

<b>DATE OF DETERMINATION</b>	14 August 2023
<b>DATE OF PANEL DECISION</b>	11 August 2023
<b>DATE OF PANEL MEETING</b>	2 August 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas
<b>APOLOGIES</b>	John Preston, Bryce Wilson
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 July 2023 and 7 August 2023.

#### **MATTER DETERMINED**

PPSSTH-207 – Queanbeyan-Palerang – DA.2022.1637 at Part of: Lot 341 & Lot 342 DP 1259563 and Lot 673 DP 1289740 (Formerly Lot 641 DP 1281684) and is commonly known as No. 19 Glenrock Drive GOOGONG NSW 2620 and No. 100 & 150 Wellsvale Drive GOOGONG NSW 2620 (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.

#### **Request to justify the contravention of a development standard**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (LEP), which has demonstrated that:

- a) compliance with cl.4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel was satisfied that:

- a) the applicant's written request adequately addressed the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the E1 Local Centre zone; and
- c) the concurrence of the Secretary has been assumed.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The panel approved the application for the reasons outlined in the Council's assessment and supplementary reports and subject to amendments to the recommended conditions as discussed below. Notably, the Panel was satisfied that:

- The prerequisites for the grant of consent had been met;
- The section 4.6 request was justified;
- The proposal was generally consistent with the Googong Masterplan as applicable to the Precinct;
- The matters raised by the Panel at its meeting of 2 August 2023 had been satisfactorily addressed as discussed further below;
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken; and
- The development was deemed to be in the public interest.

The Panel deliberated on the matter on the 2 August 2023. At that meeting the Panel sought clarification in relation to several matters as follows:

- Whether there is any impediment to the Panel determining the DA (having regard to s4.12 of the EP&A Act and clause 23 of the EP&A Regulation) noting that DA.2022.1638 relating the subdivision of the land to create new lots was recently determined but which is yet to be registered;
- Further consideration in consultation with Council's EHO regarding noise from the proposed 24-hour use of the loading dock with a specific focus on its use between 12am to 6am noting the potential for noise impacts in the early morning. This should include an explanation as to how Council was satisfied that the use of the loading dock, particularly in the early hours of the morning will not have an adverse impact on the amenity of the area. The Panel also considers that it would be prudent to include the mitigation measures recommended in the acoustic report as a specific condition of consent;
- Further consideration of the proposed Community Management Statement and its operation and the inclusion of specific reference to the management of the internal private road and the management of parking across the site;
- Further discussion and justification for the design standards applicable to the construction of internal roads; and
- A range of administrative and other changes to the draft recommended conditions to strengthen their application and implementation.

The Panel was satisfied that the supplementary report and the amended draft recommended conditions of consent had addressed the Panel's residual concerns. The amended conditions are discussed in more detail below.

The Panel's decision to approve the DA was unanimous.

## CONDITIONS

The Development Application was approved subject to the conditions in the Council's supplementary report which included the following inclusions and amendments:




- **Condition 3** has been incorporated to specify that the use of the hotel has been approved (concept approval) in accordance with section 4.22 of the Environmental Planning and Assessment Act, 1979;
- **Condition 4** (former Condition 3) which was the subject of additional justification in the supplementary report has been retained;
- **Former Condition 4** relating to haulage hours during construction has been incorporated into Condition 39 in the section relevant to 'Conditions to Be Satisfied During Demolition/Or Building Works';
- **Condition 5** has been included requiring all heavy vehicles accessing the loading dock area between the hours of 10pm and 7am to only use 'white noise' reversing alarms that are limited to 90dB Lafmax. In addition, heavy vehicle engines must not be left to idle during loading and unloading of the vehicle;
- **Conditions 23, 24, 80, 81, 82, 83, 91, 92, 95, 96 and 97** have been amended to replace reference to 'the Owner' or 'the proponent' with 'the person acting on this consent. It should also be noted that the numbering of some of these conditions has changed.
- **Condition 28** has been deleted from the draft recommended conditions as it is not considered necessary given that remediation was dealt with under DA123-2017 and a site audit statement issued establishing the site as suitable for its intended use;
- **Condition 43** (former Condition 42) has been amended to replace 'DECCW' with the NSW Office of the Environment and Heritage (OEH);
- **Condition 45** has been added to ensure the proposed internal road (private road) (section of Glenrock Dr through the Town Centre) is constructed in accordance with Council's Design Specifications;
- **Conditions 22 and 49** (formerly 21 and 47) have been retained subject to additional clarification regarding implementation. Further, the heading of Condition 49 has been amended to read as 'Disposal of Construction Waste Management';
- **Condition 58** (former 56) has been amended to remove the wording 'issue of Occupation Certificate' and replaced with the wording 'Occupation of Premises';

- **Condition 60** (former Condition 58) has been amended to ensure the final version of the Community Management Statement is submitted and approved by Council and has specific reference to the management and maintenance of the private road and car parking associated with the development;
- **Condition 70** (former Condition 68) has been amended to delete reference to 'Private Property' and 'Certificate of Completion', noting there is no privately owned properties adjoining the subject development site likely to be adversely impacted. The Condition has also been amended to include the requirement for dilapidation reports for public land adjoining the development site;
- **Condition 75** (former Condition 73) has been amended to include a new paragraph to ensure the approved landscaping on site is maintained by the person acting on the consent for the life of the development;
- **Conditions 82 and 83** (former 80 and 81) have been amended to ensure both the Trolley Management and Litter Management Systems are installed in accordance with Conditions 24 and 25 prior to the issue of the Occupation Certificate;
- **Conditions 98 and 99** (former Conditions 96 and 97) to be retained to ensure the Trolley Management and Litter Management Systems are implemented for the life of the development; and
- The recommendations of the NSW Police have been attached to the Consent as 'Advisory Notes'

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

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no additional issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-207 – Queanbeyan-Palerang – DA.2022.1637
2	PROPOSED DEVELOPMENT	Construction of commercial premises, medical centre, recreation facility (indoor), signage, car park, road, associated earthworks, landscaping and infrastructure and concept approval for a pub (The Googong Hotel)
3	STREET ADDRESS	Part of: Lot 341 & Lot 342 DP 1259563 and Lot 673 DP 1289740 (Formerly Lot 641 DP 1281684) and is commonly known as No. 19 Glenrock Drive GOOGONG NSW 2620 and No. 100 & 150 Wellsdale Drive GOOGONG NSW 2620.
4	APPLICANT/OWNER	Australian Real Estate Solutions Pty Limited / Googong Township Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	<b>General development over \$30 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>State Environmental Planning Policy (Industry &amp; Employment) 2021</li> <li>Queanbeyan Palerang Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Googong Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: <b>19 July 2023</b></li> <li>Clause 4.6 requests <ul style="list-style-type: none"> <li>Clause 4.3 (Height of Buildings)</li> </ul> </li> <li>Council supplementary report received: <b>4 August 2023</b></li> <li>Written submissions during public exhibition: 0</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 6 June 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston, Bryce Wilson</li> <li><u>Council assessment staff</u>: Luceille Yeomans, Graham Harlor</li> <li><u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> <li>Council / Applicant Briefing: 9 May 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Mary Kunang</li> <li>○ <u>Applicant representatives</u>: Theo Van Veenendaal (Ares), Malcolm Leslie (Peet Ltd), Robert Bennett (Noble Planning)</li> <li>○ <u>Other</u>: Amanda Moylan (DPE)</li> </ul> <ul style="list-style-type: none"> <li>● Final briefing to discuss council's recommendation: 2 August 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Mary Kunang, Annie Shumaker, Ugyen Tenzin</li> <li>○ <u>Applicant representatives</u>: Theo Van Veenendaal (Ares), Malcolm Leslie (Peet)</li> <li>○ <u>Other</u>: Amanda Moylan (DPE), Tracey Gillett (DPE)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report and as revised dated 7 August 2023

## SCHEDULE 2

### **SPECIAL CONDITIONS**

#### **2. Permissible Land Uses and Internal Fitout Require Separate Approval**

Separate development consent is required to be obtained from Council for future land uses and internal fitout related to other commercial premises, medical centre and recreation facility (indoor) other than the approved supermarket.

*Reason: To ensure that appropriate approvals are obtained for future uses and internal fitout.*

#### **3. Concept Approval for The Pub**

As provided by section 4.22 of the *Environmental Planning and Assessment Act 1979*, this consent includes the concept approval for the pub.

**Note:** *This consent does not permit the construction of the proposed pub to occur on site except for the car parking associated with the pub.*

*Reason: To ensure concept approval is included as part of this consent.*

#### **4. Operational Hours for Supermarket**

Operating hours for the supermarket are as follows:

Day	Hours
Monday to Sunday (Including Public holidays)	6am to 12am

Operating hours for the supermarket loading dock are as follows:

Day	Hours
Monday to Sunday	Delivery is expected to occur any time of the day (24 hours a day)

*Note: Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.*

*Reason: To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

#### **5. Loading dock noise restrictions**

All heavy vehicles accessing the loading dock area between the hours of 10pm to 7am must only use "White noise" reversing alarms that are limited to 90dB Lafmax. The heavy vehicle engine must not

be left to idle during loading and unloading of the vehicle.

*Reason: To protect the night time amenity of the area for neighbouring residential properties and prevent sleep disturbance that may occurring during overnight commercial deliveries.*

## **6. Compliance With Local Planning Agreement (LPA)**

The Googong Local Planning Agreement (LPA) must be complied with. Details including payment of contributions shall accompany any application for a subdivision certificate.

*Reason: To ensure compliance with the Googong Local Planning Agreement.*

## **7. Dust Management**

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.*

## **8. Consultation and Approval for Cranes (if applicable) from Canberra Airport**

If cranes are used during construction, approval is required to be obtained from Canberra Airport prior to commencement of any building works.

*Reason: To ensure appropriate approval is obtained.*

## **GENERAL CONDITIONS**

### **9. Obtain Construction Certificate**

Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

### **10. Obtain Occupation Certificate**

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

*Reason: Ensure that the building complies with relevant standards.*

### **11. Comply with the Building Code of Australia**

All work is to comply with the current edition of the Building Code of Australia.

*Reason: All building work is carried out in accordance with relevant construction standards.*

## **12. Construction within Boundaries**

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

*Reason: Approved works are to be contained wholly within the subject site.*

## **13. Copy to Owner**

A copy of this consent is to be provided to the owner.

*Reason: To ensure the owner is aware of the requirements imposed under the consent.*

## **14. Batters**

No batter is to have a gradient greater than 1:4. Batters greater than 1:4 must be retained.

*Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.*

## **15. Siting of retaining wall/s**

Retaining walls for 'cut' sites are to be located such that the entire retaining wall, associated footings and drainage materials are located wholly within the boundary of the 'cut' allotment. The backfilled side of the retaining wall shall be no closer than 500mm to the property boundary.

Where filling is proposed or required, retaining walls are to be located such that the exposed side of the wall, any associated footings and drainage materials are located wholly within the boundary of the filled allotment. The exposed side of the retaining wall shall be no closer than 900mm to the property boundary.

*Reason: To ensure that there is clarity over the ownership of retaining walls and adequate provision is made for the construction of dividing fences.*

## **16. Sequence of construction for retaining wall/s**

Where retaining walls are required along a property boundary, they are to be constructed and inspected prior to any other construction works commencing.

*Reason: To ensure that excavated or backfilled areas are adequately retained and that neighbouring properties are not impacted by the earthworks on this site.*

## **17. Imported Fill**

All fill delivered to site has to be certified Virgin Excavated Natural Material (VENM).

*Reason: Only clean and non-contaminated fill is used on site.*



## **18. Unauthorised Use of Public Land**

No building materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

*Reason: To prevent unnecessary disturbance to public land.*

## **19. Work on Adjoining Land is Limited**

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by construction activities with the exception of;

- a. Installation of a temporary, stabilised construction access across the verge,
- b. Installation of services,
- c. Construction of an approved permanent verge crossing.

*Reason: To minimise interference with the verge and its accessibility by pedestrians.*

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **20. Acoustic report for mechanical plant equipment**

An acoustic report assessing the noise impact from proposed mechanical plant equipment at the site must be completed by a suitably qualified professional and submitted to Council prior to issue of a Construction Certificate. Any noise mitigation recommendations listed within the acoustic report must be implemented.

*Reason: To ensure that mechanical plant noise impacts are assessed and mitigated where and when required to comply with the Protection of the Environment Operations Act 1997.*

### **21. Bus Stops and Bus Shelters Requirement**

Prior to issue of a construction certificate, a plan must be prepared and submitted to Council for approval demonstrating the location of bus shelter(s) at the two bus stops on the eastern and western sides of Wellsdale Drive, at the frontage of the Town Centre, as well as regulatory bus zone signage and line marking changes required to facilitate two buses stopping at both of these stops.

*Reason: To ensure the provision of public transport infrastructure is provided within Googong Town Centre.*

### **22. Submit Construction Waste Management Plan**

A Construction Waste Management Plan, prepared by a suitably qualified or experienced professional, shall be submitted to Council for approval prior to issue of a construction certificate.

The waste management plan shall include:

- Estimated quantities of construction waste broken down into major waste streams
- Description of how construction waste will be avoided, reused, recycled or otherwise safely and legally diverted from landfill for the duration of construction works
- Estimated quantities of construction waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill
- Estimated quantities of excavated natural material (ENM), the expected classification of ENM and how ENM will be managed and disposed
- Generally addressing how this project is contributing to the *NSW Waste and Sustainable Materials Strategy 2041* (NSW DPIE, June 2021) target to achieve “80% average recovery

rate from all waste streams by 2030".

*Reason: To ensure that that waste management is appropriately considered and managed during construction.*

### **23. Waste Enclosure and Public Bins**

Prior to issue of Construction Certificate, a plan detailing the actual dimensions of the waste enclosure that meet Council requirements to service the whole development on site and the location of public bins throughout the site is required to be prepared and submitted to Council for approval. The plan to include the following information:

- a) Type of bins to be installed.
- b) Who will be responsible for maintaining them.
- c) Design of bins need to ensure no windblown litter or access from animals or birds and has suitable signage.
- d) If recycling bins are provided, they should only be for bottles and cans.

*Reason: To ensure a satisfactory waste management and collection service is provided in accordance with Council requirement.*

### **24. Develop Litter Management Plan**

The person acting on this consent shall develop a Litter Management Plan and submit the proposed plan to Council for approval prior to issue of a construction certificate. The Litter Management Plan shall cover all external areas of the development site, including any parking areas or other public domain, and immediately adjacent public land where necessary. The Litter Management Plan shall detail:

- How litter will be managed
- The frequency of litter management activities, including triggers for ad-hoc collections
- Who will be responsible for funding, managing and implementing the Plan.

*Reason: To protect local amenity and prevent litter impacts on the environment.*

### **25. Develop Trolley Management System**

The person acting on this consent shall develop a Trolley Management System and submit the proposed system to Council for approval prior to issue of a construction certificate. The Trolley Management System shall be consistent with the QPRC Shopping Trolley Management Policy.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge and to protect local amenity.*

### **26. Submission of Traffic Control Devices Plan**

Prior to issue of a construction certificate, a Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee. The plan must address:

- a) The provision of a no-parking zone on the southern side of Golden Way from such that

the loading access driveway has adequate sight and manoeuvring distance for entering and exiting heavy vehicles in accordance with AS/NZS 2890.1.

- b) On-street parking control on the northern side of Golden Way along the respective development frontages to the site limiting duration of parking to two (2) hours.
- c) Line-marking and sign-posting.

Traffic control devices are not to be installed prior to the endorsement of the Local Traffic Committee but must be implemented prior to the issue of any Occupation Certificate.

*Reason: To authorise traffic control devices and ensure that they are appropriate.*

## **27. Water & Sewer Compliance Certificate of Compliance - Design**

Prior to the release of a Construction Certificate, a Certificate of Compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

Under Section 306 of the *Water Management Act 2000* Council, as the case requires, may, as a precondition to the issuing a Certificate of Compliance, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply and sewerage under Section 64 of the *Local Government Act 1993* and as specified in Schedule 1 of this consent.

Section 64 contributions shall be indexed in accordance with the respective plans and CPI All Groups - Sydney annually.

*Reason: To ensure that supply is available, and/or the hydraulic design is in accordance with the relevant specifications.*

## **28. Submit Approval by Essential Energy**

Prior to issue of a construction certificate, a written declaration from Essential Energy that all clearances from the electric infrastructure have been achieved and that the required electricity infrastructure to service the development are provided, must be submitted to Council.

*Reason: To ensure development does not interfere with electricity supply and required services provided.*

## **29. Retaining Walls**

Any retaining wall greater than 1000 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

*Reason: Retaining walls are structurally strong enough to bear the loads put on them.*

## **30. Section 68 Works Certificate**

The Section 68 Works Certificate application and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works on utility infrastructure for which Council is the Water and Sewer Authority.

The engineering plans must comply with the requirements of Council's Design and Construction Specifications and include the following where applicable to a subdivision stage -

- a) A Certification Report in accordance with Council's DQS Quality Assurance Design Specification,
- b) This general note - *All work must be constructed in accordance with the requirements of Council's QPRC Design and Construction Specifications.*

*Reason: To provide design certification of the utility infrastructure works.*

### **31. Submit a Construction Management Plan**

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

- a) describe the proposed construction works and construction program and,
- b) set standards and performance criteria to be met by the construction works and,
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- d) identify procedures to receive, register, report and respond to complaints and,
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans

*Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.*

## **CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS**

### **32. Appoint PCA (Building)**

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

*Reason: To provide for supervision of works.*

### **33. Driveway Application Form**

A driveway application form must be submitted to and approved by Council prior to commencement of driveway works and construction of the driveway across Council's footway area must be undertaken by a Council approved contractor, at no cost to the Council.

*Reason: To ensure the construction of the driveway on public land meets Council's requirements.*

### **34. Site Identification**

The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- the development application number,
- name, address and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that "unauthorised entry to the work site is prohibited".

*Reason: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.*

### **35. Traffic Management and Section 138 Consent**

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved Road Occupancy Licence (ROL) from the Transport for NSW (TfNSW) for State Roads.

*Reason: To ensure that works carried out comply with the Roads Act.*

### **36. Sediment and Erosion Control Plan**

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the

NSW Landcom publication *Managing Urban Stormwater - Soils and Construction (4th Edition 2004 - "Blue Book")*.

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

### **37. Submit an Application for Trade Waste (C4 & C5)**

Prior to the commencement of any building work or the approved land use a Trade Waste Application (C4 & C5) for disposal into sewer must be submitted to, and approved by, Council.

*Reason: To ensure compliance with Section 68 of the Local Government Act, 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.*

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS**

### **38. Hours of Operation for Works**

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NIL

*Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.*

### **39. Haulage Trucks Hours of Operation**

Haulage truck operations on all public roads shall cease during the period when school busses may be encountered on public roads, between the hours of 7.00 am - 9.00 am and 3.00 pm - 5.00 pm on school days.

*Reason: To avoid potential conflict with existing local traffic.*

### **40. Approval Documents**

Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

*Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

### **41. Inspections - Water & Sewer Authority**

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

- a) immediately prior to connection of new sewer pipes to the existing sewerage system,
- b) immediately prior to connection of new water pipes to the existing water reticulation,
- c) immediately prior to the backfilling of sewer drainage trenches, and
- d) immediately after installation of any on-site stormwater management system.

Council's Environment, Planning and Development section must be given 24 hours notice of the need for these inspections.

*Note: Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council's Design and Construction Specifications.*

*Reason: To ensure that hydraulic services are constructed in accordance with Council requirements.*

### **42. Construction Facilities**

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

*Reason: To provide adequate facilities to the work site.*

### **43. Unexpected Finds**

The development is to proceed with caution. If any Aboriginal objects are found, works should stop and NSW Office of Environment and Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW OEH are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

#### **44. Driveway Requirements**

The development must include the construction of a residential type driveway over Council's footway at the location shown on the approved plans. The driveway must be;

- a) Constructed by a Council approved contractor, at no cost to the Council,
- b) Constructed using plain concrete, or 3% black oxide coloured concrete,
- c) Constructed with a 2% grade falling to the gutter,
- d) At minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area,
- e) Constructed to a minimum width of the 6m Vehicle Kerb Crossing,
- f) The driveway crossover shall be a minimum of 6m for the two-way access,
- g) In accordance with Council's D13 Vehicular Access Design Specification as a minimum.

*Reason: To ensure the construction of the driveway on public lands meets Council's requirements.*

#### **45. Internal Road Requirements**

The detailed engineering plans for the internal road must comply with the requirements of Council's Design and Construction Specifications which shall be designed and constructed to the minimum standard of a dense graded AC14 asphalt mix and in accordance with Council Design Specifications for GEOMETRIC DESIGN and PAVEMENT DESIGN and Council's Construction Specifications for FLEXIBLE PAVEMENTS and ASPHALTIC CONCRETE. As a minimum, a 7mm prime seal shall be indicated on the Drawings below the asphalt surfacing.

*Reason: To ensure road design, construction and ancillary work is in accordance with Council's standards and requirements.*

#### **46. Accordance with Driveway Long section**

The driveway within the property and across Council's footway must be constructed in accordance with the approved driveway long section.

*Reason: To provide an adequate standard of vehicle access.*

#### **47. Driveway Location from Water Meter, Sewer and Stormwater Connections**

The driveway within the property must maintain a clearance not less than one metre (1.0m) from the water meter.

The driveway verge cross-over is not permitted to be constructed over the water service, sewer tie point connection or stormwater tie point connection.

*Reason: To ensure such service is not damaged by vehicle movements or difficult to access.*

#### **48. All Works to Be Confined to the Site**

All demolition, excavation, backfilling, construction and other activities associated with the development must:-

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be

erected prior to the commencement of the demolition works.

- d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

*Reason: To ensure that all development activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired.*

#### **49. Disposal of Construction Waste Management**

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

*Reason: To ensure adequate waste management practices are in place during the construction phase.*

#### **50. Protection of Adjoining Structures**

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of SafeWork.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

*Reason: Excavations relating to building work do not pose a hazard to adjoining properties.*

#### **51. Excavation and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of SafeWork.

*Reason: To ensure excavation does not impact on adjoining property and compliance with SafeWork requirements.*

#### **52. Maintenance of Erosion Control Measures**

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004 - "Blue Book") and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*



### **53. Works Sites to Be Fenced**

A fence must be erected between the development site and public places before commencement of any other work.

*Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.*

### **54. Temporary Vehicle Access**

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

*Reason: To minimise transfer of soil from the site onto the road pavement.*

### **55. Submit Survey Plan Showing Boundary Setbacks and Floor Levels**

The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries and the height of the finished basement, ground floor and first floor must be prepared by a Registered Surveyor upon completion of the floor level and then submitted to the Principal Certifying Authority.

*Reason: To ensure the building is sited and constructed in accordance with the approved plans.*

### **56. Protection of Works on Public Roads**

Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's Queanbeyan Design and Construction Specifications (Version 3.2, dated January 2013) / Googong Design and Construction Specifications (Version 1, dated June 2011).

Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.

*Reason: To ensure an adequate level of public safety and convenience during construction.*

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE**

### **57. Occupation Certificate**

The occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

*Reason: Development is safe & appropriate for occupation, and is completed in accordance with the consent.*

### **58. Three (3) Month Operation Acoustic Report After Occupation of Premises**

An acoustic report assessing the operational noise generated from the site must be completed by a suitably qualified professional and submitted to Council. Any noise mitigation recommendations listed within the acoustic report must be implemented.

The acoustic report must be submitted no sooner than 3 months and no later than 6 months after the occupation of premises.

*Reason: To ensure that real-time noise impacts are assessed and mitigated where and when required for the benefit of neighbouring properties and to comply with the Protection of the Environment Operations Act 1997.*

### **59. Installation of Bus Shelter(s), Regulatory Bus Zone Signage and Associated Line Marking**

Prior to issue of any occupation certificate, install the bus shelter/(s), regulatory bus zone signage and any associated line marking changes, for the two bus stops on the eastern and western sides of Wellsvale Drive, at the frontage of the Town Centre.

*Reason: To ensure the provision of public transport infrastructure is provided within Googong Town Centre.*

### **60. Submission of Community Management Statement**

Prior to issue of any Occupation Certificate, a Community Management Statement for the development approved under this consent must be submitted to Council for approval and shall include the management and maintenance of the private road and car parking associated with this development.

*Reason: To satisfy the provisions of the Community Land Management Act 1989 and the Community Land Development Act 1989.*

### **61. Sewage Connection**

Prior to issue of any occupation certificate, connect the premises to Queanbeyan-Palerang Regional Council's sewerage infrastructure.

*Reason: Premises are connected to available domestic sewerage system.*

### **62. Colours and Material Finishes**

The building is to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

*Reason: The building is not visually intrusive in the landscape and does not cause glare.*

### **63. Lighting in Car Parks and Public Spaces**

Lighting throughout the car parking area and in public spaces must comply with AS/NZS 2890.1:2004 - parking facilities - off-street car parking, and AS/NZS 1158 - lighting for roads and public spaces.

Lighting of the undercroft car parking area must comply with AS/NZS 1680.2.1-2008 - interior and workplace lighting - specific applications - circulation spaces and other general areas.

*Reason: To ensure the provision of adequate lighting within the development.*

### **64. Construction and Fitout Requirements for Supermarket**

Food handling and storage areas must be constructed and fit out in accordance with:

- a) AS 4674-2004 - Construction and fit out of food premises
- b) AS/NZS 1668.2-2012 - The use of ventilation and air-conditioning in buildings - mechanical ventilation in buildings

*Reason: To ensure safe and hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2015, Food Standards Code and relevant Australian Standards.*

### **65. Plant and Equipment Noise**

The noise level emanating from plant and equipment installed on the premises must not exceed a level of 5dB(A) above background level when measured for a LAeq 15 minute period during the day, evening or night.

*Reason: To reduce the noise nuisance to residents and adjacent neighbours, also to comply with the Protection of the Environment Operations Act 1997 and Regulations.*

### **66. Compliance with Acoustic Report**

All recommendations and specifications detailed in the acoustic report, Report No.AC-RPT-301350981 001-DA\_001, by Stantec Australia Pty Ltd dated 15 September 2022, for Googong Town Centre must be implemented and adhered to.

*Reason: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the development consent.*

### **67. Stormwater Disposal and Water Quality Requirements**

All stormwater from the site must be captured and piped to the street gutter/stormwater pit/other via an on-site detention system to limit the discharge from the site to the pre-development rate in accordance with Council's D5 and D7 Design Specification.

*Reason: To provide satisfactory stormwater disposal and water quality.*

### **68. Car Parking to Comply with AS/NZS 2890**

All car parks must comply with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking, AS/NZS 2890.6-2009 Off-Street Parking for People with Disabilities.

Pavement line marking with bay dimensions to comply with AS/NZS 2890.1-2004 and AS/NZS 2890.6-2009, must be shown within the car parking areas to delineate parking bays, including signage

for the accessible parking bays.

*Reason: To provide adequate off-street car parking.*

#### **69. Provide Water Service and Water Meter - Commercial**

A new master water meter and water service shall be provided at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council. All water meters shall be purchased from Council and any connection to live water mains must be undertaken by Council's Utilities Branch at the Applicants cost.

The main meter shall be installed in an easily accessible position in the common property at the front of the site, or other accessible position approved by Council.

A minimum 20mm electronic water meter (sub-meter) shall be purchased from Council and installed at the front of each unit, or other accessible position approved by Council, at no cost to Council.

Each sub-meter and all irrigation and fixtures for the common property must be serviced by the main meter.

Where recycled water is supplied to the property, this condition should be read as applying to both the potable water supply and recycled water supply.

*Reason: To ensure that the development is appropriately water metered.*

***Note: Further detail and information on Advanced Metering Infrastructure can be provided through Council's Utilities branch.***

***Note: To arrange a quote for the supply and installation of the master water meter and water service, please contact Council's Utilities Branch.***

#### **70. Repair Damaged Public Property**

All damage caused to public property during the construction operations and associated activities must be repaired or reinstated prior to the issue of any Occupation Certificate.

The dilapidation report details the comprehensive record of the condition of public properties adjoining the development site must be prepared by a practising structural engineer and must be submitted to, and approved by, Council.

*Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition and to ensure that the condition of buildings, structures and/or public infrastructure on adjoining premises is accurately recorded following the completion of work on the development site.*

#### **71. Fire Safety Certificate**

Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Queanbeyan-Palerang Regional Council (and to the principal certifying authority if not Queanbeyan-Palerang Regional Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

**Note:** The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued

As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:

- a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
- b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.*

## **72. Submit Annual Fire Safety Statement**

Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.*

## **73. Street Numbering**

Prior to Occupation Certificate, apply to Queanbeyan-Palerang Regional Council to determine the street number and display the approved street number in accordance with Council's requirements.

*Reason: Adequate property identification for the public and for emergency services.*

## **74. Landscaping Works Completed By an Accredited Contractor**

All landscaping must be completed by a Council accredited Category 2 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.

*Reason: To help ensure a high standard of landscape works.*

## **75. Statement of Completed Landscape Works**

A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.

All landscaping on site must be continuously maintained by the person acting on this consent for the life of the development.

*Reason: To help ensure a high standard of landscape works.*

## **76. Water & Sewer Compliance Certificate - Construction**

Prior to the issue of an Occupation Certificate, a Certificate of Compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

*Reason: To ensure the constructed infrastructure and services have been completed to Council's specifications.*

## **77. Works as Executed Plans of Dedicated Infrastructure**

Prior to the issue of a Certificate of Completion, a Work-as-Executed package must be provided to Council. This information and engineering data is used to confirm the quality of works, indicate relative asset locations and survey alignments while also noting any other approved changes in asset types or construction details that may have occurred during the construction phase when compared to the originally approved design.

The final Work-as-Executed drawings, reports and digital data shall accurately reflect material types, specifications and other asset-specific information. The Work-as-Executed package must include:

- a. Marked up and red-lined Council stamped approved engineering plans depicting all new civil infrastructure and assets dedicated to Council,
- b. An accompanying compliant ADAC XML digital file,
- c. Other reports and information provided in accordance with the relevant approval(s).

#### Work as Executed (WAE) Drawing DWG and PDF Files

The presentation and content of Work-as-Executed drawing submissions shall be completed in accordance with Queanbeyan-Palerang Regional Council's Engineering Design and Construction Quality Specifications.

The Work-as-Executed drawings are to be provided to Council in both DWG and PDF file formats being printable to A3 size. The Work-as-Executed plans are to be clearly marked up (red-lined) showing all variations from design including changes to levels, alignments and material types. Drawings are to be clearly stamped "WORKS AS EXECUTED" and noted as the "WAE Version" in the revision title block.

Signed Certifications are to be completed on each and all pages of the submitted drawings by the Registered Surveyor certifying the locational accuracy with regard to physical features and assets, cadastral information, contours, levels and the applicable survey datum information.

#### Asset Design as Constructed (ADAC) XML Files

A compliant ADAC XML file is required to be submitted as an accompaniment to the Work-as-Executed drawings and package of supporting information. The ADAC XML data shall align with the corresponding Work-as-Executed drawings.

On acceptance of the Work-as-Executed information package, Council will undertake data format and conformance checks of the ADAC XML file to confirm validity and completeness with the accompanying Work-as-Executed drawings. Should significant anomalies, errors or missing information be identified during these checks, the files will be returned to the provider for correction and resubmission, potentially delaying the issue of the Certificate of Completion and acceptance of assets.

Queanbeyan-Palerang Regional Council require ADAC XML file to be formatted to V5.0. Refer to <https://www.ipweaq.com/adac> for additional information on preparing a ADAC compliant file submission.

*Reason: To provide a record of completed works as accurate asset information.*

#### **78. All Surfaces to be Concrete or Asphalt Surfaced**

All parking spaces, loading bays, driveways and turning aisles must be either concrete or asphalt surfaced, with all parking spaces line marked.

Visitor car parks must be clearly labelled prior to occupation.

*Reason: To ensure car parking spaces are functional prior to use of the premises.*

#### **79. Work in Accordance with Engineering Specifications**

All construction and restoration work must be carried out strictly in accordance with the approved

drawings and Queanbeyan-Palerang Regional Council's current Design and Construction Specifications.

*Reason: To ensure design, construction and restoration work is in accordance with Council's standards and requirements.*

#### **80. Disposal of Waste Materials**

Prior to the issue of any Occupation Certificate written evidence that all demolition/waste materials removed from the site have been disposed of at an approved site must be submitted to the Principal Certifying Authority.

*Reason: To ensure that all demolition/waste materials are disposed of in a proper manner.*

#### **81. Fibre-Ready Facilities**

Prior to the issue of any Occupation Certificate satisfactory arrangements are to be made for the provision of fibre-ready facilities to enable fibre to be readily connected to the premises.

*Reason: To satisfy relevant utility authority requirements.*

*Note: Under the Telecommunications Act 1997 fibre-ready facilities for an individual premise includes ducting from the street pit to the proposed location at the premises of the network termination device.*

#### **82. Implement Trolley Management System**

The person acting on this consent shall implement the approved Trolley Management System as per Condition 25, including installing all infrastructure required by the System prior to the issue of any Occupation Certificate.

*Reason: To ensure the approved Trolley Management System is implemented.*

#### **83. Implement Litter Management Plan**

The person acting on this consent shall implement the approved Litter Management Plan as per Condition 24, including installing all infrastructure required by the Plan prior to the issue of any Occupation Certificate.

*Reason: To ensure the approved Litter Management Plan is implemented.*

#### **84. Install and Commission all Waste Infrastructure**

The person acting on this consent shall install, and commission as necessary, all waste infrastructure required to service the development as detailed in the approved Operational Waste Management Plan.

*Reason: To ensure all required waste infrastructure is commissioned prior to occupation.*

## **85. Submit Construction Waste Records**

At the conclusion of construction works, the person acting on this consent shall submit to Council the following information:

- Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled)
- Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site

*Reason: To verify that waste has been legally managed.*

## **86. Insulate Heated and Cold Water Service Pipes**

Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:

- a) unheated roof spaces
- b) locations near windows, ventilators and external doors where cold draughts are likely to occur
- c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.

*Reason: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.*

## **CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES**

### **87. Maintain Car Parking Areas and Driveway Seals**

All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition, including line/pavement marking.

*Reason: To ensure car park areas are useable.*

### **88. Vehicle and Goods Storage Confined to the Site**

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.*

### **89. Car Parking Spaces to be Kept Free at all Times**

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times. The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.

*Reason: To ensure such areas are available for occupants and visitors of the site and parking on site is used for the development.*

## **90. Community Management Statement**



The approved Community Management Statement must be implemented and adhered to with by all tenants or other occupants of the development for the life of the development.

*Reason: To ensure compliance with the Community Management Statement.*

#### **91. Continuous Maintenance of Signs**

The sign/s approved by this consent must be continuously maintained in a structurally sound and tidy manner.

*Reason: To ensure that signs do not become derelict or unsightly.*

#### **92. Remove Damaged or Obsolete Signs**

The sign(s) allowed by this consent must be removed if the signage becomes obsolete or is in a state of disrepair.

*Reason: To ensure that obsolete signs and signs in poor condition are not left on buildings.*

#### **93. Commercial waste management**

The person acting on this consent shall be responsible for disposing of waste from this development. Disposal shall be to an appropriately licenced facility at the person acting on this consent's cost.

*Reason: To ensure that commercial waste is appropriately managed and disposed.*

#### **94. Comply with Operational Waste Management Plan**

The person acting on this consent shall ensure that the requirements of the Googong Central NSW Operational Waste Management Plan (Elephants Foot Consulting Pty Ltd, Revision C or later revision as appropriate) is complied with by all tenants or other occupants of the development.

*Reason: To ensure that commercial waste is managed in accordance with the approved Waste Management Plan.*

#### **95. Waste collection from within the Site**

Collection of waste generated in connection with the ongoing operation of the development must be carried out wholly within the site. All receptacles, storage areas and vehicles required for the collection of waste from development must be accommodated wholly within the site. Bins are not to be transferred to, collected from, or stored on, the public street at any time.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge and to protect local amenity.*

#### **96. Waste collection vehicles to enter and exit the Site in a forward direction**

Waste collection vehicles entering or exiting the site shall only do so in a forward direction.

*Reason: To ensure the risks associated with reversing heavy vehicles onto a public road is eliminated.*

#### **97. Ongoing management of waste**

The person acting on this consent shall:

- Manage access to the waste areas to ensure that only authorised users can access the area; and
- Keep waste areas free of debris, vermin and otherwise in a safe state for the collection of waste; and
- Manage waste storage areas to minimise negative impacts to adjoining properties; and
- Store bins within the waste areas in areas that do not impede access to other bins, fire safety features, emergency exits or other structures required to be accessed; and
- Generally undertake waste management in accordance with the Waste Management Plan approved by Council.

*Reason: To ensure the effective and safe ongoing management of waste areas.*

#### **98. Maintain and Operate Trolley Management System**

The person acting on this consent shall maintain and operate, for the life of the development, the approved Trolley Management System.

*Reason: To ensure the approved Trolley Management System is implemented.*

#### **99. Maintain and Operate Litter Management Plan**

The person acting on this consent shall maintain and operate, for the life of the development, the approved Litter Management Plan.

*Reason: To ensure the approved Litter Management Plan is implemented.*

#### **100. Surface Water**

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

*Reason: Stormwater disposal does not impact on the building or neighbouring properties.*

## **SECTION 68 APPROVAL – PLUMBING AND DRAINAGE CONDITIONS**

### **101. Plumbing and Drainage Installation Regulations**

Plumbing and drainage work must be carried out in accordance with the requirements of the Local Government (General) Regulation 2005, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

*Reason: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005.*

### **102. Inspection of Plumbing and Drainage**

Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

*Reason: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2012 and Council's inspection schedule.*

### **103. Floor Level to Be 150mm Above Yard Gully**

The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

*Reason: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system.*

### **104. Heated Water Not To Exceed 50 Degrees C**

All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50<sup>o</sup> Celsius.

All heated water installation for any accessible facility must deliver hot water at a temperature not exceeding 45<sup>o</sup> Celsius.

*Reason: To prevent accidental scalding.*