



Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the Modification of the above Development Application pursuant to Section 4.55 of the Environmental Planning & Assessment Act, 1979.

Modification Number:	DA14/0673.03
Development Application Modified:	DA14/0673.02
Type of Modification:	s4.55(1A)
Applicant:	Wakefield Planning Po Box 594 MOREE NSW 2400
Land to be Developed:	2 Rainbow Dr ESTELLA NSW 2650
Description of Modification:	Lot 602 DP 1148567, Lot 542 DP 1179577, Lot 6012 DP 1209232 Staging of the development into two stages; Update conditions 1-17 and 48-56 new conditions 3A and 74 (retaining walls and staging).
Determination:	Approved
Description of Development:	Single Storey Commercial/Retail Development (Neighbourhood Shopping Centre), Ancillary Parking & Relocation of Existing Bus Stop
Date of Determination of Modification:	21/10/2021

On behalf of the Council

Amanda Gray
Senior Town Planner

NOTICE OF DETERMINATION

Lapsing of the Consent

This modification does not alter the lapsing date of the Consent. It remains as that shown on the original determination.

Review of Determination

Where Council is the consent authority, Section 8.2 of the Environmental Planning and Assessment Act 1979, provides that the applicant may request the Council to review the determination. A request for review cannot be made after the period within which any appeal may be made to the Court has expired if no appeal was made. There is no right to review a determination of a complying development certificate, designated development, or Crown Development.

Right of Appeal

Where an applicant is dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 provides a right to appeal the decision to the Land and Environment Court within a period of 6 months from the date the decision is notified or registered on the NSW planning portal or after the date of deemed refusal under section 8.11.

CONDITIONS OF CONSENT FOR APPLICATION NO. AS MODIFIED BY APPLICATION NO. DA14/0673.03

CONDITIONS OF CONSENT FOR APPLICATION NO.DA14/0673 AS MODIFIED BY APPLICATION NO. DA14/0673.02

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

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
TP02.1	Site Analysis Plan	trg	D	8.4.16
TP03.1	Proposed Site Plan Stage 1	trg	G	1.10.21
TP04.1	Truck Movement and Signage Plan Stage 1	trg	C	19.8.15
TP05.1	Roof Plan Stage 1	trg	C	19.8.15
TP06.1	Elevations Stage 1	trg	D	8.4.16
TP07.1	Elevations Stage 1	trg	D	8.4.16
TP08.1	Landscape Plan Stage 1	trg	D	8.4.16
	Statement of Environmental Effects	Wakefield Planning		Dec 2014
	Statement of Environmental Effects Section 96(2) Modification	Wakefield Planning		28.5.16
	Proposed Seating and Landscape Area (image)	trg		No date
	Written Correspondence	Wakefield Planning		3.10.21

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

2. **Provision must be made in the building and on the site for:**
- a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
 - b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and**
 - c) **motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.**

NOTE: These matters must be addressed in the plans and specifications submitted with the application for the Construction Certificate for Stage 2.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **Prior to the issue of the Construction Certificate for Stage 2 details of all structural concrete and structural steelwork shall be submitted to the Principal Certifying Authority for approval, all such details shall be certified by a practising Structural Engineer.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 3A **Prior to the release of the Construction Certificate for Stage 1 Engineers Certification is required for all retaining walls over 1m in height or over 600mm and within 1m of the boundary. Retaining wall detail to include suitable subsoil drainage measures with granular backfill. Copies of the details, plans and or specifications for all proposed retaining walls, showing compliance with the provisions of the Building Code of Australia, shall be submitted to and approved by the Accredited Certifier.**

4. **Prior to the release of Construction Certificate for Stage 2 a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the foundation upon which a footing/slab is to be located is classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.**

This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.

REASON: It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 4A. Prior to the release of each Construction Certificate sufficient information must be forwarded to the Principal Certifying Authority illustrating compliance with the relevant requirements of the BCA, clause 98 of the EPA Act.**

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 79C (1) (a) (iv) of the Environmental Planning and Assessment Act 1979, as amended.

- 5. Prior to the issue of the Construction Certificate for Stage 1 the developer must lodge a bond with Council of:-**

\$2000.00 for security deposit on the kerb and gutter and footpath

NOTE 1: Applicants will be required to reference the **INDIVIDUAL** kerb and gutter bond number (BKG 0287) when lodging bond monies. Please reference the BKG number on the application form which is available from customer service and on council's website under the planning tab > document quick links > applications / or alternatively reference BKG number 0287 when making electronic payment.

NOTE 2: All monetary conditions are reviewed annually and may change on 1 July each year.

NOTE 3: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 4: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 5: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all Stage 2 works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

REASON: It is in the public interest that such fees are paid in accordance with Council's Management Plan. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 6. Pursuant to s94A of the Environmental Planning and Assessment Act 1979 and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, the following monetary contributions must be paid to Council:-**

- i) \$11,447.20 prior to release of the Construction Certificate for Stage 1**
- ii) \$122,752.79 prior to release of the Construction Certificate for Stage 2**

unless, before the time due for payment, the applicant and the Council enter into a legally binding agreement for the applicant to provide works-in-kind or any other material public benefit(s) to the Council in part or full satisfaction of the levy. This amount is to be adjusted in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.

NOTE 1: Clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006 provides for Section 94 contributions to be indexed in accordance with the Consumer Price Index - All Groups (Sydney) published by the Australian Bureau of Statistics.

NOTE 2: The figures outlined in this consent are based on the applicable rate of CPI at the time of consent which is 118.5. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this modified consent (October 2021).

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. Prior to the release of Construction Certificate for Stage 2 a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

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

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

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

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

NOTE 5: The Section 64 Sewer base figure is \$81,798.56

The Section 64 Sewer contribution (updated by the CPI at the time of the modified consent 118/100.5) required to be paid is \$96,042.09

NOTE 6: The Section 64 Stormwater base figure is \$23,256.76

The Section 64 Stormwater contribution (updated by the CPI at the time of the modified consent 118/87.9) required to be paid is \$31,220.68

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this modified consent (DA14/0673.02).

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

8. Prior to the issue of the Construction Certificate for Stage 2 a revised site plan shall be submitted to Council for approval that indicates;

- i) The stormwater connecting to the spur provided**
- ii) The sewer connection to the spur provided (Note the sewer connection to Councils main shall be a minimum of 150mm, this will be inspected as part of a section 68 public application)**
- iii) The finished paving levels demonstrating that the stormwater overland flow path is directed towards the street**
- iv) A stormwater plan indicating pipe and pit levels, inverts and sizes. This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties and shall define overland flow paths for storms which exceed a 1 in 10 year event.**

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

9. Prior to the issue of the Construction Certificate for Stage 2, details are to be supplied to the Principal Certifying Authority that indicates stormwater Discharge rate is equivalent to Pre-developed rates including the 10 Year ARI up to the 100 year ARI. Council also require a satisfactory overland flow path and not adversely affect adjacent properties. Onsite Detention must be constructed and maintained so as to provide a stormwater Discharge rate equivalent to Pre-developed rates.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. **Prior to release of Construction Certificate for Stage 2 an amended plan shall be prepared to the satisfaction of Director of Planning and Regulatory Services or delegate that identifies:**
- (a) **A taxi pickup/drop-off area in close proximity to the pedestrian entrance to the shopping mall.**
 - (b) **Appropriate directional signage and line marking throughout the subject site to provide for ease of navigation for drivers through the finished carpark of the complex.**
 - (c) **Traffic calming devices to facilitate safe pedestrian movement. Pedestrian crossing stripes are not to be placed in the site as these resemble pedestrian crossings on the road and creates confusion as to who has priority.**
 - (d) **The proposed pedestrian refuge should be located so as not to impact on vehicular access to and from the residential properties located on the northern side of Avocet Drive.**
 - (e) **Details of the southern boundary treatment to enable the screening of loading and unloading activities.**

REASON: To ensure safe vehicle movement to and from the site. Section 79c(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

11. **The establishment of street tree/s in accordance with the amended landscape plan referred to in condition 14 shall be carried out at full cost to the applicant.**

Works shall be carried out by Wagga Wagga City Council and a fee of \$450 per street tree is payable prior to the release of the Construction Certificate for Stage 2.

Works include the supply, planting and two years maintenance for each street tree to both Rainbow Drive and Avocet Drive. Street trees are to be supplied in pot sizes ranging from 45ltr to 100ltr dependant on availability, with 45ltr being the minimum pot size.

Using this fee WWCC will undertake the supply and installation of containerised stock and will maintain them for a period of two years following installation. Installation will occur during the next available planting season (generally May-August each year).

REASON: To ensure that adequate street tree planting is provided and maintained on land adjacent to and adjoining the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

12. **The pavement construction requirements associated with the relocation of the bus stop will need to be in accordance with Councils Engineering Guidelines for Subdivisions & Developments. Engineering details shall be provided prior to the release of the construction certificate for Stage 2. The pavement construction will be inspected by council at critical hold points.**

REASON: To ensure that works are designed and completed in accordance with Council's guidelines. Section 79c(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

13. **Prior to issue of the Construction Certificate for Stage 2 detailed plans and elevations of the kitchen area shall be submitted in accordance with the requirements of the Food Act 2003 and the Food Regulation 2010 and the Food Safety Standards Code. Plans shall include but not be limited to the floor, wall, ceiling covering, coving, exhaust canopy, personal and chemical storage areas.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79c(1) (e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **Prior to the release of Construction Certificate for Stage 2, an amended landscape shall be submitted for approval that identifies:**

- a) **A wider landscape zone to include landscaping, seating and artwork to the south-eastern elevation of the supermarket building facing Rainbow Drive.**
- b) **The deletion of a minimum of three car park spaces from the same area as noted in (a) above.**
- c) **A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development. Plant species are to be identified by full botanical name.**

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

15. **Prior to the release of the Construction Certificate for Stage 2 a detailed plan shall be submitted to and approved by Director of Planning and Regulatory Services , or delegate that identifies a pedestrian refuge on Avocet Drive consistent with the details outlined under condition 10. This plan is required to be referred to the Local Traffic Committee before it is approved as these works incorporate a prescribed traffic control device.**

NOTE 1: **A prescribed traffic control device is a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area.**

NOTE2: **The Local Traffic Committee only meets two-monthly and only between the months of March and November. Therefore to avoid delays the timing of meetings should be taken into consideration in preparing your plan for submission.**

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

16. **Prior to the issue of a Construction Certificate for Stage 1, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.**

REASON: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required.

17. Prior to the issue of Construction Certificate for Stage 2 a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

REASON: To prevent damage to the Council's Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. No works are to take place to any services without prior written approval from the relevant authority.

NOTE: 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 or telephone on 1100 before excavating or erecting structures.

REASON: To ensure that the servicing requirements of public utility authorities have been met, to service the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

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

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

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. **A CONSTRUCTION CERTIFICATE must be obtained for each stage of development pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

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

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.**

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

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. **Prior to the commencement of works, an application is required to be lodged for both an Activity Approval under Section 68, Part B - 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer / stormwater works and a Construction Certificate for all other subdivision works. These two applications should be lodged concurrently.**

NOTE 1: Works carried out under a separately approved Section 68 prior to a Development Consent and/or Construction Certificate being issued are subject to change and are at the applicant's risk.

NOTE 2: The Section 68 Activity Approval (PUBLIC) may be subject to a works bond payable prior to the release of the Section 68 Activity Approval. The works bond payable will be determined based on the category of works being undertaken. Refer to Council's Section 68 Activity Approval Guide for definition of works categories.

REASON: To ensure that the activity is carried out with the relevant approvals required under the Local Government Act 1993.

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

25. **A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

26. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) **stating that unauthorised entry to the site is prohibited, and**
- b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
- c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) **building work carried out inside an existing building, or**
- b) **building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. **At least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority', must be submitted to Council.**

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. **Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.**

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. **Prior to approval of the Section 138 Permit a bond of \$5000 or 5% of civil works (whichever is greater) in the form of cash or bank guarantee shall be paid to Council for the following:**

(a) Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,

(b) Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,

(c) Remedying any defects in any such public work that arise within 6 months after the work is completed.

REASON: In order to cover the cost of any works to Public Infrastructure requiring repair as a result of the development. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. **A soil and water management plan for the site shall be submitted in accordance with Wagga Wagga City Council's Engineering Guidelines for Subdivision and Developments. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority confirming that the plan is in accordance with Council's Engineering Guidelines for Subdivision and Developments and Soils and Construction Volume 1, Managing Urban Stormwater. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

31. **The exit driveway must be designed so that drivers will have a full view of the footway, prior to crossing to comply with Council's Engineering Guidelines for Subdivisions and Developments.**

REASON: To ensure the means of exit is adequate for the safe movement of vehicles across the footway. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

32. **Vehicular access within the road reserve must be constructed to Council standards, at Minimum of 150mm Reinforced Concrete at full cost to the developer, by a licensed Council approved contractor.**

REASON: To ensure that the proposed access is constructed by an approved Council Contractor. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

33. **If the Council is appointed as the Principal Certifying Authority the following inspections must be undertaken by Council and a satisfactory Inspection Report must be issued by Council for such works prior to any further works being undertaken in respect of the subject development. Inspection Stages for construction are listed in Column 1 and must be inspected by Council at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council until all Inspection Reports required by this condition have been issued by Council. Prior to or at the time of the application for Occupation Certificate the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Inspection Reports are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Inspection Reports are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

34. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
- b) adequate provision must be made for drainage.

NOTE 1: A Retaining wall in excess of 600mm in height or within 1m of the lot boundary or an easement is not exempt development under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and requires an approval.

NOTE 2: Retaining walls which exceed 600mm in height must be designed by a Practising Structural Engineer or installed in accordance with any manufacturer's specification.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

35. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

36. All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

Excavations must be undertaken in accordance with the terms and conditions of Section 9.4.6 of the Wagga Wagga Development Control Plan 2010.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

37. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) **NON CHEMICAL** - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.

- b) **CHEMICAL RETICULATION** - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) **CHEMICAL TREATMENT** - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning - Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only ten (10) years and the external barrier (Chemical Treatment) is only five (5) years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- d) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
- i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

38. **The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

39. The construction of a concrete footpath

- a) 1.2 metres wide and 100 mm thick**
- b) for the full width of the existing footway**

and for the full frontage of the subject land to the public road shall be constructed in accordance with Council's Engineering Guidelines for Subdivision and Developments.

REASON: To increase the capacity of the road system by increasing the capacity of the footway in order to cater for pedestrian traffic generated by the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

40. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

41. Stormwater drainage must be constructed and maintained so as to provide a 1 in 10 year pipe system, satisfactory overland flow path and not adversely affect adjacent properties.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

42. Stormwater mains must be extended to the site, at full cost to the developer, in accordance with Council's Engineering Guidelines for Subdivision and Developments and policies. The works must be carried out by Council or a licensed approved contractor under Council supervision.

REASON: The character of the development is such that warrants storm water drainage extension of this type. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

43. All driveways between the public road network and the subject site shall be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway.

REASON: To ensure safe vehicle movement to and from the site. Section 79c(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

44. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2010 and the Food Safety Standards Code.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

45. **A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.**

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.

46. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

47. **The construction of Barrier Kerb and Gutter in Rainbow Drive shall be carried out in accordance with Council's Engineering Guidelines for Subdivision and Developments. The works shall include the provision of street drainage where necessary, for the full frontage of the subject land to Rainbow Drive.**

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

48. **Prior to issue of occupation certificate for Stage 2 the redundant kerb layback in Rainbow Drive shall be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Council's Engineering Guidelines for Subdivisions and Developments.**

REASON: To minimise vehicular access to the public roadway and to increase the capacity of the roadway for conveying storm water drainage runoff. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

49. **A fee applies for each quality control inspection as per the Engineering Guidelines for Subdivisions and Development. The monies are payable at completion of works or prior to the release of each Occupation Certificate. Fees will be charged in accordance with Council's current Fees and Charges Schedule.**

Reason: It is in the public interest that such fees are paid in accordance with Council Management Plan, Section 79c (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

50. **Prior to the issue of Occupation Certificate for Stage 2 the following measures must have been implemented in accordance with the approved plans.**

- (a) **The one-way motion through the service dock area is to be appropriately signposted and line marked at the driveway intersections with Avocet Drive and Rainbow Drive and within the development site.**
- (b) **Trolley bays provided within the carpark for the control and storage of shopping trolleys.**

REASON: To adequately provide for the safe movement of vehicles within the development. Section 79c(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

51. **Prior to the issue of Occupation Certificate for Stage 2 a Centre Management Plan shall be submitted to and approved by the Director of Planning and Regulatory Services (or his delegate) and must include, as a minimum, detail in relation to the on-going management of complaints regarding site activity, security on site, litter control and trolley management.**

REASON: It is in the public interest that the centre operates in a safe and efficient manner without detriment to existing levels of amenity in the area. Section 79c (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

52. **Prior to the issue of an Occupation Certificate for Stage 2, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

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

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the *Environmental Planning and Assessment Regulation 2000*, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

53. **Prior to the issue of the Occupation Certificate for Stage 2 and two (2) days prior to the premises opening, Council's Environmental and Community Services Directorate must be contacted for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the Food Regulations 2010, Food Safety Standards Code.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

54. **Prior to the release of the Occupation Certificate for Stage 2 the Food Business Premise and current Food Safety Supervisor with NSW Food Authority must be notified.**

REASON: To aid in the storage, preparation and display of food that is safety to be consumed by the public. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

55. **An Occupation Certificate for each stage of development, must be obtained pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to operation/occupation of the building.**

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

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

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

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

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

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

REASON: To ensure compliance with the relevant provisions of the *Plumbing and Drainage Act 2011* and Regulations.

57. **Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

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

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

58. The approved retail and gym uses must only be conducted:

- a) on Mondays to Saturdays, inclusive between the hours of 7.00 am and 10.00 pm.
- b) on Sundays and public holidays between the hours of 8.00 am and 8.00 pm.

The approved child care centre must only be operational between 7am and 6pm Monday to Fridays.

REASON: To ensure development does not reduce the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

59. The hours for the use and operation of the loading docks including the collection and removal of waste, shall be 7:00am to 7:00pm Monday to Sunday inclusive and public holidays.

REASON: It is in the public interest that the amenity of the area is not affected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

60. All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

61. No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, as amended.

62. All covered outside areas that permit smoking must comply with the Smoke - Free Environment Act 2000 and Smoke Free Environment Regulation 2007.

REASON: It is in the public interest that such areas comply with the provisions of relevant legislation. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

63. **All activities including, loading and unloading associated with this development are to take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads. The loading dock area is to be located and designed so that any vehicles accessing the loading dock are not required to reverse from any part of a public road reserve or through a pedestrian movement area.**

REASON: To ensure that suitable loading and delivery facilities are provided on site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

64. **The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.**

REASON: It is in the interests of highway safety that the site operates within the limitations for which it was designed. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

65. **Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site and through the carpark to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".**

REASON: To ensure safe vehicle movement to and from the site. Section 79c(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

66. **Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. This is to provide for the ease of circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.**

REASON: To adequately provide for the safe movement of vehicles within the development. Section 79c(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

67. **A development application will be required for the fit out of the supermarket and other retail stores together with any associated signage. Applications for subsequent changes of tenancy will be determined against SEPP (Exempt and Complying Development Codes) 2008.**

REASON: To ensure that appropriate uses are approved to occupy the tenancies together with relevant controls and conditions. Section 79C (1)(e) *Environmental Planning and Assessment Act 1979*.

68. **The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

69. (1) For the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) 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.

REASON: To ensure the development complies with the requirements imposed under Clause 98E of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A (11) of the *Environmental Planning and Assessment Act 1979*, as amended.

70. The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

71. Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces and AS4282 - "Control of Obtrusive Effects of Outdoor Lighting".

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

72. Provision shall be made for the parking of bicycles on site in accordance with AS 2890.3-1993 "Bicycle parking facilities" is required.

REASON: To allow for alternative means of transport to and from the development site. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

73. Wagga Wagga City Councils Engineering Guidelines for Subdivisions and Development shall be referred to for the design of engineering requirements. Any aspect of the design which is not covered in Councils document should reference relevant specifications selected from other sources. Any aspect of the design that is not in accordance or not covered in council's document shall be listed and submitted with the plans for separate approval.

REASON: So that Council may ensure that the design and construction is in accordance with Councils requirements and for the information of the emergency services. Section 79c (I) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 74. This approval is for a development to be undertaken in two Stages, in accordance with the approved plans (refer to Condition 1), namely:-**

Stage 1: Earth works, bulk excavation, levelling and retaining walls.

Stage 2: Civil works, footings, slabs, construction of retail buildings, car-park, external paving, new bus-stop. (Stage 2);

Unless otherwise expressly stated, the conditions must be read as being applicable to all Stages.