

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018WES014
<b>DA Number</b>	DA0250/2018
<b>LGA</b>	Mid-Western Regional
<b>Proposed Development</b>	NSW Rural Fire Service Facility (Educational Centre & Fire Control Centre) and Boundary Adjustment
<b>Street Address</b>	363 Ulan Road EURUDGEREE NSW 2850
<b>Applicant/Owner</b>	Darren Hession, Public Works Advisory on behalf of Rural Fire Service
<b>Date of DA lodgement</b>	24 May 2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<ul style="list-style-type: none"> <li>• Development that has a capital investment value of more than \$5 million (\$6.1 million) and council is the owner of the land on which the development is carried out; and</li> <li>• Development carried out by or on behalf of the Crown that as a capital investment value of more than \$5 million.</li> </ul>
<b>List of all relevant s4.15(1)(a) matters</b>	<p>i.e. any:</p> <ul style="list-style-type: none"> <li>• relevant environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007;</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land;</li> <li>○ State Environmental Planning Policy No 64 – Advertising and Signage; and</li> <li>○ Mid-Western Regional Local Environmental Plan 2012.</li> </ul> </li> <li>• proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority <ul style="list-style-type: none"> <li>○ Nil.</li> </ul> </li> <li>• relevant development control plan: <ul style="list-style-type: none"> <li>○ Mid-Western Regional Development Control Plan 2013.</li> </ul> </li> <li>• relevant 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: <ul style="list-style-type: none"> <li>○ Nil.</li> </ul> </li> <li>• coastal zone management plan: <ul style="list-style-type: none"> <li>○ Nil.</li> </ul> </li> <li>• relevant regulations e.g. Regs 92, 93, 94, 94A, 288: <ul style="list-style-type: none"> <li>○ Nil.</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Plans: <ul style="list-style-type: none"> <li>○ Cover Sheet &amp; Drawing List, DA00, Rev.02, 14/02/2019;</li> <li>○ Site Plan, DA01, Rev.03, 14/02/2019;</li> <li>○ Site Elevations, DA02, Rev.02, 14/02/2019;</li> <li>○ Landscape Concept DA Plan, LCDA01, Rev.C, 19/02/2019;</li> <li>○ Proposed Lot Layout, 25253-CD03, Rev.D, 24/05/17; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Various drawings of individual buildings and advertising signs, as listed in recommended Condition 1.</li> <li>● Clause 4.6: <ul style="list-style-type: none"> <li>○ Not applicable.</li> </ul> </li> <li>● Essential documentation: <ul style="list-style-type: none"> <li>○ Statement of Environmental Effects, May 2018;</li> <li>○ Public Works Advisory email, amendment of application to include boundary adjustment, 05/09/2018; and</li> <li>○ Public Works Advisory email, amended plans for application, including advertising sign details, 21/02/2019.</li> </ul> </li> </ul>
<b>Report prepared by</b>	Ilija Susnja, Senior Town Planner, Mid-Western Regional Council.
<b>Report date</b>	17 July 2019

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Not Applicable**

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* **Not Applicable**

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

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## **DEVELOPMENT APPLICATION PLANNING ASSESSMENT REPORT**

### **1.0 Executive Summary**

The proposed development is for an emergency services facility on Lots 201 and 202 DP1210399, 363 Ulan Road, Eurudgerree. The development will be used by the NSW Rural Fire Service. The proposed development entails:

- A boundary adjustment to increase the area of the subject site to accommodate the proposed development;
- A Heritage Museum Shed;
- A storage shed for storing equipment and vehicles;
- A Fire Control Centre building;
- 10m high communications tower;
- 36 car parking spaces;
- 2 access driveways;
- Water tanks;
- Landscaping; and
- Freestanding sign.

The development application is a Crown Development under Division 4.6 of Part 4 of the *Environmental Planning and Assessment Act 1979* and the consent authority is the Joint Regional Planning Panel (Western) as it meets two of the criteria under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* for Regional Development being:

- Development that has a capital investment value of more than \$5 million (\$6.1 million) and council is the owner of the land on which the development is carried out; and
- Development carried out by or on behalf of the Crown that as a capital investment value of more than \$5 million.

The land is zoned SP2 – Infrastructure (Air Transport Facilities) under *Mid-Western Regional Local Environmental Plan 2012* and the proposal is permissible by virtue of Clause 47(1) of *State Environmental Planning Policy (Infrastructure) 2007*. The main issues raised in assessment relate to:

- Water quantity;
- Stormwater management;
- Aircraft safety; and
- Traffic and parking.

No referral to other state agencies was required for the proposed development.

The required utility services are available to the site – however, water volume and pressure within the existing line is below the NSW Rural Fire Service's requirements. The application proposes a storage tank and pump house on site to ensure sufficient water is available when needed. The proposed stormwater detention arrangement utilises a series of rainwater tanks adjacent to two buildings. Detailed stormwater plans will be required by conditions. Vehicular access can be provided via Goodger Place, the existing access road to the site. The proposed communications tower is below the height of the clearance zone for the nearby airport Non-directional Beacon.

Peak parking demands during emergency events will require the use of on-street parking. Conditions are included to ensure that Goodger Place is upgraded to provide for the needed on-street car parking.

No submissions were received in response to public notification of the proposal.

Conditions enforcing the arrangements and requirements in place to mitigate the potential impacts and manage the development into the future have been recommended. The recommended conditions have been provided to the applicant for approval. The application is a Crown Development under Section 4.32 of the Act, and as such, Section 4.33 of the Act requires that conditions cannot be imposed on a consent for a Crown Development without the approval of the applicant or the Minister. The applicant has provided their agreement to all conditions with the exception of a condition requiring the payment of water and sewer headworks contributions. The JRRP was contacted in relation to this matter and advised that the report could be considered by the Panel, despite a single condition not being agreed to.

The assessment identifies that the proposed development satisfies the objectives and controls of the *Mid-Western Regional Local Environmental Plan 2012* and the applicable SEPP's. The site is considered suitable for the proposed development and the potential adverse impacts during and post construction have either been removed or can be mitigated. The development application is recommended to the Western Joint Regional Planning Panel for approval subject to the conditions and Statement of Reasons for the decision in Appendix 1.

## 2.0 Proposed Development

The development application has been submitted by NSW Public Works on behalf of the NSW Rural Fire Service (RFS) and seeks approval for the following physical components:

- (i) A boundary adjustment between Lots 201 and 202 DP1210399, to enlarge Lot 201 by 1,603m<sup>2</sup> (from 7,100m<sup>2</sup> to 8,703m<sup>2</sup>);
- (ii) Building A – Community Education Centre (CEC), also known as the Heritage Museum Shed;
  - Office and meeting room.
  - Reception.
  - Eight (8) truck parking bays.
  - Store room.
  - Kitchenette.
  - Male and female toilets, including one accessible.
  - Gross floor area of 708m<sup>2</sup>.
  - Wall signs on the building.
- (iii) Building B – RFS Mitigation Shed (8 bay shed);
  - The mitigation shed will be used for vehicle and equipment storage for fire brigade.
  - Also used as workshop for maintenance and repair of equipment.
  - Office/meeting room.
  - Training room – used for training of volunteers and muster area during operations.
  - Store room.
  - Kitchenette.
  - Male and female toilets, including one accessible.
  - Gross floor area of 673m<sup>2</sup>.

- Wall signs on the building.
- (iv) Building C – RFS Fire Control Centre;
- The centre will provide day to day office accommodation for the Cudgegong District Command.
  - The centre will be activated, during bushfire emergencies, as the district Fire Control Centre.
  - Two (2) training rooms.
  - Planning and logistics training room.
  - Operations room.
  - Undercover area.
  - Manager zone.
  - General office and reception store rooms.
  - Meeting rooms.
  - IT room.
  - Quiet room.
  - Kitchen.
  - Male and female toilets, including one accessible.
  - Gross floor area of approximately 1,099m<sup>2</sup>.
- (v) 10m high communications tower, with antennae that do not extend more than 1.0m above the tower (total height 11m);
- (vi) Car parking area (39 car parking spaces);
- Including two (2) disabled parking spaces.
- (vii) Separate entry and exit driveways connecting to Goodger Place;
- 6m wide ingress/egress driveway located 12m from the corner of Ulan Road and Goodger Place.
  - 6m wide ingress/egress driveway located approximately 25m from the north-west corner of the site.
- (viii) A free-standing sign to be erected within the site, near the corner of Goodger Place and Ulan Road;
- (ix) RFS identification signage above roller doors (up to 10m<sup>2</sup> in surface area);
- (x) Wayfinding and directional signage at entrance and within car parking area (less than 3.5m<sup>2</sup> in area);
- (xi) All roofwater to be directed to 20 x 5kL rainwater tanks, creating a total site storage of 100kL. These tanks will be utilised for on-site detention and landscaping.
- (xii) A fire hydrant tank and associated pump house.
- (xiii) Landscaping along the property frontages and throughout the site.
- (xiv) External night-lights; and
- (xv) No specific stormwater management details are proposed. The application states that the conditions will be applied in relation to stormwater management requirements, including for on-site detention.



The construction of the proposed development will be undertaken in stages, based on current and future funding. The Community Education Centre and Mitigation Shed will be constructed in the first stage. The construction of the Fire Control Centre will be undertaken in Stage 2.

The operational aspects of the proposed development are summarised as follows:

- (i) Community Education Centre (Heritage Shed).
  - Three (3) volunteer staff.
  - Open to the public, capacity to accommodate 30 people.
  - Visitation expected to be dispersed throughout the day.
- (ii) Fire Control Centre and Mitigation Shed.
  - 12 full-time staff.
  - 15 visitors at any one time.
  - Office staff hours are 9am to 5pm, Monday to Friday.
  - During bushfire incident, up to 50 staff members on site.

The proposal does not involve a variation to the requirements prescribed within the applicable environmental planning instruments or *Mid-Western Regional Development Control Plan 2013*.

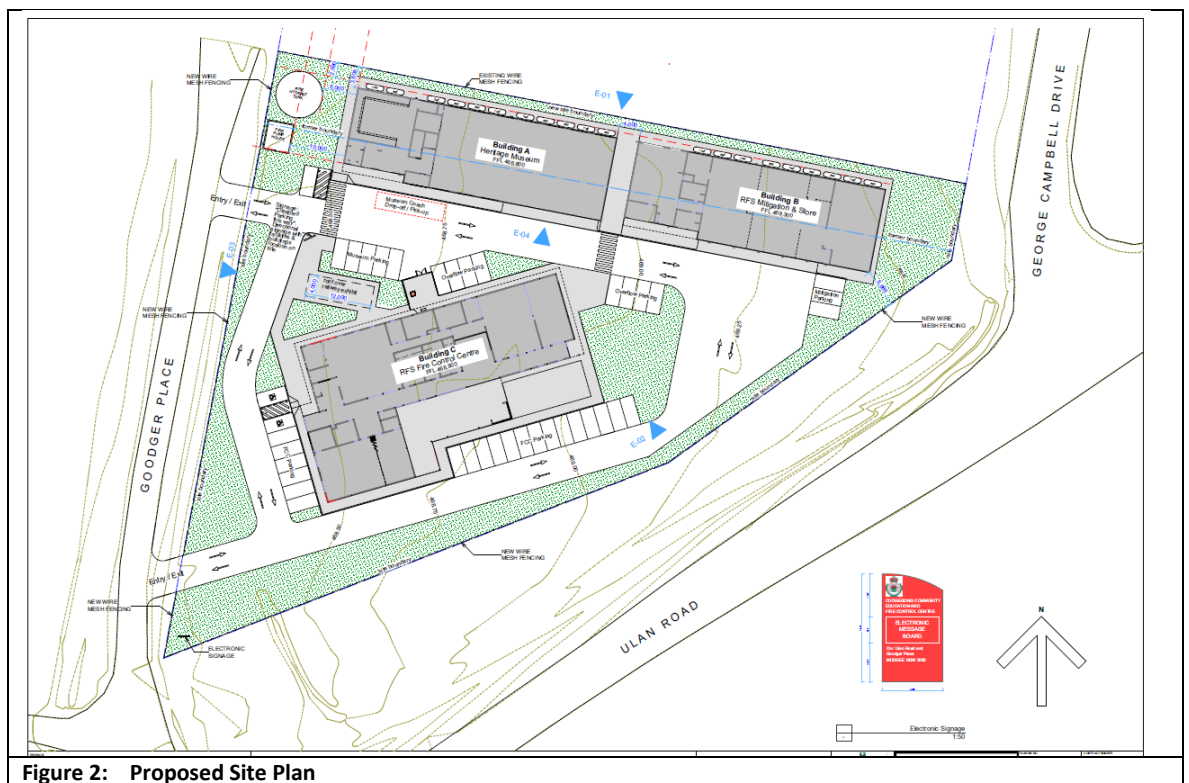


Figure 2: Proposed Site Plan

## 3.0 Background

### 3.1 Site Description and Surrounding Development

The subject site is located on the corner of Goodger Place and Ulan Road, Eurunderee. The site is identified as Lots 201 and 202 DP1210399. The site is located near Mudgee Regional Airport.

The site is relatively flat with a slight fall to the west/north-west. The site is covered with grass and there are no trees on the site.

Lot 202 has been fenced and taxi-ways constructed in preparation for future hangar development.

The site is connected to reticulated water, reticulated sewerage and underground electricity.

Goodger Place is a sealed road with no kerb or guttering. Swale drains align both sides of Goodger Place. Ulan Road is identified as a Main Road and classified road.

Existing land uses surrounding the site include:

- South-west – helicopter charter premises;
- South-east – Mudgee cemetery;
- North to north-east – Agricultural, primarily viticulture; and
- West – Mudgee Regional Airport.



Figure 1: Location Plan

## **4.0 Legislative Requirements**

### **4.1 Biodiversity Conservation Act 2016 (BC Act)**

Not applicable.

The site has been disturbed in the past and is now covered in grass. A number of trees are located within the road reserve. The proposed development does not involve vegetation removal. Consequently, no threatened species, populations or endangered ecological communities are anticipated to occur on the site.

### **4.2 Environmental Planning and Assessment Act 1979 (EP&A Act)**

#### **4.2.1 Consent Authority**

The applicant is seeking development consent for the proposed Fire Control Centre and Community Education Centre pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Section 4.5(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that the regional planning panel is the consent authority for development declared by an environmental planning instrument to be regionally significant development.

The proposed development is identified as being regionally significant development by Clauses 3 and 4, Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*. The specific triggers are identified as follows:

- Development that has a capital investment value of more than \$5 million and council is the owner of the land on which the development is carried out; and
- Development carried out by or on behalf of the Crown that has a capital investment value of more than \$5 million.

#### **4.2.2 Designated Development**

Not applicable.

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

#### **4.2.3 Integrated Development**

Not applicable.

The proposed development does not trigger integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979*.

### 4.3 Crown Statutory Provisions

The proposed development is considered to be a Crown Development, as it is being undertaken by a government department (public authority). The following statutory provisions are relevant to Crown development.

- Section 4.33 of the *Environmental Planning and Assessment Act 1979* states that a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.
- Pursuant to Section 6.28(2) of the *Environmental Planning and Assessment Act 1979*, the Crown is self-certifying and therefore a Construction Certificate will not be obtained and a Principal Certifying Authority will not be appointed for the development. The development would be certified in accordance with Section 6.28(2).

As the Crown is exempt from having to obtain a Construction Certificate, the classification of the building will be required to be stipulated on any development consent issued for the proposed development. This classification is provided in the conclusion of this report, and on the Development Consent.

- Pursuant to Section 6.9(2)(a)(iv) of the *Environmental Planning and Assessment Act 1979*, an Occupation Certificate is not required for the occupation or use of a new building that has been erected by or on behalf of the Crown.
- Section 69 of the *Local Government Act 1993* states that Section 68 does not require the Crown to obtain approval of a council to do anything that is incidental to the erection or demolition of a building.
- Section 7.11 of the *Environmental Planning and Assessment Act 1979* relates to contributions towards provision or improvement of amenities or services. The Department of Planning Circular D6 provides a guide on the justifiable categories of (formerly) section 94 contributions for off-site works for Crown developments. It should be noted that the Circular stipulates that where councils intend to levy contributions on Crown development, they must be justified in a Section 7.11 contributions plan.
- Section 7.12 of the *Environmental Planning and Assessment Act 1979* relates to fixed development consent levies. In accordance with Circular D6, the levying of contributions from Crown developments requires a clear nexus between the developments and the works for which they are collected. As Section 7.12 plans collect indirect contributions, they are not applicable to Crown developments, such as the subject application.

The applicant in correspondence dated 17 June 2019 has provided concurrence to the draft conditions of consent, bar the Advisory Note outlining the applications sewer and water headworks developer charges.

#### 4.4 Airports Act 1994

Part 12 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996* establishes a framework for the protection of airspace at and around airports.

The *Airports Act 1996* defines any activity resulting in an intrusion into an airport's protected airspace to be a "controlled activity" and requires that controlled activities cannot be carried out without approval. The Regulations provide for the Department or the airport operator to approve applications to carry out controlled activities, and to impose any conditions on an approval.

No part of the proposed development penetrates the Obstacle Limitation Surface of the airport or the associated non-directional beacon. Consequently, no specific approvals from CASA, Airservices Australia or the airport operator are required.

### 5.0 Section 4.15 Matters for Consideration

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

#### 5.1 Provisions of any Environmental Planning Instrument

##### 5.1.1 State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

- (a) Clause 45 – Development likely to affect electricity transmission network.

Not applicable.

There are no overhead electricity lines or electricity easements within the vicinity of the proposed development.

- (b) Clause 101 – Development with frontage to a classified road.

Complies.

Ulan Road is a classified road. The proposed vehicular accesses to the site will be from Goodger Place, not Ulan Road. It is considered that the safety, efficiency and ongoing operation of the classified road will not be adversely effected as the design of the proposed vehicular access provides sufficient distance between the access and the intersection of Goodger Place and Ulan Road, and the volume of vehicles using the classified road will be relatively low, during normal operating conditions.

Clause 101(2)(b)(ii) refers to the emission of smoke and dust from the development. While not stated in the development application, it is reasonable to assume that smoke emitting fires may be lit for training purposes. An **Advisory Note** is recommended to regulate smoke (and dust) emissions from the site.

The proposed development is not of a type that is sensitive to traffic noise or vehicle emissions.

(c) Clause 104 – Traffic Generating Development

Not applicable.

The proposed development does not generate 50 or more motor vehicles per hour and is not considered to be traffic generating development.

(d) Schedule 1

Schedule 1 of the Infrastructure SEPP specifies general exempt development, which may be carried out by public authorities. The application states that the proposed wayfinding and car parking signage within the property boundary will comply with the requirements for exempt development. **Condition** to be applied for way finding and car park signage to comply with the exempt development requirements.

**5.1.2 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)**

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Subsequently, no further investigations are necessary.

**5.1.3 State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)**

The application includes a freestanding sign to be erected near the south-western corner of the subject site. The sign will be 3.9m high, 2.2m wide and will indicate the name of the Fire Control Centre. An electronic message board will be located towards the centre of the sign.

In addition, each building within the development will have one or more wall signs, including the words "NSW Rural Fire Service" and the name/use of the building.

(i) Clause 3: Aims and Objectives

The proposed signage does not conflict with the aims of the policy. In particular, the proposed signage:

- Is compatible with the desired amenity and character of the area;
- Provides effective communication in suitable locations – that is, providing variable fire related messages to the general public; and
- Will be of a high quality design and finish.

(ii) Clause 8: Granting Consent to Signage

Complies – the proposed signage:

- Is consistent with the objectives of the SEPP; and
- Complies with the relevant requirements of Schedule 1 – see below.

(iii) Part 3 – Advertisements

The proposed signs are considered to be business identification signs. Consequently, Part 3 of the SEPP would not apply, as Business Identification Signs are excluded by Clause 9.

(iv) Schedule 1 – Assessment Criteria

- *Character of the area* – Complies - the proposed freestanding sign and wall signs are compatible with the existing and desired future airport related uses in the locality. The proposed signs are considered to be consistent in character with the proposed Fire Control Centre.
- *Special areas* – Complies - the proposed signs will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The proposed signs, when viewed in conjunction with the proposed Fire Control Centre, will have no adverse impact on the heritage listed Mudgee Cemetery located on the opposite side of Ulan Road.
- *Views and vistas* – Complies - the proposed signs will not obscure important views, will not dominate the skyline, will not impact on any vistas and will not obscure the views of other signs in the vicinity.
- *Streetscape, setting or landscape* – Complies – The scale, proportion and form of the proposed signs are appropriate when considered in conjunction with the scale and built form of the proposed Fire Control Centre. The proposed signs are lower in height than the buildings to be established on site. The proposed freestanding sign is located within a proposed landscape area. The proposed signs will not contribute to a clutter of signage in the streetscape.
- *Site and building* – Complies - the proposed signs are compatible with the site and building.
- *Associated devices and logos with advertisements and advertising structures* – Complies – The proposed signs incorporate the logo for the NSW Rural Fire Service, which is integrated well in the design of the signs.
- *Illumination* - Complies – the wall signs on the buildings will be lit by external baffled lamps. The freestanding sign incorporates a LED electronic message board with a maximum power of 364 watts. It is considered the brightness level is appropriate to the setting. A **condition** may be applied imposing appropriate illumination standards.
- *Safety* – Complies – the proposed signs will not reduce the safety of the public road; are located wholly on private land and will not reduce the safety of pedestrians or bicyclists; and will not obscure sightlines from public areas that will have an impact on the safety of pedestrians.

**5.1.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

Not applicable.

This SEPP does not apply to the removal of vegetation that is ancillary to the development for which development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979*.

### 5.1.5 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable.

Any wall signs associated with the proposed development cannot be exempt development as there are more than three (3) wall signs in the property.

### 5.1.6 Mid-Western Regional Local Environmental Plan 2012 (LEP2012)

PART 2 – Permitted or Prohibited Development	
<b>Zone</b>	SP2 – Infrastructure (Air Transport Facilities)
<b>Definitions of Use</b>	<b><i>Community facility and Emergency services facility</i></b>
<p><b><i>Community facility</i></b> means a building or place:</p> <p>(a) Owned or controlled by a public authority or non-profit community organisation, and</p> <p>(b) Used for the physical, social, cultural or intellectual development or welfare of the community,</p> <p><i>But does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</i></p> <p>The proposed Community Education Centre (Heritage Museum Shed) will be the Rural Fire Service's centre for the storage and display of historical artefacts and memorabilia. The Community Education Centre will be open to the public. This component of the use may be defined as a Community facility.</p> <p><b><i>Emergency services facility</i></b> means a building or place (including a helipad) used in connection with the provision of services by an emergency services organisation.</p> <p>The proposed Fire Control Centre will accommodate the office functions of the district command of the NSW Rural Fire Service and will be used as a district headquarters during bush fire incidents. The proposed mitigation shed will be used to store vehicles and equipment utilised by the rural fire brigade. These components of the proposed use fall within the definition of emergency services facility.</p>	
<b>Permissibility</b>	<p>Both community facilities and emergency service facilities are listed as prohibited uses in the zone assessment table.</p> <p>Clause 47(1) of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (ISEPP), states that an emergency services facility, by the NSW Rural Fire Service, is development permitted with consent in a prescribed zone. Zone SP2 Infrastructure is included in the definition of a prescribed zone. Consequently, the emergency services facility is permissible.</p> <p>A community facility is ordinarily a prohibited use in Zone SP2. However, in this case, it is considered that the proposed Heritage Museum Shed is ancillary to the permissible use of the Emergency services facility, for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposed Heritage Museum Shed forms a lesser part of the whole development. The Museum will have a floor area of 708sqm, whereas the whole development will have a floor area of 2480sqm – the Museum is 29% of the whole development.</li> </ul>



		<ul style="list-style-type: none"> <li>The Museum is not independent of the remainder of the development. It will not operate as a museum that is not associated with the NSW Rural Fire Service.</li> <li>The use of the Museum is not inconsistent with the use of the Fire Control Centre – both being related to the NSW Rural Fire Service.</li> <li>The Museum and Fire Control Centre are located on the same lot of land and have a reasonable physical proximity to each other.</li> <li>The use of a museum or community facility is not specifically excluded from the definition of an emergency services facility.</li> </ul>
	<b>Objectives of the Zone</b>  The relevant objectives of Zone SP2 – Infrastructure (Air Transport Facilities) are: <ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	The proposed development is not inconsistent with the objectives of the zone, as follows: <ul style="list-style-type: none"> <li>While the proposed development does not include infrastructure and uses related to Air Transport Facilities, the proposed Emergency Services Facility is permissible in the zone, through the provisions of the ISEPP.</li> <li>The proposed development will occupy a small proportion of the undeveloped Zone SP2 land, allowing development consistent with the objectives to be developed in the future in the remainder of the SP2 zoned land.</li> <li>The proposed Fire Control Centre and Museum is not incompatible with the use of the airport. A Fire Control Centre erected near an airport allows the management of airborne fire-fighting equipment.</li> </ul>
2.5	Additional permitted uses of the particular land	N/A
<b>PART 3 – Exempt and Complying Development</b>		
		N/A
<b>PART 4 – Principal Development Standards</b>		
4.1	Minimum subdivision lot size	Complies.  There is no minimum lot size mapped for the site.  It is noted that the realignment of the boundary results in a change in the area of the original lot by more than 10%. Consequently, the realignment of the boundary cannot be exempt development in accordance with the provision of <i>SEPP (Exempt and Complying Development Codes) 2008</i> and requires development consent.  The proposed lot is of a size that will accommodate the proposed development and will be adequately serviced.  <b>Condition</b> for subdivision certificate to be obtained and re-aligned boundary to be registered, prior to commencement of works.
4.3	Height of buildings	N/A  There is no mapped maximum height limit for the subject land. The height of buildings and associated towers is constrained by the Airport Obstacle Limitation Surface.
4.6	Exceptions to development standards	N/A
<b>PART 5 – Miscellaneous Provisions</b>		
5.3	Development near zone boundaries	N/A

		This clause may be considered to support an argument that the Community Facility (Museum) component of the use is permissible on the site, by virtue of the adjoining RU4 zone. However, the majority of the Museum building is located greater than 50m from the zone boundary and the clause would not be able to be used.
5.4	Controls relating to miscellaneous permissible uses	N/A
5.10	Heritage conservation	<p>N/A</p> <p>The site is not listed on any State or Local heritage register.</p> <p>The application includes the results of an Aboriginal Heritage Information Management System (AHIMS) search which indicates that no Aboriginal places or sites have been declared or recorded at the subject site.</p> <p>The site has been disturbed in the past and is not located near creeks or other landscape features likely to yield artefacts. Therefore, it is considered that the potential for Aboriginal objects to be present is low and the proposal can proceed with caution without an AHIP.</p> <p>The nearest heritage item is the Mudgee Cemetery located on the eastern side of Ulan Road. The proposed development will have no impact on the heritage significance of this item.</p>
<b>PART 6 – Additional Local Provisions</b>		
6.1	Salinity	N/A
6.2	Flood Planning	N/A
6.3	Earthworks	<p>Complies.</p> <p>Cut and fill with a depth/height of less than 1m will be required for the proposed buildings and car park. The required earthworks will not be significant in terms of the matters for consideration identified in this clause.</p> <p><b>Conditions</b> will be required for sediment erosion control measures during construction and quality of fill material.</p>
6.4	Groundwater Vulnerability	<p>Complies.</p> <p>The proposed use is unlikely to result in significant pollution. Consequently, the proposed development is unlikely to lead to groundwater contamination, will not have adverse impacts on groundwater dependent ecosystems, and is unlikely to have any significant cumulative impact on groundwater.</p> <p>The application states:  <i>To prevent groundwater impacts, any toxic and firefighting materials would be stored in hardstand areas only. These areas would be protected (surrounded by low bunds to ensure that the material cannot reach local ground surfaces).</i></p> <p><b>Conditions</b> will be applied in relation to bunding of stored liquid fire-fighting materials.</p>
6.5	Terrestrial Biodiversity	<p>N/A</p> <p>The site is not mapped as Biodiversity Sensitivity.</p>
6.8	Airspace Operations	Complies.

		<p>The proposed development does not penetrate the Airport Obstacle Limitation Surface (AOLS). The AOLS is 511.5m AHD, the highest ground point on the site is 470m AHD, giving a clearance of 41.5m between the ground and the AOLS. No part of the proposed development penetrates the AOLS.</p> <p>A non-directional beacon (NDB) is located approximately 120m to the North-west of the site. The triggers for referral to Airservices Australia are:</p> <ul style="list-style-type: none"> <li>• If the development is within 60m of the NDB; or</li> <li>• If the development is located between 60-300m from the NDB and crosses an obstacle limitation surface that is generated by projecting 5 degrees above horizontal from ground level at the centre of the NDB (NDB-OLS).</li> </ul> <p>The clearance between the NDB-OLS and ground level at the base of the proposed communications tower is 11.33m. The original application included a 13m high tower that would penetrate the NDB-OLS. The application was amended to provide a 10m high tower and remove the intrusion into the NDB-OLS. <b>Condition</b> to be applied to ensure compliance.</p> <p>The application does not require referral to CASA or Airservices Australia.</p>
6.9	Essential Services	
	Water supply	<p>Complies.</p> <p>The proposed development may connect to the reticulated water supply available within Goodger Place, located to the west of the site.</p> <p>The application states:  <i>The design of the proposed facility will need to include consideration of how water is managed and provided on at the site (eg inline onsite pressure systems) as the site may experience low water pressure being located at the edge of the reticulation network.</i></p> <p>The proposal includes the provision of a large water tank near the north-eastern corner of the site and an associated pump house. The water is to be used for fire-fighting hydrants on site.</p> <p>The proposed will provide 20 x 5kL rainwater tanks to be collect roofwater. These tanks are proposed to form part of the on-site detention system for stormwater management and will be utilised for watering landscaped areas.</p> <p><b>Condition</b> for connection to reticulated water and provision of hydrants. <b>Condition</b> for roofwater to be directed to tanks.</p>
	Electricity supply	<p>Complies.</p> <p>Nearby developments are serviced with electricity. The electricity network may be extended to service the proposed development. There is a padmount sub-station located on the opposite side of Goodger Place.</p>
	Disposal and management of sewage	<p>Complies.</p> <p>There is an existing reticulated sewerage network with a junction with the north-west corner of the site for the proposed development to connect in to.</p>

		<b>Condition</b> for development to connect in to existing sewer connection on site.
	Stormwater drainage or on-site conservation	<p>Complies. The site falls to Goodger Place.</p> <p>The application states a stormwater management plan will be developed for the whole of the site as part of the design for civil works. Any run-off from the site may be directed to the swale drain system within the adjacent road reserves.</p> <p><b>Condition</b> for stormwater management plan to be prepared and implemented.</p>
	Suitable road access	<p>Complies. Two (2) new access connections to Goodger Place will be provided as part of the development.</p> <p><b>Condition</b> to regulate construction of accesses and any required road upgrade works within Goodger Place.</p>

## 5.2 Provisions of any Draft Environmental Planning Instrument

Not applicable.

There are no draft Environmental Planning Instruments applicable to the proposed development.

## 5.3 Provisions of any Development Control Plan or Council Policy

### 5.3.1 Mid-Western Regional Development Control Plan 2013

4.4	Signs
	<p>Complies.</p> <p>The proposed development incorporates two main types of signage, being:</p> <ul style="list-style-type: none"> <li>(i) Business identification wall signs on each building.</li> <li>(ii) A free-standing sign to be erected near the south-west corner of the site.</li> </ul> <p>The proposed wall signs appear to be on flat sheets to be attached directly to the walls.</p> <p>The proposed free-standing sign is not listed as a prohibited sign in the DCP. It is noted the sign includes an electronic message board. It is intended that the message in the electronic sign be changed on a daily basis. <b>A condition</b> may be applied to ensure the sign is not set to flashing mode.</p> <p>The free-standing sign is located outside the Heritage Conservation Area and Mudgee Business Area –</p>

		<p>consequently, the normal prohibition on additional pylon signs does not apply.</p> <p>The proposed signage complies with the requirements contained in this section of the DCP.</p>
<b>5.1</b>	<b>Car Parking</b>	
	<ul style="list-style-type: none"> <li>Community Facilities – 1 space per 4 seats or 1 space per 10m<sup>2</sup> of GFA, whichever is the greater.</li> <li>Offices – 1 space per 30m<sup>2</sup> of GFA.</li> <li>Other uses (not listed in DCP) – Merit Assessment</li> </ul>	<p>Complies.</p> <p>No specific rate in the DCP for an Emergency Services Facility. Refer to Section 5.6.2 of this report for a merit assessment of car parking.</p> <p><b>Condition</b> for landscaping to be provided around the car parking area.</p>
<b>5.3</b>	<b>Stormwater Management</b>	
C	Quality Management During Construction.	<p>Complies.</p> <p>The application states a Soil and Water Management Plan (SWMP), prepared in accordance with Landcom's Blue Book, will be prepared.</p> <p><b>Condition</b> to ensure compliance.</p>
D	<p>Quality Management During Operation</p> <p>Development to achieve the following post development pollution reduction targets:</p> <ul style="list-style-type: none"> <li>Total Suspended Solids (TSS) – 85% of the typical annual load.</li> <li>Total phosphorus (TP) – 65% reduction in the typical annual load.</li> <li>Total Nitrogen (TN) – 45% reduction in the typical annual load.</li> <li>90% of gross pollutant loads (litter and heavy sediments), oils and grease are to be retained on site.</li> </ul>	<p>Complies.</p> <p>No details have been provided with the application.</p> <p><b>Condition</b> to ensure compliance.</p>
E	<p>Water Conservation for Non Residential Development</p> <ul style="list-style-type: none"> <li>Water Conservation Report – show 40% reduction in water consumption, by:</li> <li>Reducing demand for water (eg low flow taps); and</li> <li>Substituting town potable water (eg rainwater tanks)</li> </ul>	<p>Complies.</p> <p>No details provided with the application. The application states that a Water Conservation Report will be prepared for the proposed development.</p> <p><b>Condition</b> to ensure compliance.</p>
F	<p>Salinity Prevention</p> <ul style="list-style-type: none"> <li>Infiltration of runoff not permitted in areas of high ground salinity or elevated saline groundwater table.</li> </ul>	<p>Not applicable.</p> <p>None of the site is mapped as being an area of high salinity.</p>
<b>5.4</b>	<b>Environmental Controls</b>	
	<b>Protection of Aboriginal Archaeological Items</b>	<p>Not applicable.</p> <p>AHIMS results indicate no known sites.</p>
	<b>Bushfire Management</b>	<p>Not applicable.</p> <p>Site is not bushfire prone land.</p>

	<b>Riparian and Drainage Line Environments</b>	Not applicable.
	<b>Pollution and Waste Management</b>	<p>Complies.</p> <p>The application states:</p> <ul style="list-style-type: none"> <li>• Spill kits will be used to handle small to medium spills of hazardous firefighting material spills.</li> <li>• Major spills will be managed as per other major incidents in the community.</li> <li>• Any toxic materials or fuels will be stored in a hard-stand bunded area.</li> <li>• Water quality will be managed in accordance with the requirements of the POEO Act.</li> </ul> <p><b>Conditions</b> to be applied to address the above matters.</p>
	<b>Threatened Species and Vegetation Management</b>	Not applicable.
	<b>Building in Saline Environments</b>	<p>Complies.</p> <p>While the site may not be mapped as being in a salinity area, many areas within the region are affected, despite being mapped.</p> <p><b>Condition</b> to ensure that minimum 25 Mpa concrete is used, in order to protect the buildings from any salt-bearing rising damp.</p>

### 5.3.2 Council Policy – Access to Property Policy

Council Policy – Access to Property Policy applies to the driveway crossovers required for the proposed development. A **condition** will be applied to ensure compliance with the policy.

### 5.3.3 Mudgee Regional Airport Master Plan 2015

The Mudgee Regional Airport Master Plan 2015 was adopted by Council on 21 October 2015. The Master Plan concerns the future planning and directions of the airport in the short, medium and long terms. The subject site has been identified in the Master Plan as a proposed Rural Fire Service facility.

## 5.4 Provisions of any Planning Agreement or Draft Planning Agreement

No planning agreement applicable.

## **5.5 The Regulations**

### Clause 92 – Additional matters that consent authority must consider

The proposal does not involve any demolition of a building. Accordingly, no further consideration is necessary.

### Clause 93 – Fire safety and other considerations

The proposal does not involve a change of use of an existing building. Accordingly, no further consideration is necessary.

### Clause 94 – Consent authority may require buildings to be upgraded

The proposal does not involve works as specified in 94(1) and therefore no further consideration is necessary.

### Clause 94A – Fire safety and other considerations applying to erection of temporary structures

The proposal does not involve a temporary structure. Accordingly, no further consideration is necessary.

## **5.6 Likely Impacts of Development**

### **5.6.1 Context and Setting**

No significant impact - The proposed development is located on a site adjacent to the Mudgee Airport. There are existing helicopter hangars located on the opposite side of Goodger Place, to the south of the site. The site is opposite a cemetery and rural land is located to the north of the site. The proposal will present as a complex of relatively large single storey buildings and the visual and scenic impacts are proposed to be mitigated by landscaping around the site and buildings. The proposed development will sit comfortably with the fringe/semi-rural character of the area and the nearby airport related development.

### **5.6.2 Access, Transport and Traffic**

No significant impact.

#### *Traffic Generation*

The proposed development is expected to generally have a low traffic generation. The morning and evening peaks will generate approximately 15 traffic movements, primarily due to the 15 staff. It is expected that visitors to the site will be dispersed throughout the day.

#### *Access*

Two (2) accesses will be provided for the proposed development. These accesses appear to meet the minimum width of 6.0m as required by *AS/NZS 2890.1: Parking facilities – Part 1:*

*Off-street car parking* (AS2890.1). A **condition** is included in the recommendation for the width and grades of the proposed access to comply with AS2890.1.

### *Car Parking*

*Mid-Western Development Control Plan 2013* does not provide a specific car parking rate for emergency service facilities. Consequently, a merit assessment for the number of on-site car parking spaces is required.

The application provides the following information in relation to users of the facility and number of on-site parking spaces, during normal operation:

<b>Building</b>	<b>Number of Staff and Visitors</b>	<b>Proposed Parking</b>
Community Educational Centre	3 volunteers 30 visitors at one time	8
8 bay mitigation shed and Fire Control Centre	12 employees Up to 15 visitors at one time	28
TOTAL	15 employees 45 visitors at one time	39 parking spaces.

Based on the information in the above table, there are sufficient car parking spaces to accommodate all employees and 15 visitors to the fire control centre (i.e. 30 spaces), with 6 spaces remaining for the Community Education Centre.

The application argues that:

*Visitors would utilise a variety of vehicles to access the site, including small/personal motor vehicles, caravans and buses.*

*Caravans and buses will park off-site, and will be allowed to use the internal roads to drop off passengers and turn around if necessary, as the site has been designed to cater for staff parking and personal motor vehicles only.*

The worst case scenario, during normal operation, would be if each staff member and visitor arrived in their own car. In this case, 60 car parking spaces would be required (i.e. 45 + 15). A total of 39 parking spaces is proposed on site. The remaining 21 parking spaces would need to be provided on street. There is sufficient frontage along Goodger Place, to accommodate 12 car parking spaces. Another 12 parking spaces may be accommodated on the opposite side of Goodger Place, providing a total of 24 parking spaces.

The better case scenario may be that there are only 5 visitors to the museum, who all arrive individually in their own vehicles. A total of 35 car parking spaces will be required, which will be accommodated within the proposed 39 on-site parking spaces. It is considered that this will be the more likely scenario. Another likely scenario is for large groups, such as school children, to visit the Community Education Centre by bus.

The application indicates that during emergencies, up to 50 staff members will be on-site. During emergencies, the Community Education Centre will be closed to the public. The 50 car parking spaces may be accommodated in the 39 on-site parking spaces plus the 24 on-street parking spaces. Nearby streets may be utilised should further parking spaces be required during emergencies.



It is considered that sufficient parking spaces are proposed to meet the needs of the development.

**Conditions** are included in the recommendation to require:

- A minimum 39 on-site car parking spaces;
- The on-site car parking spaces and vehicle manoeuvring areas to comply with AS2890.1;
- On-site car parking spaces to be line-marked;
- On-site car parking spaces and vehicle manoeuvring areas to be sealed with bitumen or concrete;
- Provision of disabled parking spaces in accordance with *AS/NSZ 2890.6: Parking facilities – Part 6: Off-street parking for people with disabilities*; and
- Upgrade works within the Goodger Place road reserve so that 24 vehicles can park over the area currently used for swale drains.

### **5.6.3 Public Domain**

Not applicable. There are no public parks or public areas in the vicinity of the site.

### **5.6.4 Utilities**

No significant impact – The proposed development is to be constructed in a built-up area and will have access to water, reticulated sewerage, electricity and stormwater infrastructure available to the site. It has been identified that there is insufficient pressure in the reticulated water network to service the fire-fighting requirements of the development. Consequently, it is proposed to provide a fire hydrant tank and fire pump house in the north-west corner of the site.

### **5.6.5 Heritage**

No significant impact – Mudgee cemetery is listed as a Heritage Item in Council's Local Environmental Plan. The proposed development will have no impacts on the heritage significance of the cemetery, located on the opposite side of Ulan Road.

A search of the Aboriginal Heritage Information Management System (AHIMS) has not identified any Aboriginal sites or places in or near the site. A **condition** highlighting the requirements of an unexpected find will be included in any consent issued, to ensure items of Aboriginal significance that may be discovered during the excavation and earthworks for the development are protected.

### **5.6.6 Other Land Resources**

No significant impact – the proposal will have no impact on productive agricultural land, mineral or extractive resources or water supply catchments.

### **5.6.7 Water**

No significant impact – The proposed development includes the installation of rainwater tanks to collect roof water and tanks to store potable water for the purposes of stormwater detention and watering of landscaping. The application has not detailed the use of water saving devices within the buildings, advising that a Water Conservation Report will be

prepared for the proposed development. A **condition** will be applied to ensure the Water Conservation Report is prepared.

The proposal is not expected to create any water pollution issues, subject to **conditions** for sediment erosion controls during construction and a stormwater management plan achieving pollution reduction targets.

#### 5.6.8 Soils

No significant impact – The proposed development will not have any negative impacts on soils, subject to a **condition** for sediment erosion controls during construction. The site is not mapped as being affected by saline soils. Despite this, a **condition** will be applied to ensure that the concrete used in the floor slabs is a minimum Class 25 MPa concrete, to resist any possible saline damage. The site is not considered to be effected by unstable soils or contaminants.

#### 5.6.9 Air and Microclimate

No impact – The proposal is not a polluter or dust generator and is unlikely to have any effect on air quality and microclimate. The use of the site will not involve the release of emissions other than that emitted from the vehicles using the site.

#### 5.6.10 Flora and Fauna

No significant impact – the subject site is devoid of any significant vegetation and the proposed development is unlikely to have any impact on biodiversity, as there are no critical habitats or threatened species identified on the land.

#### 5.6.11 Waste

No significant impact – the application identifies that construction spoil and unused excavated material will be transported offsite to be disposed of at a licensed landfill. These construction waste arrangements will be addressed by **conditions**. Effluent will be disposed of to the reticulated sewer system. Bins will be provided on site for office, kitchen waste and general waste collection. It is possible to arrange for private waste collection from the site, typical of commercial premises and there is ample room on site for bin storage and refuse collection. **Conditions** may be applied in relation to screening of bin storage areas and collection of waste.

#### 5.6.12 Energy

No significant impact – the proposed development will not use significantly more energy than any like development. The proposed buildings are subject to Section J of the Building Code of Australia and will incorporate measures to conserve energy and be energy efficient.

#### 5.6.13 Noise and Vibration

No significant impact – The proposal is not a use that will generate significant noise, except for a limited duration over the construction phase and during emergencies if sirens are used. **Advice note** to regulate offensive noise.

#### **5.6.14 Natural Hazards**

The site is not identified as being effected by:

- a) geological/soil instability; or
- b) flooding; or
- c) bushfire prone land.

#### **5.6.15 Technological Hazards**

No significant impact. The site does not have evidence of land contamination.

#### **5.6.16 Safety, Security and Crime Prevention**

No significant impact – the proposed development is designed in accordance with the principles of Crime Prevention Through Environmental Design. The entrance/lobby to the Fire Control Centre building will face Goodger Place, allowing passive surveillance of this area. The site will be fenced with a chain mesh fence.

#### **5.6.17 Social Impact in the Locality**

The proposed development will have a positive social impact by providing a facility that will contribute to the safety of the community.

#### **5.6.18 Economic Impact in the Locality**

No significant impact – The proposed development will provide employment opportunities during construction and operation.

#### **5.6.19 Site Design and Internal Design**

No significant impact – the size, form, appearance and design of the proposed development is compatible with the existing neighbourhood, in particular, the airport related uses on neighbouring properties. Suitable landscaping, car parking areas and vehicle manoeuvring areas are proposed.

#### **5.6.20 Construction**

No significant impact - Appropriate **conditions** will be applied to regulate noise and waste management during construction.

#### **5.6.21 Cumulative Impacts**

No significant impact – The proposal will not have any significant cumulative impacts.

## **5.7 Suitability of the Site**

### **5.7.1 Does the proposal fit in the locality?**

Yes. The proposal is complementary with other developments in the immediate area and the Mudgee Airport. Suitable utilities are available to service the proposed development. No significant traffic impacts are expected with the proposed development.

### **5.7.2 Are the site attributes conducive to development?**

Yes. The site is located a sufficient distance away to mitigate any impacts on the heritage character of Mudgee Cemetery, located on the opposite side of Ulan Road. The site is well located on vacant land adjacent to the Airport. There are no significant constraints associated with the site.

## **5.8 Submissions**

### **5.8.1 Public Submissions**

The proposed development was advertised in accordance with the requirements of s1.12 of *Mid-Western Development Control Plan 2013*. The exhibition period commenced on 1 June 2018 and ended on 15 June 2018. No submissions were received.

### **5.8.2 Submissions from Public Authorities**

Not applicable.

The application was referred to Roads and Maritime Services (RMS) to determine if they had any interest in the proposed development adjacent to a classified road. No response has been received from RMS.

## **5.9 The Public Interest**

### **5.9.1 Federal, State and Local Government Interests and Community Interests**

Complies. The development generally satisfies the principals of ecologically sustainable development. The proposed is not contrary to any government policy.

## 6.0 Referrals

### 6.1 Health and Building

Council's Health & Building Surveyor has provided **conditions** to be applied to any approval of the Development Application.

### 6.2 Development Engineering

Council's Development Engineer has provided **conditions** to be included in any approval of the application.

## 7.0 Contributions

### 7.1 Section 7.11 and Section 7.12 Contributions

Developer Contributions are not applicable to the proposed development under Section 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EPAA) and *Mid-Western Regional Contributions Plan 2019*. Section 2.7 of the Contributions Plan lists types of development that the Contributions Plan does not apply to, including "*Public infrastructure to be carried out by or on behalf of any public authority*". The proposed development carried out on behalf of NSW Rural Fire Service falls into this category.

### 7.2 Section 64 Water and Sewer Developer Charges

There is no specific development category for rural fire brigade or emergency service facilities under Council's Development Servicing Plans for water and sewer. Equivalent tenements for the proposed use could be determined by following the procedure outlined in the DWE Guidelines.

The subdivision that created the lot was exempt development for the purpose of excising a lot for public purpose (rural fire brigade). In this regard, no s64 contributions would have been charged at subdivision stage and the lot will not have a credit.

The application states that the proposed development will be connected to Council's reticulated water and sewerage networks.

Section 2.7 of the *2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater* (Department of Primary Industries - Water), (p10) states the following:

*Crown developments for essential community services (eg. Education, health, community services, and law and order) are generally exempt from general developer charges. LWU's may charge these developments only for that portion of the direct connection cost (eg for a lead-in main) relating to the Crown development.*

*Under sections 306 (4) and (5), of the Water Management Act 2000, the Minister for Planning may make a determination in regard to developer charges on Crown developments.*

Sections 306 (4) and (5) of the *Water Management Act 2000*, are reproduced as follows:

- (4) *If a water supply authority imposes a requirement under this section of the Crown, the Crown may request the Minister of Urban Affairs and Planning to determine whether such a requirement should be imposed and, if so, in what terms.*
- (5) *The determination made by the Minister of Urban Affairs and Planning in response to such a request is final and is taken to be the determination of the water supply authority.*

Planning Circular D6 states that Councils can levy contributions for water and sewerage facilities.

A condition may be applied requiring the proponent to obtain a Certificate of Compliance, prior to the commencement of works. An Advisory Note is included in the recommendation to state that one way of obtaining the Certificate of Compliance is to pay developer charges for trunk water and sewerage infrastructure, with the fees listed based on the details provided with the application. Should the proponent wish to seek a waiver or reduction in the developer charges, the proponent may seek a Ministerial determination in accordance with Sections 306 (4) and (5) of the *Water Management Act 2000*. Alternatively, the proponent may negotiate the charges and/or works in kind with Council. The **condition** requiring only the Certificate of Compliance provides room for later negotiations.

## 8.0 Conclusion

The proposed development has been considered in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* and was found to be acceptable. The proposed development is not considered likely to have any significant negative impacts upon in the environment or upon the amenity of the locality. The proposed development is consistent with the objectives of the applicable environmental planning instruments, development control plan and Council policies. Therefore, subject to conditions of consent, the proposed development is recommended for approval.

The following Building Code of Australia classifications are applicable to the proposed development:

Applicable Building	Whole/Part	Class
Building A – Community Education Centre	Part – Office/Meeting room	5
	Part – Kitchen	9b
	Part – Truck Parking	7b
Building B – RFS Mitigation Shed	Part – Office/Meeting Room	5
	Part – Truck Parking	7b
Building C – Fire Control Centre	Whole	5
Communications Tower	Whole	10a

## **9.0 Recommendation**

That Development Application DA0250/2018 for an emergency services facility and community facility be granted consent subject to the following conditions.

## APPENDIX 1

### DRAFT Conditions of Consent – 2018WES014 – DA0250/2018 – NSW Rural Fire Service Facility (Educational Centre & Fire Control Centre) and Boundary Adjustment

Approved by applicant 17 June 2019, with the exception of the Advisory Note in relation to developer charges for water and sewer headworks.

<b>SCHEDULE 1</b> <b>CONDITIONS OF DEVELOPMENT CONSENT</b>
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#### PARAMETERS OF CONSENT

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
<b>Boundary Adjustment</b>				
Proposed Lot Plan	25253-CD03	D	24.05.17	Barnson
<b>Overall Site</b>				
Site Plan & Elevation of Free Standing Sign	DA01	3	14/02/19	Kollyani Architects
Site Elevations	DA02	2	14/02/19	Kollyani Architects
Landscape Concept DA Plan	LCDA01	C	19/02/19	Outscape Landscape Architects
<b>Building A – Heritage Museum</b>				
NSW RFS – Building A – Heritage Museum – Floor Plan	Bdg A – SK01	2	21/02/19	Kollyani Architects
NSW RFS – Building A – Heritage Museum – Roof Plan	Bdg A – SK03	2	21/02/19	Kollyani Architects
NSW RFS – Building A – Heritage Museum – Elevations 1/2	Bdg A – SK04	2	21/02/19	Kollyani Architects
NSW RFS – Building A – Heritage	Bdg A – SK05	2	21/02/19	Kollyani Architects



Museum – Elevations 2/2				
NSW RFS – Building A – Heritage Museum – Sections	Bdg A – SK06	2	21/02/19	Kollyani Architects
<b>Building B – State Mitigation and Stores Facility</b>				
Floor Plan	Bdg B – SK01	1	16/11//18	Kollanyi Architects
Roof Plan	Bdg B – SK03	1	16/11//18	Kollanyi Architects
Elevations 1/2	Bdg B – SK04	1	16/11//18	Kollanyi Architects
Elevations 2/2	Bdg B – SK05	1	16/11//18	Kollanyi Architects
Sections	Bdg B – SK06	1	16/11//18	Kollanyi Architects
<b>Building C – Fire Control Centre</b>				
Floor Plan	Bdg C A02	1	16/11/18	Kollanyi Architects
Roof Plan	Bdg C A05	1	16/11/18	Kollanyi Architects
Elevations	Bdg C A06	1	16/11/18	Kollanyi Architects
Sections	Bdg C A07	1	16/11/18	Kollanyi Architects

2. The proposed communication tower, associated antennae and other structures associated with the development must not penetrate the zone boundary of the Non-Directional Beacon located within the airport. The zone boundary is defined in Guideline G, Attachment 3 of the *National Airports Safeguarding Framework* prepared by the National Airports Safeguarding advisory Group (NASAG).

Advisory Note – based on the approved plans, the maximum height for the tower and associated antennae would be approximately 11m.

3. This approval includes approval for:
  - a) The erection of buildings as shown in the approved plans.
  - b) The construction of 39 car parking spaces and one (1) bus parking space.
  - c) The construction of two ingress/egress driveways.
  - d) Any necessary upgrade works within Goodger Place.
  - e) Connection of water, sewer and stormwater services to the development.
  - f) A free-standing advertising sign.
  - g) Wall signs as shown in the approved elevations.

## GENERAL

4. All building work must be carried out in accordance with the *Building Code of Australia*, unless otherwise varied by the Minister pursuant to 6.28(3) of the *Environmental Planning and Assessment Act 1979*.
5. A copy of the stamped approved plans and documentation must be kept on site for the duration of site works and be made available upon request to either the Certifier or an officer of Council.
6. All building work is to comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
7. All costs associated with the construction of the development and provision of utilities are to be borne by the developer.
8. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
9. The only waste derived fill material that may be received at the development site must be:
  - a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
10. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
11. Notwithstanding the approved plans, the structures are to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
12. The approved free-standing sign is to be located wholly within the property boundaries of the subject site, with no part of the sign to be located within the road reserve
13. All trafficable pavements are to be constructed and sealed with an impervious surface (ie either bitumen or concrete) and maintained to the satisfaction of Council at all times.
14. Any necessary alterations to, or relocations of, public utility services are to be carried out at no cost to Council and in accordance with the requirements of the relevant authority, including the provision of easements over existing and proposed public infrastructure.
15. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
16. All exterior lighting associated with the development shall be designed and installed so that:
  - a) No obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"; and
  - b) Is consistent with the *Manual of Standards (MOS)—Part 139—Aerodromes* published by the Civil Aviation Safety Authority (established under *Civil Aviation Act 1988* of the Commonwealth).

17. Metal roof/wall cladding shall be provided in a non-reflective and non-glary colour scheme such as “Colorbond” steel sheeting. Zincalume, or similarly glary finishes, are not to be employed in roof or wall finishes.

#### Access and Parking

18. The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with *AS2890.1-2004: Off-street car parking* and *AS2890.2-2002: Off-street commercial vehicle facilities*.
19. A total of 39 car parking spaces and one bus parking space are to be provided within the site of the development and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
  - a) All vehicles must be provided adequate means to exit the lot in a forward direction;
  - b) Each car parking space is to have minimum dimensions of 5.5m x 2.6m;
  - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
  - d) All car parking spaces are to be line-marked and sealed with bitumen or concrete and must be maintained in a satisfactory condition at all times;
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1 – 2004.
20. A minimum of two (2) disabled parking spaces are to be provided near the main entrance to the Fire Control Centre, in accordance with *AS/NSZ 2890.6: Parking facilities – Part 6: Off-street parking for people with disabilities*.
21. Each access provided must comply with Council’s Access to Properties Policy, AUSTROADS Part 4/4A and any associated RMS supplements.
22. The accesses are to have a minimum width of 6m to allow ingress and egress vehicle movements to occur simultaneously.

#### Road Upgrades

23. The road pavement in Goodger Place is to be upgraded and widened, as necessary, to provide additional overflow parking for no less than 24 cars. Detailed design must be provided to and approved by Council prior to the commencement of construction. The road widening is to comply with the following requirements, as a minimum:
  - a) The pavement widening must not compromise existing (or additional) drainage arrangements noting that current roadside drainage and gradients will require a new pipe culvert at the low point in Goodger Place.
  - b) The pavement widening and drainage must not restrict access to adjoining properties and allow for two-way access at all times.
  - c) The road widening is to apply to approximately 160m of the length of the road in Goodger Place.
  - d) Retention of the existing 6m wide seal (2 part bitumen) pavement.
  - e) Addition of 2 x 2.5m wide shoulders on both sides of the existing bitumen seal.
    - (i) Shoulders to be constructed of compacted gravel/crushed rock.
    - (ii) Minimum 200mm thick pavement constructed in 2 x 100mm layers to a 98% MDD compaction.

- f) Installation of pipe culverts, no less than 375mm diameter, along the eastern side of Goodger Place to provide for drainage to the table drain in Ulan Road.
- g) No concrete footpaths.
- h) No kerb or gutter.

#### Stormwater Drainage

- 24. All roof water from Building A and Building B is to be directed to the rainwater tanks adjacent to the buildings. Tanks are to be configured to provide both storage for re-use and detention. Detention provision must provide temporary storage for no less than 50,000 litres that is to discharge to the stormwater drainage system at a rate limited by an orifice no greater than 25mm in diameter. Details of tank configuration must be provided to and approved by Council prior to the commencement of construction.
- 25. Drainage design and finished surface levels must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of the affected property.
- 26. Stormwater is not to be released as a concentrated surface flow without adequate scour protection, filtration, absorption and dissipation mechanisms.
- 27. The adjustment of existing services or installation of new services and meters, as required, must be carried out in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

#### Advertising Signs

- 28. All wayfinding, car parking, safety and community information signage on the site is to comply with the relevant exempt development requirements contained in Schedule 1 of *State Environmental Planning Policy (Infrastructure) 2007*.

Note - A separate development consent for any proposed onsite advertising/signage may be required if such signage does not comply with Part 2, Division 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### Landscaping and Street Trees

- 29. The trees located in the Goodger Place road reserve are to be retained in the road design and shall be protected during construction. Any trees that do not survive within 12 months of completion of works shall be replaced with advanced stock. Advanced stock are required to have a minimum pot size of 250mm.
- 30. The landscaping species selected for areas that are over areas with stormwater drainage, water or sewerage lines shall have non-invasive root systems.

#### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

*Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.*

31. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).

#### Easements and Restrictions on Title

32. Easements for electricity purposes, as required by the electricity supply authority, shall be created where required. The Section 88B instrument and linen plans submitted with the application are to include details of any required electricity easements.
33. The developer is to create a restriction as to user, under the provisions of the *Conveyancing Act 1919*, to the effect that the height limit that will apply to any development on the proposed lots, is limited to the height of the Obstacle Limitation Surface (OLS) for Mudgee Airport and the associated OLS for the non-directional beacon. The degree the OLS impacts on future development varies for the affected lots and is likely to limit development on proposed lots to single storey. Details regarding the precise OLS impact on each lot are available from Council.

#### Other

34. Prior to the issue of a subdivision certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
35. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
  - a) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
  - b) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
  - c) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.
36. The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
37. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

## **PRIOR TO THE COMMENCEMENT OF WORKS**

38. Prior to the commencement of works, evidence that the approved subdivision/boundary adjustment has been registered with NSW Land Registry Services is to be submitted to Council.
39. Prior to the commencement of any site or building works, the building work shall be certified by or on behalf of the Crown to comply with the technical provisions of the Building Code of Australia, in accordance with Clause 6.28(2) of the *Environmental Planning and Assessment Act 1979*.
40. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved by Council, prior to the commencement of any works on site. The CEMP is to include the following, as a minimum:
  - a) Emergency response plan in case of a pollution event;
  - b) A complaints handling procedure;
  - c) A waste management plan;
  - d) The CEMP is to be prepared by a suitably qualified person;
  - e) The CEMP is to include an Erosion and Sediment Control Plan for the development prepared in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater";
  - f) The CEMP is to include the means of fencing or similarly marking/delineating the drip line of street trees to be protected;
  - g) Construction works are not to occur outside of the construction zone or within areas fenced in accordance with the previous sub-condition; and
  - h) Stockpile areas shall be located within the subject site.

### Erosion and Sediment Control

41. Prior to commencement of works, an Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - a) Single strip of turf to be laid behind kerb and gutter.
  - b) Saving available topsoil for re-use in the revegetation phase of the subdivision.
  - c) Using erosion control measures to prevent on-site damage.
  - d) Rehabilitating disturbed areas quickly.
  - e) Maintenance of erosion and sediment control structures.
  - f) The Erosion and Sediment Control Plan will form part of the Construction Environmental Management Plan (CEMP) required by conditions of this consent.

### Section 138 Application

42. Application shall be made to Council under Section 138 of the *Roads Act 1993* for driveway crossover works and upgrade works to accommodate informal on-street parking within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the commencement of any works associated with the approved development.

#### Earthworks and retaining walls

43. All finished surface levels shall be shown on the plans submitted to Council for approval prior to the commencement of any works associated with the approved development. The finished surface levels shown on the plan are to demonstrate compliance with the following:
- a) Any retaining walls are to be located a minimum of 0.3m from the property boundary;
  - b) The depth of any fill must not exceed 1.0m; and
  - c) The finished floor level is to be no higher than 1.0m above natural ground level; and
  - d) Details of all retaining walls shall be shown on the plans submitted for a Construction Certificate.

#### Sewer

44. Details of the sewer long-section, showing an adequate depth of cover over the sewer line, are to be submitted to and approved by Council, prior to the commencement of any works associated with the approved development. These details shall include finished surface levels and bedding details along the entire length of the sewer long-section. The on-site sewerage network shall connect to the existing sewerage riser on the site.

#### Civil Works, Roads and Stormwater

45. Detailed engineering designs for any civil works, including stormwater drainage, are to be submitted to and approved by Council, prior to the commencement of any works associated with the approved development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D. (B1, B2, D)

Approval is required for, but not limited to, the following civil works:

- a) Water and sewer main connections.
- b) Stormwater drainage, including detention basins.
- c) Road construction.
- d) Kerb and gutter.

#### Public Liability Insurance

46. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars), is to be provided to Mid-Western Regional Council, prior to the commencement of any works associated with the approved development. The insurance cover shall include the following:
- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
  - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
  - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.

#### Environmental

47. Prior to commencement of works, the approved means of fencing/delineating any street trees to protected, are to be installed in accordance with the approved Construction Environmental Management Plan (CEMP).

#### Traffic Control Plan

48. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to and approved by Mid-Western Regional Council prior to any work commencing.

#### Building

49. No work shall commence until the developer has notified Council of:

- a) the appointment of a contractor for the works; and
- b) the date on which work will commence.

Such notice shall include details of the Principal Contractor and must be submitted to Council at least two (2) days before work commences.

50. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE UNTIL IT IS DISPOSED OF OFF-SITE.**

51. If the work involved in the erection/demolition of the building:

- 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 work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

52. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the Principal Certifier for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

53. Prior to the commencement of works on site, the developer shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.



#### Plumbing and drainage

54. To facilitate Council's inspection of the sanitary and water plumbing and drainage work associated with the development, a copy of the development's final hydraulic drawing(s) and floor plan(s) shall be submitted to Council's Planning & Development Division prior to such works commencing.

#### Food Premises

55. The design, construction and fitout of any proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of:

- a) *Food Act 2003;*
- b) *Food Regulation 2015;*
- c) *Food Standards Australia and New Zealand – Food Standards Code 2003;*
- d) *AS 4674-2004 for Design, Construction and Fit out of Food Premises;*
- e) *AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;* and
- f) *The Building Code of Australia.*

Full details are to be submitted to and approved by to Mid-Western Regional Council prior to the commencement of any works.

The information that will need to be submitted, includes but is not limited to, the location of hand-basins, wash-up sinks, any exhaust hoods, floor finishes, wall finishes and ceiling finishes.

#### Water Conservation Report

56. A Water Conservation Report is to be prepared for the proposed development, detailing the water conservation train and the water saving devices that will be installed in the buildings. The Water Conservation Report is to be submitted to and approved by Council, prior to the commencement of works. The recommended water saving measures are to be installed for the proposed development, prior to the occupation of any buildings.

#### Landscape Plan

57. Prior to the commencement of works that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:
- a) A planting schedule (including a range of plant sizes).
  - b) A maintenance schedule.
  - c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
  - d) Reduce the visual impact of the car park on the streetscape.
  - e) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
  - f) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:
    - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to the Fire Control Centre building. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.

- (ii) Assists the development to blend in with the established streetscape and neighbourhood.
  - (iii) Contributes to the forming of a good impression along the entry route (i.e. Ulan Road) into the town of Mudgee.
- g) Utilise endemic species, where practicable, which are appropriate for the site.

## DURING CONSTRUCTION

### Environmental

58. All works are to be undertaken in accordance with the approved Construction Environmental Management Plan (CEMP).

### Building and general works

59. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the *Plumbing & Drainage Act 2011* and the Plumbing Code of Australia.
60. All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* are to be carried out during the relevant stage of construction.
61. 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: Prescribed condition pursuant to clause 98E of the *Environmental Planning and Assessment Regulation 2000* and Council requirement to preserve the stability of adjoining roads/public places.

62. The applicant's shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
63. Construction work noise that is audible at other premises is to be restricted to the following times:
- a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

64. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;

- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
65. Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment on to the road. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.
66. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
67. No trees on public property (footpaths, roads, reserves etc) shall be removed or damaged during construction of the approved development, including the erection of any fences or hoardings.
68. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
69. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided in accordance with the approved plans. These should be constructed in accordance with Aus-Spec #1, Council's "Access to Properties" Policy and any approval issued in accordance with Section 138 of the *Roads Act 1993*.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

#### Earthworks

70. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

#### Civil Works – water, stormwater, sewer and road works

71. The civil works associated with pavement widening, car parking and stormwater drainage within the Goodger Place road reserve are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures.
  - b) Water and sewer line installation, prior to backfilling.
  - c) Acceptance testing of water supply and sewerage infrastructure, in accordance with Water Services Association of Australia and Water and Sewerage Codes.
  - d) Establishment of line and level for kerb and gutter placement.

- e) Road pavement construction.
  - f) Road pavement surfacing.
  - g) Practical completion.
72. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the civil works.
73. The developer is to extend and meet the full cost of water reticulations to service the development. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water Supply Code of Australia. Provision shall be made for the provision of adequate fire hydrants for the development.
74. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Sewerage Code of Australia.
75. All stormwater, water and sewer main infrastructure and road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.
76. All utility crossings are to be perpendicular to the road centreline and pre-formed prior to the addition of the base course.
77. All required earthworks for roads associated with the development must have compaction testing in compliance with EMS Q4 and AUS-SPEC CQS-A.
78. The finished surface level of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Certificate of Practical Completion.
79. The developer is to ensure that all defects in the works that become apparent within six (6) months of Council accepting the works on maintenance are remedied to Council's satisfaction.

#### **PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

80. Prior to occupation of the development, the building/s are to be completed and satisfy all relevant requirements of the Building Code of Australia.
81. All approved works in relation to vehicular access to the property, internal vehicle manoeuvring areas and internal car parking spaces are to be completed prior to occupation of any buildings associated with that stage of development.
82. Prior to occupation, the owner of the building must cause the Council to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the NSW Fire and Rescue and a copy is to be prominently displayed in the building.

83. Prior to the occupation of any buildings on site, the building/s is to be connected to reticulated electricity, water supply, stormwater and sewerage services in accordance with the requirements of the relevant authorities for these services.
84. Following completion of the civil, water and sewer works and prior to occupation of the building/s, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF;
  - b) Transparent film suitable for reproduction;
  - c) Dwg format or "Autocad compatible";
  - d) MapInfo Files

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to occupation of any building/s. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

85. Prior to the occupation of any buildings, all internal engineering works shall be supervised by a suitably qualified and experience person. Certification from the supervisor shall be submitted to Council to verify that all works have been constructed in accordance with the approved plans prior to occupation of the building.
86. Prior to the occupation of the building, all works within the road reserve are to be completed in accordance with the approved engineering plans and to the satisfaction of Council's supervising engineer.

#### Landscaping

87. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) are to be installed prior to occupation of the development and/or commencement of the use.

### **ONGOING/OPERATIONAL CONDITIONS**

#### Food Premises

88. The kitchen/s is not to be used for commercial purposes without the prior approval of Council.
89. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

#### Vehicles

90. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
91. All loading and unloading in connection with the premises shall be carried out wholly within the site. This condition does not apply to garbage collection.

92. The pavement surface and wheel stops for the on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
93. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
94. No vehicle or pedestrian access to the site shall occur directly from Ulan Road. All vehicle and pedestrian access to the site is to occur from the approved access directly connected to Goodger Place. Permanent fencing is to be erected around the perimeter of the site to restrict vehicle and pedestrian access to the approved access driveways only.
95. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.

#### Waste Management

96. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
97. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. All fees and charges for disposal are to be borne by the developer.
98. The development is to be maintained in a clean and tidy manner, at all times.

#### Maintenance of Landscaping

99. Landscaping is to be maintained in accordance with the approved landscape plan.
100. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.

#### Fire Safety Certificates

101. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
102. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

#### Hazardous Substance Storage and Clean Up

103. Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.
104. Volatile liquid substances (eg fuel, oil, degreasers, bulk detergents) used at the premises must be stored in a bunded area/container with a storage capacity equal to 110% of the volume of the liquid to be stored. Bunding of fuel and oil storage areas are to be maintained in accordance with

the requirements of *Australian Standard AS 1940:2017 – The storage and handling of flammable and combustible liquids*.

105. A spill control kit is to be kept adjacent to the bunded fuel area and all staff are to be trained in its use.
106. Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Materials used to clean up must be disposed of to an appropriately licensed waste facility.
107. Fire fighting foam, including Forexpan, shall not be used on any unsealed and unbunded surfaces of the site. If used, measures are to be in place to prevent the foam from entering stormwater drains and exposed ground on the site.

#### Fencing

108. All fencing shall be provided to comply with the following requirements:
  - a) All security fencing is to be pre-coloured or powder coated;
  - b) All security fencing is to have a minimum height of 1.8m;
  - c) Security fencing, with gates at the property access, is to be provided along all property boundaries of the subject site; and
  - d) Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is only to be located being the front building line.

#### Signage

109. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
110. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
111. The freestanding sign is to be erected and sited in accordance with the plans submitted with the application and in accordance with the following requirements:
  - a) Maximum width – 2.2m;
  - b) Maximum height – 3.9m; and
  - c) To be located wholly within the boundaries of the subject site.
112. The Business identification signs are to only display:
  - a) The name of the person or business operating from the premises;
  - b) The nature of the business carried on by the person at the premises or place at which the sign is displayed;
  - c) The address of the premises; and/or
  - d) A logo or other symbol that identifies the business.

The sign must not contain any advertising of a general nature or relate to a person or business not operating from the premises.

The only exception to this condition is that the changeable LED panel within the approved freestanding sign may include messages appropriate for a NSW Rural Fire Service facility.

113. The LED panel within the approved freestanding sign shall not include the following:
- a) Flashing lights;
  - b) Electronically changeable messages, animated display, moving parts or simulated movements;
  - c) Display resembling a traffic control device such as traffic signs or signals;
  - d) Instruction to traffic by using words such as 'Stop, "halt" or 'Give Way';
  - e) Messages that are distractive or otherwise inconsistent with road safety;
  - f) Illegible lettering or symbols; or
  - g) A complex display that holds motorist's attention beyond "glance appreciation" to read.
114. Any illumination of signage is to comply with the following requirements:
- a) Illumination (including cabling) of signs is to be:
    - (i) concealed; or
    - (ii) integral with the sign; or
    - (iii) internally illuminated; or
    - (iv) provided by means of carefully designed and located remote or spot baffled lamps.
  - b) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
  - c) Illumination must not be set to flashing mode, at any time.
  - d) Comply with Australian Standard *AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting*.
115. The property owner or tenant shall remove and clean any graffiti attacks on the approved signage and related components as soon as practicable, in order to deter future attacks.

<b>SCHEDULE 2</b> <b>REASONS FOR DECISION</b>
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1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. To ensure the development does not conflict with the public interest, including aircraft safety.

<b>SCHEDULE 3</b> <b>ADVISORY NOTES</b>
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1. The removal of trees within any road reserve requires separate approval of Council in accordance with the policy "Tree Removal and Pruning Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the *Environmental Planning and Assessment Act 1979*.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *Environmental Planning and Assessment Act 1979*.
7. The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.
8. All impurities as defined under the *Protection of the Environment Operations Act 1997* shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.
9. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.
10. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

<b>Section 64 Contributions</b>
<b>Building A</b>

	<i><b>ET/Unit</b></i>	<i><b>Value</b></i>	<i><b>Developer Charge</b></i>
Water Headworks	1.81	\$8,407.00	\$15,189.77
Sewer Headworks	1.81	\$3,838.00	\$6,946.78
<b>Building B</b>			
	<i><b>ET/Unit</b></i>	<i><b>Value</b></i>	<i><b>Developer Charge</b></i>
Water Headworks	0.72	\$8,407.00	\$6,053.04
Sewer Headworks	0.72	\$3,838.00	\$2,763.36
<b>Building C</b>			
	<i><b>ET/Unit</b></i>	<i><b>Value</b></i>	<i><b>Developer Charge</b></i>
Water Headworks	2.36	\$8,407.00	\$19,840.52
Sewer Headworks	2.36	\$3,838.00	\$9,057.68
<b>Total Headworks</b>			\$59,851.15

- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

<b>SCHEDULE 4</b> <b>OTHER APPROVALS AND GENERAL TERMS OF APPROVAL</b>
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Not applicable.

Assessing Officer:	Ilija Susnja
Position	Senior Town Planner
Date	17 July 2019