to the satisfaction of the General Manager or delegate.
- C.57 Prior to the release of the Occupation Certificate, all works in the plan approved under Condition C.5 (i.e. the roadworks, signage and linemarking plan) shall be completed, to the satisfaction of the General Manager or delegate.
- C.58 Prior to the release of the Occupation Certificate, a management plan for the operation of the gated driveway to Pearson Street for nursery and bagged goods delivery vehicles shall be submitted to and approved by Council to the satisfaction of both the General Manager or delegate and Transport for NSW.
- C.59 Prior to the release of the Occupation Certificate, any redundant driveways or laybacks servicing the subject site from the Sturt Highway or Pearson Street shall be removed and the road reserve reinstated to match the surrounding roadside landform, including kerb & gutter, in accordance with Council requirements.
- C.60 The establishment of street tree/s in accordance with the approved plan referred to in condition C.20 shall be carried out at full cost to the applicant.

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

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

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

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

- C.61 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 Occupation 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 \$500 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.62 Prior to the issue of an Occupation Certificate for the completed development fees for Civil Works (including road works, stormwater, sewer, concrete works) inspections shall be paid in full. Inspections will be charged in accordance with Council's current Fees and Charges Schedule.
- C.63 Prior to release of an Occupation Certificate for the completed development an "into maintenance inspection" must be carried out of the completed works. The maintenance period will last for 6 months, upon which time an "out of maintenance inspection" will be required to ensure the works are acceptable to Council.
- C.64 Prior to the issue of an Occupation Certificate for the development one A1 set of plans and an electronic copy of the Works-As-Executed plans must be submitted to Council and must detail the works as approved by the Construction Certificate and shall reflect the approved Construction Certificate plans. The information on the Works-As-Executed plans shall be as specified in Council's Engineering Guidelines for Subdivision and Developments.

The WAE plans shall detail the following:

- All as constructed roadworks as required by the conditions of consent including finished levels, linemarking and signage.
  - The constructed On-Site Detention system. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved design plans.
- C.65 Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.
  - C.66 Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.

- C.67 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.

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.68 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.69 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.70 The approved use must only be conducted between the hours of 6:00 am and 10:00pm on any day of the week.
- C.71 Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
- C.72 Works associated with the development shall be at no cost to Transport for NSW.
- C.73 All activities including, loading and unloading associated with this development shall take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads.
- C.74 Signage shall be designed and located so as to comply with the following;
- a) the sign display shall not include:
- Any flashing lights,
  - Electronically changeable messages,
  - Animated display, moving parts or simulated movements.
  - Complex display that holds motorist's attention beyond "glance

appreciation”,

- Display resembling traffic signs or signals, or giving instruction to traffic by using words such as ‘halt’ or ‘stop’;
  - b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
  - c) The permissible level of reflectance of an advertisement is not to exceed the ‘Minimum coefficients of Luminous intensity per unit area for Class 2A’, as set out in Australian Standard AS/NZS 1906.1:2007;
  - d) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
  - e) Any proposed sign and supporting structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions - Permanent, imposed and other actions and AS1170.2 Structural design actions - wind actions.
  - f) Any proposed sign and supporting structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
  - g) Any proposed sign and supporting structure shall not pose any risk to the safety of pedestrians or motorists.
- C.75 Egress for light vehicles from the site must be available at all times, including when the store is closed. A minimum of 184 car parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.
- C.76 Illumination of the car park and pedestrian areas must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces as well as complying with standards for the Control of Obtrusive Effects of Outdoor Lighting and not causing unnecessary glare or distraction to motorists on the adjoining road network.
- C.77 Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-1993 “Bicycle parking facilities”.

## **D. SCHEDULE D - Activity Approval Conditions (Section 68)**

N/A

## **E. SCHEDULE E - Prescribed Conditions**

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

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)
- The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

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

NOTE 1: This condition does not apply:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

- (a) entertainment venue,

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

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

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



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

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

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

**F. SCHEDULE F - General Terms of Approval (Integrated Development)**

N/A

<p><b>Report Prepared &amp; approved by:</b></p>  <p>Steven Cook Senior Town Planner</p> <p>Date: 4/4/23</p>	<p><b>Report Reviewed by:</b></p>  <p>Sam Robins Senior Town Planner</p> <p>Date: 4/4/23</p>
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