



**COOTAMUNDRA-  
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA 2023/116 PAN-367363
<b>Applicant</b>	Brendan Price Level 6, 161 London Circuit, Canberra ACT 2601
<b>Description of development</b>	<p>Development to be constructed in 3 stages involving demolition of existing buildings; construction of 3 buildings (approval for use for food and drink premises and shop subject to separate subsequent consent); relocation of Dog on Tuckerbox Memorial; construction of play area; construction of car parking; sewer treatment works; stormwater works; tree removal works; earthworks; landscape works; and subdivision to create three allotments of 25,162 sqm, 210 sqm and 1,250 sqm.</p> <p>The subject approval is for the construction of the 3 buildings only – their respective land use approvals are to be determined and subject to subsequent development consents.</p>
<b>Property</b>	37 Annie Pyers Drive Gundagai NSW
	2/-/ DP160191*
	529B/-/ DP203601*
<b>Determination</b>	Deferred commencement Consent Authority - Sydney / Regional Planning Panel

**Date of determination** 12/09/24

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**Date on which the consent lapses** 12/09/29

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Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

### **Relevant matters**

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

#### **1. Detailed Site Investigation and Remedial Action Plan**

A detailed Site Investigation Report prepared by a suitably qualified environmental consultant must be submitted to Council. The report must identify any on-site contamination and assess the potential risks to human health and the environment. If contamination is found, a Remedial Action Plan (RAP) must also be submitted, outlining the proposed remediation strategies to ensure the site is suitable for the intended use. The RAP must be prepared in accordance with the requirements of the Contaminated Land Planning Guidelines.

**Condition reason:** Legislative compliance with the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 and to ensure that the site can be made safe and suitable for the intended use.

#### **2. On-Site Wastewater Management**

A detailed wastewater system design, prepared by a suitably qualified consultant, must be prepared that demonstrates capacity of the development to manage all wastewater generated by the development wholly and appropriately within the boundaries of the development site, in accordance applicable Australian Standards, including AS/NZS 1547 and Council's On Site Sewage Management Systems (OSSMS) Policy. The design must incorporate the following requirements:

1. The wastewater treatment and effluent disposal system must be designed to manage a minimum daily hydraulic load of 3,360L/day, to meet the anticipated demand based on the number of vehicles expected to visit the site as outlined in the traffic study for the development.
2. The system must include a Sequencing Batch Reactor (SBR) or an Aerated Wastewater Treatment System (AWTS), to minimise risk of odour.
3. The treatment system must incorporate a balance tank and an effluent holding tank.
4. The effluent disposal area must be compliant and sized using a Design Irrigation Rate (DIR) of 2.0mm/day, reflecting the design limiting layer of the Category 6 medium clay subsoil, requiring a total area of 5,643m<sup>2</sup>.
5. Irrigation of treated effluent must be subsurface to avoid potential human and animal contact, given the public-facing nature of the facility.

6. Appropriate signage of the irrigation area, indicating that treated effluent is being irrigated.
7. The design must take into account the possibility of increased visitor numbers resulting from proposed changes to the intersection on the Hume Highway.

**Condition reason:** To ensure that wastewater generated by the development can be managed on-site.

### 3. Potable Water

The developer must enter into a formal agreement with the Council to ensure the provision and delivery of potable water to the development site. Evidence of the executed agreement must be submitted to the Council to satisfy this condition.

**Condition reason:** To ensure that a formal agreement is place between Council and the developer to secure the delivery of a reliable potable water supply to the proposed development.

Evidence of the above relevant matter(s) must be produced to the consent authority, within 728 days of the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

*Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.*

*Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).*

### Reasons for approval

The Southern Regional Planning Panel has considered all matters under the relevant legislation, and it considers that the proposed development is appropriate having regard to

those matters, and that any impacts can be managed through appropriate conditions. It has been determined that there are no reasonable grounds upon which to refuse the application.

### **Right of appeal / review of determination**

If you are dissatisfied with this determination:

#### **Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

#### **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

TBA

TBA

Person on behalf of the consent authority

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

1

Erection of signs

1.

This section applies to a development consent for development involving building work, subdivision work or demolition work.

2.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

a.

showing the name, address and telephone number of the principal certifier for the work, and

b.

showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

c.

stating that unauthorised entry to the work site is prohibited.

3.

The sign must be—

a.

maintained while the building work, subdivision work or demolition work is being carried out, and

b.

removed when the work has been completed.

4.

This section does not apply in relation to—

a.

building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

b.

Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason:

Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

2

Approved plans and supporting documentation

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

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
A1003	D	Site Plan	SN Architects	1 July 2024
A1004	B	Site Subdivision Plan	SN Architects	11 December 2023

A1005	B	GFA Calculation	SN Architects	11 December 2023
A1104	C	Demolition Plans	SN Architects	12 March 2024
A1105	B	Stage 1 Proposed Plan	SN Architects	11 December 2023
A1106	B	Stage 2 Proposed Plan	SN Architects	11 December 2023
A1107	D	Stage 3 Proposed Plan	SN Architects	1 July 2024
A1109	B	Building 01 Floor Plans - Future Food and Drink Premises	SN Architects	11 December 2023
A1110	B	Building 2 Floor Plans - Future Retail Premises	SN Architects	11 December 2023
A1111	B	Building 3 Floor Plans - Future Food and Drink Premises	SN Architects	11 December 2023
A2001	A	Elevations Building 01 Future Food and Drink Premises	SN Architects	18 August 2023
A2003	A	Elevations Building 02 Future Retail Premises	SN Architects	18 August 2023
A2004	A	Elevations Building 03 Future Food and Drink Premises	SN Architects	18 August 2023
A2009	A	Street Elevation	SN Architects	18 August 2023
A3001	B	Sections - Sheet No.1	SN Architects	1 July 2024
A3002	B	Sections - Sheet No.1	SN Architects	1 July 2024
LPDA 24-24 sheets 1 to 8	G	Landscaping Plans	Concept Landscape Architects	June 2024

  

Approved documents			
Document title	Version number	Prepared by	Date of document
Environmental Noise Assessment	-	Harwood Acoustics	1 September 2023
Aboriginal Heritage Due Diligence Assessment	-	Access Archeology	21 May 2023
Bushfire Assessment Report	-	CAF Consulting	24 January 2024

	Preliminary Site Investigation	-	Environmental Consulting Services	22 August 2023
	Flora and Fauna Assessment	-	East Coast Ecology	15 April 2024
	Statement of Heritage Impact	-	Heritage 21	25 January 2024
	Statement of Environmental Effects	-	Total Town Planning Services	15 April 2024
	Civil and Drainage Infrastructure Report	-	Spiire Australia	26 January 2024
	Tree Inventory	-	Mark D. McCrone	January 2024
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
4	<b>Essential Energy Requirements</b>			
	<ol style="list-style-type: none"> <li>1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</li> <li>2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>3. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</li> <li>4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</li> <li>5. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (<a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</li> <li>6. Information relating to developments near electrical infrastructure is available on our website Development Applications (<a href="http://essentialenergy.com.au">essentialenergy.com.au</a>).</li> <li>7. Council’s and the applicant’s attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.</li> </ol>			

	<b>Condition reason:</b> To comply with service authority requirements arising from referral
5	<p><b>Dog on the Tuckerbox Public Access Plan</b></p> <p>Before commencing any works, a detailed management plan must be submitted to the Council for approval a minimum of 7 days prior to works commencing. The management plan must outline specific strategies to minimize the duration of restricted access to the Dog on the Tuckerbox statue. This plan should address all potential disruptions and provide clear timelines and measures to ensure continuous, safe access to the site as much as possible.</p> <p>The proponent is responsible for ensuring full compliance with the approved access plan throughout the demolition and construction phases of the development.</p> <p><b>Condition reason:</b> To ensure that interruptions to public access to the statue is minimized</p>
6	<p><b>No building identification or advertising signage approved</b></p> <p>No building identification or advertising signage has been approved to be installed or erected as part of this consent. As such, any signage erected must either:</p> <ol style="list-style-type: none"> <li>1. comply with the exempt development provisions of a environmental planning instrument; or</li> <li>2. be approved under a separate development consent</li> </ol> <p><b>Condition reason:</b> This condition prevents unauthorised or non-compliant signage from being erected or installed that could impact the visual amenity, safety, or character of the area.</p>
7	<p><b>Biodiversity Management Plan</b></p> <p>Prior to the commencement of any works, a Biodiversity Management Plan (BMP) must be prepared by a suitably qualified person and submitted to the Council for review at least seven days before work begins. The BMP may be integrated into the Demolition and Construction Management Plans.</p> <p>The BMP must:</p> <ul style="list-style-type: none"> <li>• Clearly identify the development site as outlined in the Flora and Fauna Assessment (FFA) and the approved plans.</li> <li>• Designate areas of land to be retained, as specified in the FFA.</li> <li>• Ensure that all demolition and construction activities are confined to the development site, without encroaching on retained native vegetation and habitat.</li> <li>• Require that all material stockpiles, vehicle parking, machinery storage, and other temporary facilities are located within the areas assessed for biodiversity impacts in the FFA.</li> <li>• Include measures to revegetate the site with locally indigenous species and provenance, enhancing habitat suitability and connectivity to higher-quality habitats in the surrounding landscape, such as Five Mile Creek.</li> </ul>

	<p><b>Condition reason:</b> To ensure that the biodiversity values of the site and surrounding areas are protected and enhanced throughout the demolition and construction phases of the development by minimizing disturbance to native vegetation and habitat, preventing unintended encroachment into areas designated for retention, and promote the restoration of the site with locally indigenous species.</p>
8	<p><b>Protection of aboriginal artefact</b></p> <p>Before any works commence, the proponent must ensure that the location of DTB4 is isolated with site fencing placed at a minimum distance of 5 meters from the artefact. This protective barrier must be maintained for the duration of all demolition and construction activities. It is crucial that all work crews are informed of the artefact's presence and the importance of not breaching the visible barrier.</p> <p>Additionally, the proponent must ensure that everyone involved in the project is educated on the types of materials that may be encountered in the area, to facilitate the identification of any unexpected finds. All Demolition and Construction Management Plans for the development must align with the requirements and recommendations outlined in the Aboriginal Heritage Due Diligence Assessment report approved by this consent.</p> <p><b>Condition reason:</b> To protect and preserve significant Aboriginal heritage values at the site. By isolating DTB4 and ensuring that all personnel are informed and vigilant, the risk of accidental damage or disturbance to this culturally important artefact is minimized.</p>
9	<p><b>Naturally occurring asbestos – notification of trades and contractors</b></p> <p>Prior to the commencement of any ground penetrating works the proponent is required to advise all contractors engaged of the potential that naturally occurring asbestos may be encountered.</p> <p>If naturally occurring asbestos material is encountered during excavation works on site, the works are to cease immediately, and Council is to be notified.</p> <p>Interception of any naturally occurring asbestos will require specific processes to be implemented to secure the site and to manage any further works in accordance with the requirements of SafeWork NSW.</p> <p><b>Condition reason:</b> To protect to the health and safety of persons on and adjoining the site and to facilitate preparation of appropriate management measures in accordance with the requirements of SafeWork NSW</p>

## Demolition Work

### Before demolition work commences

10	<p><b>Asbestos removal signage</b></p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><b>Condition reason:</b> To alert the public to any danger arising from the removal of asbestos</p>
11	<p><b>Deliveries</b></p> <p>While site work is being carried out, deliveries of material and equipment must only be carried out between the following hours, unless explicit approval from Council has been obtained—</p> <p><b>Monday to Friday from 7:00am to 7:00pm</b></p> <p><b>Saturdays 9:00am to 12pm</b></p> <p><b>Sundays and public holidays prohibited</b></p> <p><b>Condition reason:</b> To protect the amenity of neighbouring properties.</p>
12	<p><b>Demolition management plan</b></p> <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person and provided to Council for review at least 7 days prior to commencement of demolition works.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:</p> <ol style="list-style-type: none"> <li>1. The proposed demolition methods</li> <li>2. The materials for and location of protective fencing and any hoardings to the perimeter of the site</li> <li>3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones</li> <li>4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles</li> <li>5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable (including in accordance with AS 4970-2009 Protection of trees on development sites</li> <li>6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways</li> </ol>

	<p>7. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent</p> <p>8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines</p> <p>9. Details of any bulk earthworks to be carried out</p> <p>10. Details of re-use and disposal of demolition waste material in accordance with EPA Guidelines</p> <p>11. Location of any reusable demolition waste materials to be stored on-site (pending future use)</p> <p>12. Location and type of temporary toilets onsite</p> <p>13. A garbage container with a tight-fitting lid.</p>
	<p><b>Condition reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p>
13	<p><b>Disconnection of services before demolition work</b></p>
	<p>The proponent is responsible for ensuring that before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p>
	<p><b>Condition reason:</b> To protect life, infrastructure and services</p>
14	<p><b>Erosion and sediment control plan</b></p>
	<p>Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council for review not less than 7 days prior to demolition works commencing:</p> <ol style="list-style-type: none"> <li>1. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>2. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ol>
	<p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
15	<p><b>Erosion and sediment controls in place</b></p>
	<p>Before any site work commences, the proponent must ensure that the erosion and sediment controls are in place in accordance with the relevant plan. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p>
	<p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
16	<p><b>Hazardous material survey before demolition</b></p>

	<p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least 7 days before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>1. the location of all hazardous material throughout the site</li> <li>2. a description of the hazardous material</li> <li>3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> <li>5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</li> <li>6. identification of the disposal sites to which the hazardous materials will be taken</li> </ol>
	<p><b>Condition reason:</b> To require a plan for safely managing hazardous materials</p>
17	<p><b>Notice of commencement for demolition</b></p> <p>At least 7 days before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> <li>1. name, address and contact phone number of the principal demolition contractor</li> <li>2. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</li> <li>3. the contact telephone number of council and</li> <li>4. the contact telephone number of SafeWork NSW (13 10 50).</li> </ol>
	<p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>
18	<p><b>Site preparation</b></p> <p>The proponent must ensure that before demolition work commences the requirements, as specified in the approved demolition management plan, are in place and maintained until the demolition work and demolition waste removal are complete.</p>
	<p><b>Condition reason:</b> To protect workers, the public and the environment</p>
19	<p><b>Tree protection measures</b></p> <p>Before any site work commences, a suitably qualified arborist (minimum level 5) must be engaged and verify that the measures for tree protection detailed in the Demolition Management Plan and approved Flora and Fauna Assessment, prepared by East Coast Ecology, dated 15 April 2024 are in place.</p>

	<b>Condition reason:</b> To protect and retain trees.
20	<b>Remediation Action Plan</b>
	Before demolition work commences, the proponent is responsible for ensuring that any relevant requirements of the Remediation Action Plan have been fulfilled.
	<b>Condition reason:</b> To ensure that any potential contamination issues on the site are appropriately addressed and managed prior to the commencement of demolition works.

### During demolition work

21	<b>Discovery of relics and Aboriginal objects</b>
	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ul style="list-style-type: none"> <li>i. for a relic – the Heritage Council; or</li> <li>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> </li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a. for a relic – the Heritage Council; or</li> <li>b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul>
	<b>Condition reason:</b> To ensure the protection of objects of potential significance during works.
22	<b>Handling of asbestos during demolition</b>
	<p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> </ul>

	<p>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</p> <p><b>Condition reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally</p>
23	<p><b>Hours of work</b></p> <p>While site work must only be carried out between the following hours, unless explicit approval from Council has been obtained, except where there is an emergency, or for urgent work directed by a police officer or a public authority—</p> <p><b>Monday to Friday from 7:00am to 7:00pm</b></p> <p><b>Saturdays 9:00am to 12pm</b></p> <p><b>Sundays and public holidays prohibited</b></p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
24	<p><b>Implementation of the site management plans</b></p> <p>While site work is being carried out the proponent is responsible for ensuring that:</p> <ol style="list-style-type: none"> <li>1. the measures required by the demolition management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</li> <li>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ol> <p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>
25	<p><b>Tree protection during work</b></p> <p>The proponent must ensure that while site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with the approved tree protection details set out by the Demolition Management Plan. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p><b>Condition reason:</b> To protect trees during the carrying out of site work.</p>
26	<p><b>Waste management</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the waste management plan; and</li> <li>2. upon disposal of waste, records of the disposal must be compiled and provided to Council, detailing the following:</li> </ol>

	<ol style="list-style-type: none"> <li>The contact details of the person(s) who removed the waste;</li> <li>The waste carrier vehicle registration;</li> <li>The date and time of waste collection;</li> <li>A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>The address of the disposal location(s) where the waste was taken;</li> <li>The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Council.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
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### On completion of demolition work

27	<p><b>Preservation of survey marks</b></p> <p>After completion of all site work, documentation must be submitted by a registered surveyor to the Council, which demonstrates that:</p> <ol style="list-style-type: none"> <li>no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or</li> <li>any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.</li> </ol> <p><b>Condition reason:</b> To protect the State's survey infrastructure.</p>
28	<p><b>Removal of waste upon completion</b></p> <p>After completion of all site work:</p> <ol style="list-style-type: none"> <li>all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>written evidence of the waste removal must be provided to the satisfaction of the Council.</li> </ol> <p><b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.</p>
29	<p><b>Repair of infrastructure</b></p> <p>After completion of all site work:</p>

	<p>a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</p> <p>b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</p>
	<b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.
30	<b>Waste disposal verification statement</b>
	<p>On completion of demolition work:</p> <ol style="list-style-type: none"> <li>1. a signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and</li> <li>2. if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.</li> </ol>
	<b>Condition reason:</b> To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan

## Building Work

### Before issue of a construction certificate

31	<b>Car parking details</b>
	<p>Before the issue of a Construction Certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities - Off-Street Carparking and the amended plans as approved by Council referred to in Condition 32 of this consent.</p>
	<b>Condition reason:</b> To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.
32	<b>Construction Site Management Plan</b>
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p>

	<p>The location and materials for protective fencing and hoardings on the perimeter of the site;</p> <ol style="list-style-type: none"> <li>1. Provisions for public safety;</li> <li>2. Pedestrian and vehicular site access points and construction activity zones;</li> <li>3. Details of construction traffic management including: <ol style="list-style-type: none"> <li>a. Proposed truck movements to and from the site;</li> <li>b. Estimated frequency of truck movements; and</li> <li>c. Measures to ensure pedestrian safety near the site;</li> </ol> </li> <li>4. Details of bulk earthworks to be carried out;</li> <li>5. The location of site storage areas and sheds;</li> <li>6. The equipment used to carry out works;</li> <li>7. The location of a garbage container with a tight-fitting lid;</li> <li>8. Dust, noise and vibration control measures;</li> <li>9. The location of temporary toilets;</li> <li>10. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> <li>a. AS 4970 – Protection of trees on development sites;</li> <li>b. An applicable Development Control Plan;</li> <li>c. An arborist's report approved as part of this consent</li> </ol> </li> </ol> <p>A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
33	<p><b>Design amendments</b></p> <p>Before the issue of a construction certificate, amended plans showing the following must be submitted to Council's satisfaction:</p> <ol style="list-style-type: none"> <li>1. Redesign of the parking that includes: <ol style="list-style-type: none"> <li>a. Minimum of 97 car parking spaces;</li> <li>b. Retention of existing trees T22, T24 and T28;</li> <li>c. Incorporation of maximised landscaped area;</li> <li>d. Incorporation of the Dog on the Tuckerbox Recreational Trail into the design.</li> <li>e. Turning circle analysis demonstrating that a 12.5m waste transfer truck can safely enter, load, turn around and exit the Waste area/Bins location without traversing off the paved area. Analysis must include all movements between Annie Pyers Drive and the Waste Area/Bins location.</li> <li>f. All T intersections shall be designed in accordance with Austroads Guide to Road Design Part 4A. Of particular note the approach road shall be as close to 90 degrees as possible.</li> <li>g. Sealed footpaths of at least 1.5m wide shall be installed between the Coach Parking and the development</li> <li>h. Sealed footpaths of at least 1.5m wide shall be installed between the caravan parking and the development</li> <li>i. Traffic signage in accordance with Australian Standard 1743, 1744 and 1742.2, and 1742.15 and corresponding TfNSW supplements</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>j. All line in accordance with TfNSW Delineation Part 1 to 19.</li> <li>k. Car parking shall be removed from within 7.5m of pedestrian crossings on both the approach and departure side of the crossing. No Stopping (R5-400) signs shall be installed 7.5m from pedestrian crossings to prohibit any stopping within this area. Any accessible carparking removed shall be re-instated outside of the 7.5m exclusion zone.</li> <li>l. Where alterations to existing open drainage are proposed, modifications must include adequate supporting drainage infrastructure to ensure proper disposal of captured water and prevent scouring.</li> <li>m. Pavement designs prepared by a suitably qualified Engineer. Vehicle trafficable areas must have a sealed surface, such as sprayed bitumen, asphalt, or concrete.</li> </ul> <ol style="list-style-type: none"> <li>2. Proposed location(s) for electric vehicle (EV) charging car parking spaces including: <ul style="list-style-type: none"> <li>a. Specific locations within the parking area designated for EV charging.</li> <li>b. Number of EV charging spaces to be provided.</li> <li>c. Design and layout of the EV charging spaces, ensuring compliance with relevant standards and guidelines.</li> </ul> </li> <li>3. Detailed plans of the proposed pergola including materials and colour selections.</li> <li>4. A detailed design for the new wishing well associated with the Dog on the Tuckerbox statue and immediate surrounds. The design must ensure that the size of the new wishing well is at least equivalent to the size of the existing wishing well.</li> <li>5. Landscaping plans which retain trees T15, T17 and T18.</li> <li>6. Detailed design of the proposed waste storage area including appropriate screening measures.</li> </ol> <p>The certifier must ensure the construction certificate plans and specifications demonstrate compliance with the amended plans as agreed upon by Council.</p> <p><b>Condition reason:</b> To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>
34	<p><b>Equal access to the premises</b></p> <p>Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p> <p><b>Condition reason:</b> To ensure safe and easy access to the premises for people with a disability</p>
35	<p><b>Erosion and sediment control plan</b></p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p>

	<ol style="list-style-type: none"> <li>1. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>2. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ol> <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
36	<p><b>External lighting</b></p> <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 1158: Lighting for Roads and Public Spaces;</li> <li>2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>3. lighting must be placed at all entrances to, and exits from the premises</li> <li>4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>5. lighting must not interfere with traffic safety;</li> <li>6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> <li>7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.</li> <li>8. Relevant council development control plan</li> </ol> <p>The lighting plan must be submitted to Council for review and approval.</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p><b>Condition reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p>
37	<p><b>Utilities and services</b></p> <p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier:</p> <ol style="list-style-type: none"> <li>1. a letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity;</li> <li>2. a letter from Council as the Water Supply Authority demonstrating that satisfactory arrangements have been made for the installation and supply of water and whether further requirements need to be met;</li> </ol> <p><b>Condition reason:</b> To ensure relevant utility and service providers' requirements are provided to the certifier.</p>

38	<p><b>Waste Management Plan requirements</b></p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared</p> <ol style="list-style-type: none"> <li>1. in accordance with <ol style="list-style-type: none"> <li>a. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and</li> <li>b. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and</li> </ol> </li> <li>2. include the following information— <ol style="list-style-type: none"> <li>a. the contact details of the person removing waste;</li> <li>b. an estimate of the type and quantity of waste;</li> <li>c. whether waste is expected to be reused, recycled or sent to landfill;</li> <li>d. the address of the disposal location for waste.</li> </ol> </li> </ol> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p><b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.</p>
39	<p><b>138 Approval for New Access Works</b></p> <p>Prior to the issue of a construction certificate the proponent is required to obtain approval under Section 138 of the Roads Act 1993 for works within the road reserve.</p> <p><b>Condition reason:</b> To ensure that adequate vehicle access is achieved and maintained for the safety of road users and occupants/users of the development.</p>
40	<p><b>Approval to Install an Onsite Sewage Management System</b></p> <p>Approval must be obtained for the installation of an On-site Sewage Management System to service the development under Section 68 of the Local Government Act 1993.</p> <p><b>Condition reason:</b> To ensure the development is serviced by appropriate on-site sewage management system.</p>
41	<p><b>Long service levy</b></p> <p>Before the issue of the relevant construction certificate, the applicable long service levy, must be paid to the Long Service Corporation or Council in accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986. Evidence of the payment is to be provided to the certifier.</p> <p>Advisory Note: Cootamundra-Gundagai Regional Council is an authorised agent under the Building and Construction Industry Long Service Payments Act 1986 for the collection of long service levies.</p> <p><b>Condition reason:</b> To ensure the long service levy is paid.</p>

42	<b>Plumbing and Drainage Works</b>
	Approval shall be obtained under Section 68 of the Local Government Act 1993 for proposed water, sewerage and stormwater works prior to the issue of a Construction Certificate.
	<b>Condition reason:</b> Statutory compliance with the Local Government Act 1993
43	<b>Section 7.12 Contributions</b>
	Prior to the issue of a Construction Certificate outstanding Section 7.12 contributions must be paid in full.
	Section 7.12 contributions are calculated on the estimated cost of development as specified on the Development Application at time of lodgment and may be subject to change with the coming of a new financial year or revised estimated cost of development.
44	<b>Unconditional Bank Guarantee</b>
	An unconditional Bank Guarantee shall be provided to Council prior to issue of a construction certificate. The value of the bank guarantee shall be calculated as the full value of the works within the road reserve. The value shall be supported by an independent quantity surveyors report. Written confirmation of receipt of the Bank Guarantee from Council must be provided to the Certifier.
	<b>Condition reason:</b> To safeguard and protect the Council and the community from potential financial risks or incomplete works.
45	<b>Archaeological assessment</b>
	An archaeological assessment undertaken by a suitably qualified and experienced archaeologist to be prepared for the 'Limestone Inn ruins', with recommendations on management of the relic and be submitted to Council prior to issue of the Construction Certificate. The assessment must address:
	<ol style="list-style-type: none"> <li>1. the identification of historical themes</li> <li>2. a review of available historical information</li> <li>3. some historical research - the significance of the relics</li> <li>4. a field survey / site inspection with preliminary conclusions</li> <li>5. what options have been considered to avoid disturbance to retain the relics</li> <li>6. an analysis of client needs and objectives / management recommendations</li> <li>7. management advice that is consistent with the significance of the archaeological relic/s.</li> </ol> <p>If the archaeological assessment identifies that an archaeological excavation program is appropriate and no other option is viable, an archaeological research design and excavation methodology will also be needed. Excavation involves disturbance and</p>

	excavation of relics and must therefore be carried out in accordance with a research design and an excavation permit issued by the Heritage Council of New South Wales.
	<b>Condition reason:</b> To ensure appropriate preservation and management of the historical relic.
46	<b>Archival recording</b>
	A photographic archival recording of the 'Limestone Inn ruins' site and the 'Dog on the Tuckerbox' be undertaken prior to issue of the Construction Certificate and before work commences on site.
	<b>Condition reason:</b> To ensure that appropriate records are kept for historical reference.
47	<b>Completion of remediation works</b>
	Before the issuance of a construction certificate, the certifier must receive verification from an appropriately qualified consultant that the requirements of the Remediation Action Plan have been fulfilled and that the development site is suitable for its intended land uses. This verification must comply with the EPA Contaminated Land Guidelines.
	<b>Condition reason:</b> This condition ensures that the development site has been adequately remediated and confirmed as safe for the proposed land uses before construction begins. Verifying this prior to the issuance of a Construction Certificate is crucial to avoid potential and costly rectification work if remediation has not been fully completed.

### **Before building work commences**

48	<b>Deliveries</b>
	While site work is being carried out, deliveries of material and equipment must only be carried out between the following hours, unless explicit approval from Council has been obtained—
	<b>Monday to Friday from 7:00am to 7:00pm</b>
	<b>Saturdays 9:00am to 12pm</b>
	<b>Sundays and public holidays prohibited</b>
	<b>Condition reason:</b> To protect the amenity of neighbouring properties.
49	<b>Erosion and sediment controls in place</b>
	Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
50	<b>Tree protection measures</b> <p>Before any site work commences, a suitably qualified arborist (minimum level 5) must be engaged and verify that the measures for tree protection detailed in the Demolition Management Plan are in place. Evidence of verification must be provided to the Principal Certifier.</p> <p><b>Condition reason:</b> To protect and retain trees.</p>
51	<b>Appointment of a Principal Certifier</b> <p>Prior to the commencement of any construction works, the person having benefit of this Development Consent must appoint a Principal Certifier.</p> <p><b>Condition reason:</b> To ensure legislative requirements are met.</p>
52	<b>Construction Certificate</b> <p>A Construction Certificate must be submitted and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal.</p> <p><b>Condition reason:</b> To ensure compliance with the requirements of the Environmental Planning and Assessment Regulation 2021.</p>
53	<b>Notice of intention to commence building work</b> <p>The proponent must give the Principal Certifier at least 2 days notice of their intention to commence building works. The notice of intention to commence building works must be lodged on the NSW Planning Portal in accordance with Section 6.6 of Environmental Planning and Assessment Act 1979 and Section 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p><b>Condition reason:</b> To ensure legislative requirements are met</p>
54	<b>Underground Services</b> <p>The proponent shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.</p> <p><b>Condition reason:</b> To ensure the utility services are protected and satisfactory for the proposed development.</p>
55	<b>Survey set out</b> <p>A registered surveyor must carry out the set-out of the proposed development. A set-out report must be provided to the certifier prior to the commencement of any construction works. The set-out pegs must be protected and maintained throughout the construction</p>

	process. All buildings and structures must be erected in strict accordance with the approved set-out.
	<b>Condition reason:</b> This condition ensures the building is accurately positioned according to approved plans. Requiring a surveyor's set-out and a report before construction prevents location errors and ensures compliance with site boundaries. Protecting set-out pegs during construction maintains the correct building position.

### During building work

56	<b>Discovery of relics and Aboriginal objects</b>
	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ul style="list-style-type: none"> <li>i. for a relic – the Heritage Council; or</li> <li>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> </li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a. for a relic – the Heritage Council; or</li> <li>b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul>
	<b>Condition reason:</b> To ensure the protection of objects of potential significance during works.
57	<b>Hours of work</b>
	<p>While site work must only be carried out between the following hours, unless explicit approval from Council has been obtained, except where there is an emergency, or for urgent work directed by a police officer or a public authority—</p> <p><b>Monday to Friday from 7:00am to 7:00pm</b></p> <p><b>Saturdays 9:00am to 12pm</b></p> <p><b>Sundays and public holidays prohibited</b></p>
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
58	<b>Implementation of the site management plans</b>

	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and</li> <li>2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ol>
	<p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>
59	<p><b>Procedure for critical stage inspections</b></p>
	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>
	<p><b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.</p>
60	<p><b>Responsibility for changes to public infrastructure</b></p>
	<p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>
	<p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>
61	<p><b>Soil management</b></p>
	<p>While site work is being carried out, principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to principal certifier.</li> <li>b. All fill material imported to the site must be: <ol style="list-style-type: none"> <li>a. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or</li> <li>b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or</li> <li>c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</li> </ol> </li> </ol>
	<p><b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>

62	<b>Surveys by a registered surveyor</b>
	<p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> <li>All footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>At other stages of construction – any marks that are required by the principal certifier.</li> </ol>
	<b>Condition reason:</b> To ensure buildings are sited and positioned in the approved location.
63	<b>Tree protection during work</b>
	<p>The proponent must ensure that while site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with the approved tree protection details set out by the Construction Management Plan. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p>
	<b>Condition reason:</b> To protect trees during the carrying out of site work.
64	<b>Waste management</b>
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>all waste management must be undertaken in accordance with the waste management plan; and</li> <li>upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following: <ol style="list-style-type: none"> <li>The contact details of the person(s) who removed the waste;</li> <li>The waste carrier vehicle registration;</li> <li>The date and time of waste collection;</li> <li>A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>The address of the disposal location(s) where the waste was taken;</li> <li>The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> </li> </ol> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p>
	<b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.
65	<b>Approved Plans</b>
	<p>A copy of the approved plans, specifications, development consent, the construction certificate and any other certificates and associated plans to be relied upon shall be available on site at all times during construction.</p>

	<b>Condition reason:</b> To ensure compliance with relevant plans and approvals
66	<b>Earthworks</b> No earthworks are permitted to be undertaken beyond those detailed on the approved plans unless otherwise permitted by the exempt development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 <b>Condition reason:</b> To ensure that the development is consistent with the approval
67	<b>Footpath Storage</b> Building materials must not be stored on the Council footway or road reserve at any time, unless separate approval from the Council has been obtained. <b>Condition reason:</b> To ensure an adequate level of public safety is maintained.
68	<b>Restricted Public Access</b> It is the responsibility of the proponent to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW Regulations. <b>Condition reason:</b> To ensure public safety is maintained.

### Before issue of an occupation certificate

69	<b>Completion of landscape and tree works</b> Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. <b>Condition reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
70	<b>Completion of public utility services</b> Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. <b>Condition reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
71	<b>Pedestrian safety signage</b> Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.

	<b>Condition reason:</b> To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway
72	<b>Preservation of survey marks</b>  Before the issue of an Occupation Certificate, documentation must be submitted by a registered surveyor to the principal certifier, which demonstrates that: <ol style="list-style-type: none"> <li>1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or</li> <li>2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure</li> </ol>
	<b>Condition reason:</b> To protect the State's survey infrastructure.
73	<b>Removal of waste upon completion</b>  Before the issue of an Occupation Certificate: <ol style="list-style-type: none"> <li>1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> <li>2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</li> </ol>
	<b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.
74	<b>Repair of infrastructure</b>  Before the issue of an Occupation Certificate: <ol style="list-style-type: none"> <li>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> <li>2. if the works in (1) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council.</li> </ol>
	<b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.
75	<b>Water authority certification</b>  Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the proposed use(s) from Council as the water supply authority.
	<b>Condition reason:</b> To ensure compliance with the water supply authority's requirements
76	<b>Works-as-executed plans and any other documentary evidence</b>

	<p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <ol style="list-style-type: none"> <li>1. All stormwater drainage systems and storage systems; and</li> <li>2. A copy of the plans must be provided to Council with the Occupation Certificate.</li> </ol>
	<p><b>Condition reason:</b> To confirm the location of works once constructed that will become Council assets.</p>
77	<p><b>Approval to Operate an On-site Sewage Management System</b></p>
	<p>Prior to the issue of an Occupation Certificate, Approval to Operate an On-site Sewage Management System must be obtained from Council for the system servicing the development.</p>
	<p><b>Condition reason:</b> To ensure the development is appropriately serviced by a system installed in accordance with relevant approvals and legislative controls.</p>
78	<p><b>Completion of Access Works</b></p>
	<p>A completion certificate must be obtained from the relevant roads authority to verify that all requirements of the related Section 138 approval have been satisfactorily completed. A copy of the completion certificate must be provided to the Principal Certifier prior to the issue of a occupation certificate.</p>
	<p><b>Condition reason:</b> To ensure that all requirements of the associated Section 138 approval have been met</p>
79	<p><b>Completion of Plumbing &amp; Drainage Works</b></p>
	<p>Prior to the issue of an Occupation Certificate for the works, all requirements of relevant approvals issued under Section 68 of the Local Government Act 1993 associated with water, sewer and stormwater works must be satisfied. Confirmation that works have been completed in accordance with the requirements of the associated Section 68 application must be obtained from Council and provided to the Principal Certifier for the development.</p>
	<p><b>Condition reason:</b> To ensure plumbing and drainage has been undertaken in accordance with relevant requirement.</p>
80	<p><b>Stabilisation of Earthworks</b></p>
	<p>Prior to the issue of an Occupation Certificate all earthworks must be appropriately retained or battered in accordance with the requirements of the Building Code of Australia and vegetated to prevent erosion.</p>
	<p>Any retaining wall constructed on-site must comply with the exempt development provisions of State Environmental Planning Policy (Exempt and Complying development Codes) 2007 or have necessary development and construction approval.</p>
	<p><b>Condition reason:</b> To ensure earthworks are appropriately protected.</p>

81	<b>Archival recording</b>
	A photographic archival recording of the 'Limestone Inn ruins' site and the 'Dog on the Tuckerbox' be undertaken after completion of the works prior to the issue of an Occupation Certificate.
	<b>Condition reason:</b> To ensure that appropriate records are kept for historical reference.
82	<b>Certification of civil works</b>
	Prior to the issue of a Occupation Certificate, certification from a suitably qualified engineer must be obtained confirming that all civil works, including but not limited to all stormwater drainage, carpark and internal road have been constructed in accordance with the approved plans.
	<b>Condition reason:</b> To confirm that the infrastructure meets the necessary safety, functionality, and compliance standards. It protects the integrity of the development and ensures that the constructed works have been perform as intended, reducing the risk of future failures or issues that could impact the safety, accessibility, and environmental management of the site.
83	<b>Building use approvals</b>
	No building use or fitout has been approved as part of this consent. As such, any building use and fitout must be approved under a separate development consent.
	<b>Condition reason:</b> To ensure that the use and fitout of the buildings are subject to appropriate assessment and approval processes. This condition clarifies that the current consent does not authorise any specific use or fitout of the building, and that any such activities must be the subject of a separate development consent.

### Occupation and ongoing use

84	<b>Ongoing maintenance and operation of On-site Sewage Management System</b>
	Approval to operate the on-site sewage management system under Section 68 of the Local Government Act 1993 must be maintained at all times. It is the owner's responsibility to apply for the necessary approval(s) if the current approval is approaching its lapse date. The system must be maintained and operated in accordance with the relevant approval indefinitely.
	<b>Condition reason:</b> To ensure the ongoing safe and effective operation of the on-site sewage management system, protecting public health and the environment.
85	<b>Fencing and barrier restriction</b>
	No fencing or other form of physical separation preventing the public from traversing between the proposed lots 1 and 2 shall be erected for the duration of the development.

	<b>Condition reason:</b> To ensure that public enjoyment of the Dog on the Tuckerbox statue is not diminished.
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## **Subdivision Work**

### **Before issue of a subdivision works certificate**

No additional conditions have been applied to this stage of development.

### **Before subdivision work commences**

No additional conditions have been applied to this stage of development.

### **During subdivision work**

No additional conditions have been applied to this stage of development.

### **Before issue of a subdivision certificate**

86	<b>Registration of Public Positive Covenant – pursuant to 88E of the NSW Conveyancing Act 1919</b>
	<p>Prior to the issue of a subdivision certificate, a positive covenant shall be created over proposed Lot 1 in association with the proposed Plan of Subdivision.</p> <p>The terms of the Covenant shall incorporate the following requirements:</p> <ol style="list-style-type: none"> <li>1. Registration of Covenant: The covenant is to be created under section 88E of the Conveyancing Act 1919 (NSW).</li> <li>2. Obligations of the Owner: The registered covenant shall bind the owner of proposed Lot 1 to the following obligations: <ol style="list-style-type: none"> <li>a. Preservation and Enhancement: The owner of proposed Lot 1 shall be responsible for the preservation and enhancement of the Dog on the Tuckerbox Memorial (DoTT) located on proposed Lot 2.</li> <li>b. Preservation of Historical Ruins: The owner of proposed Lot 1 shall be responsible for the preservation of the Joseph Carberry (aka) Limestone Inn historical ruins (Limestone Inn) located on proposed Lot 3.</li> <li>c. Public Amenity Facilities: The owner of proposed Lot 1 shall provide and maintain public amenity facilities for visitors to both the DoTT site and the Limestone Inn site.</li> <li>d. Maintenance and General Amenity: The owner of proposed Lot 1 shall ensure the maintenance and general amenity of both the DoTT site (proposed Lot 2) and the Limestone Inn site (proposed Lot 3).</li> </ol> </li> </ol>

	<p>3. Details of Covenant: The covenant shall detail the specific responsibilities and standards for:</p> <ol style="list-style-type: none"> <li>The preservation and enhancement activities related to the DoTT and Limestone Inn sites.</li> <li>The provision and maintenance of public amenity facilities.</li> <li>The ongoing maintenance and upkeep of the sites to ensure their continued accessibility and preservation.</li> </ol> <p>4. Enforcement and Compliance: The covenant shall include provisions for enforcement and compliance to ensure that the obligations are met, including:</p> <ol style="list-style-type: none"> <li>The right of relevant authorities or designated parties to inspect the sites.</li> <li>The procedures for addressing any non-compliance with the covenant.</li> </ol> <p>5. Duration of Covenant: The covenant shall be registered in perpetuity or subsequent written agreement from the Cootamundra-Gundagai Regional Council to vary the duration.</p> <p>6. Variation or Release: The covenant can only be varied or released with the written consent of the Cootamundra-Gundagai Regional Council. Any application for variation or release must be submitted to the council for consideration and must comply with any conditions or requirements imposed by the council.</p> <p>7. Public Access: The covenant shall not restrict public access to the DoTT and Limestone Inn sites. The Owner shall ensure that the sites remain open and accessible to the public in accordance with the provisions of the covenant.</p> <p>8. Costs: The Owner shall bear all costs associated with the registration, enforcement, and any variation or release of the covenant.</p> <p>9. The Council will grant the the registered owner of proposed Lot 1 a licence for the owner of proposed Lot 1 to provide the above services.</p>
	<p><b>Condition reason:</b> To satisfy the legal obligations of Council in administering the Call Option Deed and contract requirements.</p>
87	<p><b>Application for Subdivision Certificate</b></p> <p>An application for a subdivision certificate shall be made to Council via the NSW Planning Portal and paying the applicable fee as per Council's adopted fees and charges.</p> <p><b>Condition reason:</b> To meet the legal obligations of Council administering the Environmental Planning and Assessment Act 1979.</p>
88	<p><b>Final subdivision plans and administration sheet</b></p> <p>The final plan of subdivision along with the Administration Sheet (original only), suitable for registration with NSW Land Registry Services, shall be submitted to Council.</p> <p><b>Condition reason:</b> To meet the legal obligations of Council in administering the Environmental Planning &amp; Assessment Act 1979 and the Conveyancing Act 1919.</p>
89	<p><b>Registration of Covenant</b></p> <p>A covenant will be registered over the Dog on the Tuckerbox site located on proposed Lot 2 and the Limestone Inn Site on proposed Lot 3, which restricts the movement of the Dog on the Tuckerbox statue and any of the Limestone Inn Ruins to another site without the consent of both the vendor and the registered proprietor of the property at that time.</p>

	<b>Condition reason:</b> To satisfy the legal obligations of Council in administering the Call Option Deed and contract requirements.
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### Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision work certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Southern Regional Planning Panel.