

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	13 September 2024
DATE OF PANEL DECISION	13 September 2024
DATE OF PANEL BRIEFING	10 September 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Michael Henderson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 September 2024.

MATTER DETERMINED

PPSSTH-408 – WAGGA WAGGA – DA23/0584 at 757-759 Oura Rd EUNANOREENYA NSW 2650 (Lot 179 DP 751405, Lot 3 DP 751405 and Lot 7004 DP 1069230)– Upgrade to Existing Scout Camp Facility (community facility) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and was satisfied that:

- The proposal is permissible in the RU Primary Production and the RE1 Public Recreation zone under the Wagga Wagga Local Environmental Plan 2010 and is consistent with the relevant objectives of those zones.
- The potential amenity, environmental and land use planning impacts likely to result from the proposed development have been properly examined in accordance with section 4.15 of the *Environmental Planning and Assessment Act, 1979* and found to be acceptable subject to the imposition of the conditions of consent as amended.
- The site is suitably located and accessible for the development proposed.
- The development would enhance and ensure the continued use of an important community facility.
- The development is in the public interest and, subject to the conditions imposed, would not result in any unacceptable impacts either onsite or on the surrounding rural landscape.

The Panel noted the positive contribution the development makes and would continue to make to the wider community. It also acknowledged that the Applicant was satisfied regarding the workability of the recommended conditions including those recommended by the Panel.

CONDITIONS

The Development Application was approved subject to the conditions contained in Schedule 2. The Panel requested the following changes be made to the conditions contained in the Council's recommended draft Instrument of Consent:

- **Schedule A - Condition A6** (Reasons for conditions) to be amended to include Wagga Wagga Local Environmental Plan 2010.
- **Condition C11** to be amended to clarify the intent of the required geotechnical study to read as follows:

Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the "Application to Install an On-Site Sewage Management System" to confirm the suitability of the site with respect to the on-site disposal of wastewater. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

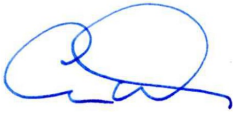



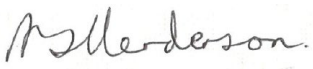
- **Condition C21** to be **amended to replace** the reference to "the builder" with "the developer" to ensure consistency.
- **Condition C27** to be amended to remove ambiguity regarding responsibility for any impacts by removing reference to the builder or developer.
- **Condition C35** to be amended to manage the timing of the Operational Management Plan and to strengthen the requirements of the Operational Management Plan particularly in relation to noise (after-hours activities), traffic and parking. The Condition is to be amended to:
 - Require the Operational Management Plan to be provided prior to the issue of the relevant Construction Certificate.
 - Amend to require the plan to include traffic management and parking measures.
 - Amend to include the hours of operation and under what circumstances and conditions including frequency that those hours can be extended.
- **Condition C36** – For consistency with the provision of the Operational Management Plan, require the provision of a Flood Emergency Response Plan prior to the issue of a Construction Certificate.
- **Condition C47** – Amend to require that all activities in the main hall must cease by 10pm or as otherwise authorised in the Operational Management Plan approved in accordance with Condition C36
- **Condition C21** has been included requiring that in the event that the Nissen Hut on site is to be demolished, that a photographic archival record of the Nissen Hut is completed prior to the commencement of works. Archival documentation is to be provided to Council.
- **Schedule E – Prescribed Conditions** – To avoid regulatory confusion, the Panel requested the deletion of prescribed conditions E3, E4 and E5 as they are not relevant to the proposed development.
- **General** - It was noted that many of the notes that supported the conditions were in fact conditions themselves. The Panel accordingly requested that Council review the notes to any such requirements (e.g. c14,16,17,23) be amended as conditions to assist in implementation and regulatory compliance.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the 1 written submission made during public exhibition. The Panel notes that issues of concern included:

- The boundary fence of the site is currently in poor condition and not suitable for the intended development.
- The fence is very old, rusty and broken.
- The fence is not suitable for large groups of young children, supervised or otherwise.
- The fence is not suitable for adjacent farming of stock.
- A desire for a complete boundary fence replacement.

The Panel considers that concerns raised within the submission are civil matters and have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Amelia Parkins
 Michael Henderson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-408 – WAGGA WAGGA – DA23/0584
2	PROPOSED DEVELOPMENT	Upgrade to Existing Scout Camp Facility (community facility)
3	STREET ADDRESS	757-759 Oura Rd EUNANOREENYA NSW 2650 (Lot 179 DP 751405, Lot 3 DP 751405 and Lot 7004 DP 1069230)
4	APPLICANT/OWNER	Applicant - The Scout Association of Australia New South Wales Branch Land owner – Crown Lands
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Wagga Wagga Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 6 September 2024 Amended draft recommended conditions of consent received: 11 September 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 23 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Michael Henderson <u>Council assessment staff</u>: Cameron Collins, Kellie Stevens <u>DPHI</u>: Amanda Moylan, Tracey Gillett Site inspection: 23 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Grant Christmas, Amelia Parkins, Michael Henderson <u>Council assessment staff</u>: Cameron Collins <u>Applicant representatives</u>: Peter Braga (Willowtree Town Planning), Andrew Cowan (Willowtree Town Planning), Tim Lawler (Adapt Project Management), Paul McIntyre (Scouts NSW) Site inspection: 8 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant <u>Council assessment staff</u>: Cameron Collins, Jess Lewis

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 10 September 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Michael Henderson○ <u>Council assessment staff</u>: Cameron Collins, Kellie Stevens, Jess Lewis○ <u>Applicant representatives</u>: Andrew Cowan (Willow Tree Planning), Tim Lawler (Adapt Project Management)○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended as attached in Schedule 2 below.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA23/0584

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Local Environmental Plan and the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans, documents and specifications as follows.

Plan/Do	Plan/Doc Title	Prepared by		Date
DA001	Cover Page	PMDL		19/8/
DA010	View 1	PMDL		19/8/
DA011	View 2	PMDL		19/8/
DA012	View 3	PMDL		24/10

DA013	View 4	PMDL		19/8/
DA014	View 5	PMDL		20/10
DA100	Site Analysis and Demolition Plan	PMDL		20/10
DA110	Masterplan	PMDL		19/8/
DA114	Hall Plans	PMDL		19/8/
DA115	Accommodatio n Wing Plans	PMDL		19/8/
DA116	Drivers and Amenit ies Plans	PMDL		19/8/

DA200	Hall Sections and Elevations	PMDL		24/10
DA201	Accommodatio n Sectio ns and Elevations	PMDL		24/10
DA202	Amenities Sectio ns and Elevations	PMDL		20/10
DA900	Material Board	PMDL		26/10
DA910	Signage Sched ule	PMDL		24/10
P001	Climbing Tower - Overview	Highgate		21/9/
P002	Climbing Tower - Cover Sheet	Highgate		21/9/
P101	Climbing Tower - Building Sectio n A	Highgate		21/9/
P102	Climbing Tower - Building Sectio ns	Highgate		21/9/
P201	Climbing Tower - Details	Highgate		21/9/

WTJ23-	Statement of Environmental Effects	Willowtree Planni ng		27/10
CR2321	Flood Impact and Risk Assessment	Northrop		9/5/2
LE1804	Flora and Fauna Assessment	Lodge Enviro nment al		31/10

Requirements before a Construction Certificate can be issued

C.2 The existing vehicular access to Oura Road shall comply with the required Safe InterSection Sight Distance (SISD) in either direction in accordance with the AUSTROADS Standards for the prevailing speed limit. Compliance with this requirement must be certified by an appropriately qualified person prior to the release of Construction Certificate.

C.3 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$66,057 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council

prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 132.7.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.4 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is NIL. NOTE 6: The Section 64 Stormwater base figure is NIL.

C.5 A revised landscape plan shall be submitted to Council for approval. The plan shall address the following matters:

- The plan shall be consistent with the approved development layout as identified on plan titled DA110 Masterplan (Revision D) dated 19/8/2024
- Incorporation of following recommendations of the document titled "Flora and Fauna Assessment" prepared by Lodge Environmental (Project Code: LE1804) and dated 31/10/2023.
- o Landscaping should aim to use species endemic to the area - specifically species within the Box Gum Woodland assemblage.
 - o At least 14 Box Gum Woodland Euclayptus species or Brachychiton

populus are to be planted within the proposed landscaping areas to offset the proposed tree loss.

- o 10 Nest Boxes or Artificial Hollows are to be installed to offset the hollows and nest loss at a ratio of 1:1.

The plan shall be to the satisfaction of the General Manager, or their delegate, prior to the release of the construction certificate.

C.6 A plan depicting the intended refurbishment and layout of the existing carparking area and the proposed bus turning and parking area shall be submitted to Council for approval. The plan shall include details of aisle and parking space configurations and dimensions to meet Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009. The plan shall be to the satisfaction of the General Manager, or their delegate, prior to the release of the construction certificate.

C.7 Prior to the release of the construction certificate, a Construction Environmental Management Plan shall be prepared and submitted for approval by the General Manager or delegate. The approved plan shall be implemented during all works associated with the approved development. The plan shall include, as a minimum:-

- Construction hours in accordance with the requirements of this consent.
- Site layout during construction including storage of materials, plant and equipment, site office and amenities, hoardings and fencing.
- Operational details of any proposed traffic control devices.
- Waste management plan including the type and location of waste storage containers onsite, proposed method of removal and disposal of all waste types.
- Dust Management, including control of dust from stockpiled sites.
- All recommendations relating to the construction phase of the development contained within the document titled "Flora and Fauna Assessment" prepared by Lodge Environmental (Project Code: LE1804) and dated 31/10/2023:
- Establishment of Tree Protection Zones in accordance with the requirements of this consent.
- Unexpected finds protocols, in accordance with the requirements of this consent, with respect to any Aboriginal object, historic relic or human remains discovered and/or harmed.
- Security and complaints handling procedures including details of relevant project manager and/or site foreman contact details.

C.8 Prior to the release of the construction certificate, a detailed Flood Emergency Response Plan for the development shall be submitted to Council. The plan shall be prepared in accordance with the content and recommendations contain in the document titled "Flood Impact and Risk Assessment" (CR232133, Revision A) prepared by Northrop and dated 9/5/2024.

To ensure that evacuation via Oura Road to Wagga Wagga is not restricted, the plan must stipulate that any required actions be initiated, including the full evacuation of the site, upon notification of an official "minor flood warning" for the areas of Eunanoreenya, North Wagga Wagga or Oura.

The plan shall be to the satisfaction of the General Manager or their delegate, prior to the issue of the occupation certificate.

Following its initial approval, the plan may be amended from time to time subject to the further written approval of the General Manager or their delegate.

C.9 Prior to the release of the construction certificate, a revised Operational Management Plan shall be prepared and submitted for approval by the General Manager or delegate. The plan shall include, as a minimum:-

- The approved use of the site in accordance with the requirements of condition C47 of this consent
- The requirements and implementation of the approved Flood Emergency Response Plan as required under condition C8 of this consent.
- The requirements of the Bushfire Safety Authority issued by NSW Rural Fire Service including the implementation of the required Bush Fire Emergency Management and Evacuation Plan
- Management processes to control noise in relation to activities across all facilities proposed for the site and specifically with regard to activities within the main hall building. This may include specific management processes to allow for the occasional use of the main hall building beyond 10:00pm in accordance with the provisions of Condition C48 of this consent.
- Vehicle parking and traffic management processes.
- Management processes to requiring ongoing maintenance of all infrastructure on the site to ensure it remains safe and suitable for its intended use at all times.

This may extend to carparking and vehicular movements areas, landscaping, build infrastructure, fencing, signage, stormwater and waste management systems.

- Complaints handling procedures including details of relevant site manager contact details.

C.10 Prior to the release of the Construction Certificate, plans submitted with the Construction Certificate shall identify a minimum finished floor level for the proposed accommodation building of 184.00 AHD and for the proposed main hall building of 184.25 AHD.

C.11 Prior to the issue of a Construction Certificate, engineer's certification shall be submitted to Council, to the satisfaction of the General Manager or delegate. The certification shall be from a qualified structural/civil engineer stating that the building if

constructed in accordance with the plans and specifications to which the Construction Certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

C.12 Prior to issue of the Construction Certificate detailed plans and elevations of the food and drink preparation areas shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2015 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.

C.13 Prior to the issue of a Construction Certificate, a geotechnical study must be submitted with the "Application to Install an On-Site Sewage Management System" to confirm the suitability of the site with respect to the on-site disposal of waste water. An On-Site Sewage Management System Application together with the geotechnical report shall be assessed and approved by Council prior to carrying out any works on the site.

This study must be carried out by an appropriately qualified geotechnical Soil Consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular, soil profile and permeability) must be addressed.

The study must also state whether or not the proposed waste water disposal area are located in a position and are of a design and capacity to ensure that all waste water generated from the activities carried out on site can be disposed of on the site without causing nuisance and/or pollution, both in the short and the long term.

NOTE: As a site investigation will need to be undertaken in order to determine the design of the floor slab and/or footings, it is recommended that the required geo-technical study with respect to on-site disposal of effluent be carried out at the same time. This should minimise investigation time and costs.

C.14 Prior to the issue of a Construction Certificate, it must be demonstrated that the On-Site Sewage Management System and its associated disposal area are situated more than 40m away from drainage channels, 100m away from rivers, lakes, water body, etc and 250m away from domestic ground water wells.

C.15 Prior to release of the Construction Certificate, an application to install an On-Site Sewage Management System must be submitted to and approved by Council. The On-site Sewage Management System tank(s) must be installed on the land and the premises connected thereto, in accordance with the provisions of Chapter 7 of the Local Government Act 1993 (Part 1 Approvals) and the Local Government (General) Regulation 2021.

A Section 68 approval for sanitary plumbing and drainage works must be obtained in conjunction with the On-site Sewage Management System application.

Requirements before the commencement of any works

C.16 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

The toilet facilities are to comply with all WORK COVER NSW requirements.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

C.17 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia.

No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

C.18 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site until an Occupation Certificate is issued for the development and until all rubbish has been disposed to a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

C.19 Prior to the commencement of any works (including any earthworks), erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

- C.20 A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within proximity of the development works on the site in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Construction of Tree Protection Zones shall be completed and inspected by Council's Supervisor of Tree Planning and Management, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Tree Protection Zone fencing shall not be relocated or disrupted once established. TPZ fences shall remain in place until the end of construction.

- C.21 Prior to the commencement of any demolition works affecting the Nissen Hut building, an 'archival recording' (complete measured drawing and archival photographic record) shall be undertaken to record the current layout, form and status of this building on the site in accordance with the requirements for 'Photographic Recording of Heritage Items' - NSW Heritage Office. Upon completion, copies of the recording shall be forwarded to Council and Wagga Wagga Library Local Studies section.

- C.22 The Principal Certifying Authority shall receive documentation from a registered surveyor certifying that the finished floor level for the proposed accommodation building is a minimum of 184.00 AHD and that the finished floor level for the proposed main hall building is a minimum of 184.25 AHD.

NOTE: It is recommended that the certification be provided to the PC once construction of the suspended floor is completed and prior to continuation of further works. It is also recommended that prior to commencement of any works, a registered surveyor establish an appropriate benchmark on the site from which construction levels can be conveyed.

- C.23 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

Requirements during construction or site works

- C.24 The developer must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.25 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.26 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 3: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.27 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.28 During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.
- C.29 If any Aboriginal object, historic relic or human remains are discovered and/or harmed in, on or under the land, all work must cease immediately, and the area secured so as to avoid further harm. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the object, relic or

remains and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

- C.30 All public roads adjoining the site are to be maintained in a clean and tidy state, free of excavated "spoil" material.
- C.31 The building must be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding up to the 1:100 year event.
- C.32 The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Food Regulations 2015 and the Food Safety Standards Code.
- C.33 Subject to the conditions of this consent, only those trees/vegetation identified for removal within the approved documentation shall be removed.

The approved works shall be executed so as to comply with 'Safework NSW Tree work (arboriculture)'

Any works associated with tree removal shall be carried out in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

All tree stumps shall be removed below ground level and the surface area reinstated to prevent potential injury.

All waste material from the subject tree/s shall be removed from site in conjunction with clearing.

- C.34 The single Habitat Bearing Tree identified for removal in the location of the proposed main hall building, shall be removed in accordance with the recommendations of the report titled "Flora and Fauna Assessment" prepared by Lodge Environmental (Project Code: LE1804, dated 31/10/2023). The tree shall be felled via a slow drop technique implemented by qualified arborists. Hollow limbs and the nest must be roped to the ground where they can be inspected by an ecologist and any residing fauna safely relocated. The tree felling shall be supervised by a suitably trained ecologist.
- C.35 No approval is granted for the removal of the Habitat Bearing Tree identified in the report titled "Flora and Fauna Assessment" prepared by Lodge Environmental (Project Code: LE1804, dated 31/10/2023) and located at the north western corner of the existing carparking area. An Arborist shall be engaged to provide a tree safety assessment for this tree and to oversee works for the removal of any dangerous limbs.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.36 Prior to the issue of Occupation Certificate, the driveway from the property entrance of the development site to the edge of the carriageway shall be constructed with a 2 coat bituminous seal and maintained, having a minimum clear width of 4.0 metres.
- C.37 Prior to the release of the occupation certificate, certification from an accredited Bushfire Planning and Design Consultant (BPAD), shall be submitted to Council, to the satisfaction of the General Manager or delegate, certifying that the development

complies with the conditions of approval of the Bush Fire Safety Authority (as provided in Schedule F of this consent) issued by the NSW Rural Fire Service, dated 28 August 2024 (reference: DA20240611002351-Original-1).

C.38 Prior to the issue of Occupation Certificate, the building must comply with the Fire Safety Schedule, attached.

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

C.39 Prior to the issue of an Occupation Certificate, the owner must submit to the Principal Certifying Authority a final Fire Safety Certificate stating 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 a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

C.40 Prior to the issue of the Occupation Certificate and at a minimum two (2) days prior to the food business premises commencing trade, a health inspection must be conducted by Council's Environmental Health Officer in accordance with the Food Act 2003 and the Food Regulations 2015, Food Safety Standards Code. A satisfactory final fit out and construction approval must be obtained by Council's Environmental Health Officer prior to commencing trade.

C.41 Prior to the release of the Occupation Certificate the Food Business Premise and the current Food Safety Supervisor must be notified to the appropriate regulatory authority.

C.42 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.43 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.44 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

- C.45 Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) retained material must have a gradient of at least 5%, and
- (d) must be constructed in accordance with the approved plans for such work(s).
- (e) must be wholly located within the subject site (including footings of any retaining structures)

- C.46 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.

All asbestos material shall be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility.

All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 1: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 2: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

NOTE 3: Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material.

C.47 All activities and land uses occurring on the site shall be ancillary to the approved use of the site as a community facility (Scout camp).

C.48 All uses of the main hall building shall cease by 10:00pm or as otherwise authorised in the Operational Management Plan approved under condition C9 of this consent.

C.49 The Flood Emergency Response Plan approved under condition C8 of this consent and the Operational Management Plan approved under condition C9 of this consent, shall be maintained and implemented for the life of the development.

C.50 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

C.51 The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.

C.52 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)

(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
- (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -

relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E2 Erection of signs (clause 70 EP&A Reg 2021)

- (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.

E3 Shoring and adequacy of adjoining property (clause 74 EP&A Reg 2021)

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense-
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if-
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

E4 Fulfilment of BASIX commitments (clause 75 EP&A Reg 2021)

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled-

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

Bush Fire Safety Authority - Section 100B of the Rural Fires Act 1997 General

Conditions

- F.1 The development shall generally comply with the following plans/documents except where amended by the remaining conditions of these General Terms of Approval:
- The plan prepared by PMDL project 3174 revision D dated 19/8/2024.
 - The bush fire assessment prepared by Harris Environmental reference 6352BF dated 24/10/2023.

Asset Protection Zones

The intent of measure is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

- F.2 From the commencement of building works and in perpetuity, the property around the Scout Hall (refuge) must be maintained as an inner protection area to the following distances and aspect in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019:
- north for a distance of 42 metres;
 - east for a distance of 42 metres;
 - south for a distance of 34 metres; and
 - west for a distance of 36 metres.
- F.3 From the commencement of building works and in perpetuity, the property around the new accommodation building must be maintained as an inner protection area for the following distances:
- north for a distance of 26 metres;
 - east for a distance of 26 metres;
 - west to the property boundary
 - south for a distance of 21 metres
- F.4 Scout Hall (refuge building) construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- F.5 Construction of the western, northern and southern elevations of the new accommodation building must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019
- F.6 Construction of the eastern elevation of the new accommodation building must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- F.7 The existing accommodation buildings are required to be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas (except where the underfloor area complies with 5.3.2.2 of AS3959:2018), openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Access - Internal Roads

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

F.8 The access road to the parking area must comply with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- access roads are two-wheel drive, all-weather roads;
- provide suitable turning areas in accordance with Appendix 3;
- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- curves of roads have a minimum inner radius of 6m; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

F.9 The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a 10,000 litre static water supply, tank, pool or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non combustible material or bush fire resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - o Markers must be fixed in a suitable location to be highly visible, and
 - o Markers should be positioned adjacent to the most appropriate access for the water supply.

- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter;
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - o lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - o no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer sheathed flexible gas supply lines are not used; and-
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

F.10 Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and

- Low flammability vegetation species are used.

Emergency and Evacuation Planning Assessment

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

F.11 A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:

- procedures for ensuring that buildings other than the Scout Hall (refuge building) are not relied on for the protection of occupants if the property is directly impacted by bush fire;
- contact details for the local Rural Fire Service office; and
- procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.