

ATTACHMENT A

A. Planning conditions

General Conditions which must be fulfilled

1. Approved plans

The development must be carried out in accordance with the plans and information submitted to and approved by Council. All conditions of consent must be fulfilled at the expense of the Applicant.

| Plan No/ Document Title | Revision No. | Author/Drawn By | Date | Drawing Number |
|--------------------------------|---------------------|---|-------------|-----------------------|
| P 005 | 5 | Brandrick Architects, Site Plans, Floor Plans, Elevations Pages 1 of 7 | 2/11/2023 | |

The room labelled 35 'Storeroom/Community' on the undercroft plan (Page 5) must only be used for storage purposes ancillary to the development. No other use is permitted for this room at any time.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

All relevant Australian Standards must be complied with throughout the life of the development.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Hours of operation

The hours of operation for the business are:

a) Mondays to Sundays, inclusive of Public Holidays: 24 Hours

Reason: To ensure the development occurs as assessed by Council.

3. Number of people on premises

As outlined in the submitted Car Parking Demand Assessment Report, the maximum number of persons (staff and customers/patrons) permitted on the premises at any one time is one-hundred (100). This number must be adhered to during the life of the development.

Reason: To ensure the development is undertaken as assessed.

4. Essential fire safety measures

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia. Prior to the issue of an Occupation Certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property. Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).

Reason: To comply with the [*Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021*](#).

5. Protection of vegetation

There must be no clearing of any vegetation (including within Council's road reserve) outside of the approved building footprint.

Reason: To comply with the [*Biodiversity Conservation Act 2016*](#).

6. Aboriginal Cultural Heritage

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the

National Parks and Wildlife Act 1974.

- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
 - o Not further harm the object(s);
 - o Immediately cease all work at the particular location;
 - o Secure the area to avoid further harm to the Aboriginal object(s);
 - o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
 - o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
- If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

Reason: To protect Aboriginal heritage and to ensure compliance with the [National Parks and Wildlife Act 1974](#).

7. Soil

A suitable soil chemical analysis and investigation report is required if any evidence of contamination on the subject site is found during works. If any evidence of contamination is found, all works at the location must cease immediately. If remediation works are required, works must not recommence on the subject site until Council is satisfied any required remediation techniques have been appropriately completed.

Reason: To ensure the subject site is not contaminated.

8. Loading and unloading

All loading and unloading associated with the development must be carried out within the site.

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

9. Noise control

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment must comply with all standards outlined in the [Noise Policy for Industry 2017](#) (NSW EPA) & [A Guide to the Noise Policy for Industry](#) (NSW EPA).

In the event the use exceeds permitted levels, the person in control of the premises must arrange for an acoustic investigation to be carried out by an accredited acoustic engineer and implement those measures to reduce noise to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

Reason: To protect the amenity of the area and to comply with the [Protection of the Environment Operations Act 1997](#) and [Noise Policy for Industry 2017](#).

10. Amenity protection

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

- i. The appearance of any buildings, works or materials used.
- ii. The parking or movement of motor vehicles.
- iii. The transporting of materials or goods to or from the site.
- iv. Noise, air and water discharges from the site.
- v. Electrical interference.
- vi. The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
- vii. Emissions or discharges into the surrounding environment including, from wastewater, sediment, dust, vibration, odours or other harmful products.

Note: The Applicant must notify, at the earliest opportunity, Murray River Council of any incident which has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant must notify Murray River Council as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide Murray River Council with a detailed report on the incident, and such further reports as may be requested.

Reason: To protect the amenity of the adjoining area.

11. Security

Any security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service.

Reason: To ensure the use of the property does not detrimentally affect neighbouring properties.

12. Signage

The Business Identification Signage must be maintained in a presentable and satisfactory state of repair. If any deterioration of the development becomes noticeable, the Business Identification signage must be replaced or removed as soon as possible to ensure the visual amenity of the area is maintained.

The level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

Reason: To maintain the visual amenity of the adjoining area.

13. Display of Goods on Footpath

No goods are to be displayed outside the confines of the building. At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

Reason: To ensure the development occurs as assessed by Council.

14. Storage or Hazardous Goods

Dangerous and hazardous goods shall be stored in accordance with SafeWork NSW requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and SafeWork NSW.

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

15. Delivery Vehicles Operating Hours

Delivery vehicles to the site shall only occur between the hours of 7.00am – 10.00pm Monday to Saturday and 8.00am – 10.00pm Sunday.

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

16. Parking – Signage (Loading docks)

Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

17. Liquid Spills

Sufficient supplies of appropriate absorbent materials and other spill prevention and cleanup materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

Reason: To ensure no amenity impacts occur as a result of the development.

18. Storage of goods

The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

19. Storage of Waste Oil

The premises shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil shall be provided to Council.

Reason: To ensure the development occurs as assessed by Council.

Compliance with Government Department and Council conditions of consent

Environmental Health

20. The Applicant must comply with all comments and requirements outlined in Council's Environmental Health Coordinator correspondence, attached to this Development Consent as Appendix 1.

Reason: To ensure compliance with Australian Standards and ensure the development is carried out as assessed by Council.

Transport for NSW

21. Vehicular access to the subject site and 72 Meninya Street from Meninya Street shall be via the existing shared driveway only. The shared driveway is to be with a minimum width of 6 metres to provide for 2-way movement. Splitting of the driveway is to occur within the subject site and will require the creation of rights of carriageway to allow for continued legal access. A covenant is to be created, with the Council empowered to uplift, over the subject allotments restricting vehicular access to Meninya Street in accordance with this requirement.
22. The driveway shall be line marked to delineate the ingress and egress traffic lanes to define 2-way traffic movement. Associated directional linemarking shall be installed and maintained in accordance with Australian Standards.
23. Pedestrian access into the site shall be provided separate to the vehicle driveways and shall cater for all forms of pedestrian mobility. Landscaping and/or fencing shall be provided along the frontage of the site to Meninya Street to direct pedestrians to the defined pedestrian access point.
24. Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking". The Applicant must comply with all comments and requirements outlined in TfNSW correspondence.

Reason: To ensure compliance with TfNSW requirements.

NSW Rural Fire Service

General Conditions

25. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.
 - The plan titled "Proposed Site/Floor Plan, drawn by Brandrick Architects, Project No: 2021-673, Drawing No: P 02 1, Drawing Date: 29/01/2021"
 - The bush fire assessment prepared by "Harris Environmental Consulting, Ref: 6124BF, Dated 30/06/2023".

Emergency Management and Evacuation Plan

26. 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: • a mechanism for the early relocation of occupants on days when adverse fire weather is notified or adverse fire activity occurs in the local government area in which the development operates;

- contact details for the local Rural Fire Service office;
- 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.

APZs on adjoining land

27. Prior to the issue of a Construction Certificate, under Section 88B of the Conveyancing Act 1919, a restriction shall be placed on neighbouring Lot 3 DP 1168208, Lot 2 DP 1168208 & Lot 5 DP 1168208 in accordance with Figures 10,11,12 & 13, pages 17,18 & 19 of the report titled "Harris Environmental Consulting, Ref: 6124BF, Dated 30/06/2023", burdening the portion of these lots required as an Asset Protection Zone (APZ) for the benefit of the subject development. This APZ shall be maintained as outlined within section 3.2.5 and Appendix 4 of "Planning for Bushfire Protection 2019". The restriction will cease to apply once development on the neighbouring allotment is obligated to maintain an Asset Protection Zone over the same area of land. The restriction shall be worded to ensure this extinguishment is triggered. The name of authority empowered to release, vary, or modify any instrument must be Murray River Council.

APZs within subject site

28. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019.

Construction Standards

29. New construction to the entire roof, subfloor and western, southern and north-western facades, as depicted in Figure 14 of the report titled "Harris Environmental Consulting, Ref: 6124BF, Dated 30/06/2023", must comply with Sections 3 and 8 (BAL 40) 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.
30. New construction to the remaining external, exposed facades, as depicted in Figure 14 of the report titled "Harris Environmental Consulting, Ref: 6124BF, Dated 30/06/2023", must comply with section 3 and section 7 (BAL 29) 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.

31. New fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or noncombustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Access - Internal Roads

32. Access roads for the proposal must comply with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:
- SFPP access roads are two-wheel drive, all-weather roads;
 - access is provided to all structures;
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - access roads must provide suitable turning areas in accordance with Appendix 3; and
 - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression • hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005; and
 - there is suitable access for a Category 1 fire appliances to within 4m of the static water supply where no reticulated supply is available.

Water and Utility Services

33. 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:
- reticulated water is to be provided to the development where available; • fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
 - hydrants are and not located within any road carriageway;
 - fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
 - all above-ground water service pipes are metal, including and up to any taps;
 - where practicable, electrical transmission lines are underground;
 - where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - 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; • reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, 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.

Should hydrants not be located on site, the following requirements are to be satisfied:

34. The provision of water must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- 10,000 litres of static water supply for firefighting purposes must be provided for each occupied building where no reticulated water is available
- 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 dieselpowered 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:
 - Markers must be fixed in a suitable location to be highly visible, and
 - 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 dieselpowered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter.

Landscaping Assessment

35. 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.

Reason: To ensure compliance with NSW RFS requirements.

Conditions which must be fulfilled prior to the release of the Construction Certificate

36. Section 88B Instrument

Prior to the issue of a Construction Certificate, under Section 88B of the Conveyancing Act 1919, a restriction shall be placed on neighboring lots in line with Condition 27 of this consent.

Reason: To ensure compliance with NSW RFS requirements.

37. Section 7.11 and Section 64 charges

The payment of Section 7.11 Development Contributions and Section 64 sewerage and water headworks charges are applicable and must be paid to Council prior to the release of the Construction Certificate. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges at the time the Development Application is determined. See below:

Categorising development into separate uses as per the Murray Shire Council Development Contributions Plan 2011 and 'The Guide'

- The below table separates the floor plan into different uses and applies trip generation accordingly.
- The highlighted columns include a number between "Factories Covered by Light Industry and Office/Commercial. 10.5VPD is halfway between the two categories.

| No | Space Name | GFA(m2) | Contributions | VPD/unit | VPD |
|----|---------------|---------|---------------|----------|--------|
| 2 | AirLock | 8.8 | Office | 16 | 1.408 |
| 3 | Foyer/Display | 44.9 | Office | 16 | 7.184 |
| 4 | Community | 62 | Hybrid | 10.5 | 6.51 |
| 5 | Store | 5.1 | Hybrid | 10.5 | 0.5355 |
| 6 | Airlock | 2.2 | Hybrid | 10.5 | 0.231 |
| 7 | S/B | 1.4 | Hybrid | 10.5 | 0.147 |
| 8 | W/C | 1.9 | Hybrid | 10.5 | 0.1995 |
| 9 | W/C | 1.9 | Café | 60 | 1.14 |
| 10 | Airlock | 2.8 | Café | 60 | 1.68 |
| 11 | Store | 6.9 | Café | 60 | 4.14 |
| 12 | Kitchen/Store | 25 | Café | 60 | 15 |
| 13 | Cafe | 10.1 | Café | 60 | 6.06 |

| | | | | | |
|----|----------------------------|-------|------------------|------|---------|
| 14 | Cafe - Sitting Area | 23.6 | Café | 60 | 14.16 |
| 15 | Store | 2.2 | Market (see 15) | | |
| 16 | Gift | 11.4 | Market (1 stall) | | 18 |
| 17 | Reception and Display | 91.6 | Hybrid | 10.5 | 9.618 |
| 18 | Passage | 51.5 | Hybrid | 10.5 | 5.4075 |
| 19 | Gallery Foyer | 68.1 | Hybrid | 10.5 | 7.1505 |
| 20 | Gallery 1 | 178.1 | Hybrid | 10.5 | 18.7005 |
| 21 | Gallery 2 | 63.3 | Hybrid | 10.5 | 6.6465 |
| 22 | Workshop | 46.9 | Light Industry | 5 | 2.345 |
| 23 | Air Lock | 2.3 | Light Industry | 5 | 0.115 |
| 24 | Unload | 35.8 | Light Industry | 5 | 1.79 |
| 25 | Unload Mezzanine | 28.6 | Light Industry | 5 | 1.43 |
| 26 | Staff | 14.5 | Office | 16 | 2.32 |
| 27 | Volunteer | 13.4 | Office | 16 | 2.144 |
| 28 | Dir. Office | 10.3 | Office | 16 | 1.648 |
| 29 | Acc'Toilet | 5.6 | Hybrid | 10.5 | 0.588 |
| 30 | Air Lock | 4.3 | Hybrid | 10.5 | 0.4515 |
| 31 | Mens | 12.1 | Hybrid | 10.5 | 1.2705 |
| 32 | Womens | 21.4 | Hybrid | 10.5 | 2.247 |
| 33 | CI | 3.3 | Hybrid | 10.5 | 0.3465 |
| 34 | Deck | 126.5 | Hybrid | 10.5 | 13.2825 |
| 35 | Fire Retreat/ Community | 68.3 | Hybrid | 10.5 | 7.1715 |

Total 1056 sq m

Total 161.0675

ET 24.779615

Contribution \$53,523.97

Section 64 Contributions

- Use area for offices and restaurant/café from Section 64 Contributions Plan (*Table 2: Standard ET Figures - Commercial User Categories*)
- $0.01\text{ET}/\text{m}^2 \times 1056\text{m}^2 = 10.56\text{ET}$ for Sewer and Water

| | CONTRIBUTION RATE (% OF ET) | CONTRIBUTION AMOUNT (23/24 rates) | | |
|--|--|-----------------------------------|------------|----------------|
| DEVELOPMENT | 1 additional lot = 1 ET | SEWER | RAW WATER | FILTERED WATER |
| | Fee/ET for Moama | \$1,700.00 | \$400.00 | \$3,650.00 |
| Office/Commercial and Restaurant/Café (1056/m ²) | Water ET = $0.01 \times 1056 = 10.56\text{ET}$ Sewer ET = $0.01 \times 1056 = 10.56\text{ET}$ | \$17,952.00 | \$4,224.00 | \$38,544.00 |
| Total = | | \$60,720.00 | | |

Total Contributions:

$\$53,523.97 + \$60,720 = \$114,243.97$

Please see **Fee Invoice 1561** for more information, and please contact Council's Administration for payment.

It is noted Council staff do not have delegation to vary Council's adopted Contributions Policy and any variations are required to be approved by Council. The Applicant may request a review of determination under Section 8.3 of the *Environmental Planning and Assessment Act 1979* within 6 months of the date of this notice. A fee is payable to Council.

The subject Section 7.11 Development Contributions are imposed under the former Murray Shire Council Section 94 Development Contributions Plan 2011, of which is available for inspection at Murray River Council's Moama office, 52 Perricoota Road, Moama NSW 2731, or on Council's website at www.murrayriver.nsw.gov.au.

Reason: To comply with Council's Development Contribution policies.

38. Liquid Trade Waste

A Liquid Trade Waste agreement must be concluded with Council prior to the issue of a Construction Certificate. Please contact Council to obtain an application to discharge Liquid Trade Waste from Council (Note: a fee on application submission will apply).

Reason: To ensure compliance with [Murray River Council Liquid Trade Waste Regulation Policy](#) and State Government requirements.

39. Stormwater drainage

All stormwater runoff from the development must be collected on-site and conveyed to a lawful point of adequate capacity in a manner which is consistent with the latest version of *Australian Standard 3500.3.2021*, and does not impede or direct natural surface water runoff to not result in causing nuisance to adjoining properties. All stormwater construction work must be undertaken in accordance with the approved hydraulic design and calculations approved under the Construction Certificate.

Reason: To ensure stormwater is adequately and appropriately disposed of from the building.

40. Environmental Management Plan

An Environmental Management Plan (EMP) must be prepared and provided to Council for approval to address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal.

The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
- b) Measures to suppress odours and dust emissions;
- c) Soil and sediment control measures;
- d) Measures to control air emissions that includes odour;
- e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) Any other recognised environmental impact; and
- g) Community Consultation.

Reason: To ensure no amenity impacts occur as a result of the development.

41. Long Service Levy

Before the issue of a Construction Certificate, the long service must be paid to the Long Service Corporation of Council under the *Building and Construction Industry Long Service Payments Act 1986*, Section 34, and evidence of the payment must be provided to the Principal Certifier.

Reason: To ensure the long service levy is paid.

42. Structural Certification

Prior to the issue of the Construction Certificate, a detailed structural report from a suitably qualified person (i.e. qualified engineer) demonstrating the development is structurally sound and can withstand the force of flowing floodwaters must be submitted to Council in accordance with the relevant Australian Standards.

Reason: To ensure the structure can withstand the force of flowing floodwaters and is structurally sound.

Conditions which must be fulfilled prior to the commencement of any works

43. Construction Certificate

A Construction Certificate must be **submitted to 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](#). The Construction Certificate must include a full services plan.

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

44. Erosion and sedimentation controls

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book)(as amended from time to time).

Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

45. Temporary water closet

A temporary water closet accommodation must be provided onsite during construction. This facility must be located onsite to not create a nuisance to any adjoining properties.

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

46. Works in road reserve

An application must be made to Council prior to constructing hard surface driveways, footpaths or the like on or over the road reserve. Any works in the road reserve, including landscaping, require approval under the [Roads Act 1993](#). The relevant application must be lodged via the [NSW Planning Portal](#). Please contact Council's Infrastructure Department for more information.

Reason: To comply with the [Roads Act 1993](#).

47. Section 68 Application

An application under Section 68 of the [Local Government Act 1993](#) must be lodged with Council via the [NSW Planning Portal](#) (**application fees apply**) and approved prior to the following works commencing on the site:

a. To carry out water supply, sewerage and stormwater drainage work in accordance with Part B of Section 68 of the [Local Government Act 1993](#).

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours **prior to works commencing**. On completion of work, the licensed plumber/drainage must apply for an inspection (inspection fees apply) and a Certificate of Compliance (CoC) must be submitted to Council. A Sewer Service Diagram (SSD) must also be provided to Council upon completion of the drainage works.

Reason: To comply with the [Local Government Act 1993](#) and to ensure the installation of plumbing and drainage work is in accordance with Australian Standards and the [Plumbing Code of Australia](#).

Conditions which must be complied with during works and in perpetuity

48. Vehicles during construction

Vehicles must be clean and free of debris prior to leaving the site. Deposited material may be ordered to be removed at the Applicant/operator's expense.

Reason: To ensure sediment is not trafficked onto Council's road network.

49. Waste Containment

Designated waste containment areas must be provided on site and maintained to prevent any windblown litter escaping from the site.

Reason: To comply with the [Protection of the Environment Operations Act 1997](#) and to preserve the environmental health and amenity of the adjoining area.

50. Council property

Any damage or deterioration to any Council property including footpaths, road reserves, or removal of any existing street trees, must be reinstated to its original condition at the Applicant's expense to the satisfaction of Council. Replacement tree(s) must be the same species and size as the one removed.

Reason: To maintain safe access for pedestrians and to protect the amenity of the area.

51. Minimise dust and noise

The Applicant must undertake measures to minimise dust and noise and ensure the impact on neighbouring properties is minimised. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

Reason: To minimise environmental and amenity impacts and to comply with the [Protection of the Environment Operations Act 1997](#), and to preserve the environmental health and amenity of the adjoining area.

52. Time of work

Work must not commence on the site before 7am on weekdays and Saturdays and 8am on Sundays and public holidays. All works must cease by 8pm on any day.

Reason: To protect the amenity of the area.

53. No pollution of waterways

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development.

Reason: To comply with NSW EPA requirements.

54. Location of Stockpiles

Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.

Reason: To ensure no contamination of waterways occurs as a result of the development.

55. No obstruction of road reserve permitted

The road reserve must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. All activities including loading/unloading of vehicles associated with this development must be undertaken within the subject site.

Reason: To protect the amenity of the area.

Conditions which must be fulfilled prior to the release of the Occupation Certificate or use of the development

56. Occupation Certificate

The Applicant must not allow or permit the building (or part of the building, in the case of alteration or additions) to be occupied or used, until:

- a) All conditions of this consent have been completed in full;
- b) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the [NSW Planning Portal](#); and c) The Principal Certifier has issued an Occupation Certificate.

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

57. Driveway

Prior to the issue of an Occupation Certificate a commercial standard plain concrete driveway and layback gutter, to Council specifications, must be constructed from the kerb to the property boundary. A separate application must be made to Council for approval to construct the driveway.

Note: Please contact Council's Infrastructure Department to ascertain who undertakes these works.

Reason: To protect Council assets and to comply with the [Roads Act 1993](#).

58. Landscaping

All landscape works must be constructed in accordance with the stamped approved plan. Landscaping must be maintained:

- In accordance with the approved plan, and
- In a healthy state, and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation which died or was removed.

Reason: To ensure the site is appropriately landscaped.

59. Car parking

All areas set aside of access and vehicle parking on the approved construction plans must be constructed to the satisfaction of the Council, including:

- (a) Surfaced with an impervious all-weather seal coat;
- (b) Drained in accordance with an approved stormwater drainage plan;
- (c) Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- (d) Measures taken to prevent damage to fences or landscaped areas;
- (e) Provision of traffic control signage or structures as required;
- (f) Provision of signage directing drivers to areas set aside of car parking;

Reason: To ensure there is suitable car parking on the site.

60. Waste receptacle area

An adequate waste receptacle area must be provided on-site to store all waste pending disposal. Such area must be screened, regularly cleaned and accessible to collection vehicles in the interest of amenity, safety and public convenience.

Reason: To ensure a waste receptacle area is provided.

61. Fire Safety Certificate

On completion of the erection of the building, the owner must provide Council with a Fire Safety Certificate certifying all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia.

Note: Annual Fire Safety Statements must be submitted to Council and to the Commissioner of Fire and Rescue NSW (FRNSW) (<https://www.fire.nsw.gov.au/page.php?id=9418>) within each twelve-month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property. Please see the following link for further information regarding notification to FRNSW (<https://www.fire.nsw.gov.au/page.php?id=9157>).

Reason: To comply with the [*Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021*](#).

62. Plan of management

A Plan of Management for the operations of the premises must be submitted to and approved by Council prior to use as a Food and Drink Premise. The purpose of this Plan is to establish performance criteria for various aspects of the operations of the premises to minimise potential for impacts on the amenity of the surrounding neighbourhood. The Plan of Management must address;

- (a) Amenity of neighbourhood;
- (b) Noise;
- (c) Behaviour of patrons and complaint register;
- (d) Deliveries and waste removal and management including periodic litter clean-up;
- (e) Maintenance;
- (f) Security Management Plan;
- (g) Capacity of premises in accordance with BCA requirements including patrons and staff; and (h) Use of carpark areas.

Council must be satisfied the above matters are reasonably addressed. Once the Plan of Management has been approved by Council it will form a part of this consent. Should there be any additional or altered activities/procedures to those specified in the approved plan of management which remain within the scope of the development consent, the plan of management must be appropriately reviewed and submitted to and approved by Council.

Reason: To protect the amenity of the area.

63. Government Agencies

Prior to the release of the Occupation Certificate, evidence must be provided to Council outlining how relevant conditions from Government Agencies listed in the subject DA have been complied with. The evidence must be to the satisfaction of Council and the relevant Government authority.

Reason: To ensure Government Department requirements are met.

64. Practical Completion of Infrastructure

The following infrastructure must be provided to service the development:

- a. **Vehicle access (crossovers).** Formed access to Council specifications must be provided to the site. A separate application must be made to Council for approval to construct any crossover access. Please contact Council's Infrastructure Department for further information.
- b. **Sewer.** The site must be connected into Council's reticulated sewerage system.
- c. **Filtered and Raw Water.** The site must be provided with filtered and raw water supply.
- d. **Stormwater Management.** The site must be provided with appropriate stormwater infrastructure.

All infrastructure must be provided at the Applicant's expense to Council's standards and in accordance with Council's policy.

Reason: To ensure the development is appropriately serviced.

65. Emergency Management Plan

Prior to the issue of the Occupation Certificate, an Emergency Management Plan must be submitted to Council for approval. This plan is to include but is not limited to natural disaster risk management (e.g., bushfire, building fire, flooding etc.).

Reason: To ensure an Emergency Management Plan is developed and approved.

Advice to Applicant

Private covenants may apply

The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. In accordance with Section 3.16 of the [Environmental Planning and Assessment Act 1979](#), Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of development with such covenants.

Reason: To advise of the details of Section 3.16 Suspension of laws etc by environmental planning instruments of the [Environmental Planning and Assessment Act 1979](#) and Section 1.9A of Council's Local Environmental Plans.

Before You Dig Australia

Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Before You Dig Australia at www.byda.com.au before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting Before You Dig Australia, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property by contacting Before You Dig Australia in advance of any construction or planning activities.

Reason: To protect underground assets.

Compliance with conditions

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or admin@murrayriver.nsw.gov.au if there is any difficulty in understanding or complying with any of the above conditions.

Reason: To ensure the Applicant is aware of their obligations.

Compliance with legislation

The development must be in accordance with the relevant provisions and Regulations of the [Biodiversity Conservation Act 2016](#), the [Fisheries Management Act 1994](#), the [Heritage Act 1977](#), the [Local Government Act 1993](#), the [National Parks and Wildlife Act 1974](#), the [Protection of the Environment Operations Act 1997](#), the [Roads Act 1993](#), the [Rural Fires Act 1997](#), the [Water Management Act 2000](#) and all other applicable legislation.

Reason: To comply with relevant legislation.

Offence to pollute waters

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development. The Applicant should be aware that under Section 120 of the [Protection of the Environment Operations Act 1997](#) it is an offence to pollute waters.

Reason: To advise of NSW Environment Protection Authority requirements.

Disability Discrimination Act 1992

It is the Applicant's responsibility to ensure compliance with the requirements of the [Disability Discrimination Act 1992](#) (DDA). Note: Compliance with the Building Code of Australia (BCA) does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.

Reason: To comply with the [Disability Discrimination Act 1992](#).

Engineering Guidelines

The Applicant must comply with Council's Engineering Guidelines for Subdivisions and Development Standards (as applicable) in conjunction with advice from Council.

Reason: To ensure the development is carried out in accordance with Council's Development Requirements.

Water supply work, sewerage work and stormwater drainage work

Water supply work or sewerage work which is plumbing and drainage work within the meaning of the [Plumbing and Drainage Act 2011](#) must comply with that Act and the regulations under that Act. Any water supply work or sewerage work which is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the [Plumbing Code of Australia](#).

Reason: Council and Statutory requirement of [Local Government \(General\) Regulation 2021](#).

Works in road reserve

An application must be made to Council prior to constructing hard surface driveways, footpaths or the like on or over the road reserve. Any works in the road reserve, including landscaping, or the temporary placement of cranes etc. for installation of a moveable dwelling, require approval under Section 138 of the [Roads Act 1993](#). Please contact Council's Infrastructure Department for more information.

Reason: To comply with the [Roads Act 1993](#).

Advertising signs

Advertising signs, unless exempt development, must not be erected, fixed, painted or displayed without prior Council consent. All signs must be designed to complement development on-site and be always maintained in good order and condition.

Reason: To ensure the development is carried out as assessed.

On-site accessible car parking space

Under the Building Code of Australia, there may be a requirement for a minimum of one (1) on-site car parking space to be designed as an accessible car parking space. This requirement will be assessed at the Construction Certificate application stage by the Principal Certifier. If triggered, this on-site accessible car parking space must be designed in accordance with *Australian Standard 2890.6* and the Building Code of Australia.

Reason: To advise the Applicant on-site accessible car parking space(s) may be required to be provided.

On-site toilet(s)

Under the Building Code of Australia, there may be a requirement to provide toilets onsite (including accessible toilets). This requirement will be assessed at the Construction Certificate application stage by the Principal Certifier.

Reason: To advise the Applicant on-site toilets may be required to be provided.