



CABONNE COUNCIL

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THE GENERAL MANAGER

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Our Ref: 2019/0169

Doc ID: 1127832

ABN: 41992 919 200

2 June 2020

Canowindra Petroleum Pty Ltd
C/- R.J. Sinclair Pty Ltd
PO Box 503
ROUND CORNER NSW 2158

Dear Sir/Madam,

DEVELOPMENT APPROVAL FOR DA 2019/0169

With reference to your application seeking Council's consideration of the subject proposal, you are advised that your application was considered and approved by Council at its meeting held on Tuesday 26 May 2020.

Please find attached Council's consent for the above development application. It is important that you carefully read the Notice of Approval to understand the terms of Council's consent.

Your attention is drawn to that part of the formal Notice containing instructions on rights of appeal and the time period for the commencement and lapsing of consent.

Should you have any further enquiries please contact Council's Department of Development Services on 6392 3265 between 9am and 11am Monday to Friday.

Yours faithfully,

H J Nicholls

DEPUTY GENERAL MANAGER – SERVICES



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Environmental Planning and Assessment Act 1979 Section 4.18

DEVELOPMENT APPLICATION

Application Number: DA 2019/0169

Applicant: Canowindra Petroleum P/L, C/- RJ Sinclair Pty Ltd

Applicant Address: PO Box 503, ROUND CORNER NSW 2158

Owner: Canowindra Petroleum Pty Ltd

Land to be Developed: Lot 1 DP 852310, 19-23 Gaskill St, Canowindra

Proposed Development: Demolition, Service Station Construction & Business Identification Signage

Assessment Number: A23860

DETERMINATION

Made On: 26 May 2020

Determination: Consent Granted Subject to Following Conditions

Consent to Operate From: 26 May 2020

Consent to Lapse On: 26 May 2025
(Where proposed development has not been commenced).

CONDITIONS OF APPROVAL

1. APPROVED PLANS AND SUPPORTING DOCUMENTS

The development shall be carried out in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any following condition**. Where the plans relate to alteration or additions only those works shown in colour or highlighted/shaded are approved.

Reference/Dwg No	Title/Description	Prepared By	Date/s
16-066 – rev 4	Statement of Environmental Effects	RJ Sinclair	20 December 2019
Unreferenced	Environmental Site Assessment	Parsons Brinckerhoff	18 October 2013
Unreferenced	Heritage Impact Statements	Ian Rufus	June 2019
SY190899	Flood Review	ACOR Consultants	19 December 2019
Unreferenced	Traffic Impact Statement	Winning Traffic Solutions	March 2020
218934	Detail Survey	Geolyse	2 May 2018
16-066 CMP -01 DA2	Construction Management Plan	RJ Sinclair	20 December 2019
16-066 CMP-02 DA	Erosion and Sediment Control Plan	RJ Sinclair	October 2017
16-066 A-01 DA2	Existing Site Plan and Demolition Plan	RJ Sinclair	September 2018
16-066 A-02 DA 2	Proposed Site Plan	RJ Sinclair	September 2018
16-066 A-03 DA 2	Dimensioned Site Plan	RJ Sinclair	September 2018
16-066 A-04 DA 2	Streetscape Elevation	RJ Sinclair	May 2019
16-066 A-10 DA 2	Sales Building Floor Plan	RJ Sinclair	September 2019
16-066 A-11 DA 2	Sales Building Dimensioned Plan	RJ Sinclair	September 2018
16-066 A-12 DA 2	Sales Building Roof Plan	RJ Sinclair	September 2018
16-066 A-13 DA 2	Sales Building & Elevations	RJ Sinclair	September 2018

16-066 A-14 DA 1	Sales Building Perspectives	RJ Sinclair	December 2019
16-066 A-100 DA 2	Refuelling Canopy Plans	RJ Sinclair	August 2018
16-066 A-101 DA 2	Refuelling Canopy, Elevations & Sections	RJ Sinclair	September 2018
16-066 L-01 DA 2	Landscape Plan	RJ Sinclair	May 2019
16-066 L-02 DA 2	Landscaping Notes and Details	RJ Sinclair	May 2019
16-066 SS-01 DA 2	Signage Plan	RJ Sinclair	September 2018
16-066 SS-02 DA 2	Signage Detail	RJ Sinclair	September 2018
16-066 TW-01 DA 2	Trade Waste Plan	RJ Sinclair	September 2018
16-066 TW-02 DA 2	Trade Waste Details	RJ Sinclair	September 2018
16-066 SD-01 DA 2	Concept Stormwater Drainage Plan	RJ Sinclair	May 2019
16-066 TS-01 DA 2	Turning Study – Large Cars	RJ Sinclair	September 2018
16-066 TS-02 DA 3	Turning Study – Delivery Trucks	RJ Sinclair	September 2018
RJS0004-E01	Lighting Plan	Rubidium Light	21 May 2019

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

Note 2: *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

Note 3: *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

(Reason: To confirm and clarify the terms of consent)

2. CONSTRUCTION WITHIN BOUNDARY

All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.

(reason: to ensure compliance with approved plans)

3. SEPARATE APPROVALS

Separate Development Approval shall be obtained for the *business identification signage*.

(Reason: To control the future development of the site)

4. COMPLIANCE WITH DISABILITY DISCRIMINATION ACT

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under this Act.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

5. FOOD PREMISES - GENERAL

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code
- The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises

(Reason: Compliance legislation and standards)

6. LIGHTING

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.

(Reason: Protect amenity of surrounding area)

7. TREE PRESERVATION

All street trees and trees on private property that are protected under Cabonne Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

8. WASTE MANAGEMENT PLAN

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

(Reason: Compliance with approval)

9. CONSTRUCTION CERTIFICATE - PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

(Reason: Statutory Requirement)

10. DEMOLITION

Demolition - General

- a. That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - i. The date when demolition will commence,
 - ii. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - iii. The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - iv. copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b. Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c. Demolition works are restricted as follows:
 - i. Monday to Saturday inclusive - 7:00am - 5:00pm
 - ii. Sundays and Public Holidays - No work
- d. At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - i. The date when demolition will commence.
 - ii. Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - iii. The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011.
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos.
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace.

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence.
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer.
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

11. SITE SAFETY FENCING

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the demolition. The fencing must be erected before the commencement of any demolition work and maintained.

The site shall be maintained in a clean and orderly condition during demolition works.

Hoardings If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

12. EROSION AND SEDIMENT CONTROL DURING DEMOLITION

Erosion and sedimentation controls shall be in place prior to the commencement of demolition works and shall be maintained throughout the demolition of the building and any regrading of the ground levels, approved removal of vegetation etc.

The controls shall be installed in accordance with the details approved by Council and/or as directed by Council officers.

These requirements shall be in accordance with Managing Urban Stormwater - soils and Construction produced by Landcom (Blue Book). A copy of the Erosion and Sediment Control Plan must be kept on site during the demolition works and made available to Council officers on request.

(Reason: Environmental protection)

13. ACCESS FOR PEOPLE WITH DISABILITIES

Access for People with Disabilities Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance. Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.

(Reason: To inform of relevant access requirements for persons with a disability)

14. LONG SERVICE LEVY PAYMENTS

The payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

15. COLOUR SAMPLES

Provision of the final colour samples of the future tenant are to be provided to and approved by Council prior to the issue of a Construction Certificate.

(Reason: Heritage and Amenity)

16. CONSTRUCTION MANAGEMENT PLAN

Prior to the issue of a Construction Certificate, submit to the Accredited Certifier a Construction Management Plan that clearly sets out the following:

- (a) What actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- (b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- (c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- (f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

Prior to the issue of a Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed Construction Traffic Management Plan (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation, and construction phase of the development.

The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan. The following matters (at a minimum) must be addressed in the CTMP:

- (a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- (b) The locations of any proposed Construction Works Zones along the site frontage.
- (c) Provide a construction schedule.
- (d) Tradesperson parking (parking shall be provided on-site where possible).

- (e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- (f) Provide relevant Pedestrian Management Plans.
- (g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

18. OBTAINING A CONSTRUCTION CERTIFICATE FOR BUILDING WORK

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.

Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

19. LANDSCAPE PLAN

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Accredited Certifier with the Construction Certificate application. The plan must include the following information:

- location of all existing and proposed landscape features including materials to be used.
- delineate and identify all trees to be retained, removed or transplanted.
- existing and proposed finished ground levels.
- top and bottom wall levels for both existing and proposed retaining and free-standing walls and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Additional plantings are to be provided along the front setback of the development at the direction of Council's Environmental Services Department.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access, and privacy for neighbouring development.

(Reason: Landscape quality)

20. CAR PARKING AREAS

The following traffic control measures shall be implemented on site:

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

21. STOP SIGNS

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

22. PROTECTION OF PUBLIC PLACES

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council. If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan. An application to occupy public space is to be submitted to Council for approval prior to commencement of works. Where a hoarding is required, an application for hoarding is also to be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

(Reason: Safety))

23. APPLICATION FOR A CONSTRUCTION CERTIFICATE

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the Building Code of Australia (BCA), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also, a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements. Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.
- (c) If an alternative solution to the “deemed to satisfy” provisions of BCA is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience insurance details, and membership of an approved accreditation body.

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid prior to the issue of the Construction Certificate. (Reason: Statutory requirement)

24. DETAILED STORMWATER DRAINAGE SYSTEM DESIGN

A Stormwater Management Plan shall be submitted to Council or Accredited Certifier prior to the issue of a Construction Certificate. The Stormwater Management Plan shall detail the collection and disposal of all stormwater from the service station refuelling areas, forecourt, general vehicle circulation and parking areas and shall detail how stormwater will be collected and disposed of in accordance with NSW EPA practice note ‘Managing run-off from service station forecourts’ and to the satisfaction of Council’s Development Engineer.

Evidence is to be provided to Council or the Accredited Certifier showing satisfactory legal arrangements have been made for the disposal of stormwater into adjoining land. Alternatively, should this be unobtainable, the applicant is to provide an alternate disposal method to the satisfaction of Council's Engineering Services Department.

The developments stormwater design is to include the incorporation of stormwater retention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency without damage to downstream developments.

The design of the detention storage is to be undertaken using the ILSAX rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post development conditions. The development flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- Catchment plans showing sub-catchments under existing and developed conditions.
- Schematic diagram of the catchment model showing sub areas and linkages.
- Tabulation detailing the elevation, storage volume and discharge relationship; and
- Tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions.

Together with copies of the data files for the model and engineering designs plans of the required drainage system are to be submitted to Council prior to issue of a Construction Certificate.

Important Note: Construction Certificate Approval does not include approval for works external to the property. Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works. The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 applies.

(Reason: Stormwater management)

25. WASTE MANAGEMENT PLAN

A submission of a detailed Waste Management Plan (WMP) for the proposed development to be provided to the PCA. Details relating to each stage of the development such as demolition, construction, and the ongoing waste disposal from the occupied premises shall be included in the WMP. The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste.

Submission of the completed WMP shall be undertaken prior to the issue of a Construction Certificate.

(Reason: Waste Management Control)

26. PROVISION OF PRIVATE ACCESS

The existing access points to the property off Gaskill Street, Canowindra must be upgraded in accordance with Councils' Provision of Private Access Specification that is current at the time of application.

Council prior to any Construction Certificate being issued for the development or commencement of any upgrade to the existing accesses to the property from the adjoining road must issue an Access Construction Certificate.

A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineer on 6392 3271 to arrange a suitable date and time for the inspection.

Council prior to any Occupation Certificate being issued for the development must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the subject land)

27. EROSION AND SEDIMENTATION CONTROLS

Erosion and sedimentation controls must be provided to ensure:

- (a) Compliance with the approved Soil and Water Management Plan
- (b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All uncontaminated run-off is diverted around cleared or disturbed areas

- (d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar (h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters
- (h) Pumped or overland flows of water are discharged so as not to cause, permit, or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls to be implemented on site must be submitted with the Construction Certificate Application. Under no circumstances may any works commence prior to these details being approved by the Accredited Certifier and the controls being in place on the site

(Reason: Environmental protection)

28. STORMWATER CONNECTION TO PUBLIC DRAINAGE SYSTEM WITHIN PROPERTY

If a stormwater connection into Council's drainage system within a property is proposed, a separate application shall be submitted to Council under Section 68 of the Local Government Act for approval prior to the issue of a Construction Certificate. Council will undertake inspections of the connection at various stages (at exposure stage, connection stage and backfilling stage).

(Reason: Protection and Maintenance of Council assets)

29. GEO-TECHNICAL REPORT

A comprehensive geo-technical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any 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 describe inter alia: -

- (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 see pages.
- (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 geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety)

30. INSTALLATION OF STAGE 1 VAPOUR RECOVERY (VR1)

The applicant must install VR1 control equipment in accordance with Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 and the Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations current at the time of installation. The details of the VR1 control equipment demonstrating compliance with the above is to be provided to Council or an Accredited Certifier = prior to the issue of a Construction Certificate.

(Reason: Environmental Protection)

31. SAFETY SECURITY AND CRIME PREVENTION PLAN OF MANAGEMENT

A safety, security and crime prevention plan of management shall be prepared which outlines the measures that are to be implemented for the development in relation to safety, security, and crime prevention. The plan of management must detail measures such as, but not limited to:

- adequate staff training.
- holding an incident register on the site (including complaints).
- installation of a 'panic button' for emergencies.
- 24-hour CCTV surveillance of all areas of the development (liaison with NSW Police shall be undertaken to determine the length of time vision from the CCTV is to be stored onsite and made available to the Police).

- money handling procedures.
- landscaping maintenance plan.
- theft procedures.
- external lighting.
- clear sightlines to forecourt; and
- restricted staff areas.

The safety, security and crime prevention plan of management shall be submitted to and approved by the principle certifying prior to the issue of a Construction Certificate.

(Reason: Safety, Security and Crime Prevention)

32. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - a. notified the Council of his or her appointment, and
 - b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours.

That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

33. NOTICE OF COMMENCEMENT

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate or available from our website) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifying Authority (either Cabonne Council or another Accredited Certifier)
- (c) Details of the name, address, and licence details of the Builder.

(Reason: Statutory Requirement)

34. SITE SAFETY FENCING

Erect site fencing to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and must be maintained throughout works.

The site shall be secured in accordance with Clause 146 of the Environmental Planning and Assessment Regulation 2000. The site shall be maintained in a clean and orderly condition during demolition and construction works.

Hoardings If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory Requirement and health and safety)

35. PRINCIPAL CERTIFYING AUTHORITY (PCA) SIGN

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA.
- The Principal Contractor by showing the Principal Contractor's name, address, and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

(Reason: Statutory Requirement)

36. SOIL & WATER MANAGEMENT DURING CONSTRUCTION

Landcom's "Managing Urban Stormwater - Soil and Conservation" August 1998 outlines the general requirements for the preparation of a soil and water management plan. All works shall be conducted in accordance with a soil and water management plan that has been submitted and approved by the Accredited Certifier prior to the commencement of works.

A copy of the plan shall be kept on-site and made available to Council's Officers on request. All erosion and sediment control measures must be maintained in a functional condition throughout the duration of the works.

(Reason: Environmental protection)

37. CONSTRUCTION HOURS

No construction or any other work-related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Saturdays. No work to occur on Sundays and public holidays.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

38. DISRUPTION OF TRAFFIC

During any construction works on the public road that is associated with this approval, the Applicant must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA "Traffic Control at Works Sites" manual.

(Reason: Safety and information)

39. DUST CONTROL

The following measures must be implemented (in part or in total) as directed by the Cabonne Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down, and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cabonne Council.

(Reason: Environmental amenity)

40. PREVENTION OF NUISANCE

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

41. CONSTRUCTION MANAGEMENT PLAN

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must always be maintained. A copy of the Plan must always be kept on site and made available to the Accredited Certifier and Council on request.

(Reason: Compliance with condition of consent)

42. DAMAGE TO ADJOINING PROPERTIES

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

43. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.

- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

44. CONTAMINATED LAND UNEXPECTED FINDS

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Cabonne Council's Director of Environmental Services.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with Statutory Requirements)

45. REMOVAL OF UNDERGROUND STORAGE TANKS

Decommissioning and removal of underground storage tanks are to be supervised by a 'Duly Qualified Person', in accordance with, but not limited to:

- (a) The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
- (b) AS 1940 - 2004 The Storage and Handling of Flammable and Combustible Liquids.
- (c) AS 4976-2008 The removal and disposal of underground petroleum storage tanks.
- (d) Work Health & Safety Act 2011 and Work Health & Safety Regulation 2011.
- (e) WorkCover NSW requirements.

Note 1: Any work involving underground fuel tanks and piping is potentially dangerous and must be carried out by an experienced person in accordance with safety and work permit procedures. Further to this, WorkCover NSW requires notification of the abandonment or removal of underground fuel tanks. For further information contact WorkCover NSW, ph13 10 50 or workcover.nsw.gov.au

Note 2: A 'Duly Qualified Person' is a competent person with relevant experience in the removal and abandonment of underground fuel tanks as required by the UPSS Regulation 2008, and must be drawn from an environmental consultancy that is a member of the "Australian Convenience & Petrol Marketers Association" (ACAPMA) - Equipment and Services Council, or equivalent.

Completion of Remediation – Validation

On completion of remedial works, the site shall be validated, and a Validation Report submitted to the satisfaction of Environmental Services' Department, within 60 days of the completion of the works.

The Validation Report must be prepared by an appropriately qualified and experienced environmental consultant in accordance with the requirements of the relevant NSW EPA guidelines including the NSW EPA Guidelines for Consulting Reporting on Contaminated Sites 2011.

Note 3: The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 requires the Validation Report to be submitted to Cabonne Council within 60 days of the removal of the underground fuel tanks.

(Reason: To ensure compliance with Statutory Requirements)

46. EXCAVATION PUMP-OUT

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of the Cabonne Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Marine and Freshwater Quality for Protection of Aquatic Ecosystems (95% protection level for freshwater ecosystems); NSW Department of Housing, Managing Urban Stormwater – Soils and Construction).

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system and shall be disposed of using alternative approved means. Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

NOTE: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Council or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental Amenity)

47. NOISE - CONSTRUCTION

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes 'Interim construction noise guideline' and AS 2436-2010 – 'Guide to noise and vibration control on construction, demolition and maintenance sites' for the control of construction noise. A further acoustic assessment & report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise Attenuation)

48. OBSTRUCTION OF ROAD OR FOOTPATH

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

49. PROTECTION OF PUBLIC PLACES

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Principal Certifying Authority.

(Reason: Safety)

50. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the *Environmental Planning and Assessment Regulation 2000*, must comply with the Building Code of Australia in all other respects.

(Reason: Prescribed statutory control)

51. CRITICAL STAGE INSPECTIONS FOR BUILDING WORK

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- (a) Prior to covering any stormwater drainage connections; and
- (b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- (c) Other.

If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (c) may only be carried out by the PCA.

For each inspection, the principal contractor (*or owner-builder*) must notify the PCA at least forty-eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

52. FOOD PREMISES - FINAL INSPECTION

Prior to the issue of an Occupation Certificate, a Final Food Premises Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

(Reason: To ensure compliance of the food premises with the Food Act 2003, Food Regulations 2015, Food Standards Australian and New Zealand - Food Standards Code and Australian Standard 4674-2004 Design, construction and fit-out of food premises)

53. CERTIFICATION OF ENGINEERING WORKS

Prior to occupation, the following documents must be submitted to the Principal Certifying Authority.

- (a) A Certificate from a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, and
- (b) “Works - As - Executed” drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area including circulating ramps, and/or
- (iii) any related footpath works, and/or
- (iv) the basement mechanical pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes, relevant Standards and Council’s Policies and Specifications.

Two (2) copies of the above documents are to be provided to Council **prior to the issue of any Occupation Certificate**.

(Reason: Asset management)

54. CIVIL WORKS ON THE FOOTWAY

The Applicant is required to carry out the following works:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- Reconstruct existing public drainage pit/pipe system, and/or
- Construct a new vehicular crossing, and/or
- Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

The above works must be completed to the written satisfaction of Council **prior to issue of any Occupation Certificate**.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council's Engineering Services Department in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

55. OCCUPATION CERTIFICATE (SECTION 6.9 OF THE ACT)

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 6.10 of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

56. EVIDENCE OF LAWFUL ASBESTOS DISPOSAL

An Occupation Certificate for a development involving the removal of asbestos must not be issued until such time the applicant provides the principal certifying authority with a copy of receipt/s confirming lawful disposal of asbestos waste.

NOTE: Asbestos waste must be disposed at a waste management facility licensed by the NSW Environment Protection Authority (EPA) to accept such waste. Contact NSW EPA on 131 555 or [visit www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for a list of waste management facilities licensed to accept asbestos waste.

(Reason: Health and Safety)

57. OPERATION OF STAGE 1 VAPOUR RECOVERY (VR1)

The proponent must comply with cl.69 of the POEO (Clean Air) Regulation 2010 prior to the petrol service station being operational.

(Reason: Environmental Protection)

58. STAGE 1 VAPOUR RECOVERY (VR1)

The proponent must ensure that all design, installation and testing of new or modified petrol service stations is performed by a **duly qualified person**, which is defined in the Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

(Reason: Environmental Protection)

59. TRAFFIC CONTROL DEVICES

Prior to the issue of a Final Occupation Certificate, the following must be installed:

- a. Signage is to be installed and designed in accordance with the RMS Sign 6-33 at the entrance to the development site restricting the overall vehicle length limit to 12.5 metres.
- b. "No Entry" (R2-4N) signs are to be provided on the land at each side of the exit driveways. The signs are to face the public (on Gaskill Street) to advise motorists not to enter the exit driveways.

- c. "No Entry" (R2-4N) 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 Gaskill Street via the entry driveway.

(Reason: Traffic Control)

60. CARPARKING

A minimum of 5 onsite car parking spaces are to be provided on site each having minimum dimensions as follows:

Uncovered 2.5m x 5.2m

Each space is to be marked, sealed with a hard-standing material, and maintained. Visitor car parking spaces are to be well indicated as such by signage and shall be completed prior to the issue of an Occupation Certificate.

(Reason: Car Parking)

61. EMERGENCY PROCEDURES

Instructions concerning procedures to be adopted in the event of an emergency are always to be clearly displayed on the premises for both public and staff information prior to commencement of the use.

(Reason: Safety)

62. NOISE MONITORING

An assessment of noise emissions from the premises is to be provided to Council within three (3) months from the issue of any Occupation Certificate. This commissioning report is to indicate noise levels through monitoring of noise emanating from the normal peak use of the premises and determine if any noise mitigation measures are required to achieve compliance with the NSW Noise Policy for Industry.

Any identified mitigation works shall be carried out within 28 days from the date of the commissioning report, and the operation of the premises shall be carried out in accordance with any recommendations set out in the report.

The applicant shall provide Council with a copy of the Commissioning Report and certification that the development complies with the NSW Noise Policy for Industry within four (4) months from the issue of an Occupation Certificate

(Reason: Environmental Protection, Compliance & Amenity)

63. VEHICULAR CROSSINGS

Construction of new heavy-duty vehicular crossings, *including the layback if needed*, over the full width of the footpath to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath. Driveway to extend from the back of the layback/kerb to the property boundary.

All works shall be in accordance with Council's Drawing **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE.**

(Reason: To provide for vehicle entry to the development)

64. FIRE SAFETY CERTIFICATE

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, **prior to the issue of the Final Occupation Certificate** for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be: -

1. Forwarded to Cabonne Council.
2. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
3. Prominently displayed in the building.

(Reason: Fire safety)

65. POLLUTION CONTROL

Storage tanks, fueling areas, product mixing, filling and preparation areas, repair work bays must be bunded and all wastewater collected and discharged to the sewer in accordance with the requirements of Cabonne Council. Documentary evidence of compliance must be submitted to Council or an Accredited Certifier **prior to occupation of the site.**

(Reason: Environmental Protection)

66. CERTIFICATION OF THE CONSTRUCTED STORMWATER DRAINAGE SYSTEM

The constructed stormwater drainage system shall be certified by a Professional Civil Engineer whose qualifications are recognised by, and who is a current member of, Engineers Australia, as being designed and installed in accordance with Council's Engineering Specifications, **prior to issue of the Final Occupation Certificate.**

(Reason: Adequate stormwater management)

67. BUSINESS PREMISES – AMENITY

The business shall be conducted at all times so that no interference occurs to the amenity of the area, adjoining occupations and residential premises.

(Reason: Amenity)

68. TRADING OUTSIDE THE BUILDING

At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity)

69. WASTE & RECYCLING COLLECTION

Waste collection is restricted to weekdays between 7 am and 6 pm.

Bins and containers are to be removed from the kerbside within one hour of collection and returned to the designated 'Service Yard as shown on Drawing Number A-02, Amendment DA2, Job. No. 16-066 dated September 2018.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter generated from the premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all time

(Reason: To regulate noise and garbage collection arrangements)

70. LIGHTING

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

All outdoor lighting (including illuminated signage) must be in accordance with the Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Environmental amenity)

71. SIGNAGE - ILLUMINATION

Hours of Sign Illumination

Signage must not be illuminated between the hours of 11.00pm and 7.00am daily.

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

The intensity and hours of illumination of the sign must be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood.

Digital Numerals

The use of digital numerals on the pylon sign is strictly prohibited.

Wiring

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

(Reason: To ensure compliance with approved plans and environmental amenity)

72. HOURS OF BUSINESS OPERATION

The development is permitted to operate 24 hours a day, 7 days a week, with the following exceptions:

- Fuel tanker deliveries to occur between 6 am and 12 am,
- Other deliveries to occur between 6 am and 12 am,
- No deliveries or servicing are to occur at nighttime from 12 am to 6 am, and
- Waste collection is restricted to weekdays between 7 am and 6 pm

(Reason: Ensure business operates between approved hours & Controls noise impacts)

73. LOADING

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

74. VEHICLE MOVEMENTS

All vehicles entering or leaving the subject property shall be driven in a forward direction.

(Reason: Safety)

75. ROAD TANKER EGRESS

A clearly marked no parking area is to be delineated on site to ensure that road tanker egress is not hindered.

(Reason: Ensure road tanker egress not obstructed)

76. PORTABLE SIGNS

Portable signs or goods commonly described as 'sandwich boards' and the like for sale or display shall not be placed on the footway or other public areas.

(Reason: Amenity, health and safety)

77. ANNUAL FIRE SAFETY STATEMENT

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained, and Fire Safety Schedule shall also be: -

1. Forwarded to the Commissioner of the New South Wales Fire Brigade;
and
2. Prominently displayed in the building

(Reason: Fire safety)

78. CHEMICAL STORAGE

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- Australian Standard AS 1940:2017: The storage and Handling of Flammable and Combustible Liquids.
- Australian Standard AS 4452:1997: The storage and Handling of Toxic Substances; and
- The Dangerous goods Act 1975

(Reason: Environmental protection)

79. CONTROL OF LITTER

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of Cabonne Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

80. INDUSTRIAL WASTE MATERIALS

The applicant shall ensure that:

- (a) Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
- (b) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Cabonne Council. Documentary evidence of compliance with the Council's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building.

- (c) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (a) and (b) of this condition.

(Reason: Environmental health)

81. NOISE, AIR OR WATER POLLUTION - PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

82. POLLUTION CONTROL

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained.
- (b) All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system.
- (c) All paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area.
- (d) Appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection)

83. NOISE (GENERAL)

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise Control and Amenity)

84. NOISE COMPLAINTS - GENERAL

The development must not cause offensive noise as defined by the *Protection of the Environment Operations Act 1997 (NSW)*. Following occupation, should complaints of a noise nuisance be received and substantiated by an authorised officer, an acoustic assessment shall be conducted by a qualified acoustic consultant and the resulting report shall be provided to Council for assessment. Should the recommendations in the report be accepted, the owner/occupier shall then implement all recommendations contained in the assessment report within a timeframe agreed to by Council.

(Reason: Noise Control and Amenity)

85. COMPLIANCE WITH NOISE CONTROL LEGISLATION

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the NSW Environment Protection Authority Industrial Noise Policy (2017) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(Reason: Noise Control and Amenity)

86. SECURITY MANAGEMENT PLAN

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. A Security Management Plan is to be approved by the PCA, prior to the issue of an Occupation Certificate.

(Reason: Amenity, health and safety)

87. COMPLIANCE WITH CONDITIONS OF CONSENT

All conditions of this consent are to be complied with to the standards specified **prior** to any occupation.

(Reason: Statutory requirement)

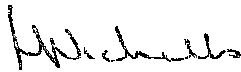
88. OCCUPATION CERTIFICATE

All buildings will require an Occupation Certificate PRIOR to occupation/use of the building.

(Reason: Statutory requirement)

Right of Appeal: If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10 an applicant may only appeal within six (6) months after the date on which the decision is notified.

<p style="text-align: center;"><u>Signed</u> (On behalf of Consent Authority)</p>
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02/06/2020

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H J Nicholls

DEPUTY GENERAL MANAGER – SERVICES

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(Date)