

Recommended Consent Conditions for DA2024-0314 – Staged Construction of a mixed-use building and associated works

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-325 DA2024-0314 (PAN-378630)
PROPOSAL	<p>Construction of a mixed-use building comprising of sales, offices, commercial business, warehouse, signage, parking, and landscaping works over the following stages:</p> <ul style="list-style-type: none"> • Stage 1 – Construction of an industrial building that will include a vehicle showroom, offices, workshop with six (6) bays, temporary toilets, temporary wash bay, landscaping, signage and circulation areas, and construction of two (2) access points off Dhulii Drive and one (1) off Gilaa Circuit; • Stage 2 – Extension of the workshop to 12 bays and an additional four (4) drive-through lanes, and re-location of temporary wash bay; • Stage 3 – Extension of the workshop to include two (2) additional service pits, permanent wash bay, alterations to staff toilets, parking, extension of parts store and inclusion of mezzanine offices; and, • Stage 4 – Removal and reinstatement of internal fencing; and removal of display area.
ADDRESS	Lot 307 in DP 1301849 – 2 Dhulii Drive, WESTDALE NSW 2340 (formerly part of Lot 97 DP 1286236 and Lot 82 DP 1299265)
APPLICANT	Mr A Hallman
APPLICATION TYPE	Development Application

SCHEDULE 1 – CONDITIONS OF CONSENT

General Conditions of Consent

- 1) The development shall take place in accordance with the following endorsed plans / documents:

Project Ref No.	Sheet No.	Description	Rev No.	Revision Date	Prepared by:
23051	DA101	Phase 1 – Site Plan and Signage	2	04/10/2024	New England Design Group

23051	DA102	Phase 1 – Floor Plans - 1	1	15/03/2024	New England Design Group
23051	DA103	Phase 1 – Floor Plans - 2	1	15/03/2024	New England Design Group
23051	DA104	Elevations & Sections	1	15/03/2024	New England Design Group
23051	DA105	Phase 1 - Landscaping Plans	1	18/09/2024	New England Design Group
23051	DA201	Phase 2 – Site Plan	2	04/10/2024	New England Design Group
23051	DA202	Phase 2 – Floor Plans	1	15/03/2024	New England Design Group
23051	DA203	Elevations & Sections	1	15/03/2024	New England Design Group
23051	DA301	Phase 3 – Site Plan	2	04/10/2024	New England Design Group
23051	DA302	Phase 3 – Floor Plans – 1	1	15/03/2024	New England Design Group
23051	DA303	Phase 3 – Floor Plans – 2	1	15/03/2024	New England Design Group
23051	DA304	Elevations	1	15/03/2024	New England Design Group
23051	DA305	Sections	1	15/03/2024	New England Design Group
23051	DA306	Phase 2 & 3 - Landscaping Plans	1	18/09/2024	New England Design Group
23051	DA401	Phase 4 – Site Plan	2	4/10/2024	New England Design Group

Document	Project Ref. / Revision	Author	Date
Statement of Environmental Effects	C	A. Hallman	8 October 2023
Response to Council's Request for Further Information	-	A. Hallman	5 October 2024
Traffic Impact Assessment	CJS3717 / V1.2	TTC Australia	26 September 2024

If there is any inconsistency between the Conditions of Consent and the documents listed above, the Conditions of Consent shall prevail to the extent of the inconsistency.

- 2) Street fencing shall be located behind the 5.0m landscape strip.

Advisory Note: References on the endorsed plans showing fencing on the front boundaries is not approved.

- 3) Colorbond fencing is not permitted throughout the development.
- 4) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 5) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC), including end of trip facilities.

- 6) The development shall be constructed wholly within the confines of the property boundary. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties or upon the road reserve area.
- 7) The development is to comply with Council's *Engineering Design Minimum Standards for Subdivisions and Developments*.
- 8) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.
- 9) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 10) The Applicant shall consult with, as required:
 - a) Essential Energy
 - b) Natural Gas Company
 - c) A Telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

Prior to the Commencement of Works

- 11) The approved development which is the subject of this development consent must not be commenced until:
 - a) A Construction Certificate for either the whole development; or, by stage(s) has been issued by the consent authority, the Council (if the Council is not the consent authority) or a registered Certifier, and
 - b) The person having the benefit of the development consent has;
 - i) Appointed a Principal Certifier for the building work, and
 - ii) Notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The Principal Certifier has, no later than 2 days before the building work commences;
 - i) Notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) Notified the Principal Certifier of any such appointment, and
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv) Give at least 2 days notice to the Council of the persons intention to commence the erection of the building.

- 12) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Transport for New South Wales (TfNSW) in accordance with AS1742.3 (as amended) and the TfNSW current version of the "Traffic Control at Worksites" manual.
- 13) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected to a public sewer, or
 - c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 14) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) The name, address and telephone number of the principal certifying authority for the work, and
 - b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 15) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 16) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004). The ESCP is to be submitted to Council for approval and implemented prior to the commencement of any construction works.

Prior to Issue of a Construction Certificate

- 17) An amended detailed landscape plan shall be submitted to Council prior to the issue of a Construction Certificate for Stage 1 showing the species selected, maturity at planting, look and ultimate height. Landscaping shall comprise of only low maintenance drought and frost tolerant species. The plan must also include street fencing and gate design details. The street fencing shall be located behind the 5.0m landscaped strip along the road frontages of the site.
- 18) Pursuant to Section 306 of the *Water Management Act 2000*, Council (as the Local Water Supply Authority) requires the following headwork payments to be made prior to the issue of a Construction Certificate for the relevant stage:

Headworks:

	Water	Sewer
Stage 1	\$65,464	\$30,116
Stage 2	\$11,982	\$4,419
Stage 3	\$25,672	\$6,392
Stage 4	\$0	\$0
TOTAL (Stages 1 – 3 inclusive)	\$103,118	\$40,927

Advisory Note 1: The above amounts have been adopted under the 2024/2025 Council Annual Operation Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of subsequent Annual Operation Plans.

Advisory Note 2: Headworks for the area identified for future development in Stage / Phase 4 will be considered under a separate application.

- 19) A Section 138 approval must be obtained from Council under the *Roads Act 1993* for works associated with this development that occur in the road reserve. Detailed construction plans shall be provided to Council for approval.

To confirm and clarify, driveway installation points must include two (2) access points off Dhulii Drive and one (1) access point off Gilaa Circuit as a part of Stage 1 works.

- 20) In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, **\$225,311.43** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development. If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- \$C_{PY}** Is the amount of the contribution at the date of Payment
\$C_{DC} Is the amount of the contribution as set out in this development consent
CPI_{PY} Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
CPI_{DC} Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

The monetary contributions shall be paid to Council:

- a) Prior to the issue of the first Construction Certificate where the development is for building work.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 7.12 Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

- 21) Pursuant to Section 68 of the *Local Government Act 1993*, the following approvals must be obtained as relevant to the staging of the development:
- a) Carry out water supply work;
 - b) Carry out sewer work;

- c) Carry out stormwater work; and
- d) Dispose waste (Liquid Trade Waste) into a sewer of the Council.

Advisory Note: The Liquid Trade Waste agreement will be required to be updated for each stage due to the relocation of the washdown bays.

Engineering drawings for water and sewer, and stormwater shall be provided to Council for approval. All plans are to include details of the location of all existing utility services. All engineering drawings and the associated specifications are to be certified by a suitably qualified and experienced design practitioner.

- 22) Before the issue of a Construction Certificate for Stage 1, a waste management plan for the development must be prepared and provided to the Principal Certifier. The plan must be prepared in accordance with:
- a) the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - b) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
 - c) include the following information—
 - i) the contact details of the person removing waste,
 - ii) an estimate of the type and quantity of waste,
 - iii) whether waste is expected to be reused, recycled or sent to landfill,
 - iv) the address of the disposal location for waste
 - v) details regarding the minimisation of waste from the construction of the development, including the choice and reuse of materials.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

- 23) The developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins from private property prior to issue of a Construction Certificate for Stage 1.
- 24) A stormwater servicing strategy addressing the entirety of the site shall be submitted to Council for consideration and approval prior to the issue of a Construction Certificate for Stage 1 of the development. The stormwater servicing strategy shall be used to inform the detailed stormwater drainage design for the development site and shall be prepared in accordance with the requirements of Council's current version of Engineering Design Minimum Standards.

The stormwater servicing strategy for this development must also include calculations and associated commentary for the following: -

- a) Calculations that demonstrate the stormwater infrastructure associated with this development will capture and convey flows for the critical storm durations and frequencies in the range from the 1-year ARI up to and including the 1 in 10-year (ARI) events; and,
 - b) Manage runoff generated by the site during the 1% AEP event to Council's Trunk stormwater network without comprising the pit inlet capacity (as the approved point of discharge).
- 25) Before the issue of a Construction Certificate for the relevant stage, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the Principal Certifier's satisfaction, that the plans for all internal driveways, parking areas, loading bays, vehicle turning areas and barriers are designed to comply with the relevant parts of Australian Standard (AS) as follows:
- a) AS/NZS 2890.1 (as amended) Parking Facilities – Off-street parking,

- b) AS 2890.2 (as amended) Parking Facilities – Off-street commercial vehicle facilities, and,
- c) AS/NZS 2890.6 (as amended) Parking Facilities – Off-street parking for people with disabilities.

During Construction

General

- 26) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

- a) **Monday to Friday - 7.00am to 5.00pm;**
- b) **Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

- 27) The Developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the *Protection of the Environment Operations Act 1997*, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 28) Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
- 29) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 30) If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Regional Services Directorate is required.
- 31) Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 32) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 33) No works with cranes exceeding 35m in height must be undertaken unless the Applicant has received written approval from Tamworth Regional Airport. The Applicant must notify Tamworth Regional Airport at least 7 days prior to the use of any cranes with a height that exceed 30m.

Stormwater

- 34) All stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved points of discharge by underground pipe drains complying with

AS 3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

- 35) The stormwater drainage system must be constructed to comply with the following requirements as a minimum: -
- a) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - c) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
 - d) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted, and
 - e) No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 36) The approved point of discharge for this development site is defined as the existing Council stormwater infrastructure located in Dhulii Drive and Gilaa Circuit.

Traffic and Parking

- 37) All internal driveways, parking areas, loading bays, vehicle turning areas and barriers shall be constructed to comply with Australian Standard (AS) AS/NZS 2890.1 (as amended) Parking Facilities – Off-street parking, AS 2890.2 (as amended) Parking Facilities – Off-street commercial vehicle facilities and AS/NZS 2890.6 (as amended) Parking Facilities – Off-street parking for people with disabilities.
- 38) All internal driveways, parking and loading areas to be constructed with a base course of adequate depth to accommodate the design vehicle loading, being sealed with either bituminous seal, asphaltic concrete, concrete or interlocking pavers.

Advisory Note: This shall include the sealing of the on-site staff carparking areas.

- 39) The vehicular entrance and exit driveways, and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings.
- 40) On-site parking shall be provided as follows, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.
- a) Stages 1 and 2 – a total of 102 on site car parking spaces; and,
 - b) Stage 3 – an additional eight (8) spaces to bring the total number to 110 on site car parking spaces.

Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

Landscaping

- 41) New landscaping shall comprise only low maintenance, drought and frost tolerant native species as indicated in the approved Landscape Plan. In addition, landscaping shall be progressively established along the Gilaa Circuit and Dhulii Drive frontages of the site after the completion of Stage 1 works. This same section of land along Gilaa Circuit and Dhulii Drive shall be maintained in a neat and tidy condition until such time that the landscaping works are completed for Stage 3.

Heritage

- 42) While building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Housing and Infrastructure and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Housing and Infrastructure.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Contamination

- 43) In the event that any contamination (a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long-term risk to human health or environment) is discovered, work must immediately cease and Council’s Environmental Health Division must be contacted to arrange an inspection.

Allotment Filling

- 44) Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS 3798 (as amended) - Guidelines on Earthworks for Commercial and Residential Developments.

Lighting

- 45) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS 1158.3.1 (as amended) Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – performance and design requirements shall be

provided to all off-street parking areas. The lighting installed must comply with AS 4282 Control of Obtrusive Effects of Outdoor Lighting.

Inspections

- 46) It is required that a Principal Certifier be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021*. The owner may appoint either Council or an accredited certifier to be the Principal Certifier.

Waste

- 47) While site work is being carried out:
- a) all waste management must be undertaken in accordance with the waste management plan, and
 - b) upon disposal of waste, records of the disposal must be compiled and provided to the Principal Certifier, detailing the following:
 - i) The contact details of the person(s) who removed the waste
 - ii) The waste carrier vehicle registration
 - iii) The date and time of waste collection
 - iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v) The address of the disposal location(s) where the waste was taken
 - vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste; and,
 - vii) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.

Prior to Occupation – All Stages

- 48) The occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the building or part.
- 49) Prior to the issue of an Occupation Certificate, all works relevant to the staging of the development and the conditions of consent shall be completed.
- 50) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 certificate of completion has been issued by Council. The certificate of completion shall not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.
- 51) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate for the relevant stage.
- 52) The Applicant shall ensure that the proposed lighting complies with the relevant Manual of Standards (MOS), issued by the Civil Aviation Safety Authority. Evidence of the compliance must be prepared by a suitably qualified professional and provided to the accredited Certifier for review prior to the release of an Occupation Certificate for the relevant stage.

- 53) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Final or Interim fire safety certificate to be given to the person issuing the occupation certificate in accordance with Clause 84 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021* for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - firesafety@fire.nsw.gov.au

Prior to the Issue of an Occupation Certificate – Stage 1

- 54) A maintenance bond based on 30% of the agreed value of the established landscaping must be paid to Council prior to the issue of an Occupation Certificate for Stage 1.

Advisory Note: The bond shall be held by Council for a period of two (2) years from the date of issue of an Occupation Certificate to ensure that the agreed landscaping is established and maintained.

- 55) Pursuant to Section 306 of the *Water Management Act 2000*, Council (as the Local Water Supply Authority) requires the following works to be completed before the issue of an Occupation Certificate for Stage 1:

Water:

- a) A single water service is to be provided to the lot;
- b) The developer will be responsible for engaging a hydraulic engineer to determine the fire fighting and domestic demands, and to determine an appropriate service size for the development;
- c) Redundant water services are to be removed and disconnected from the water main;
- d) Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards, and
- e) Work on live water mains is to be undertaken by Council at full cost to the developer.

Sewer:

- a) A single sewer service is to be provided to the lot;
 - b) The existing sewer junction is to be utilised to service the proposed development;
 - c) Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards, and
 - d) Work on live sewer mains is to be undertaken by Council at full cost to developer.
- 56) A Certificate of Compliance under Section 307 of the *Water Management Act 2000* must be obtained from Council (as the Local Water Supply Authority) prior to the provision of any Occupation Certificate for Stage 1. All payments and works required under Section 306 of the *Water Management Act 2000* must be completed prior to the issue of a Certificate of Compliance.
- 57) The driveway installation points must off Dhulii Drive and Gilaa Circuit must be completed.

Prior to the Issue of an Occupation Certificate – Stage 3

- 57) Prior to the issue of an Occupation Certificate for Stage 3, a smart meter shall be installed on the site.

Ongoing Requirements

- 58) The sealing and marking of crossovers and all vehicular parking, manoeuvring and loading areas, and landscaped areas on the site are to be maintained at all times.
- 59) All vehicle movements into and out of the development site shall be in a forward direction.
- 60) Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the approved plans, to ensure that the proposed development does not give rise to street loading or unloading operations. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.
- 61) Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of vehicle parking loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- 62) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 63) Signage shall be maintained in good structural condition, kept clean, neatly painted and to be of professional standard of design and appearance. Should any signage become redundant, such signage should be removed immediately.
- 64) The street setback areas on the site shall not be used as works areas or for the storage of goods or materials.
- 65) The approved hours of operation are 6 am to 6 pm Monday-Sunday for the front of house business (sales, parts- etc), and the workshop will be 24/7.
- 66) Offensive noise should not be generated from the continuing operation of this development activity. Offensive noise is defined in the *Protection of the Environment Operations Act 1997* as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.
- 67) All oils, fuels, solvents and fluids used on this premises are to be stored in a bunded area that is designed to hold 110% of the total volume of the largest container stored within the bund or 35% of the total volume of all containers stored within the bund. The bunded area shall be covered with a suitable roof to prevent the collection of rainwater within the bunded area. The construction of the bund shall comply with Australian Standard (AS) 1940.
- 68) A spill kit designed to handle all types of liquids used on the site must be stored adjacent to where the liquids are being used and/or stored.
- 69) During ongoing use of the premises:

- a) all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time;
- b) arrangements must be implemented for the separation of recyclable materials from garbage;
- c) any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests;
- d) where Council does not provide commercial garbage and recyclable materials collection services:
 - i) a contract must be entered into with a licensed contractor to provide these services for the premises; and
 - ii) a copy of the contract must be kept on premises and provided to relevant authorities, including Council officers, on request.
- e) all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by Council (as the Local Water Supply Authority); and,
- f) all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by Council (as the Local Water Supply Authority).

70) The area identified for future development on the endorsed 'Phase 4 Site Plan' shall be maintained in a neat and tidy manner. Prior to the activation of Phase 4, the internal fence and outdoor display area shall be removed from the site.

Advisory Notes

Note 1: Clause 89 of the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021* requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule inclusive of the entire building.

Note 2: Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 89 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021* for each measure listed in the schedule for the entire building. The statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - <https://www.fire.nsw.gov.au/page.php?id=9418> and a copy must also be sent to Council development@tamworth.nsw.gov.au

Note 3: At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.

SCHEDULE 2 – REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS

REASONS FOR THE DETERMINATION AND CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Tamworth Regional Local Environmental Plan 2010* (TRLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the aims of the *Tamworth Regional Council Development Control Plan 2010* (TRDCP).
- The proposed (car parking) variation to the TRDCP is considered to be acceptable in the particular circumstances of this case and has been suitably addressed in the development assessment report.

- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the TRLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The application was required to be placed on public exhibition in accordance with Council's Community Participation Plan 2019. No submissions were received by Council.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The conditions in Schedule 1 are applied to:

1. Confirm and clarify the terms of Council's approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and,
5. Provide for the ongoing management of the development.

SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW

RIGHT OF REVIEW

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the Applicant may request the Council to review the determination for a development consent or modification of a development consent, provided this application is not made in respect to designated or Crown development. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. A determination or decision reviewed under this Division is not subject to a further review.

RIGHT OF APPEAL

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* (Act) gives you the right to appeal to the Land and Environment Court. In accordance with Section 8.10 of the Act, your appeal must be made within six (6) months after the date on which you receive this notice; or, the date on which that application is taken to have been determined under Section 8.11 of the Act.

Section 8.8 of the Act does not give an objector the right of appeal against this determination notice as the development does not constitute designated development.