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**NARROMINE SHIRE COUNCIL  
ORDINARY MEETING BUSINESS PAPER – 13 MARCH 2019  
SUPPLEMENTARY REPORT TO COUNCIL – GENERAL MANAGER**

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**1. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY**

<b>Author</b>	Executive Manger Health Building Environmental Services
<b>Responsible Officer</b>	General Manager
<b>Link to Strategic Plans</b>	CSP – 3.2.2 Ensure regulatory compliance with environmental legislation DP - 3.1.6.1 Ensure compliance with relevant building codes and regulations.

This supplementary report is presented to Council to be considered together with Item No 6 of Reports to Council – General Manager.

Attached is the Notice of Determination for DA Application 71/2018.

**Jane Redden  
General Manager**

# NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

*Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979*

## APPLICANT DETAILS

Applicant: Benzina Group  
C/- Joseph Sgro  
Address: PO Box 365  
PENRITH NSW 2751

## APPLICATION DETAILS

Development Application Number: **2018/71**  
Description of Development: **Highway Service Centre**

## LAND TO BE DEVELOPED

Address: 10-12 Merilba Street, Tomingley  
Property Description: Lot 45 & 46 DP 755110

## DETERMINATION DETAILS

Decision: **To be determined by the PCA**  
Determination Date:  
Approval to operate from:  
Approval to lapse on:

## OTHER COUNCIL APPROVALS

Sec 68 Local Government Act Nil or Relevant Part  
Roads Act Nil or Relevant Part

## A. General

1. This consent relates to a **Highway Service Centre** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

### Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
  - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The **Highway Service Centre** shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

### National Construction Code of Australia

3. All building work must be carried out in accordance with the requirements of the National Construction Code of Australia.

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

### Essential Energy Requirements

4. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
5. Satisfactory arrangements must be made with Essential Energy for the provision of power to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.
6. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

## **B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Construction Certificate Application**

8. A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out on site.

### **Consolidation of land**

9. Lot 45 and Lot 46 shall be consolidated prior to issue of a Construction Certificate.

### **Voluntary Planning Agreement**

10. The proponent is to enter into a Voluntary Planning Agreement (VPA) to be signed and approved by Council.

### **Engineering Plans**

11. Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Narromine Shire Council or an Accredited Certifier prior to issuing of the Construction Certificate.

### **Geotechnical Certification**

12. A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geopractitioner, and submitted to the Certifying Authority with an application for a Construction Certificate.

The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:-

- a) An indication of the nature and depth of any uncontrolled fill at the site
- b) An indication of the nature and condition of the material to be excavated
- c) Indications of groundwater or seepages
- d) Required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries
- e) Statement of required excavation methods in rock and measures required to restrict ground vibrations

- f) Other geotechnical information or issues considered relevant to design and construction monitoring.

### **Section 68 Application – Waste Water Disposal**

- 13. The applicant shall submit a Section 68 Application to Council and obtain approval for the on-site waste water disposal system prior to issue of a Construction Certificate. An on-site waste water disposal report including full hydraulic drawings on the proposed trench method of disposal shall be included within the application to Council.

### **Acoustic Barrier Construction**

- 14. In accordance with the Acoustic Assessment undertaken by Koikas Acoustics Pty Ltd dated 17 September 2018 full details on the final selected Acoustic Barrier for noise mitigation outlined in section 9.0 of the report shall be provided to the Certifying Authority prior to issue of the Construction Certificate.

### **Road Works Required**

- 15. The applicant must bear the cost of construction of the following works:
  - a) Road and Stormwater Drainage works in Merilba and Myall Streets in accordance with the approved plans.
  - b) All works within the Merilba and Myall Streets road reserves as identified by the structural engineering design plans.

Development Consent does not give approval to undertake any works on Council property. An application must be made to Council for a S138 Roads Act Approval to construct these works. Detailed engineering drawings and specifications of the works required by this Condition must accompany the application form. The Roadworks Approval request / application must be submitted to, and approved by, Council prior to the issue of a Construction Certificate.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an OC.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

### **Road – Engineering Requirements**

- 16. Prior to issue of a Construction Certificate, detailed design information of road construction works must be provided and approved by Council in accordance with Austroads Guidelines and RMS QA Road works specifications for road construction and design.

### **Roads Access – Engineering Requirements**

17. A design of pedestrian facilities must be submitted for the access from the proposed truck stop to the truck stop Lot 4 DP 822417.

### **Kerb and Gutter – Engineering Requirements**

18. All concrete kerb and channel designs shall be in accordance with Austroads Guidelines.

The plans submitted in association with the Construction Certificate application are to demonstrate compliance with this requirement. The plans are to be approved by the Council as satisfying this requirement prior to the issue of a Construction Certificate.

### **Water**

19. Plumbing and sanitary drainage to be in accordance with AS / NZ 3500. A separate application to connect to Councils water supply must be submitted to Council.

Please note that Council requires all gate valves to consist of a clockwise closure.

The plans submitted in association with the Construction Certificate application are to demonstrate compliance with this requirement. The plans are to be approved by the Council as satisfying this requirement prior to the issue of a Construction Certificate.

### **Stormwater**

20. A stormwater management plan is to be provided and designed to a 1:20 storm event. The design is to take into account pre development flows and post development flows.

### **Underground Petroleum Storage System**

21. In accordance with the Protection of the Environment Operations Act 1997 and the UPSS Regulation, the design, installation and commissioning including the installation of groundwater monitoring wells shall comply with AS 4897-2008: Design, installation and operation of underground petroleum storage systems. Full details shall be provided to the Certifying Authority prior to issue of a Construction Certificate including the location of all mandatory pollution protection equipment onsite.

### **Essential Energy Requirements**

22. Essential Energy has existing overhead powerlines located at the front and the back of the property. This electrical infrastructure may be affected/damaged when vehicles are accessing the property. Barrier protection around the electrical infrastructure may be required. To enable a further review, Essential Energy requests that detailed plans showing the location of all electrical infrastructure and proposed access points into the property are provided, with such plans noting

all distances to the electrical infrastructure. Following receipt of those further plans, Essential Energy will be able to advise if barrier protection is required.

23. The proposed landscaping / vegetation plan for the rear of the property will need to be altered to ensure that large species of trees are not planted too close to Essential Energy's existing overhead powerlines.

## **C. REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK**

### **Erection of signs**

24. A sign must be erected in a prominent position on any site on which building work, is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### **Section 138 Roads Act Approvals**

25. Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a Section 138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The Section 138 application is to be submitted to, and approved by Council prior to works commencing.

### **Roads and Maritime Services Requirements**

26. Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes on the Newell Highway.

### **Notice of Commencement**

27. Notice of commencement (at least 48 hours prior) is to be given to Council in writing.

### **Erosion and Sediment Control**

28. Erosion and sediment control measures shall be installed and maintained until all disturbed areas have revegetated in accordance with the Narromine Development Control Plan 2011. Note: On the spot fines may be imposed for non-compliance with this condition.

### **Temporary Onsite Toilet**

29. A temporary on-site toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site.

### **Damage to Public Assets**

30. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

### **Asbestos – Notification of Neighbours**

31. Fourteen (14) days **prior to the commencement of any demolition works involving asbestos**, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

### **Asbestos – Statement**

32. No later than seven (7) days **prior to the demolition of any building or structure**, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must be provided:

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

### **Asbestos – Clearance Certificate**

33. Following the removal of all asbestos and **prior to further works being carried out on the site**, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.



### **Asbestos – Tip Receipts**

34. Documentary evidence in the form of tip receipts from the Narromine Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council **prior to any further building works being undertaken** on the site.

**Note:** *All asbestos waste is to be disposed of at an approved Waste Management Facility only being Narromine.*

*Should the volume of asbestos waste exceed 2.5m<sup>3</sup>, then arrangements must be made with Council prior to disposing of the waste.*

### **Disconnection of Utility Services**

35. All existing services are to be disconnected, sealed and made safe prior to the demolition and/or removal of existing structures on site. The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are to be inspected and certified by Council.

### **Roads and Maritime Services Requirements**

36. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and Roads and Maritime for the developer to undertake "private financing and construction" of any works on the Newell Highway. This agreement is necessary for works in which Roads and Maritime has a statutory interest.

## **D. REQUIREMENTS DURING WORKS**

### **Asbestos – Licensed Contractors**

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

### **Demolition – Work Cover**

38. Precautions shall be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of:
- a) Protection of site workers and the public;
  - b) Asbestos handling and disposal where applicable.

### **Demolition – Adverse Effects to Adjoining Owners**

39. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

## Demolition

40. Demolition work shall be carried out in accordance with Australian Standard AS2601-1991: The Demolition of Structures.

## Approved hours of Demolition and Construction

41. Demolition and Construction works may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Interim Construction Noise Guidelines as identified below:

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

## Dust Abatement

42. A water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works are to be delayed or postponed.

## Fill

43. Fill material shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

44. Filling material shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

## Building Waste

45. The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site.

**Note:** *On the spot fines may be imposed by Council for Pollution incidents.*

## Building Materials, Plant and Equipment

46. All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

**Note:** *On the spot fines may be imposed for non-compliance with this condition.*

## Pipe Backfill

47. All pipe backfill designs and construction information shall be in accordance with AS/NZ 3725:2007.

### **Road - Engineering Requirements**

48. The road widths shall be as per concept plan however must show turning circles for the largest design vehicle expected to use the roadway.
49. The junction with the Newell Highway shall be as per RMS conditions relating to the intersection.
50. All road access to Genanagie St via the Newell Highway must be from a constructed access via Newell Highway. One way access via the rear of the truck parking area Lot 4 DP 822417 and exit via the Newell Highway.
51. Genanagie St shall be upgraded to Narromine Shire Council specifications.
52. Merilba St shall be upgraded to Narromine Shire Council specifications.

### **Access – Engineering Requirements**

53. All access to Merilba Street will be designed as per Austroads Design Guide and RMS requirements.

### **Kerb and Gutter – Engineering Requirements**

54. Kerb and Gutter type shall be type SA and run along Merilba Street.

### **Liquid Trade Waste**

55. Application for liquid trade waste approval must be made to Council if discharge of liquid trade waste.

### **Aboriginal Heritage**

56. In the event that an item of Indigenous Heritage is discovered during excavation, all work is to immediately cease and the Local Aboriginal Land Council and the NSW National Parks and Wildlife Services is to be notified. Works are not to recommence until such time as any required licenses or approvals are obtained.

### **Soil and Water Management**

57. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

## **Roads and Maritime Services Requirements**

58. Adequate turning circles, storage room and vertical clearance are to be provided within the site for the largest type of vehicle (36.5 metre articulated vehicle) that will visit the site during operation.
59. All entry/exit driveways onto/from the Newell Highway, internal vehicular manoeuvring, parking and loading areas are to be constructed, sealed and maintained in accordance with submitted plans. Driveways are to match existing road and footpath levels and not interfere with road drainage. The driveways are to be constructed to a sealed standard and able to withstand regular turning movements of the largest and heaviest vehicle to access each driveway.
60. Kerb and gutter to Council standards is to be provided along the edge of public road pavement adjoining the site. Redundant kerb layback crossing accesses in the Newell Highway and Merilba Street, servicing the land, are to be removed and replaced with kerb and gutter.
61. Provision of a 3 metre sealed shoulder from the southern end of the egress driveway of the adjacent truck rest area extending to the northern most point of the ingress driveway of the rest area is to be provided.

The seal is to be constructed for a 50km/h speed environment and maintained to an acceptable standard to accommodate and withstand the increased vehicle turning movements.

## **Services**

62. Other services such as telecommunication, gas, electrical and lighting shall be designed by accredited persons in accordance with the relevant standards. A plan of service locations is to be submitted to Narromine Shire Council prior to issue of Construction Certificate.

## **Food Premises**

63. The construction and operation of the food premises shall comply with all applicable legislation, regulation and standards including:
  - a) Food Act 2003
  - b) Food Regulation 2004
  - c) Food Standards Australia and New Zealand – Food Standards Code 2003
  - d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
  - e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings
  - f) BCA

Details submitted in association with the CC application are to demonstrate compliance with this requirement, and shall include the following:

- a) a separate floor and sectional plan detailing:
- b) the kitchen area floor, wall, and ceiling surface finishes
- c) location of the required handwash basin/s and cleaning sinks/s
- d) location of dry and cold storage areas,

- e) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
- f) designated cupboard or locker for the storage of staff clothing and personal belongings

The details are to be approved by the Certifying Authority as satisfying this requirement prior to the issue of a Construction Certificate.

## **E. REQUIREMENTS PRIOR TO OCCUPATION CERTIFICATE**

### **Occupation Requirements**

64. No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.

### **Inspection Requirements**

65. A final inspection is required to be carried out by Council at the completion of all demolition works to ensure that all conditions of the approval have been complied with prior to the issuing of the Final Occupation Certificate.

### **Site Requirements**

66. Upon completion the site is to be level, clean and tidy with all demolition wastes and materials removed from the site.

### **Works As Executed (WAE) Drawings**

67. A report and three (3) copies of works-as-executed (WAE) drawings of the stormwater detention basin(s) and stormwater drainage system shall be submitted to the finalization of the work. The WAE drawings shall be prepared by a registered surveyor and shall indicate the following as applicable:

- subgrade surface level
- subbase pavement level
- pavement base level
- invert levels of all pits, pipes and orifice plates
- surface levels of pits and surrounding ground levels
- drainage, sewerage & water hydraulics
- levels of spillways and surrounding kerb
- top of kerb levels at the front of the lot
- dimensions of stormwater basins and extent of inundation
- calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as constructed basins in relation to the approved design.

The WAE plan in the format of CAD & pdf and detailed report shall be submitted to and approved by Council prior to issue of an Occupation Certificate.

## **Food Premises**

68. Prior to the issue of an Occupation Certificate, the following notifications must occur:

- a) Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an Occupation Certificate.
- b) The New South Wales Food Authority must be notified and a copy of the notification shall be submitted to Council. Notification can be completed on the New South Wales Health Department's website at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

## **Public Infrastructure**

69. The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of the Occupation Certificate at no cost to Council.

## **Ground Levels**

70. Finished ground levels are to be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.

## **Parking – Kerb/Dwarf Wall**

71. Kerbing or dwarf walls, having a minimum height of 100mm, shall be constructed along the edge of all garden areas, or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon.

Construction shall be completed prior to the issue of an Occupation Certificate.

## **Parking – Maintenance**

72. All parking and loading bays shall be permanently marked out on the pavement surface, prior to issue of an Occupation Certificate. All loading bays and visitor parking facilities shall be clearly indicated by signs.

## **Completion of Road Works**

73. Prior to the issue of an Occupation Certificate, the PCA must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the

approved design and relevant AS, must be provided to Council prior to the issue of an Occupation Certificate.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit.

### **Acoustic Barrier Construction**

74. All Acoustic Barriers shall be installed prior to issue of the Occupation Certificate and maintained for the life of the development.

### **Landscaping**

75. All landscaping of the site in accordance with the Landscape Plan dated 22-10-2018 drawn by Ray Fuggle and Associates Landscape Architects shall be completed prior to issue of the Occupation Certificate and maintained for the life of the development.

### **Truck Parking**

76. A physical restriction is to be provided along the eastern boundary of the truck rest area located on Lot 4 DP 822417. Internal physical barriers are to be provided and act as an appropriate corridor for direct access from the truck rest area to Genanagie Street.

### **Roads and Maritime Services Requirements**

77. All vehicle movements to and from the site to the Newell Highway (HW17) are to be in a forward direction only.
78. Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) requirements outlined in Austroads Guide to Road Design Part 4A is to be provided in both directions at the intersection of driveways and the Newell Highway. For a 50km/h speed zone, SISD is 97 metres.
79. To ensure northbound vehicles can safely manoeuvre around a 36.5 metre vehicle egressing from the site heading northbound, a "No Stopping" zone is to be created by the installation of "No Stopping" (r5-400) signs adjacent to the road shoulder adjoining the northbound travel lane between the intersection of Merilba Street and the Newell Highway and the proposed egress driveway from the development.
80. "No Entry" (R2-4) signs are to be provided on the land at each side of the exit driveways. The signs are to face the public (on the Newell Highway) to advise motorists not to enter the exit driveways.
81. "No Entry" (R2-4) signs are to be provided on the land on each side of the entry driveway. The signs are to face the site to advise motorists not to exit onto the Newell Highway via the entry driveway.
82. All road works required to facilitate the development are to be completed, including safe pedestrian connectivity between the heavy vehicle rest area and the fuel station.

## **Services**

83. Street Lighting is to be provided for pedestrians accessing the truck stop at lot 4 DP 822417 to the proposed truck area

## **Completion Requirements**

84. All of the foregoing conditions are to be at the full cost of the developer and to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

## **F. OPERATIONAL REQUIREMENTS**

### **Waste Management**

85. The operator of the highway service centre shall ensure that a contract and management plan is in place for the collection of waste and rubbish generated from the site for the life of the development. The management plan must also ensure that regular and scheduled inspections are undertaken by employees to collect rubbish generated from the site and it is maintained in a clean and tidy condition at all times.

### **Outdoor Lighting and Glare**

86. The Highway Service centre shall ensure that at all times during operation, light nuisance and/or glare is not projected onto adjacent properties that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

### **Driveways to be Maintained**

87. All access crossings and driveways shall be maintained in good order for the life of the development.

### **Air Conditioning Units**

88. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment (Operations) Act 1997*.

### **Roads and Maritime Services**

89. Light vehicles exiting the site should "Give Way" to heavy vehicles exiting the site. Internal directional signage and or associated internal line marking addressing this matter should be provided for.

### **Underground Petroleum Storage System**

90. In accordance with the UPSS Regulation, all equipment shall be regularly tested with an Environment Protection Plan in place for the life of the development. This shall include incident management and monitoring results.



## **Fuel Storage**

91. Storage of fuel and chemicals on any allotment (other than small quantities of lawn mower fuel and domestic weed controllers when housed in a secure room or shed) are prohibited.

## **Provision of LPG Tanks**

92. The installation and operation of the LPG facility must be in accordance with the relevant provisions of *AS 1596:2002 Storage and handling of LP Gas*. Details are to be provided prior to the issue of an Occupation Certificate.

## **Amenity**

93. The development is to be conducted in a manner that will not adversely interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

## **Essential Energy Requirements**

94. Minimum clearance requirements must be maintained at all times for all proposed driveway access / exits to the property, as such access will pass under Essential Energy's existing overhead powerlines.

Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

## **Roads and Maritime Services**

95. All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas in a forward direction and accessed by vehicles up to 8.8 metres (medium rigid trucks).

## G. PRESCRIBED CONDITIONS

For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
- (b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.

This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

**Note.** There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

A sign must be erected in a prominent position on any 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 certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

For the purposes of section 4.17 (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, 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 from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## **H. REASONS FOR CONDITIONS**

### **Conditions of consent have been imposed to:**

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

## **I. GENERAL ADVICE**

### **NOTES**

#### **Boundary Encroachments**

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on, or encroach over, the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act*, which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position. This may necessitate a survey to identify the allotment boundary.

#### **LAPSING OF DEVELOPMENT CONSENT**

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

## **RIGHT OF APPEAL**

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 of the *Environmental Planning and Assessment Act, 1979*).

## **REVIEW OF DETERMINATION**

An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination made by Council under Section Division 4.6 in respect of an application by the Crown

## **Engineering Site Supervision**

Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Council's current engineering site supervision fee is \$153.00 per hour. Package Engineering inspections are also available for Roads, Water and Sewer in Council's current fees and charges.

## **Roads and Maritime Service**

Referral to Roads and Maritime pursuant to section 18 of State Environmental Planning Policy No.64 'Advertising and Signage' may be required for concurrence.

The applicant, in accordance with the Department of Planning and Environment's *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* may be required to prepare and submit photo montages. Signage is not to flash, move or be objectionably glaring or luminous.

## ADVISORY NOTES

### **Electrical and Telecommunication Services**

#### DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### **National Broadband Network**

If, as a result of this approval, you wish to connect to the NBN (National Broadband Network), you must do so online via:  
<http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html>