



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

APPLICATION DETAILS

Application No.:	DA20/0738
Modification No.:	DA20/0738.02
Council File No.:	D/2020/0738
Date of Lodgement:	19/05/2023
Applicant:	Baptist Churches of NSW Property Trust PO Box 4080 ASHMONT NSW 2650
Proposal:	Mr Ross Morgan Demolition of Existing Residential Care Facility Development and Construction of New 80 Bed Residential Care Facility
Description of Modification:	Amendment to Landscape Plan and Relocation of Fire Booster - Amend Condition C.1. Insert Conditions C.33A and C.48B.
Development Cost:	\$17,890,000.00
Assessment Officer:	Steven Cook
Determination Body:	Officer Delegation 7.39
Other Approvals	Nil
Type of Application:	Section 4.55(1A) Modification
Concurrence Required:	No
Referrals:	Essential Energy
Adjoining Owners Notification:	N/A
Advertising:	N/A
Owner's Consent Provided:	18/06/23
Location:	South-western corner of Plumpton Rd and Red Hill Rd, with a small frontage to Grampian PI in the south-western corner of the site.

SITE DETAILS

Subject Land:	3 Grampian PI TATTON NSW 2650 Lot 24 DP 861347
Owner:	Baptistcare NSW & ACT

REPORT

DESCRIPTION OF DEVELOPMENT

DA20/0738 for 'Demolition of Existing Residential Care Facility Development and Construction of New 80 Bed Residential Care Facility' was approved by Council on 1/4/21.

On 21/10/21 the consent was modified under s4.55(1A) of the Act, making various minor amendments including minor internal alterations, approval for the installation of a maintenance shed and rainwater tank, minor amendments to landscaping, and removal of conditions relating to the preparation of a Remedial Action Plan.

A further application has now been received to further modify the consent under s4.55(1A) of the Act. The modification proposes a minor amendment to landscape plan and relocation of fire booster. In essence the works alter the entry feature wall to the site:

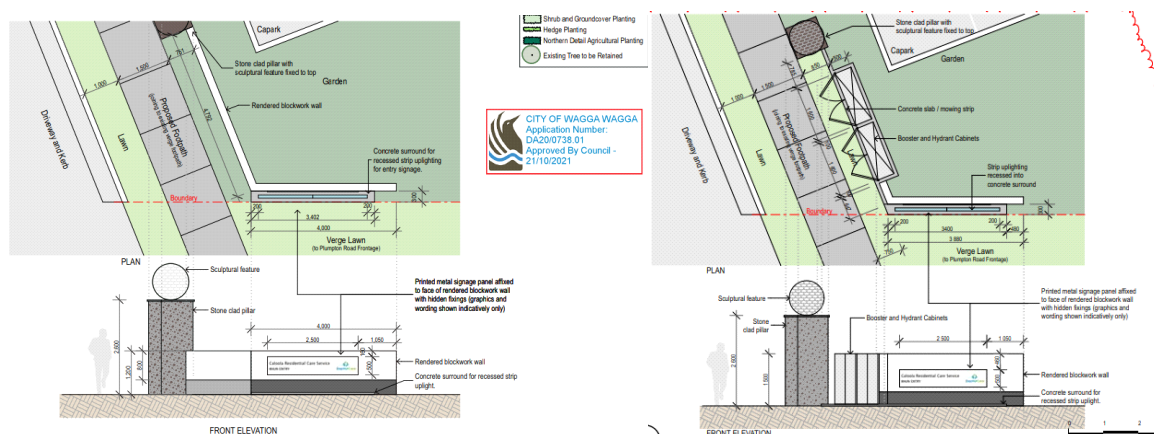


Figure 1 - Approved Plan (Left) and Proposed Plan (Right)

THE SITE & LOCALITY

The site, being lot 24 DP 861347, 3 Grampian Pl, Tatton, is primarily located on the south-western corner of Plumpton Rd and Red Hill Rd, with a small frontage to Grampian Pl in the south-western corner of the site.

On the site stands a number of buildings, pathways, garden areas, roadways and carparks associated with the existing Residential Care Facility (RCF) on the site, and the new RCF under construction. A number of established trees also stand on the site.

The broader locality is generally residential in nature, but other uses do exist. Immediately adjoining the property to the south are a number of single detached residential dwellings, as well as a single detached dual occupancy development. Immediately to the west of the site is Kurrajong Therapy Plus, an early intervention service for children with disability or experiencing developmental delays, and beyond that, further dwellings. To the south-west is vacant land, used informally for parking, but associated with Kurrajong Therapy Plus. To the north of the site is Red Hill Rd, which includes a service road and a 60m road reserve. Beyond the road reserve are single dwellings. To the east of the site is Plumpton Road, a 50m road reserve, and beyond large lot residential along with a motel.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.55 OR 4.56

For the purpose of determining this application to modify consent, the following matters pursuant to the provisions of Section 4.55 or 4.56 of the Environmental Planning and Assessment Act 1979, have been taken into consideration.

Section 4.55(1A) Modifications involving minimal environmental impact

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 the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact.

The proposed changes are only minor and will not result in any significant impacts on streetscape. Council can be satisfied that the proposed modification is of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

The development remains for a RCF. The footprint is unaltered and the scale of the development is the same. Changes to the development are minor, within the front setback, and essentially relate to the location of the fire booster. Therefore it is considered that the development that would result from the proposed modifications is substantially the same development as the development for which the consent was originally granted.

(c) it has notified the application in accordance with:

- i. the regulations, if the regulations so require, or*
- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.*

Applications made under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 are not required to be notified.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions were received.

Section 4.55(3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

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.

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

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010

Overall, the nature of the modifications are such that the compliance of the development with the Wagga Wagga Local Environmental Plan 2010 will remain unchanged and the previous assessment remains valid.

State Environmental Planning Policies**State Environmental Planning Policy (Transport and Infrastructure) 2021**

The amendments alter the fire booster location, which will be incorporated into the entry feature wall which is located in proximity to electrical infrastructure. The application was referred to Essential Energy on 29 May 2023. Pursuant to Clause 2.48 of the SEPP, Council must take into account any comments received within 21 days after notice is given to Essential Energy. On Friday 16 June 2023 Essential Energy advised that they had the following comments in relation to potential safety risks.

The plans provided do not show the distances from Essential Energy's infrastructure to the proposed development. A safe distance of 1 metres is required to the centreline of the High Voltage Underground cable and also the Low voltage 415 volt Underground cable . A distance of 3 metres needs to be maintained from Essential Energy's Transformer.

It is recommended that these setbacks be conditioned. Essential Energy also made a number of general comments and these should be incorporated into the conditions where relevant.

(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments relevant to the application.

(a)(iii) - Any development control plan**Wagga Wagga Development Control Plan 2010**

Overall, the nature of the modifications are such that the compliance of the development with the Wagga Wagga Development Control Plan 2010 will remain unchanged and the previous assessment remains valid.

(a)(iia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreements have been entered into in relation to the subject land.

(a)(iv) - the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

It is considered that the matters prescribed by the Environmental Planning and Assessment Regulation 2021 have been satisfied.

(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Overall, the nature of the modifications are such that the impacts of the development will remain unchanged and the previous assessment remains valid.

The changes to the entry wall are minor, and are essentially internally facing, and are considered to not result in any significant impacts on streetscape.

(c) - The suitability of the site for the development

The site has been previously assessed as being suitable for the proposed development. Nothing in these proposed modifications is considered to alter this previous assessment.

(d) - any submissions made in accordance with this Act or the Regulations

No submissions were received in relation to the Development Application.

(e) - the public interest

The public interest was assessed under the original application. Nothing in these proposed modifications is considered to alter this previous assessment.

Other Legislative Requirements

Section 1.7 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)

Nothing in this modification alters the previous assessment against the provisions of the Biodiversity Conservation Act 2016.

Council Policies

No additional Council policies apply to this development.

Comments by Council's Officers and/or Development Assessment Team

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

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

Contributions were calculated under the original Development Application and are unaltered by these modifications.

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.

RECOMMENDATION

It is recommended that application number DA20/0738.02 to modify Development Consent DA20/0738 for Demolition of Existing Residential Care Facility Development and Construction of New 80 Bed Residential Care Facility - Amendment to Landscape Plan and Relocation of Fire Booster be approved subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO DA20/0738.02. \

A. SCHEDULE A – Reasons for Conditions

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

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.

- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects (including only the appendices as explicitly listed below)	Ethos Urban	2	9/12/20
A000	Appendix A - Existing Site Plan	Calder Flower Architecture	A	20/11/20
A001	Appendix A - Site Plan Level 1 Lower Ground	Calder Flower Architecture	B	12/08/21
A002	Appendix A - Site Plan Level 2 Ground Floor	Calder Flower Architecture	B	12/08/21
A003	Appendix A - Site Plan Level Roof Plan	Calder Flower Architecture	B	12/08/21
A006	Appendix A - Site Plan Demolition	Calder Flower Architecture	A	20/11/20
A021	Appendix A - Staging Plans	Calder Flower Architecture	A	20/11/20
A121	Appendix A - Area Calculations	Calder Flower Architecture	A	20/11/20
A101	Appendix A - Level 1 Lower Ground Floor Plan	Calder Flower Architecture	B	12/08/21
A102	Appendix A - Level 2 Ground Floor Plan	Calder Flower Architecture	B	12/08/21

A103	Appendix A - Level Roof Plan	Calder Flower Architecture	A	20/11/20
A201	Appendix A - Elevations Sheet 01	Calder Flower Architecture	B	12/08/21
A210	Appendix A - Sections	Calder Flower Architecture	B	12/08/21
A701	Appendix A - Shadow Diagrams Sheet 01	Calder Flower Architecture	A	20/11/20
A801	Appendix A - External Materials	Calder Flower Architecture	A	20/11/20
A901	Appendix A - Rendered Perspective Sheet 01	Calder Flower Architecture	A	20/11/20
	Appendix C - Detail Survey - Sheets 1 to 5	Lonergan Surveying		24/08/20
L-SD-00	Appendix D - Cover Sheet	Arterra Design Pty Ltd		03/05/23
L-SD-01	Appendix D - Landscape Concept Plan	Arterra Design Pty Ltd	C	03/05/23
L-SD-02	Appendix D - Landscape Area Calculations	Arterra Design Pty Ltd	C	03/05/23
L-SD-03	Appendix D - Tree Planting Plan	Arterra Design Pty Ltd	B	29/07/21
L-SD-04	Appendix D - Entry Sign & Planting Strategy	Arterra Design Pty Ltd	C	03/05/23
L-SD-05	Appendix D - Landscape Character Imagery	Arterra Design Pty Ltd	B	29/07/21
L-SD-06	Appendix D - Indicative Perspective Views	Arterra Design Pty Ltd	C	03/05/23
L-SD-07	Appendix D - Indicative Perspective Views	Arterra Design Pty Ltd	B	29/07/21
WAGGA2-8113	Maintenance Shed General Arrangement Plan	Ranbuild	A	
AIA-01	Appendix F - Arboricultural Impact Assessment Report (including Tree Retention Value Plan and Tree Protection and Removal Plan)	Arterra Design Pty Ltd	A	26/10/20
	Appendix G - Traffic and Parking Impact	Transport and Traffic Planning Associates	C	Feb 2021

	Assessment (Including Appendices of TIA)			
	Appendix H - Stormwater Report (Excluding Appendices)	Northrop	1	19/11/20
	Appendix K - Biodiversity Statement	Cumberland Ecology		24/11/20
	Appendix M - Acoustic Assessment	Acoustic Dynamics	0	20/10/20
	Appendix Q - Asbestos & Hazardous Materials Survey	RiskTech	1	16/11/16
	Appendix S - Plan of Management	BaptistCare Caloola		30/11/20
	Stage I - Preliminary Site Investigation	ADE Consulting Group	V1 Final	21/10/20
	Stage II - Detailed Site Investigation	ADE Consulting Group	V2 Final	7/7/21
	Letter - Section 4.55(1A) Modification	Amber Nehal / Eliza Arnott - Ethos Urban		26/8/21

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 DELETED

Requirements before a Construction Certificate can be issued

C.3 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 \$22,430.92
The Section 64 Sewer contribution (updated by the 117.1/100.5) required to be paid is \$26,135.93
- NOTE 6: The Section 64 Stormwater base figure is \$0
- NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.
- C.4 Prior to the issue of the Construction Certificate a stormwater plan shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, that indicates the stormwater discharge points from the development.
- C.5 Prior to the issue of the Construction Certificate detail of the proposed driveway cross over in Plumpton Road shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate. The plan shall include levels to demonstrate how runoff will be effectively discharged into the table drain and not result in localised ponding.
- C.6 Prior to the issue of the Construction Certificate, details shall be submitted to the satisfaction of the Principal Certifying Authority, demonstrating that pathway and gradients within the development comply with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, including in regard to Clause 26 of the SEPP in relation to the proposed transport service.
- C.7 Prior to the issue of the Construction Certificate, details of all proposed fencing shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate. Fencing shall generally comply with the requirements of the Wagga Wagga Development Control Plan 2010.
- C.8 Prior to release of the Construction Certificate, a Construction Management Plan (CMP) shall be submitted to and approved by Council, to the satisfaction of the General Manager or delegate. The plan shall detail the route to be taken by construction traffic, delivery arrangements, areas for the storage of goods, parking for vehicles associated with construction works, and staff and visitor parking for the existing residential care facility. The CMP shall also address site and emergency contact information and the development of an unexpected finds policy. The plan shall be prepared for the various stages of the development. Appropriate signage and fencing is to be installed and maintained to give effect to this requirement.

- C.9 Prior to the issue of the Construction Certificate, a reassessment of mechanical noise emission, following the selection of specific plant, shall be carried out in accordance with the recommendations of the acoustic assessment, and shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate.
- C.10 Prior to the release of the Construction Certificate, amended plans demonstrating compliance with the recommendations of the acoustic assessment (including any recommendations of the reassessment of mechanical noise emission required under this consent) shall be submitted to the satisfaction of the Principal Certifying Authority.
- C.11 DELETED
- C.12 DELETED
- C.13 DELETED
- C.14 DELETED
- C.15 DELETED
- C.16 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.17 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.

Requirements before the commencement of any works

- C.18 If the work involved in the erection or demolition of a building or structure:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,

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

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

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

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

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

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

C.19 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.20 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 works or early, non-structural earthworks, excluding retaining walls).

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.21 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.22 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

A plan illustrating these measures shall be submitted to, and approved by, Council. The approved erosion and sediment control measures must be in place prior to earthworks commencing.

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.

- C.23 Prior to the commencement of works, 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.24 Prior to the commencement of any works, the requirements of Condition C.8 shall be completed, to the satisfaction of the General Manager or delegate.

C.25 DELETED

C.26 DELETED

C.27 DELETED

C.28 DELETED

C.29 DELETED

C.30 DELETED

C.31 The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.

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

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

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

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

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

C.32 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 public 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.33 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.

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".

- C.33A Prior to the commencement of works on the entry signage feature structure and associated fire booster cabinet, plans shall be submitted to the Principal Certifying Authority, demonstrating that the structure is a minimum distance of 1 metre from the centreline of both the High Voltage Underground cable and the Low voltage 415 volt Underground cable nearby. In addition, the plans must show a setback of 3 metres to the Essential Energy Transformer.

Requirements during construction or site works

- C.34 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.35 If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved method, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

- C.36 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.37 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.38 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures and approved Asbestos Management Plan.

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

- a) an asbestos clearance certificate prepared by a competent person; and

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

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

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

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

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

- C.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 NSW Environment, Energy and Science Guidelines.
- C.40 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.41 Any excavated material removed from the site must only be taken to a site approved for the receipt of such material.
- C.42 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.43 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.44 All disturbed development areas shall be progressively stabilised and/or revegetated so that no development areas remain exposed to potential erosion damage for a period of greater than 14 days.
- C.45 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

- C.46 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.47 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.

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

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Stack Work	When all work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

- C.48A All recommendations in Section 11.2 and 11.3 of the approved Stage 2 Detailed Site Investigation, prepared by ADE Consulting Group, Version v2FINAL, dated 7/7/21, shall be implemented, as per the recommendation (including timing).
- C.48B 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'.

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

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

- C.49 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. Alternatively, a design for a sealed pavement in accordance with AUSTRAODS standards is acceptable.
- C.50 The construction and finish of areas to be used for the purpose of hairdressing/beauty salons are to comply with Schedule 2 Part 2 and 3 of the Local Government (General) Regulation 2005 and the Public Health Act 2010 and Public Health Regulation 2012.

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

NOTE: The area used for the purposes of waxing/skin penetration must comply with the Public Health Act 2010 and Public Health Regulation 2012. Prior to the release of the Occupation Certificate for the building, the eastern car parking area and access works shall be completed.

NOTE: An Occupation Certificate may be issued for the building prior to the carrying out of Stage 3 of the development, as per the approved Staging Plan (Drawing A021, prepared by Calder Flower Architecture, Issue A, and dated 20/11/20).

- C.51 Restriction as to User shall be registered on the land, restricting occupation of the accommodation within the development to the following people:
- (a) seniors (as defined under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Prior to the release of the Occupation Certificate for the building, evidence of the registration of this Restriction as to User on the title of the land shall be submitted to Council, to the satisfaction of the General Manager or delegate.

- C.52 Prior to the release of the Occupation Certificate for the building, the footpath along the eastern entry road shall be extended to the existing footpath within the Plumpton Rd road reserve, to the satisfaction of the General Manager or delegate. Prior to carrying out the works, details of the proposed pathway within the road reserve shall be submitted to Council, for approval, to the satisfaction of the General Manager or delegate.
- C.53 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.54 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.55 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from an accredited Principal Certifying Authority, prior to occupation of the building.
- C.56 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.57 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.58 The works shall be carried out in stages as per the approved Staging Plan (Drawing A021, prepared by Calder Flower Architecture, Issue A, and dated 20/11/20).

The eastern car parking area shall be completed as part of the Stage 2 works.

All outstanding works following the demolition of the buildings in Stage 3, including landscaping works and proposed western car parking areas, must be completed within 6 months of the demolition of the buildings in this stage.

- C.59 The accommodation provided within the development shall only be occupied by the following people:
 - (a) seniors (as defined under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
- C.60 A transport service, complying with the requirements of clause 26(2)(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, shall be provided within the development.
- C.61 The hours of operation of the outdoor area for the café shall be between the hours of 9am and 6pm daily.

- C.62 A minimum of 21 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.63 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.
- C.64 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

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

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

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

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

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>Report Prepared & approved by:</p>  <p>Steven Cook Senior Town Planner</p> <p>Date: 26/6/23</p>	<p>Report Reviewed by:</p>  <p>Amanda Gray Senior Town Planner</p> <p>Date: 26.6.2023</p>
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