

DATE OF DETERMINATION	5 May 2023
DATE OF PANEL DECISION	5 May 2023
DATE OF PANEL MEETING	22 February 2023
PANEL MEMBERS	Clare Brown (Acting Chair), Chris Wilson, Grant Christmas, Scott Martin
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 February 2023.

MATTER DETERMINED

PPSSTH-140 – Yass Valley – DA210262 at 209-223 Comur Street and Adele Street, Yass – Crago Mill Precinct
- Demolition of an existing council administration office, the existing public car park, the existing automotive/mechanic workshop, the existing road edges and associated landscaping along Adele Street and Polding Street; Construction of a new single-storey public administration building, a new single-storey community library, a new two-storey commercial office building, an at-grade parking lot, additional 38 at-grade parking spaces; Establishment of a public plaza, a new pedestrian connection to Comur Street through to the Crago Mill; Refurbishment of the local heritage mill building – Crago Mill and Consolidation of the subject allotments. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in Schedule 2. The conditions were amended from those contained in the Council Assessment Report as follows;

- (a) Corrections to numbering of conditions
- (b) Condition 13 to reference correct DSI report
- (c) Condition 33 to reference relevant compliance regulation
- (d) Condition 36 to clarify environmental management requirements in the CEMP for each stage
- (e) Condition 55 to clarify permitted hours of heavy vehicle movements
- (f) Condition 64 to reference additional RAP
- (g) Condition 93 to reference additional RAP
- (h) Condition 115 to clarify when evidence of registration of a Plan of consolidation is required


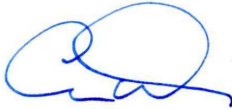


- (i) Condition 27 amended to identify that a future development application is required in relation to advertising signage.
- (j) A new condition requiring details of load and unloading to be provided and details of waste storage

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Arrangements for future vehicular access to the adjacent car park
- Car parking arrangements during construction
- Traffic and car parking management, including the loading zone
- Future impacts on surrounding business signage
- Building design
- Lack reference to aboriginal cultural context in design
- Pedestrian access
- Climate wise planting
- Opportunities for flexible use of space
- Project Costs
- Stormwater impacts
- Boundary landscaping and retaining
- Location of garbage enclosures

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Chris Wilson
 Grant Christmas	 Scott Martin

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-140 – Yass Valley – DA210262
2	PROPOSED DEVELOPMENT	Demolition of an existing council administration office, the existing public car park, the existing automotive/mechanic workshop, the existing road edges and associated landscaping along Adele Street and Polding Street; Construction of a new single-storey public administration building, a new single-storey community library, a new two-storey commercial office building, an at-grade parking lot, additional 38 at-grade parking spaces; Establishment of a public plaza, a new pedestrian connection to Comur Street through to the Crago Mill; Refurbishment of the local heritage mill building – Crago Mill; and Consolidation of the subject allotments.
3	STREET ADDRESS	209-223 Comur Street and Adele Street, Yass
4	APPLICANT/OWNER	SMEC (Applicant) - Yass Valley Council (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) State Environmental Planning Policy No.55 (Remediation of Land) State Environmental Planning Policy No.64 (Advertising Signage) State Environmental Planning Policy (Infrastructure) Yass Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Nil Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<p>(a) Council Assessment Report: 21 October 2022 (uploaded to the portal on 04 November 2022)</p> <p>(b) List any council memo or supplementary report received: 8 February 2023</p> <p>(c) Written submissions during public exhibition: 5</p> <p>(d) Total number of unique submissions received by way of objection: 1</p>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<p>(e) Site inspection: 27 April 2022</p> <ol style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Renata Brooks, Chris Wilson, Jim Abbey, Scott Martin <u>Council staff</u>: Chris Berry, James Dugdell, Ian Dencker, Julie Rogers <u>Council assessment staff</u>: Graeme Harlor, James Burns (Queanbeyan Palerang Council) <u>Applicant representatives</u>: Sophie Olsen & Skylar Chan (SMEC) <p>(f) Applicant & Council Briefing: 27 April 2022</p> <ol style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Renata Brooks, Chris Wilson, Jim Abbey, Scott Martin

		<ul style="list-style-type: none"> b. <u>Council staff</u>: Chris Berry, James Dugdell, Ian Dencker, Julie Rogers c. <u>Council assessment staff</u>: Graeme Harlor, James Burns (Queanbeyan Palerang Council) d. <u>Applicant representatives</u>: Sophie Olsen & Skylar Chan (SMEC) <p>(g) Final briefing to discuss council's recommendation: 15 November 2022 (Deferred)</p> <ul style="list-style-type: none"> a. <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Renata Brooks b. <u>Council assessment staff</u>: Graeme Harlor, Sam Burns (Queanbeyan Palerang Council) c. <u>Applicant representatives</u>: Ian Dencker, Julie Rogers, James Dugdell (Yass Valley Council), Sophie Olsen & Skylar Chan (SMEC), Liam Reilly & Joshua Dennis (APP) d. <u>DPE</u>: Carolyn Hunt, Tracey Gillett <p>(h) Final briefing to discuss council's recommendation: 22 February 2023</p> <ul style="list-style-type: none"> a. <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Grant Christmas, Scott Martin b. <u>Council assessment staff</u>: Graeme Harlor (Council assessment officer - Queanbeyan Palerang Council) and Ian Dencker (Yass Valley Council) c. <u>Council Staff</u>: Ian Dencker, Tony Stevens (Yass Valley Council) d. <u>Applicant representatives</u>: Sophie Quinn (SMEC), Thomas Carberry (SMEC), Kelly Lee (Lanterra Consulting) e. <u>DPE</u>: Amanda Moylan, Timothy Cook
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2 - CONDITIONS OF CONSENT

General Conditions

1. Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require otherwise.

PLANS				
Plan Title	Plan No.	Revision No.	Drawn By	Dated
Architectural Plans				
Cover Sheet and 3D Image	A01	B	Brewster Hjorth Architects	21.9.2021
Cover Sheet and 3D Image	A01	B	Brewster Hjorth Architects	21.9.2021
Location Plan	A02	B	Brewster Hjorth Architects	21.9.2021
Site Plan – Demolition	A03	B	Brewster Hjorth Architects	21.9.2021
Site Plan – New Works	A04	B	Brewster Hjorth Architects	21.9.2021
Site Plan – Staging	A05	B	Brewster Hjorth Architects	21.9.2021
Site Plan – Roof Plan	A06	B	Brewster Hjorth Architects	21.9.2021
Civic Administration Level 1 Plan	A07	B	Brewster Hjorth Architects	21.9.2021
Library Level 1 Plan	A08	B	Brewster Hjorth Architects	21.9.2021
Crago Mill Level 1 Plan	A09	B	Brewster Hjorth Architects	21.9.2021
Crago Mill Basement, Level 2, Level 3 Plans	A10	B	Brewster Hjorth Architects	21.9.2021
Commercial Level 1 Plan	A11	B	Brewster Hjorth Architects	21.9.2021
Commercial Level 2 Plan	A12	B	Brewster Hjorth Architects	21.9.2021
Context Elevations 1, 2, 3	A13	B	Brewster Hjorth Architects	21.9.2021
Library Elevations 4, 5, 6	A14	B	Brewster Hjorth Architects	21.9.2021
Library Elevations 7, 8	A15	B	Brewster Hjorth Architects	21.9.2021
Civic Admin Elevations 9, 10	A16	B	Brewster Hjorth Architects	21.9.2021
Civic Admin Elevations 11, 12	A17	B	Brewster Hjorth Architects	21.9.2021

Commercial Elevations 13, 14	A18	B	Brewster Hjorth Architects	21.9.2021
Sections 1 and 2	A19	B	Brewster Hjorth Architects	21.9.2021
Section 3	A20	B	Brewster Hjorth Architects	21.9.2021
Shadow Diagrams	A21	B	Brewster Hjorth Architects	21.9.2021
External Material Palette	A22	B	Brewster Hjorth Architects	21.9.2021
Schematic Design and Development Application Report – Architectural	22101-3.05-01	2	Brewster Hjorth Architects	21.9.2021
<u>Landscape Plans and Report</u>				
Yass Civic Precinct Public Realm & Landscape	21.016	B	oxigen	August 2021
<u>Civil/Engineering Plans</u>				
COVER SHEET	C000	B	van der Meer Consulting	27.8.2021
SITE & STAGING PLAN	C101	B	van der Meer Consulting	27.8.2021
EROSION & SEDIMENT CONTROL - STAGE 1	C210	B	van der Meer Consulting	27.8.2021
DRAINAGE LAYOUT - SHEET 1 OF 2	C401	B	van der Meer Consulting	27.8.2021
DRAINAGE LAYOUT - SHEET 2 OF 2	C402	B	van der Meer Consulting	27.8.2021
DRAINAGE DETAILS	C403	B	van der Meer Consulting	27.8.2021
OSD TANK DETAILS	C404	B	van der Meer Consulting	27.8.2021
PRE-DEVELOPMENT CATCHMENT PLAN	C421	B	van der Meer Consulting	27.8.2021
POST DEVELOPMENT CATCHMENT PLAN	C422	B	van der Meer Consulting	27.8.2021
ADELE STREET PUBLIC DOMAIN PLAN	C501	B	van der Meer Consulting	27.8.2021

POLDING STREET PUBLIC DOMAIN PLAN	C502	B	van der Meer Consulting	27.8.2021
COMUR STREET PUBLIC DOMAIN PLAN - SHEET 1 OF 2	C503	B	van der Meer Consulting	27.8.2021
COMUR STREET PUBLIC DOMAIN PLAN - SHEET 2 OF 2	C504	B	van der Meer Consulting	27.8.2021
SITE & STAGING PLAN	C101	C	van der Meer Consulting	28.9.2021
Detailed Survey				
DETAIL PLAN	201206	3	Geomatic & Property Services	10.5.2021
Documents				
Document Title	Version No.		Prepared By	Dated
PROPOSED YASS CIVIC PRECINCT SITE HERITAGE REPORT	Reference No. 20285	Issue No. 3	Eric Martin & Associates Architects	28.7.2021
STORMWATER MANAGEMENT REPORT	Job No. CA202-009	Rev. 2	van der Meer Consulting	7.9.2021
Schematic Design Report – Civil	Job No. CA200-033	Rev. B	van der Meer Consulting	6.9.2021
Geotechnical Investigation Report	Reference No. C-0733.00 R1	Rev. 0	D & N Geotechnical	18.5.2021
Remediation Action Plan	Reference No. P21071_RAP Yass_20210726	Rev. R01	Lanterra Consulting	28.1.2021
Detailed Site Investigation and Remediation Action Plan	Reference No. P22135	Addendum	Lanterra Consulting	25.11.2022
Access Review – Final		Version: Final	Morris Goding Accessibility Consulting	24.9.21
Traffic Impact Assessment		Version: 1.1	Genium Civil Engineering	21.9.2021
Crime Risk and Crime Prevention Through Environmental Design Report		Version: Final	Harris Crime Prevention Services	2021

2. Work must not commence until a Construction Certificate has been issued.

The conditions in Part A of this development consent must be satisfied before a Construction Certificate can be issued.
3. This development consent relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
4. The capacity and effectiveness of runoff and erosion control measures, including techniques to suppress dust and the tracking of sediment onto existing sealed roads, must be maintained at all times to the satisfaction of Council.
5. All adjustments to existing utility services, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council.
6. The removal of trees from the site must be in accordance with Drawing Site Plan – Demolition A03 B Brewster Hjorth Architects dated 21.9.2021, unless otherwise approved by Council in writing.
7. All engineering design and construction work must be undertaken in accordance with the following, current at the time of the Construction Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards
 - Austroads publications for the posted speed limit
 - Austroads Guide to Road Design
 - Australian Rainfall and Runoff - 2016
 - Water Supply Code of Australia, WSAA
 - Sewerage Code of Australia, WSAA
 - Plumbing Code of Australia
8. The capacity and effectiveness of dust suppression control measures must be maintained at all times to the satisfaction of Council.
9. The use of plant and machinery should not cause vibrations which are felt or are capable of being measured at neighbouring premises.
10. The developer shall make any necessary alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed works.
11. No vehicular access is allowed from the Council carpark to the Aldi customer carpark.

Part A Before the issue of a Construction Certificate

12. Evidence that the plan of consolidation of all lots comprising the site has been registered with the NSW Land Registry Service (LRS) is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate. The plan of consolidation is to maintain all relevant and necessary easements and rights that are alive at the date of this development consent.
13. A **Construction Environmental Management Plan (CEMP)** with a suitable unexpected finds procedure is prepared by a suitably qualified environmental consultant and submitted to Council in accordance with the Preliminary and Detailed Site Investigation Report by Lanterra Consulting Pty Ltd – 28 January 2021 and addendum 25 November 2022.
14. **Structural drawings**, prepared by a suitably qualified and experienced structural engineer, must be submitted to the Principal Certifier.

The plans must detail (as applicable to the development):

- (a) All reinforced concrete floor slabs and/or beams or raft slab, having regard to the possible differential settlement of the cut and fill areas
- (b) Footings of the proposed structure/s
- (c) Structural steel wall frames, roof framing members, beams, columns, bearers, joists and wall/roof bracing and
- (d) Retaining walls greater than 600mm in height

15. Details of **external materials and colours** must be submitted to Council's Heritage Advisor for approval.

These must be compatible with those of existing development in the locality.

The details must include the type of finish (e.g. ashlar coursed render/timber weatherboard) and the profile of finishes where appropriate. Details of all new external joinery shall also be provided.

16. The detail of the new doorway (and door jamb) cut into the existing double brick wall shall be in keeping with the construction of the existing historic building; Plans and details are to be submitted to Council's Heritage Advisor for approval.

17. An [Application for Water Service](#) (Form 33) must be lodged with Council. The water meter must be connected while work associated with the development is being carried out.

18. Plans and specifications demonstrating **compliance with the NCC/BCA** must be submitted to and approved by the Principal Certifier.

19. Plans and calculations prepared by a suitably qualified and experienced hydraulic engineer for all **essential fire safety services that rely on a reticulated water supply** (i.e. Fire Hose Reels/Fire Hydrants/Sprinkler Systems etc.) must be submitted to the Principal Certifier.

Where compliance with the deemed to satisfy provisions of the NCC/BCA is proposed these plans and calculations must demonstrate compliance with the requirements of the relevant Australian Standard.

New water main connections can only be carried out by Council. A separate application to Council's Infrastructure and Assets Division is required if a new water mains connection is required.

20. An application for disconnection of existing water services and meters shall be made to Council.

An application to have new metered connections to Council's water supply shall be lodged with Council. This meter shall remain connected for at least the full period of construction. The fee for the provision of these services shall be levied in accordance with the Council's Management Plan relevant at the time of payment.

21. Engineering drawings and calculations associated with the drainage of **stormwater** must be submitted to the Principal Certifier for approval.

These documents must include:

- Details of the discharge of stormwater off the site (including quantities for various storm events and is to include stormwater that falls on the site or enters the site from upstream)
- What is proposed to manage the discharge (including details of any infrastructure etc.)
- The potential downstream effects of such discharges and actions proposed to ameliorate such effects and
- What is proposed to ameliorate any effects on the site from stormwater from upstream of the site.

The stormwater system must be designed to ensure that discharge from the site post development is not exceeded when compared to pre-development flows for a 1 in 5 and 1 in 100-year ARI.

- 22.** Engineering drawings associated with the drainage of **sewer** must be submitted to the Principal Certifier for approval.

The drawings must include the following details:

- Sewer reticulation shall be designed and laid to satisfy hydraulic requirements in accordance with Sewerage Code of Australia.
- All sewer reticulation mains shall be with PVC, RRJ, **Class SN8** with a minimum diameter of 150 mm.
- Trench stops / concrete bulkheads shall be installed for mains designed for grades 5% and above as per the Sewerage Code of Australia.
- **Sewer** mains shall be air pressure tested as per approved methods and **sewer** manholes shall be vacuum tested as per approved methods.
- Sewer connections to existing sewer manholes or existing main shall be carried out by a licensed plumber in accordance with Council requirements.
- Each building shall have separate sewer ties and sewer ties are to be raised with a boundary riser. Boundary risers shall be accessible for maintenance at all times.
- Decommission existing sewer mains and their staging are including the locations for capping to be provided. Expose buried manhole MM1/16.
- Demolish and reinstate existing sewer vent at an appropriate location. New sewer vent shall be aesthetically blending with the surrounding development.
- All liquid trade waste discharge to Council sewer shall comply with the requirements of "NSW Liquid Trade Waste Discharge Guidelines 2021" and its updates.
- Separate pre-treatment facilities (Grease Arrestor) shall be designed and installed to pre-treat liquid trade waste. Required volume of in ground grease trap shall be determined and verified with the sizes and shapes of commercially available and approved grease traps. (Note: designated areas 2.5m x 2.5 m are not sufficient)
- Access for maintenance of pre-treatment facilities to be provided.
- A Liquid Trade Waste Application shall be lodged separately for each activity. Council / DPE Concurrence is required prior to any discharge to Council' sewer.
- Design drawings shall be certified by qualified hydraulic engineers.

If connecting to Council's infrastructure, the drawings must also be approved by Council's Manager Water and Wastewater.

- 23.** Approval under s.68 *Local Government Act 1993* must be obtained from Council for connection to Council's sewer infrastructure, unless otherwise approved by Council.

- 24.** Engineering drawings associated with the supply of **water** must be submitted to the Principal Certifier and Council's Manager Water and Wastewater for approval.

The drawings must include the following detail:

- Fire services shall be designed by qualified designers and installed for the proposed development.
- Water mains shall be designed and laid in accordance with the Water Supply Code of Australia and Plumbing Code of Australia as applicable.
- Water mains in common areas shall be of MPVC, PN 16, S2 except at road crossings. Road crossings shall be DICL pipe class PN 35. Minimum diameter shall be 100 mm.
- Location of water required water services and their sizes shall be specified.
- Separate (sub) water meters are required for each building. Water Meters shall be supplied by Council on payment.
- Tapping saddle, main cock and meter cock shall meet Council requirements.
- All meter cocks of each property service shall be installed at 200mm – 300mm below finished ground level and shall be covered with meter boxes. Meter boxes will be supplied by Council.
- All valves shall be anti-clockwise closing and shall conform to Council standards.
- All mains shall be tested in accordance with Council requirements.
- Water service connections to the existing water main at Comur Street and Adele Street shall be carried-out by Council at the Developer's cost.
- A testable RPZD (Reduced Pressure Zone Device) shall be installed 300mm above ground in accordance with the National Plumbing Code to each water service.
- Design drawings shall be certified by qualified hydraulic engineers.

25. A Certificate of Compliance shall be obtained for the augmentation of Council's water supply system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is \$75,181.00.

It should be noted that:

- The total fee is based on a 5.0 ET unit increase in demand.
- The unit increase has been calculated based on the NSW Water Directorate Guidelines and information provided by the applicant.
- The fee has been calculated on a base rate of \$15,188.00 per unit.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

26. A Certificate of Compliance shall be obtained for the augmentation of Council's sewer system under section 305 *Water Management Act 2000*. The fee for the Certificate of Compliance is \$34,828.00.

It should be noted that:

- The total fee is based on a 5.0 ET unit increase in demand.
- The unit increase has been calculated based on the NSW Water Directorate Guidelines and information provided by the applicant.
- The fee has been calculated on a base rate of \$7,036.00 per unit.
- Deferred payments can be made upon the registration of a Voluntary Planning Agreement which provides for such arrangements.
- The base rate utilised above was the rate applicable at the time the application was determined.
- The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.
- The base rate per connection may vary over time.
- Compliance under Section 305 does not include the physical installation of any infrastructure.

27. Separate development application is to be submitted to Council for signage relating to the development

The design of the future signage shall be consistent with the heritage report by Eric Martin & Associates Architects dated 28.7.2021. The sizes of proposed signs shall be restricted as follows:

- Under awning sign facing e.g. Comur Street – Dimensions not greater than 450mm deep x 2700mm wide.
- Under awning sign facing the footpath – Dimensions not greater than 300mm deep x 2200mm wide.
- The 'Sandwich board footpath sign – Dimensions not greater than 1000mm wide and 1200mm in height.

28. A full detailed landscape plan to be provided to Council for approval prior to issuing Construction Certificate identifying plant genus, species, location and planting guide details.

29. A Certificate of Adequacy, issued by a suitably qualified and experienced structural engineer, certifying the adequacy of existing structure to support the additional loads, must be submitted to the Principal Certifier.

30. Engineering drawings for the provision of access to the development shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:

- (1) Council's Roads Standards Policy RD-POL-09 and
- (2) Council's Design and Construction Specification – AUS-SPEC #1.

31. Engineering drawings for the provision of internal driveways and carparking areas for the development shall be submitted to Council's Infrastructure & Assets Directorate for approval in accordance with:

- (1) Council's Roads Standards Policy RD-POL-09 and

(2) Council's Design and Construction Specification – AUS-SPEC #1.

32. A Design Certification Report relating to the detailed engineering design work shall be submitted to the principal certifier as per Council's Design Specification - AusSpec #1, Annexure DQS-A.

This Design Report shall provide evidence that suitably qualified designers have designed each component for the construction of the development.

Stormwater drainage design plans prepared by Van Der Meer consulting and dated 27 August 2021 have been assessed as concept only. Fully detailed design plans shall be submitted with the application for the Engineering Works Certificate.

33. Prior to the issue of the Construction Certificate, an acoustic assessment is to be submitted to the Principal Certifier prepared by an accredited acoustic engineer to address the potential impact of any air-conditioning plants proposed on adjoining residential properties. Noise producing plant shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2017 at all times.

Part B Before the commencement of building works

34. Work shall not be commenced until the person having the benefit of this Development Consent provides at least two days' notice to Council of their intention to commence work.

35. Prior to undertaking works in an existing Council road reserve, the contractor shall obtain an approval under Section 138 of the Roads Act 1993 and submit details requested in the approval that include but not limited to:

- A current work Licence.
- A current public liability certificate with a minimum cover of \$20 million
- Current Plant / vehicle insurances
- A certified traffic control plan for proposed works

Any works required within a classified road reserve requires Transport for NSW concurrence and/or approval for design plans and approval under Section 138 of the Roads Act 1993.

36. Prior to the commencement of construction for each relevant stage, a final CEMP is to be prepared addressing the environmental management requirements identified in the submitted draft CEMP and the requirements of the final CEMP must be implemented.

Remediation shall be completed for that relevant stage, and validation confirming land use suitability and compliance with the recommendations of the Detailed Site Investigation prepared by Lanterra Consulting Pty Ltd - 18 May 2021, the Remediation Action Plan prepared by Lanterra Consulting Pty Ltd - dated 26 July 2021 and Addendum Detailed Site Investigation and Remediation Action Plan - prepared by Lanterra Consulting Pty Ltd dated 25 November 2022 be provided to the Principal Certifying Authority. A suitably qualified environmental consultant shall supervise all remediation works, conduct the validation work required, and compile the site validation report/s required to document the site remediation.

37. Council must be informed of the following, no later than two days prior to works commencing:

- Name and details of the Principal Certifier
- Date construction work is proposed to commence (Form 131 to be submitted).

38. A garbage receptacle must be provided at the work site before works commence and must be maintained until the works are completed.

The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.

- 39.** A Soil and Water Management Plan shall be submitted to the Principal Certifier for approval in accordance with Council's Design and Construction Specification – Ausspec#1. The plan shall include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary.

An indicative plan may be prepared to complement the design plans, however, the final plan for approval shall be prepared in consultation with the construction contractor.

- 40.** Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:
- (a) diverting uncontaminated run-off around cleared or disturbed areas and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and
 - (c) preventing the tracking of sediment by vehicles onto roads and
 - (d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

- 41.** A sign must be erected in a prominent position on the site which indicates:

- the name, address and telephone number of the Principal Certifying Authority for the work, and
- the name and after-hours contact phone number of the principal contractor (if any) for any building work, and
- unauthorised entry to the site is prohibited.

This sign must be maintained while work is being carried out and must be removed upon completion of the work.

- 42.** Hoarding or temporary construction site fence must be erected between the site and adjoining properties, if the works:

- (a) could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.

- 43.** Toilet facilities must be available or provided at the work site before works commence and must be maintained until the works are completed.

The toilets must be provided in accordance with the following:

- (a) at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and
- (b) be a standard flushing toilet connected to a public sewer or
- (c) be connected to an on-site effluent disposal system approved under the *Local Government Act 1993* or
- (d) be a temporary chemical closet approved under the *Local Government Act 1993*.

- 44.** The building/s must be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries.

Evidence that the building/s were set-out and have been located in accordance with the approved plans must be submitted to the Principal Certifier or Council upon request.

45. In accordance with the *Plumbing and Drainage Act 2011*, each plumber and drainer that works on the development must submit to Council a Notice of Work (Form 11) notifying Council of their intention to carry out works.

The minimum amount of notice under this Act is two business days.

46. If a wall is to be constructed on a boundary and there is less than 900mm to a wall (adjoining wall) on an adjoining lot, a dilapidation report on the adjoining wall must be submitted to the Principal Certifier.

If access is denied to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

47. Prior to the commencement of construction (including demolition), suitable on-site car parking facilities or alternative on-street 'work zone' shall be made available for construction workers accessing the site. No construction vehicles are permitted to utilise the Aldi car park for parking during construction.

Tree Protection Measures

48. Tree protection measures are to be established on site in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Hugh the Arborist (Revision A) dated 19 February 2021.

Part C While building works are being carried out

Environmental Heritage

49. If an Archaeology object is discovered during the course of work:

- (a) All work must stop immediately and
- (b) The *Department of Planning, Industry and Environment* must be advised of the discovery.

Depending on the significance of the object, an archaeological assessment and excavation permit issued under the *Heritage Act 1997*, may be required before work can continue.

50. If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of work:

- (a) All must stop immediately and
- (b) The *Department of Planning, Industry and Environment* must be advised of the discovery in accordance with s.89A *National Parks and Wildlife Act 1974*.

Depending on the nature of the discovery, an Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*, may be required before work can continue.

Earthworks, Internal Driveways and Importation of Material

51. Earthworks, internal driveways and the importation of associated material is restricted to that which can be undertaken as exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, unless otherwise approved by a condition of this consent or the stamped approved plans.

52. Any earthworks, including any structural support or other related structure for the purposes of the development:
- (a) must not cause danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property and
 - (c) that is fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* and
 - (d) that is excavated soil to be removed from the site - must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
53. Any excavation must be carried out in accordance with Safe Work Australia's *Excavation Work: Code of Practice*, published 26 October 2018.
54. Material imported to the site must be suitable for the proposed application and be:
- (i) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
 - (j) VENM as defined in the *Protection of the Environment Operations Act 1997*.
- Documentation demonstrating compliance with this condition must be provided to Council upon request.
55. Heavy vehicle movements associated with the development shall not occur outside the times of:
- Weekdays: 7am – 6pm
 - Saturdays 7am – 6pm
 - Sundays & Public Holidays: No movements permitted.

Demolition

56. All demolition work must be carried out in accordance with the provisions of *AS 2601:1991 The Demolition of Structures*.
57. All utility services must be disconnected to the requirements of the relevant authorities.
58. Asbestos waste, if present in the building proposed to be demolished, is to be removed, handled, transported and disposed of in accordance with the following:
- *NSW WorkCover* requirements and
 - *Protection of the Environment Operations Act 1997* and
 - *Protection of the Environment Operations (Waste) Regulation 2014*.
- The transportation of asbestos waste may require it to be reported to the NSW Environment Protection Authority (EPA) using *WasteLocate*. Please refer the [WasteLocate website](#) for more information.
- There is no waste facility licensed to receive asbestos within the Yass Valley Local Government Area. The nearest suitably licensed waste management facilities are located in Jugiong and Canberra.
59. All waste is to be disposed of at a suitably licensed waste management facility. Copies of receipts relating to the disposal of waste must be submitted to Council upon request.
60. The deliberate burning of demolition materials is not permitted.

61. All demolition work must be carried out wholly within the lot boundaries and must not extend onto the public footpath, public roadway or adjoining properties.
62. Vehicles transporting demolition material off site must have loads secured against any loss during transit.
63. Where possible bricks removed from the existing Crago Mill building shall be retained and stored on site for future use.
64. All previously connected services must be appropriately disconnected prior to demolition works.

Due to the age of the structures, asbestos sheeting and lead paint may be present and any demolition work must be done strictly in accordance with AS2601 – Demolition of Structures.

Disposal of contaminated soil shall be in accordance with:

- RAP Lanterra Consulting Pty Ltd – 26 July 2021 and 25 November 2022
- NSW EPA (2014) Waste Classification Guidelines: Part 1 Classifying Waste.
- National Environmental Protection Council “National environment Protection (Assessment of the Site Contamination) Measure 1999 (amended 2013).

Fill must be taken to either Gundaroo Landfill or Murrumbateman Landfill. All other material may be taken to Yass Transfer Station, Gundaroo Landfill, or Murrumbateman Landfill and deposited in the appropriate separated pile.

Inspections

To arrange an inspection with Council please use the on-line booking system on Council’s website: yassvalley.nsw.gov.au > [Our Services](#) > [Planning and Building](#) > [Certification and Inspections](#) > [Inspections](#).

65. BUILDING INSPECTIONS

Critical stage inspections must be carried out by the Principal Certifier, as required by s.162A of the EP&A Regulation, as set out below:

Inspection	Hold Point
(a) After excavation of footings	Prior to pouring concrete, after placement of erosion and sediment control measures, on-site toilet and signage
(b) Bearers and Joists	Prior to placement of floor sheeting
(c) Floor slab	Prior to pouring concrete
(d) Frame/Pre-sheet	Prior to placing internal sheeting, after all internal services including water plumbing and electrical are installed and external cladding has been fixed
(e) Waterproofing of wet areas	Prior to the placement of tiling and/or covering
(f) Stormwater	Prior to backfilling or covering pipes and connections to services
(g) Final	All works relating to the proposed development are complete and all conditions of development consent are complied with.

66. Roof truss and wall bracing details are to be supplied to the Principal Certifier prior to frame inspection.

67. **PLUMBING & DRAINAGE INSPECTIONS**

As the local plumbing and drainage regulator **Council must undertake inspections** at the following stages of construction:

Inspection	Hold Point
(a) All internal sanitary drainage	Prior to backfill
(b) All external sanitary drainage	Prior to backfill
(c) Connection to Council's sewer main	Prior to backfill
(d) Connection to Council's stormwater system (street or inter-allotment)	Prior to backfill
(e) At the completion of all plumbing and drainage works	Prior to occupation of the structure

68. **ENGINEERING INSPECTIONS**

A compliance certificate must be **obtained from Council's** Infrastructure and Assets Division (Water & Wastewater) at the following stages of construction:

Inspection
(a) Installation of Combination Meters, RPZD device and water meters
(b) Installation of sewer drainage connections to Council's main – prior to backfilling

69. **ENGINEERING INSPECTIONS**

A Compliance Certificate shall be **obtained** from Council's Infrastructure & Assets Directorate (Engineering Services) at the following stages of construction:

Roads

- **Completion of property access.** This inspection is for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings

Stormwater

- **Completion of stormwater drainage line and associated pits in Comur Street** – prior to backfilling
- **Completion of stormwater detention infrastructure**

Other

- **Completion of streetscaping and other public landscaping**
- **Practical Completion**

70. Upon inspection of each stage of construction, the Principal Certifier is required to ensure that adequate provisions are made for the following measures (as applicable):

- (a) Run-off and erosion control

- (b) Provision of perimeter fence, hoarding or temporary construction site fence for public safety and restricted access to building sites
 - (c) Maintenance of the public place free from any unauthorised materials, waste containers or other obstructions.
71. If Council is selected as the Principal Certifying Authority for engineering works, the fee per inspection shall be levied in accordance with Council's Fees and Charges, relevant at the time of payment.

Construction

72. Work must be carried out in accordance with the plans and specifications to which the consent relates.
73. All building work must be carried out in accordance with the provisions of the NCC/BCA and all relevant Australian Standards.
74. Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Saturday. No construction is to be carried out at any time on a Sunday or a public holiday.
75. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
76. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and disposed of at a waste management facility.

Copies of receipts relating to the disposal of waste at a licensed waste management facility must be submitted to Council upon request.
77. Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
78. During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
79. At the completion of the works, the work site must be left clear of waste and debris.

Plumbing and Drainage

80. All plumbing and drainage work must comply with the provisions of the following:
- *Plumbing and Drainage Act 2011*
 - *Plumbing and Drainage Regulation 2012*
 - Plumbing Code of Australia
 - AS/NZS 3500:2018 Plumbing and Drainage
81. The *Plumbing and Drainage Act 2011* requires each plumber and drainer that works on the development to submit the following information to Council:
- Notice of Work (NoW)
 - Sewer Service Diagram (SSD)
 - Certificate of Compliance (CoC).
82. The sewer boundary riser must be located and exposed at all times.
- If there is no existing sewer boundary riser, a sewer boundary riser must be installed by a licensed plumber in accordance with *AS/NZS 3500.2:2018 Plumbing and Drainage - Sanitary Plumbing and Drainage*.

Stormwater Drainage

- 83. Stormwater drainage work must comply with *AS/NZS 3500.3:2018 Plumbing and Drainage - Stormwater Drainage*.
- 84. Stormwater collected from the development must not cause nuisance to adjoining landowners.
- 85. Where up-stream surface water flows through the lot the development must not redirect or divert this water in such a manner that would intensify flows onto adjoining properties.
- 86. The roof stormwater drainage system must be installed and connected prior to the roof installation.

Decommissioning and Removal of Existing Underground Petroleum Storage System (UPSS)

- 87. The existing underground petroleum storage system (UPSS) and associated infrastructure shall be decommissioned, removed and remediated in accordance with Protection of Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
- 88. The underground petroleum storage tanks must be removed and disposed of in accordance with AS 1940-2017: The Storage and Handling of Flammable and Combustible Liquids and AS 4976:2008 The Removal and Disposal of Underground Petroleum Storage Tanks.
- 89. Prior to any bulk earth works commencing the USTs shall be removed and the resultant excavations validated in accordance with RAP Lanterra Consulting Pty Ltd – 26 July 2021 and addendum 25 November 2022.

Any fill required to be imported to the site during construction shall only be VENM and accompanied by supporting VENM certificate.
- 90. All waste materials generated as a result of the proposed development must be classified and disposed of in accordance with the Environment Protection Authority NSW Waste Classification Guidelines 2014.
- 91. No excavated material is to be removed from the site until the level of contamination has been validated.
- 92. Contamination of ground and surface water must be prevented and controlled in accordance with the Department of Environment and Conservation NSW Guidelines for the Assessment and Management of Groundwater Contamination, 2007.
- 93. The Remediation of the site shall be carried out in accordance with the Remediation Action Plan by Lanterra Consulting Pty Ltd – dated 26 July 2021 and addendum 25 November 2022.
- 94. At the completion of the remedial works, a Validation Report shall be prepared in general accordance with NSW EPA Consultants reporting on contaminated land – Contaminated Land Guidelines documenting the works completed. The validation report to be submitted to the satisfaction of the General Manager of Council.

Part D Before the issue of an Occupation Certificate

- 95. An **application for an Occupation Certificate** must be lodged with the Principal Certifier.
- 96. The relevant parts of [s. 6.10](#) of the EP&A Act must be satisfied, including:
 - (a) a Construction Certificate has been issued for this development
 - (b) all conditions in this part of the consent have been complied with

- (c) the completed building is suitable for occupation or use in accordance with its classification under the NCC/BCA.

97. In accordance with [s.154](#) of the EP&A Regulation, an Occupation Certificate authorising a person to commence occupation or use of part of a building, must not be issued unless the building will not constitute a hazard to the health or safety of the occupants of the building.
98. **Product testing** demonstrating compliance with the requirements of specification C1.10 of the National Construction Code / Building Code of Australia Volume 1 for all relevant floor coverings must be submitted to the Principal Certifier.
99. The **fire safety measures**, as detailed in the relevant Fire Safety Schedule are to be installed and maintained in accordance with the provisions of Clause 168 *EP&A Regulation*.
100. A **fire safety certificate** in accordance with the EP&A Regulation is to be submitted to Council.
101. **Certificates of Compliance** for contractor's work must be submitted to the Principal Certifier.
102. An **identification survey**, prepared by a registered surveyor must be submitted to the Principal Certifier indicating the location of the constructed development in relation to property boundaries, easements and building envelopes.
103. **Landscaping** must be completed in accordance with the approved plans.
104. **Stormwater infrastructure** is to be constructed in accordance with the plans approved with the Construction Certificate.
105. **Water supply infrastructure** is to be constructed in accordance with the plans approved with the Construction Certificate.
106. **Sewer infrastructure** is to be constructed in accordance with the plans approved with the Construction Certificate and the s.68 approval issued by Council.
107. The **sewer boundary riser** must be located above the finished ground level.
108. Any damage caused to Council owned infrastructure or property must be repaired or replaced at no cost to Council.
109. Prior to the issue of any Occupation Certificate of a premises which involves the discharge of liquid trade waste, the developer shall apply to and obtain written approval from Yass Valley Council stating the conditions of discharge to sewer. This approval shall state any pre-treatments, ongoing requirements and whether a Liquid Trade Waste Agreement needs to be entered into with Yass Valley Council.
110. Stormwater drainage and any quality/quantity devices to be constructed in accordance with either Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Construction Certificate.
111. Carparks are to be constructed per the designs/drawings approved with the Construction Certificate.
112. The property vehicular access from the road to the property boundary shall be constructed in accordance with either Council's Road Standards Policy RD-POL-9, or where required, the designs/drawings approved with the Construction Certificate.

113. The developer shall restore, replace or reconstruct any damage caused to road pavements, surfaces, street furniture, roadside drainage, street lighting or underground facilities as a result of the construction of the development.

114. (a) One complete set of “Works as Executed” (WAE) drawings based on the approved construction plans indicating all as built details and signed by registered surveyor shall be submitted to Council for all new assets that will be gifted to Council.

The WAE drawings shall be submitted in the following format:

- Auto CAD LT 2011 on MGA 94 Zone 55 Coordinates;
- Auto CAD R12/LT2 DXF;
- PDF;
- 2 (A1) Hard copies
- 2 (A3) Hard

(b) A detailed summary of the assets shall be submitted to Council.

The details shall be provided in tabular form (copies to be provided)

The assets to be identified include

- Roads and Transport
- Stormwater
- Sewer
- Water
- Landscape

115. Plans to be submitted to the satisfaction of the General Manager of Council detailing:

(a) The provision of loading and unloading facilities within the site and access there to and turning within the site to enable vehicles to enter and leave in a forward direction.

(b) The location of waste storage and collection areas within the site that comply with the approved Crime Risk and Crime Prevention Through Environmental Design Report

116. Evidence shall be submitted to the Principal Certifier that a Right of Carriageway has been registered with the NSW Land Registry Service (LRS) benefiting Lot 2 DP 1152503 over Lot 100 DP 1222562 for vehicular access to the existing grade car park.

117. An easement is to be created towards the northern end of the site to connect the existing sewer in accordance with Council requirements.

Evidence that the easement has registered with the NSW Land Registry Service (LRS) is to be submitted to the Principal Certifier.

118. A new easement is required for the proposed substation in accordance with the electricity supply authority requirements.

Evidence that the easement has registered with the NSW Land Registry Service (LRS) is to be submitted to the Principal Certifier.

Right of Review by Applicant: Division 8.2 EP&A Act gives an applicant the right to have Council review the determination within 6 months after the date on which the notice of determination is received, if no appeal is made under s.8.7 EP&A Act.

Right of Appeal by Applicant: S.8.7 EP&A Act gives an applicant the right to appeal against the determination to the Land and Environment Court within 6 months after the date on which the notice of determination is received.

Right of Appeal by Objector: The EP&A Act makes no provision for an objector to appeal against the determination.

s.9.45 EP&A Act gives an objector the right to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the EP&A Act, within 3 months after the date on which public notice of the granting of a consent is given.