

DATE OF DETERMINATION	27 March 2023
DATE OF PANEL DECISION	27 March 2023
DATE OF PANEL MEETING	14 March 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Tony Donoghue
APOLOGIES	None
DECLARATIONS OF INTEREST	Nigel Judd (Council interest DA)

Papers circulated electronically on 15 March 2023.

MATTER DETERMINED

PPSSTH-196 – Temora – DA77/2022 at 1 Hinde Street Temora, 33 Macauley Street Temora and 19-21 Junee Road Temora – Construction of NSW Ambulance Museum (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 to approve the application for the reasons outlined in the Council Assessment Report.

The Panel noted the importance of the proposal and its positive contribution to both the Temora and wider community. The Panel acknowledged the Applicants' support of the revised draft recommended conditions of consent.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report, and the amendments requested by the Panel following its deliberations, as shown in Schedule 2 and summarised as follows:

Administrative amendments to Conditions of Consent

- **Condition 3 was amended** to specify applicability during construction period.
*The builder must at all times **during construction** maintain on the job, a legible copy of the plans and specifications bearing the stamp and building permit of Council.*
- **Condition 17 was amended** to correct a minor administrative error.
*Construction limits and exclusion zones **must be** clearly identified prior to work commencing.*
- **Condition 31 was amended** to specify ongoing applicability and to ensure consistency with endorsed landscape plan.

The landscape area for visual screening shall be a minimum **1.8 metres** in width as shown on Plan DA.04 **and shall be maintained in perpetuity**. Tree species shall be drought resistant and be able to grow to a minimum 8 metres in height at maturity.

- **Condition 55 was amended** to clarify its application.
*Any signage for this development, **other than construction signage**, shall be subject to a future development application.*
- **Several other minor amendments throughout the document**
 - Change references to OEH to **NSW Environment and Heritage**
 - Change references to BCA with **NCC** (or appropriate description) to ensure consistent language.

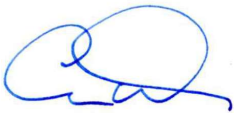
Additional Conditions of Consent

- **Clarification of operational Hours**
To confirm the operational hours approved through this consent by specifying these hours in a condition (9.30am – 5pm weekdays and 9.30am – 4pm weekends). The condition also includes the need to seek separate approval from Council for any events held at the site occurring outside of these hours.
- **Acoustic Verification**
Create a new condition requiring an acoustic verification report for plant prior to occupation.
- **Works on adjacent residential site**
In order to mitigate the over shadowing and loss of solar access impacts resulting from the development on the neighbouring property at 1A Hinde Street, a condition was included requiring:
 - The Applicant to demonstrate to the PCA prior to construction that it had reached a signed written agreement with the adjacent property owner to either relocate the existing shed closer to the property's rear boundary, or implement an alternative outcome, suitable to both parties; and
 - As enabled by section 4.17 (f) of the *Environmental Planning and Assessment Act, 1979*, carryout the agreed works at 1A Hinde Street, Temora prior to the issue of an occupation certificate for the development. Where relevant, the works must be undertaken in accordance with the National Construction Code.

An amended copy of the instrument of consent is attached as Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted the potential impacts identified by Council in its assessment report on the neighbouring property at 1A Hinde Street. The Panel inspected 1A Hinde St to view the area to be overshadowed by the proposed development, and to observe the potential impact on soil permeability and manoeuvrability of vehicles in the affected area. To assist in mitigating the predicted overshadowing impacts caused by the development on 1A Hinde St, Council, and the owners of 1A Hinde St verbally agreed to the imposition of condition/s requiring the relocation of the existing shed located on 1A Hinde St closer to its western boundary. Conditions 58 and 59 have been imposed to implement this agreement.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant



Grant Christmas



Tony Donoghue

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSTH-196 – Temora - 77/2022
2	PROPOSED DEVELOPMENT	Construction of NSW Ambulance Museum
3	STREET ADDRESS	1 Hinde Street Temora, 33 Macauley Street Temora and 19-21 Junee Road Temora
4	APPLICANT/OWNER	Temora Shire Council/William Speirs
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Industry & Employment) 2022 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience & Hazards) 2021 ○ State Environmental Planning Policy (Transport & Infrastructure) 2021 ○ Temora Local Environmental Plan 2010 ○ Temora Shire Developer Contributions Plan 2022 ○ Temora Local Environmental Plan 2010 • Development control plans: ○ Temora Shire Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	• Council Assessment Report: 21 February 2023 • Addendum to Assessment Report: supplementary report received: 15 March 2023 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 14 March 2023 ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Tony Donoghue ○ <u>Council assessment staff</u>: Claire Golder, Kris Dunstan

		○ <u>Other:</u> Bill Speirs (Bundawarra Centre) ○ <u>DPE:</u> Amanda Moylan • Final briefing to discuss council's recommendation: 14 March 2023 ○ <u>Panel members:</u> Chris Wilson (Chair), Juliet Grant, Grant Christmas, Tony Donoghue ○ <u>Council assessment staff:</u> Claire Golder ⊖ <u>Applicant representatives:</u> Gary Lavelle (General Manager Temora Shire Council) ○ <u>Other:</u> Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

Conditions of Consent:

Administrative

1. The applicant shall carry out the proposal, and works shall be undertaken, generally in accordance with the information supplied to Council, detailed as follows:
 - (a) The Development Application 77/2022 dated received on 9 November 2022, submitted to Temora Shire Council
 - (b) Development Plans prepared by Havenhand and Mather Architects Sheet numbers DA.01 – DA.08
 - (c) The Statement of Environmental Effects, dated October 2022, prepared by Integrated Consulting
 - (d) Design Specification prepared by Trevor R Howse Pty Limited
 - (e) Geotechnical investigation, prepared by McMahon Earth Science
 - (f) Photomontage prepared by Havenhand and Mather Architects

unless otherwise specified by the conditions of this consent.

2. The use not commencing until such time as **ALL** the requirements of the conditions of this consent have been carried out to the reasonable satisfaction of Temora Shire Council, as signified in writing.
3. The builder must at all times **during construction** maintain on the job, a legible copy of the plans and specifications bearing the stamp and building permit of Council.
4. A notice bearing the lot number and the builders name and license number shall be prominently displayed at the front of the land from the time the development application is submitted to Council until the building is complete.
5. The building works shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council. No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.
6. Toilet facilities are to be provided, at or in the vicinity of the work site, on which a building is being erected.
7. All building works must be carried out in accordance with the provisions of the National Construction Code, previously the Building Code of Australia, in particular the Design Specification prepared by Trevor Howse Pty Limited.
8. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction and operation of the development.

9. All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the premises.
10. Construction works may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, 8am and 5pm on Saturday and no construction is to be carried out at any time on a Sunday or a public holiday, without prior consent from Council.
11. Screening trees shown on the site plan must be planted within six (6) months of the date of this consent and prior to the issue of a construction certificate.

Prior to Construction

12. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.
13. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate shall:
 - (a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
 - (b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).
14. In order to ensure the structural adequacy of the structure, additional details in regard to the following matters shall be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.
 - (a) Structural drawings prepared and signed by a suitably qualified engineer certifying compliance with the relevant Australian Standard.

During Construction

15. Twenty-four (24) hours' notice is to be given by the Builder to Council to enable inspections to be carried out and Compliance Certificate issued at each of the following steps -
 - (a) Excavation for pier, strip footings and slabs with steel if required, before pouring concrete.
16. The applicant shall be responsible for compliance with the requirements of SafeWork NSW.
17. The applicant shall minimise the creation of dust due to vehicles movements onsite through reduced construction vehicle speed and dust suppression using a water truck, where required.
18. Construction limits and exclusion zones **must be** clearly identified prior to work commencing.
19. If, during construction, a potential site of Aboriginal heritage or potential Aboriginal object, is uncovered, all work in the vicinity of that area shall cease.
20. If any Aboriginal object is discovered and/or harmed in, on or under the land, while undertaking the proposed development activities, the proponent must:

- (a) Not further harm the object
 - (b) Immediately cease all work at the particular location
 - (c) Secure the area so as to avoid further harm to the Aboriginal object
 - (d) Notify **NSW Environment and Heritage (NEH)** as soon as practical on 131555, providing any details of the Aboriginal object and its location
 - (e) Not recommence any work at the particular location unless authorised in writing by **NEH**.
21. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and the NSW Police and **NEH** contacted.
22. Critical Stage Inspection: Council to be given 24 hours notice for the following inspection where nominated: -
- (a) All footing excavations, with steel in position, before concrete is poured;
 - (b) All concrete floors and raft slabs, with steel and damp proof membrane in position before concrete is poured;
 - (c) Sewer drains before being covered;
 - (d) Wall and roof framing before being lined.
 - (e) Wet area flashings after internal linings are installed;
 - (f) Stormwater drains before backfilling;
 - (g) Final inspection on completion BEFORE occupation.
23. Signage: Site signage shall apply and must be erected on site in a prominent, visible position for the duration of the construction.
- (a) Stating the unauthorised entry to the site is not permitted;
 - (b) Showing the name of the builder or another person responsible for the site and a telephone number at which the builder or other persons can be contacted outside working hours; and
 - (c) The name, address and telephone contact of the Principal Certifying Authority for the work.

Occupation Certificate

24. Occupation Certificate Required: A Final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the

requirements of Part 6, Section 6.9 of the Environmental Planning and Assessment Act, 1979 have been satisfied.

Access Traffic, Parking, Roads & Footpaths

25. Dust Free Driveway: Access driveway shall be constructed to a dust free standard, and maintained in good, dust free condition.
26. Driveways: All internal driveways will be constructed to a width suitable for the vehicles anticipated to use the site.
27. Drainage: All internal driveways and pavement areas are to be suitably drained.
28. Vehicle Movement: All vehicles are to be able to enter and leave the site in a forward direction.
29. Building materials and equipment must be stored, in a neat and tidy manner, wholly within the work site unless an approval to store them elsewhere is held.
30. The work site must be left clear of waste and debris at the completion of the works.

Landscaping

31. The landscape area for visual screening **along the common boundary with 1A Hinde Street** shall be a minimum **1.8** metres in width as shown on Plan DA.04 **and shall be maintained in perpetuity**. Tree species shall be drought resistant and be able to grow to a minimum 8 metres in height at maturity.

Services

32. Stormwater Disposal: Roof waters shall be collected and conveyed to Council's Stormwater disposal system. A hydraulics design shall be submitted to and approved by Council as part of the Construction Certificate application.
33. Backflow Prevention: A backflow prevention (reduced pressure zone) device shall be installed in accordance with AS 3500.1, clause 4.4.
34. Sewerage Connection: All connections to or alteration to any sewerage lines must be carried out by a Licensed Plumber/Drainer.
35. Waste Storage during Construction: Provision shall be made on site for the proper storage and disposal of waste such that no builders waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind.
36. Waste Disposal: all debris and any waste fill is to be removed from the site and disposed of at Temora Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot.
37. Sewerage Connection: All connections to or alteration to any sewerage lines must be carried out by a Licensed Plumber/Drainer.

Demolition

38. Demolition Works: Demolition of existing building or structures is to be carried out in a manner so that the risk of injury to the health and safety of site personnel and public persons will be minimised.
39. Identify and locate service supply mains – Water, Electricity and notify the controlling authority to disconnect such services prior to demolition.
40. All debris is to be removed from the site and disposed of at Temora Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot.

Design

41. Access: All doorways throughout the building must have a minimum opening clearance of 850mm to comply with Disability (Access to Premises – Buildings) 2010 Schedule 1 Part D3.2
42. Exits: Any exits must not be blocked at the point of discharge and where necessary, suitable barriers must be provided to prevent vehicles from blocking the exits, or access to it.
43. Exit Signs: Illuminated exit signs shall be erected above each exit door acting as a required exit and any paths of travel as indicated.
44. Required Exit: A door in a required exit or in a path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1200mm from the floor.
45. Emergency Lighting: An emergency lighting system must be installed in the building in accordance with the requirements of Part E4.2 of the **National Construction Code**.
46. Scalding: The Hot Water System to the bathroom is to be set not to exceed 50°C to prevent accidental scalding of children and the infirm. The licensed Plumber is to complete the attached certificate of compliance for the completed installation.
47. Sanitary Facilities: Accessible (disabled) unisex sanitary facilities shall be provided as per the Disability (Access to Premises – Buildings) 2010 Schedule 1 Part F2 and shall comply with AS 1428.1/2009 – Design for Access and Mobility.

Fire Safety

48. Portable Fire Extinguishers: Portable Fire Extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in the building. Portable fire extinguishers satisfy this requirement if they are installed in accordance with Australian Standard 2444 and water type extinguishers are located adjacent to required exits and extinguishers provided for fires other than Class A fires, are suitably located adjacent to their relevant risk.

49. Fire Hose Reel System: A fire hose reel system is to be installed complying with Australian Standard 2441 and Clause E1.4 (b) of the National Construction Code of Australia.
50. Fire Hydrant: A fire hydrant installation complying with AS:2419.1-2017 shall be installed to service the entire building. A design by an accredited fire engineer shall be submitted to the certifier as part of the Construction Certificate
51. Annual Certificate: The owner of the building shall submit to Council an "Annual Fire Safety Statement: (Form 1) by 1 July, each subsequent year after obtaining a "Fire Safety Certificate" for the building from Council.
52. The "Annual Fire Safety Statement" shall comply with the provisions set out in the Environmental Planning & Assessment Regulation 2000. Forms for this purpose can be collected from Council's office.
53. Fire Requirements: Prior to the certifying authority issuing an Occupation Certificate to authorize a person to commence occupation or use of the building, the certifying must be satisfied that a final Safety Certificate has been issued for the building.

Energy Efficiency

54. Artificial Lighting: Artificial Lighting within the building must be controlled in accordance with Part J6.3 of the **National Construction Code**.

Signage

55. Any signage for this development, **other than construction signage**, shall be subject to a future development application.

Hours of Operation

56. The hours of operation of the museum shall be 9.30am – 5pm weekdays and 9.30am – 4pm weekends. Any events outside of these hours are to be subject to separate approval from Council.

Acoustic Verification

57. A satisfactory acoustic verification report for plant is required prior to occupation.

Works on Adjacent Residential Site

58. Prior to the issue of a construction certificate for the main building, a signed written agreement between the Council and the owner of 1A Hinde Street, Temora to:
(a) relocate the existing shed on that land closer to the property's rear boundary, or
(b) implement an alternative outcome which is suitable to both parties,
is to be submitted to the Principal Certifying Authority.
59. The works agreed to under Condition 58 relating to 1A Hinde Street, Temora must be carried out prior to the issue of an occupation certificate for the development the subject of this consent. Where relevant, the works must be undertaken in accordance with the National Construction Code.

Developer Contributions Plan

60. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution applicable as a S7.12 development levy is to be paid to Temora Shire Council prior to the issue of Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Temora Shire Section Developer Contributions Plan 2019, which may be viewed during office hours at Council's Offices, 105 Loftus Street, Temora, or on Council's website www.temora.nsw.gov.au.
61. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Prior To Release of Occupation Certificate

62. Inspection of management and maintenance of vegetation screening including supplementary watering of plants, to the satisfaction of Council.