



Extraordinary Meeting

BUSINESS PAPER

Tuesday, 9 January 2024 at 7:00 PM

Griffith City Council Chambers

Phone: 1300 176 077

Web: www.griffith.nsw.gov.au Email: admin@griffith.nsw.gov.au



COUNCILLORS

Doug Curran (Mayor)
Anne Napoli (Deputy Mayor)
Glen Andreazza
Shari Blumer
Simon Croce
Jenny Ellis
Manjit Singh Lally
Melissa Marin
Christine Stead
Christopher Sutton
Laurie Testoni
Dino Zappacosta

dcurran@griffith.com.au
anapoli@griffith.com.au
gandreazza@griffith.com.au
sblumer@griffith.com.au
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mlally@griffith.com.au
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cstead@griffith.com.au
csutton@griffith.com.au
ltestoni@griffith.com.au
dzappacosta@griffith.com.au

MEMBERS OF THE PUBLIC CAN ADDRESS COUNCIL IN THE FOLLOWING WAYS

Council generally meets every second and fourth Tuesday of the month at 7.00 pm in the Council Chambers.

Addressing the Council on Business Paper matters

Members of the public are welcome to attend Council Meetings and address the Council on agenda items provided proper notice is given. Visit Council's website for more information. To apply to address Council on Business Paper matters, please complete an online [Public Address to Council Declaration Form](#) before 12:00 noon on the day of the meeting.

Notice of Motion via Councillor

You are able to lobby a Councillor to raise a Notice of Motion to have a matter considered by the Council at a future meeting.

Petition

A petition can be presented to the Council through a Councillor. If you would like to present a petition to an Ordinary Meeting of Council, please contact one of the Councillors to arrange.

Customer Request Management system

The Customer Request Management system (CRM) manages the processing of customer requests. Customer requests can be then easily responded to, allocated to responsible officers and checked. The system will automatically escalate requests that have not been actioned. To log a request, please contact Council's Customer Service Team on 1300 176 077.

Direct correspondence to the General Manager

You may write directly to the General Manager about your issue or concern via letter or email. You may contact the General Manager at admin@griffith.nsw.gov.au or mail correspondence to: The General Manager, PO Box 485 Griffith NSW 2680.

For more information on public participation refer to [Council's Agency Information Guide](#).

Councillors' obligations under the Oath or Affirmation of Office are as follows:

Oath

I [*name of Councillor*] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Griffith and the Griffith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Affirmation

I [*name of Councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Griffith and the Griffith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [Local Government Act 1993](#) or any other Act to the best of my ability and judgment.

Councillors' obligations under the Code of Conduct in relation to conflicts of interest include:

[What is a pecuniary interest?](#)

A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3 of the Code of Conduct.

[Disclosure of pecuniary interests at meetings](#)

A Councillor who has a pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The Councillor must not be present at, or in sight of, the meeting of Council:

- (a) at any time during which the matter is being considered or discussed by Council, or
- (b) at any time during which the Council is voting on any question in relation to the matter.

[What is a non-pecuniary conflict of interest?](#)

Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of the Code of Conduct. A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

[Managing non-pecuniary conflicts of interest](#)

Where Councillors have a non-pecuniary conflict of interest in a matter they must disclose the relevant private interest they have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest.

[Click here to lodge an online Conflict of Interest Form.](#)

How Councillors manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

A non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest, but it involves:

- (a) a relationship between a Councillor and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative or another person from the Councillor's extended family that the Councillor has a close personal relationship with, or another person living in the same household.
- (b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) an affiliation between the Councillor and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Councillor's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- (d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of Council and the organisation are potentially in conflict in relation to the particular matter.
- (e) a financial interest (other than an interest of a type referred to in clause 4.6 of the Code of Conduct) that is not a pecuniary interest for the purposes of clause 4.1 of the Code of Conduct.
- (f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

If the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council meeting, Councillors must manage the conflict of interest as if a Councillor had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29 of the Code of Conduct. That is, a Councillor who has a significant non-pecuniary interest in a matter under consideration at a Council meeting must disclose the nature of the interest to the meeting as soon as practicable. The Councillor must not be present at, or in sight of, the meeting of Council:

- (a) at any time during which the matter is being considered or discussed by Council, or
- (b) at any time during which the Council is voting on any question in relation to the matter.

If Councillors determine that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest they must explain in writing why they consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Councillors should refer to Council's Code of Conduct policy for further information in relation to managing conflicts of interest at Council Meetings.

Opening Affirmations

Option 1

Let us meet in this Council Chamber in a spirit of fellowship and goodwill to represent all the members of our community in its cultural and religious diversity.

To be honest and objective in all our deliberations.

To respect the views of the residents, the rights of all Councillors to express their opinions without fear or favour and to make decisions for the common good of our community.

Option 2

Almighty God

We ask that you guide us in our decision making.

Protect us and the community we serve.

Direct our deliberations for the progress of this City and the true welfare of its people.

Option 3

I ask those gathered to join us now for a few moments of silence as we reflect on our roles in this Chamber. Please use this opportunity for reflection, prayer or thought, to focus on our shared intention to work respectfully together for the well-being of our whole community.

Acknowledgment of Country

Griffith City Council acknowledges the Wiradjuri people as the traditional owners and custodians of the land and waters, and their deep knowledge embedded within the Aboriginal community.

Council further pays respect to the local Wiradjuri Elders, past, present and those emerging, for whom we acknowledge have responsibilities for the continuation of cultural, spiritual and educational practices of the local Wiradjuri people.

REPORT AUTHORS AND AREAS OF RESPONSIBILITY

Senior Management Team

General Manager
Director Economic & Organisational Development
Director Business, Cultural & Financial Services
Director Infrastructure and Operations
Director Sustainable Development
Director Utilities

Brett Stonestreet
Shireen Donaldson
Steve Saffioti
Phil King
Bruce Gibbs
Graham Gordon

Economic & Organisational Development

Governance Manager/Public Officer and Right to Information Officer
HR & Risk Manager
Acting Workforce Planning Manager
IT Manager
Tourism Manager
Information Manager
Information Management Administrator
Community Development Coordinator

Leanne Austin
Vacant
Annie Featherstone
Mike Gaze
Mirella Guidolin
Joanne Savage
Jeanette Franco
Melissa Canzian

Business, Cultural & Financial Services

Finance Manager
Asset Management Coordinator
Acting Library Manager
Acting Griffith Pioneer Park Museum Manager
Griffith Regional Theatre and Art Gallery Manager
Griffith Regional Aquatic Centre Manager
Griffith Regional Sports Centre Manager

Vanessa Edwards
Andrew Keith
Chris Robson
Jenny O'Donnell
Margaret Andreazza
Craig Tilston
Ché Jenkins

Infrastructure & Operations

Works Manager - Maintenance
Works Manager - Construction
Parks & Gardens Manager
Fleet & Depot Manager

Manjit Chugha
Shree Shrestha
Peter Craig
Steve Croxon

Sustainable Development

Planning & Environment Manager
Acting Development Assessment Coordinator
Senior Development Assessment Planner
Urban Strategic Design & Major Projects Manager
Project Planner
Compliance Coordinator
Environment & Public Health Coordinator
Corporate Property Officer & Native Title Coordinator
Building Certification Coordinator
Airport Facility Coordinator

Carel Potgieter
Kerry Rourke
Patterson Ngwira
Peter Badenhurst
Melanie Vella
Vacant
Vanessa Johns
Amanda Vardanega
Royce Johns
Graham Slingsby

Utilities

Engineering Design & Approvals Manager
Waste Operations Manager
Water & Wastewater Manager

Joe Rizzo
John Roser
Durgananda Chaudhary

**EXTRAORDINARY MEETING OF GRIFFITH CITY COUNCIL
TO BE HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON
TUESDAY, 9 JANUARY 2024 AT 7:00 PM**

MEETING NOTICE

Notice is hereby given that an Extraordinary Meeting of Council will be held in the Griffith City Council Chambers on **Tuesday, 9 January 2024**.

In accordance with Griffith City Council's Code of Meeting Practice and as permitted under the Local Government Act 1993, this meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes.

No other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording is permitted without the prior approval of Council.

Those that are participating in this meeting are advised that your image and what you say will be broadcast live to the public and will also be recorded. You should avoid making statements that might defame or offend and note that Council will not be responsible for your actions and comments.

Members of the public may address Council in relation to the items listed in this Agenda by contacting Council on 1300 176 077 by 12.00 pm on the day of the meeting.

The agenda for the meeting is:

- 1 Council Acknowledgments
- 2 Apologies and Applications for a Leave of Absence or Attendance by Audio-Visual Link by Councillors
- 3 Confirmation of Minutes
- 4 Business Arising
- 5 Declarations of Interest
- 6 Mayoral Minutes
- 7 General Manager's Report

CL01 p23 DA 145/2021(2) - Modification to Approved Recyclables Storage Facility (Waste Transfer Station)

Brett Stonestreet

GENERAL MANAGER

**ORDINARY MEETING OF GRIFFITH CITY COUNCIL
HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON
TUESDAY, 12 DECEMBER 2023 COMMENCING AT 7:00 PM**

PRESENT

The Mayor, Doug Curran in the Chair; Councillors, Glen Andreazza, Shari Blumer, Manjit Singh Lally, Melissa Marin, Christine Stead, Chris Sutton (ZOOM), Laurie Testoni and Dino Zappacosta

STAFF

General Manager, Brett Stonestreet, Director Economic & Organisational Development, Shireen Donaldson, Director Utilities, Graham Gordon, Director Infrastructure & Operations, Phil King, Director Business, Cultural, Financial Services, Steve Saffioti, Director Sustainable Development, Bruce Gibbs and Minute Taker, Joanne Bollen

MEDIA

Cai Holroyd, The Area News

1 COUNCIL ACKNOWLEDGEMENTS

The Meeting opened with Councillor Chris Sutton reading the Opening Affirmation and the Acknowledgement of Country.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

23/295

RESOLVED on the motion of Councillors Christine Stead and Glen Andreazza that:

- (a) Apologies be received from Councillors Simon Croce, Jenny Ellis and Anne Napoli and a leave of absence granted;
- (b) Councillor Chris Sutton be granted approval to attend by audio-visual link.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

The division was declared PASSED by 9 votes to 0.

3 CONFIRMATION OF MINUTES

23/296

RESOLVED on the motion of Councillors Laurie Testoni and Manjit Singh Lally that the minutes of the Ordinary Meeting of Council held in Griffith City Council Chambers on 28 November 2023, having first been circulated amongst all members of Council, be confirmed.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

4 BUSINESS ARISING

Nil.

5 DECLARATIONS OF INTEREST

Pecuniary Interests

Councillors making a pecuniary interest declaration are required to leave the meeting during consideration of the matter and not return until the matter is resolved.

Director Phil King

CC01 Tender No. 3-23/24 – Construction of Drainage Channel, Stage 3, Citrus Road, Griffith
Reason – My wife works at the company mentioned in the report.

Significant Non-Pecuniary Interests

Councillors making a significant non-pecuniary interest declaration are required to leave the meeting during consideration of the matter and not return until the matter is resolved.

Councillor Melissa Marin

MM01 DA 145/2021(2) – Modification to Approved Recyclables Storage Facility (Waste Transfer Station)

Reason – Family member is a contractor with this business.

Director Graham Gordon

CL09 Community Grants Round 1 2023/24

Reason – I am a financial member of the Griffith Golf Club.

Less Than Significant Non-Pecuniary Interests

Councillors making a less than significant non-pecuniary interest declaration may stay in the meeting and participate in the debate and vote on the matter.

Councillor Dino Zappacosta

MM01 DA 145/2021(2) – Modification to Approved Recyclables Storage Facility (Waste Transfer Station)

Reason – Have spoken to the applicant.

Councillor Dino Zappacosta

Minutes of the Floodplain Committee Meeting held 23 November 2023

Reason – I own and operate several businesses in Hanwood.

Councillor Dino Zappacosta

CL04 Compulsory Acquisition - Affecting Lot 27 DP751709 - Beaumont Road, Hanwood - Hanwood Levy

Reason – I own several businesses in Hanwood.

Councillor Dino Zappacosta

CL05 Compulsory Acquisition - Affecting Lot 7322 DP1164483, Mallee Street, Hanwood - Water Drainage Works

Reason – I own several businesses in Hanwood.

Councillor Christine Stead

MM01 DA 145/2021(2) – Modification to Approved Recyclables Storage Facility (Waste Transfer Station)

Reason – I have spoken to Mr Young, the applicant.

Councillor Laurie Testoni

CL08 Proposed Venue for 2024 Council Election Returning Office

Reason – Chairman of Sports Council and life member of Griffith Basketball Association.

6 PRESENTATIONS

Nil

7 MAYORAL MINUTES

Councillor Melissa Marin left the meeting having declared a Significant Non-Pecuniary Conflict of Interest, the time being 7:09pm.

MM01 DA 145/2021(2) - MODIFICATION TO APPROVED RECYCLABLES STORAGE FACILITY (WASTE TRANSFER STATION)

23/297

RESOLVED on the motion of Councillor Glen Andreazza that MM01 DA 145/2021(2) – Modification to Approved Recyclables Storage Facility (Waste Transfer Station) **LAY ON THE TABLE.**

For

Councillor Doug Curran

Councillor Glen Andreazza

Councillor Shari Blumer

Councillor Manjit Singh Lally

Councillor Christine Stead

Councillor Chris Sutton

Councillor Laurie Testoni

Against

Councillor Dino Zappacosta

The division was declared PASSED by 7 votes to 1.

Councillor Melissa Marin returned to the meeting, the time being 7:16pm.

Councillor Andreazza left the meeting, the time being 7:16pm.

8 GENERAL MANAGER'S REPORT

23/298

RESOLVED on the motion of Councillors Shari Blumer and Christine Stead that the meeting suspend standing orders to allow Danielle MacKenzie from Crowe Australasia to address Council.

For

Councillor Doug Curran
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 8 votes to 0.

Councillor Glen Andreazza returned to the meeting, the time being 7:22pm.

23/299

RESOLVED on the motion of Councillors Shari Blumer and Christine Stead that the meeting resume standing orders.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

CL01 ADOPTION OF THE 2022/23 ANNUAL FINANCIAL STATEMENTS & AUDITOR'S REPORTS

23/300

RESOLVED on the motion of Councillors Shari Blumer and Chris Sutton that:

- (a) Council adopt the 2022/23 Annual Financial Reports and associated Auditor's Reports.
- (b) Council resolve to utilise funds in the following General Fund Internal Reserves to temporarily fund the Griffin Green Affordable Housing and major grant funded road projects expended in 2022/23:

- (i) Plant & Equipment Replacement Reserve
- (ii) Infrastructure replacement Reserve
- (iii) Roads Reserve
- (iv) Facilities Reserve

and that the above Reserves be replenished by Council by the March 2024 Quarterly Review of Operations, when grants and contribution funds that are received.

- (c) Council express its appreciation to both Crowe Australasia and Griffith City Council staff involved in the preparation of the Reports.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared **PASSED** by 9 votes to 0.

CL02 ASSIGNMENT OF LEASE - HANGAR SITE 26 GRIFFITH AERODROME
THE TRUSTEES OF THE LATE WILLIAM ALEXANDER LIONEL IRVING TO VIRGO
VENTURES PTY LTD

23/301

RESOLVED on the motion of Councillors Glen Andreazza and Christine Stead that:

- (a) Council approve the assignment of Lease – Hangar Site 26 of the Griffith Aerodrome from William Alexander Lionel Irving, in accordance with the granting of Probate to the Trustees of the Estate of the Late William Alexander Lionel Irving being Jamolieli Pty Ltd, Sindustry Pty Ltd, Laurannajake Pty Ltd & JMC Salvestrin Pty Ltd. The Trustees of the Estate will then assign the lease to Virgo Ventures Pty Ltd.
- (b) Virgo Ventures Pty Ltd to pay all applicable costs associated with the preparation of the assignment documents together with Council's Administration Fee as per Council's adopted Revenue Policy plus the payment of rates and charges.
- (c) The annual lease fee will be charged in accordance with Council's adopted Revenue Policy at a rate per square metre for landside areas >1000 square metres in area. Hangar Site 26 has an area of 977.8 square metres.
- (d) Council authorise the Mayor and General Manager to execute the assignment documents on behalf of Council, under the Common Seal if required.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead

Against

Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

CL03 LEASE OF COUNCIL LAND - LOT 2 DP 1141418, RIFLE RANGE ROAD, NERICON - TRACY CARBONE

23/302

RESOLVED on the motion of Councillors Christine Stead and Manjit Singh Lally that:

- (a) Council enter into a 3 year lease agreement with Tracy Carbone over Lot 2 DP 1141418 and at the expiration of that term, it is proposed for the lease to continue on a month to month arrangement. The Notice to Vacate clause will apply after 2 years.
- (b) In lieu of an annual lease fee Tracy Carbone will be required to maintain all fences on the boundary of Lot 2 DP 1141418 and keep the site clear of all rubbish at her cost.
- (c) Tracy Carbone pay all applicable costs and charges associated with the preparation of the lease agreement together with Council's rates and an Administration Fee as per Council's adopted Revenue Policy.
- (d) Council authorises the Mayor and General Manager to execute the lease agreement on behalf of Council under the Common Seal.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared **PASSED** by 9 votes to 0.

CL04 COMPULSORY ACQUISITION - AFFECTING LOT 27 DP751709 - BEAUMONT ROAD, HANWOOD - HANWOOD LEVY

23/303

RESOLVED on the motion of Councillors Glen Andreazza and Melissa Marin that:

- (a) Council approves the acquisition of Crown Land, shown as Lot 1 DP 1296073 in Plan of Acquisition affecting Lot 27 DP 751709 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 Section 186.
- (b) Council make application to the Minister and/or Governor of the Local Government Act 1993 for approval to acquire Lot 1 DP 1296073 as shown in plan of acquisition affecting Lot 27 DP 751709 by compulsory acquisition process under Section 187 of the Local Government Act 1993.
- (c) Council continues to negotiate with Department of Planning & Environment to acquire the land by agreement, or as determined by the Valuer General as defined in Section

55 of the Land Acquisition (Just Terms Compensation) Act 1991.

- (d) Following receipt of the Governor's approval, Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law.
- (e) Upon acquisition of the land, Council resolves to classify the acquired land as operational land pursuant to Section 31 of the Local Government Act 1993.
- (f) Council pay compensation to all interest holders entitled to compensation by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991.
- (g) Council delegate authority to the General Manager to execute the documents on behalf of Council under the Common Seal if required.

For

Against

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared PASSED by 9 votes to 0.

CL05 COMPULSORY ACQUISITION - AFFECTING LOT 7322 DP1164483, MALLEE STREET, HANWOOD - WATER DRAINAGE WORKS

23/304

RESOLVED on the motion of Councillors Glen Andreazza and Melissa Marin that:

- (a) Council approves the acquisition of Crown Land, shown as Lot 1 DP 1295951 in Plan of Acquisition affecting Lot 7322 DP 1164483 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 Section 186.
- (b) Council make application to the Minister and/or Governor of the Local Government Act 1993 for approval to acquire Lot 1 DP 1295951 as shown in plan of acquisition affecting Lot 7322 DP 1164483 by compulsory acquisition process under Section 187 of the Local Government Act 1993.
- (c) Council continues to negotiate with Department of Planning & Environment to acquire the land by agreement, or as determined by the Valuer General as defined in Section 55 of the Land Acquisition (Just Terms Compensation) Act 1991.
- (d) Following receipt of the Governor's approval, Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law.
- (e) Upon acquisition of the land, Council resolves to classify the acquired land as operational land pursuant to Section 31 of the Local Government Act 1993.
- (f) Council pay compensation to all interest holders entitled to compensation by virtue of

the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991.

- (g) Council delegate authority to the General Manager to execute the documents on behalf of Council under the Common Seal if required.

For

Against

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

CL06 ENDORSEMENT OF THE DRAFT COMMUNITY GARDENS LARGE SCALE EVENT MASTERPLAN

23/305

RESOLVED on the motion of Councillors Shari Blumer and Laurie Testoni that:

- (a) Council endorse the Draft Community Gardens Large Scale Event Masterplan and place it on public exhibition for 42 days.
- (b) If any submissions are received, a further report will be prepared for Council.
- (c) If no submissions are received, the Community Gardens Large Scale Event Masterplan be considered as adopted.

For

Against

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

CL07 CODE OF CONDUCT COMPLAINTS - ANNUAL RETURN (1 SEPTEMBER 2022 TO 31 AUGUST 2023)

23/306

RESOLVED on the motion of Councillors Shari Blumer and Christine Stead that Council note the Code of Conduct Complaints Report for the period between 1 September 2022 – 31 August 2023.

For

Against

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer

Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared PASSED by 9 votes to 0.

Councillor Laurie Testoni left the meeting, the time being 7:33pm.

CL08 PROPOSED VENUE FOR 2024 COUNCIL ELECTION RETURNING OFFICE

23/307

RESOLVED on the motion of Councillors Christine Stead and Manjit Singh Lally that:

- (a) Council offer use of a section of the Griffith Sports Stadium to the NSW Electoral Commission for use as a Returning Office for the 2024 Council Election period from 15 July to 18 October 2024, including the foyer, two offices, toilets and court area (old section of the Stadium).
- (b) A fee of \$40,000 + GST be charged to the NSW Electoral Commission for lease of the required space at the Griffith Sports Stadium.
- (c) Resolutions (a) and (b) above are pending Fire Safety requirements being met by Council due to the lease area not being able to accessed by members of the public.
- (d) \$10,000 from the lease income be directed to the Griffith Sports Stadium Materials and Services 2024/25 budget to be used to purchase equipment required for the relocation of sports to the new Stadium.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Dino Zappacosta

Against

The division was declared PASSED by 8 votes to 0.

Councillor Laurie Testoni returned to the meeting, the time being 7:33pm.

Director Graham Gordon left the meeting having declared a significant non-pecuniary conflict of interest, the time being 7:33pm.

CL09 COMMUNITY GRANTS ROUND 1, 2023-2024

23/308

RESOLVED on the motion of Councillors Shari Blumer and Laurie Testoni that Council endorse the following complying Community Grant applications as received for Round 1 2023/24.

Centacare South West NSW	\$500.00
Ema Munro Auspiced by Murrumbidgee Field Naturalists	\$1,400.00
Griffith Aged Support Service	\$2,500.00

Griffith Golf Club	\$2,500.00
Griffith Musicians Club Incorporated	\$2,500.00
Griffith Public School	\$2,500.00
Griffith South Pacific Area Conference	\$2,500.00
Marrambidya Dance Group Inc.	\$2,500.00

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

The division was declared **PASSED** by 9 votes to 0.

Director Graham Gordon returned to the meeting, the time being 7:34pm.

9 INFORMATION REPORTS

CL10 INVESTMENTS AS AT 31 OCTOBER 2023

23/309

RESOLVED on the motion of Councillors Christine Stead and Laurie Testoni that the report be noted by Council.

For	Against
Councillor Doug Curran	Councillor Manjit Singh Lally
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

The division was declared **PASSED** by 8 votes to 1.

10 ADOPTION OF COMMITTEE MINUTES

MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON 23 NOVEMBER 2023

23/310

RESOLVED on the motion of Councillors Dino Zappacosta and Melissa Marin that the recommendations as detailed in the Minutes of the Floodplain Management Committee meeting held on 23 November 2023 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Manjit Singh Lally	

Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared **PASSED** by 9 votes to 0.

**MINUTES OF THE LAKE WYANGAN & CATCHMENT MANAGEMENT COMMITTEE
MEETING HELD ON 16 NOVEMBER 2023**

23/311

RESOLVED on the motion of Councillors Chris Sutton and Christine Stead that the recommendations as detailed in the Minutes of the Lake Wyangan & Catchment Management Committee meeting held on 16 November 2023 be adopted.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

The division was declared **PASSED** by 9 votes to 0.

11 BUSINESS WITH NOTICE – RESCISSION MOTIONS

Nil

12 BUSINESS WITH NOTICE – OTHER MOTIONS

Nil

13 OUTSTANDING ACTION REPORT

23/312

RESOLVED on the motion of Councillors Glen Andreazza and Christine Stead that the report be noted.

For	Against
Councillor Doug Curran	
Councillor Glen Andreazza	
Councillor Shari Blumer	
Councillor Manjit Singh Lally	
Councillor Melissa Marin	
Councillor Christine Stead	
Councillor Chris Sutton	
Councillor Laurie Testoni	
Councillor Dino Zappacosta	

The division was declared **PASSED** by 9 votes to 0.

14 MATTERS TO BE DEALT WITH BY CLOSED COUNCIL

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is Section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than Councillors)**
- (b) the personal hardship of any resident or ratepayer**
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business**
- (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the Council, or**
 - (iii) reveal a trade secret**
- (e) information that would, if disclosed, prejudice the maintenance of law**
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property**
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege**
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on Community land.**
- (i) alleged contraventions of any code of conduct requirements applicable under section 440 of the Local Government Act 1993.**

23/313

RESOLVED on the motion of Councillors Christine Stead and Laurie Testoni that:

- (a) Council resolve to go into closed Council to consider business identified.**
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provision of section [10A(2)] as outlined above.**
- (c) The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.**

For
Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton

Against

Councillor Laurie Testoni
Councillor Dino Zappacosta

The division was declared PASSED by 9 votes to 0.

Council resolved that members of the press and public be excluded from the meeting during consideration of the items listed below, and that discussion of the report in open Council would be contrary to the public interest.

**CC01 TENDER NO. 3-23/24 - CONSTRUCTION OF DRAINAGE CHANNEL,
STAGE 3, CITRUS ROAD, GRIFFITH**

Reason: Commercial Advantage 10A(2)(d)

**CC02 TENDER NO. 4-20/21 - YAMBIL STREET UPGRADE STAGE 4
REPRICING**

Reason: Commercial Advantage 10A(2)(d)

**CCMM01 REVIEW OF LAKE WYANGAN FLOOD STUDY AND FLOODPLAIN RISK
MANAGEMENT PLAN**

Reason: Council Business 10A(2)(c) and Commercial Advantage 10A(2)(d)

Council closed its meeting at 7:37pm.

The public and media left the Chamber.

Livestream was disconnected.

REVERSION TO OPEN COUNCIL

23/314

RESOLVED on the motion of Councillors Christine Stead and Laurie Testoni that Open Council be resumed.

For
Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

Open Council resumed at 7:49pm.

Livestream was reconnected.

Upon resuming open Council the General Manager reported that the following resolutions had been made in Closed Council:

MATTERS DEALT WITH IN CLOSED COUNCIL

Director Phil King left the meeting having declared a pecuniary conflict of interest, the time being 7:39pm.

CC01 TENDER NO. 3-23/24 - CONSTRUCTION OF DRAINAGE CHANNEL, STAGE 3, CITRUS ROAD, GRIFFITH

23/315

RESOLVED on the motion of Councillors Shari Blumer and Glen Andreazza that Council accepts the tender from Boots Civil Pty Ltd for Tender No. 3-23/24 Construction of Drainage Channel, Stage 3, Citrus Rd, Griffith in the amount of \$ 311,651.61 excluding GST.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

Director Phil King returned to the meeting, the time being 7:40pm.

CC02 TENDER NO. 4-20/21 - YAMBIL STREET UPGRADE STAGE 4 REPRICING

23/316

RESOLVED on the motion of Councillors Christine Stead and Glen Andreazza that Council proceeds with Yambil Street Stage 4 Reconstruction Works with B&C Plumbing Pty Ltd based on the revised project costs as shown in Figure 1 of this report.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

CCMM01 REVIEW OF LAKE WYANGAN FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT PLAN

23/317

RESOLVED on the motion of Councillors Christine Stead and Glen Andreazza that Council authorise the General Manager to progress action with regard to the review of the Lake Wyangan Flood Study and Floodplain Risk Management Plan, in accordance with this Report.

For

Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 9 votes to 0.

There being no further business the meeting terminated at 7:53pm.

Confirmed:

CHAIRPERSON

CLAUSE	CL01
PROPOSAL	DA 145/2021(2) - MODIFICATION TO APPROVED RECYCLABLES STORAGE FACILITY (WASTE TRANSFER STATION)
PROPERTY	Lot 2 DP 1145133 and Lot 1 DP 1296228 (previously known as part of Lot 8060 DP 1198761 – MI Drainage Channel between the property and Willandra Avenue) – Nos. 107-117 Willandra Avenue
LOCATION	Griffith
ZONING	E3 – Productivity Support zone
APPLICABLE PLANNING INSTRUMENT	Griffith Local Environmental Plan, 2014
EXISTING DEVELOPMENT	Truck Depot & ancillary infrastructure
APPLICANT	Planningmatters Development Service
OWNER	Young Property Holdings Pty Ltd & Murrumbidgee Irrigation Ltd regarding Lot 8060 DP 1198761
DIRECTORS OF COMPANY (IF APPLICABLE)	Martin Ruggeri (Planningmatters Development Service); Greg & Judith Young (Young Property Holdings P/L)
APPLICATION DATE	2 March 2023
REASON FOR REFERRAL FROM	Application previously determined by Council Joanne Tarbit, Development Assessment Planner Kerry Rourke, Development Assessment Planner
TRIM REF	23/166402

SUMMARY

At the Ordinary Meeting of Council held on 12 December 2023, it was resolved that this report lay on the table.

“RESOLVED on the motion of Councillor Glen Andreazza that MM01 DA 145/2021(2) – Modification to Approved Recyclables Storage Facility (Waste Transfer Station) LAY ON THE TABLE”.

Original Report

Council staff have drafted a report with respect to DA 145/2021(2) - Modification to Approved Recyclables Storage Facility (Waste Transfer Station). The report was completed after the cut off time for finalisation of the business paper for the Council meeting. Notwithstanding the above, the report will be delivered to Councillors at the same time as the substantive business paper i.e. Thursday 7 December 2023 and as such it is requested that Council consider the matter at this Council Meeting, 12 December 2023.

The General Manager contacted the Deputy Mayor, Councillor Anne Napoli, prior to circulating this Mayoral Minute to Councillors.

Precis

In June 2021 Griffith City Council received a development application for the construction and use of a waste transfer station (recycling storage facility) where the recyclables to be stored on the subject site comprise drink containers that have been collected from deposit stations/containers associated with the NSW State Government's 'Return & Earn' recycling scheme pending transportation to Wagga Wagga for processing.

The above development application was reported to Council on 11 October 2022, laid on the table (to permit DA 186/2018(2) for a modification to a truck depot on the same property, to be reported concurrently). At the meeting of 25 October 2022:

Council resolved on the motion of Councillors Laurie Testoni and Simon Croce:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to Development Application DA 145/2021 for a Recycling Storage Facility at 107-117 Willandra Avenue Griffith subject to the conditions including those set out in Attachment 'A' of this report, including an option to construct the driveway within a 12 to 18 month timeframe (weather permitting); and*
- (b) Development Application 145/2021 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.*

The deferred commencement condition of DA 145/2021 states:

'All conditions relating to Development Application 186/2018 relating to the continuing use of the site for a transport depot and refuelling station have been met and related Occupation or compliance certificates issued with the option to construct the driveway within a 12-to-18-month timeframe (weather permitting).'

Thus, the consent under DA 145/2021 did not include any civil works conditions in relation to the access, internal driveways, stormwater discharge or car parking and manoeuvring areas because it relied upon the completion of the transport depot consent for the provision of those works (see Attachment D to this business paper for the issued consent). To date no conditions of DA 186/2018 have been completed and the recycling facility operations have not commenced on this site.

Proposal

On 2 March 2023, Council received an application to modify the abovementioned Development Consent No. 145/2021(1) from Planningmatters Development Service. The modification was lodged pursuant to the provisions of Section 4.55(1A) and seeks to modify the deferred commencement consent issued by Council on 25 October 2022, by:

- a. altering the dimensions of the recyclables storage facility to increase the overall height and*
 - b. to remove the 'deferred commencement' condition relating to civil works construction of the road and the construction of the requirement(s) that need to be satisfied before DA 145/2021 can become operational.*
- The proposed modification includes a new set of staging plans, storage facility plans, and a letter requesting removal of the deferred commencement condition unlinking conditions under DA 186/2018, so that a construction certificate can be issued for the recycling facility igloo.
 - A detailed time line of this application and other related recent approvals on this site is provided in the Background section of this report (pages 6 and 7) following.

- Construction Approval (Civil Works) was issued by Council on 21 September 2023 for Stage 1 of the civil works the associated truck depot application DA 186/2018. This Stage 1 approval only includes the works within Willandra Avenue road reserve for a new driveway access to the property approximately 122m to the west of the existing site access, along with associated widening of Willandra Ave and new median and a new site entry.
- This modification application was notified in accordance with Council's Community Participation Plan and the provisions of Section 4.55(1A) of the Environmental Planning & Assessment Act, 1979 and no submissions were received.
- The modification application is recommended for approval subject to conditions provided in Attachment A. All changes to conditions have been highlighted for clarity.
- A copy of the previously approved Notice of Determination for DA 145/2021 has been provided for comparison in Attachment D and the Notice of Determination for the truck depot DA 186/2018 is provided in Attachment E.

Type of Development

Local

Main Issues

Deferred Commencement Consent

In relation to DA 145/2021(1), the recommendation to the Ordinary Meeting of Council on 11 and 25 October 2022 was to approve the development subject to draft conditions including a deferred commencement provision requiring all conditions relating to DA 186/2018 for the truck depot and refuelling facility to be completed prior to the operation of the recycling facility.

The conditions of DA 186/2018 included among others, the construction of a new access into the development site and works within the road reserve of Willandra Avenue to improve vehicular safety.

Under the provisions of the Environmental Planning and Assessment Act [§4.16(3)], a determining authority may grant consent to a development:

Subject to a condition that the consent is not to operate until the applicant satisfies the consent authority, in accordance with the regulations, as to any matter specified in the condition. Nothing in this Act prevents a person from doing such things as may be necessary to comply with the condition.

DA 145/2021(1) for the waste transfer station (recycling facility), was approved by Council including the above matter to be met prior to the consent becoming operational. The deferred commencement matter however is yet to be satisfied; hence the applicant seeks to remove this deferred matter (Part B of the issued notice of determination in Attachment D), to activate the consent (Attachment G for applicant's correspondence).

As the development was determined at an Ordinary Meeting of Council, any changes to the notice of determination must be reconsidered at an Ordinary Meeting of Council.

If the 'Deferred Commencement' condition is removed from the consent, other conditions are to inserted to ensure the construction of the associated car parking and civil works as would be applied if this proposal were a standalone application and the truck depot consent had not been issued.

A recommended set of conditions has been provided on this basis (Attachment A) removing the deferred matter and incorporating the relevant civil works conditions have been inserted into this recycling facility consent, highlighted yellow.

RECOMMENDATION

- (a) The report be raised from the table.
- (b) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979 grant consent to modify the Notice of Determination, to permit the use for a Recyclables Storage Facility (Waste Transfer Station) at 107-117 Willandra Avenue Griffith subject to conditions including those set out provided in Attachment A.
- (c) The deferred matter be removed from the notice of determination and as a consequence, relevant conditions from DA 186/2018 be inserted in the recommended set of conditions for the recyclables storage facility.
- (d) Development Application 145/2021(2) be delegated to the Director of Sustainable Development for the preparation and issue of the modified Notice of Determination.

In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillors' votes in relation to this matter.

SITE DESCRIPTION

The site is located on the western side of Kidman Way on the intersection with Willandra Avenue, opposite the gateway bulky goods shopping centre. The land has an area of 8 hectares with a frontage to Willandra Avenue where it currently contains a dwelling house used as an office, and associated septic system, detached garage, a number of sheds, portable tea room, portable amenities block, uncovered wash bay, multiple shipping containers, storage areas for landscape supplies, and extensive gravelled parking and manoeuvring areas for trucks. The site is currently accessed via a gravel driveway from Willandra Avenue close to the Kidman Way intersection.

A mix of Athol Pine and Casuarina trees line the eastern boundary of the site on the Kidman Way providing valuable screening to parts of the depot. These trees have recently been skirted however to remove lower branches allowing views into the site. Further screening is provided to the west by five rows of citrus.



Image A – View of site from the Bunnings Carpark exit on Kidman Way, noting no screening vegetation and harmony in building height and parked truck and trailers.

Image B – Typical view into site through Kidman Way boundary trees noting trailers and structures are less prominent, but still visible through the screen.

The business activity that currently occupies the site has approval under DA 186/2018 for approximately 30 prime movers and up to 80 trailers mainly used in a B-Double or Road Train configuration. Vehicle movements from the site include approximately 209 movements per day of which 69 movements comprise heavy vehicles.

It should also be noted that latest aerial photography available to Council indicates approximately 137 trailers on site, 17 trucks and 55 picking bins. Approximately half of the trailers are located on the north west residue section of the site and on the adjoining water supply reserve Lot 8201 DP 1198759. There are no approvals for that land to be used as a part of the truck depot. The current use of the land can be seen on the following aerial photo which is dated February 2023.

DA 186/2018, was approved 3 October 2019, with a modification approved on 25 October 2022, however related civil works have not yet lawfully commenced, nor has an Occupation Certificate been issued, which would legitimise the use of the site.

The applicant has however worked with Council staff to gain the required Stage 1 Construction Approval (Civil Works), with physical road and access works expected to take approximately three - six months to complete, once commenced. The Stage 1 Construction Approval (Civil Works) was issued by Council staff on 21 September 2023; a notice of intention to commence works was received by Council from the applicant on 8 November 2023.

LOCATION MAP



 <p>Griffith City Council 2000-2001 1000-1001 Griffith City Council Griffith NSW 2870 Telephone 08 8331 1000 Email: info@griffithcitycouncil.nsw.gov.au</p>	<p>Disclaimer: This map is intended for general information purposes only. Griffith City Council does not guarantee its accuracy, completeness or suitability for any particular purpose. Users must exercise their own skill and care in using this map and carefully evaluate the accuracy, currency, completeness and relevance of the map before relying on it. This map is not a substitute for independent professional advice and, to the extent permitted by law, Griffith City Council is not liable for any loss or damages arising out of any inaccuracy, error or omission contained in the map.</p>		<p>Projection: GDA94 / MGA zone 55 Date: 27/09/2022 Drawn By: Kerry Bourke</p>	<p>DA 145/2021 - Locality Pt Ml Drainage Channel & 107-117 Willandra Ave Griffith</p>
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Map Scale: 1:5000 at A4

BACKGROUND

Site History

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available the following can be established:

- An inspection of the subject site in 2000 revealed storage of citrus peels, which were stored till dry and then transported to Rockdale feedlot (Yanco). Council EHO staff at the time determined that the storage on site was acceptable. Approval to transport waste (presumably citrus peels) was approved in 2004. That approval requires annual renewal, though no further approval has been requested.
- DA 38/2007 for the selling of fruit and veg produce from the nature strip near the subject site was rejected.
- DA 36/2009 for the two-lot subdivision of land allowing for the transport depot and the caravan shop to be on separated titles.
- DA 186/2018 for the continuing use of the land for a truck depot with a new refuelling facility was approved 3 October 2019.

- DA 186/2018(2) modification including a new set of plans and site access layout, in addition to a request to modify the detail of a number of conditions was approved by Council at the Ordinary meeting of 25 October 2022.
- DA 145/2021 for the construction and use of a waste or resource transfer station (Recycling Storage Facility). Approved by Council on 25 October 2022 with the issue of a Deferred Commencement Consent, subject to the “deferred” condition being met; i.e. the completion of all conditions associated with DA 186/2018 before an operational consent can be issued.

Timeline of relevant events pertaining to recent development approvals at the subject site and compliance action

Date	DA Number	Truck Depot Use
4/11/2016		Pre-lodgement discussion with Council, owner advised DA required for truck depot use of land.
21/08/2018	DA 186/2018	lodged
3/10/2019	DA 186/2018	NOD Issued
25/01/21 & 14/05/21		Compliance pertaining to use of land –truck wash (comply with consent) and demountable toilet block
10/06/2021	DA 186/2018(2)	Modification Lodged
25/10/2022	DA 186/2018(2)	Modification NOD approved at the Ordinary meeting of Council
20/02/2023	DA 186/2018(2)	Constructions Approval (Civil Works) lodged
20/04/2023	DAs 145/2021(2) and 186/2018(2)	Meeting with applicant regarding compliance matters
21/09/2023	DA 186/2018(2)	Construction Approval (Civil Works) issued by Council for Stage 1 of the Civil Works being the construction of a new site entry and road works within Willandra Avenue
8/11/2023	DA 186/2018(2)	A notice of intention to commence the Stage 1 civil works was received by Council

Date	DA 145/2021	Recycling Facility Use
16/06/2021	DA 145/2021	lodged
11/10/2022	DA145/2021	DA reported to Council – Council laid it on the table to allow it to be assessed and determined at the same meeting as the modification to DA 186/2018(2) for the truck depot and refuelling facility
25/10/2022	DA 145/2021	Report raised from the table and approved, with the notice of determination (Deferred Commencement Consent) subsequently Issued
2/03/2023	DA 145/2021(2)	modification lodged
10/03/2023 – 24/03/2023	DA 145/2021(2)	Application notified in accordance with original DA and Community Participation Plan (no submissions were received)
20/04/2023	DAs 145/2021(2) and 186/2018(2)	Meeting with applicant regarding compliance matters
23/03/2023	DA 145/2021(2)	additional information requested (DA assessment clock stopped)
28/04/2023	DA 145/2021(2)	Additional Information received
25/09/2023	DA 145/2021(2)	Amended Site Plans Submitted
12/12/2023	DA 145/2021(2)	95 days with Council staff waiting scheduling of Council meeting, and 191 days clock stopped

Date	DA Number	Change of Use - Office
17/09/2021	DA 228/2021	'Change of use of building from a dwelling to an office associated with a truck depot' lodged
22/10/2021	DA 228/2021	NOD issued for the change of use of a dwelling to office premises (Not yet acted on).

Date	DA Number	Subdivision of MI Land
4/11/2022	DA 219/2022	Two lot subdivision NOD Issued for subdivision of MI land to be used as carpark at frontage of site.
7/06/2023	DA 219/2022	Two Lot Subdivision Certificate issued to allow creation of a lot for purchase from the MI owned former drainage reserve

PROPOSAL IN DETAIL

Griffith City Council received an application to modify Development Consent No. 145/2021(1) on 2 March 2023 from Planningmatters Development Service. The modification was lodged pursuant to the provisions of Section 4.55 (1A) and seeks to modify 145/2021(1) for a recycling storage facility (waste transfer station) which was issued by Council on 25 October 2022 by:

- a. *alter the dimensions of the recyclables storage facility to increase the height; and*
- b. *to remove the 'deferred commencement' relating to civil works construction of the road and the construction of the requirement(s) that need to be satisfied before DA 145/2021 can become operational.*

As part of the assessment of the Section 4.55(1A) modification Council is relying on the following documents provided by the applicant:

- (a) Information set out on the development application form;
- (b) Amended recyclables storage area plan set plan set accepted on 2 March 2023 as provided in Attachment F to this report;
- (c) Letter dated 10 February 2023 from Planningmatters Development Service (Attachment G);
- (d) Additional information letter submitted 24 April 2023 (Dated 11 April 2023) (Attachment G);
- (e) Amended Hardstand area and staging plan submitted 25 September 2023 (Attachment F).

The existing development approvals include the construction of roofed hardstand storage area and the continued use of part of premises for the purposes of a recycling storage facility on Lot 2 DP 1145133, Willandra Avenue, Griffith (see Attachment D). The recyclables to be stored on the site will comprise empty plastic & glass bottles and metal cans that have been collected from deposit stations/containers associated with the NSW State Government's 'Return & Earn' recycling scheme pending transportation to Wagga Wagga for processing. No signage is proposed as part of the development.

ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In determining a development application, a consent authority is to take into consideration Section 4.55 of the Environmental Planning and Assessment Act, 1979. The following matters are of relevance to the development the subject of the development application.

Section 4.55 Considerations

Following assessment of the application it is considered that the proposal as conditioned will have minimal environmental impact and therefore satisfies the threshold test of Section 4.55(1A)(a) of the Environmental Planning and Assessment Act, 1979.

The proposed development remains substantially the same development in that the proposed construction works and use relate to a waste transfer station to be used in association with the transport depot. No change is proposed to the configuration of the site, with the purpose and intent of use being substantially the same.

Transfer Station Height

Proposed modification:

The modification includes an alteration to the height of the roof of the proposed 'igloo' structure, which was previously approved with a total height of 8.7m. The applicant now proposes a height of 10.4m to match the height of the approved wash bay under the truck depot approval.

The igloo structure was originally reduced in height during the assessment process of the original DA to reduce visibility from outside of the site, and to reflect the majority of other buildings and free-standing signs in the locality, which are largely limited to 8 metres in height. The applicant has now reconsidered the height of the structure and has submitted amended plans and height study plans.

The submitted height study plans illustrated that the structure would be hidden from view from Willandra Avenue and the roundabout by the existing buildings within the site. The igloo structure will be partially obscured from the Kidman Way and Bunnings Home maker centre by trees on the boundary of the site.

Assessment:

No justification has been provided by the applicant regarding the need for the increased height. Under DA 145/2021(1) the applicant had applied for the structure at the height of 10.4m, but after discussing this height with the applicant, the height was reduced to 8.7m which Council staff considered acceptable given other structures in the locality.

Inspections of the site from the Kidman Way indicate the structure will be visible at either the approved height (8.7m) or the proposed new height (10.4m). As currently approved the structure will have a sense of balance and harmony with other existing structures and trucks parked on the site. The proposed new height however is likely to be more visible given the additional height.

Removal of Deferred Commencement

Proposed modification:

The modification also includes a request that the 'deferred commencement' requirement be deleted from the consent, rendering the notice of determination an operational consent. A detailed commentary is provided in the letter submitted with the application, from Planningmatters Development Service which has been provided as 'Attachment G'.

In summary, the applicant provides that the imposition of the deferred commencement condition restricts the submission of a Construction Certificate (CC) application, construction and operation of the recycling storage facility until all conditions listed in DA 186/2018(2) are satisfied and/or an Occupation Certificate relating to DA 186/2018 is issued.

This would include:

- off-site civil works including road widening & the construction of turning lanes on Willandra Avenue; and the provision of a new/replacement driveway off Willandra Avenue (notwithstanding the 12-18 month deferral of these works by resolution);
- on-site civil works including construction of new stormwater detention basins, internal roadways & a carparking area; and the sealing of some hardstand surfaces; and
- construction of a new/replacement wash bay and a new refuelling area

Further commentary is provided in the Applicant's letter regarding the time required to complete civil work designs and gain approvals.

During a meeting held with the landowners and Council staff in April 2023, the owners indicated that the civil works were likely to be completed within 12 months, with the best-case scenario of 6-8 months providing no weather restrictions or contractors/tradesman shortages, once civil works plans were approved.

The construction approval for Stage 1 of the civil works was approved on 21 September 2023 for works within the Willandra Avenue road reserve including the new driveway. Council received a notice of intention to commence the approved civil works on 8 November 2023.

Prior to works commencing and during works, a Traffic Management Plan should be implemented including speed reduction, lights or signage in the short term to improve safety.

Assessment:

Staff are prepared to remove the deferred commencement matter from the consent however, the consent should be modified to ensure the inclusion of conditions relating to access construction, internal civil works including car parking areas to ensure it is consistent with other land use development approvals.

The recommended condition set (Attachment A) reflects the requirement for the construction of essential infrastructure prior to the issue of the Occupation Certificate for DA 145/2021 for the recycling facility noting Council's previous resolution for the 12 – 18 month deferment of the entry works. This is reflected in the Stage A plan submitted by the applicant 25 September 2023 (Attachment F).

Section 4.15 Evaluation

The provisions of **Section 4.55(3)** of the Environmental Planning and Assessment Act, 1979 require the consent authority to evaluate a modification application with regard to Section 4.15 of the Act.

With regard to **Section 4.15(1)(a)(i)** of the Act in respect to the provision of any environmental planning instrument, the following evaluation has been undertaken:
Griffith Local Environmental Plan 2014

The proposed modification of Development Application No 145/2021(2) has been assessed with regard to Griffith Local Environmental Plan 2014 and it has been considered that in general:

- (i) The proposed modification does not result in any issue that would affect the permissibility of the development.
- (ii) The proposed modification does not result in any inconsistency with regards to the objectives of the zone.

- (iii) The proposed modification does not involve any breach of a development standard, nor does it involve any further breach of a development standard that has been previously been considered.

Specific consideration should be given to Section 7.10 of GLEP 2014 which states that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

In this regard the modification application specifically relates to the removal of the deferred commencement condition which relates to the upgraded access to and within the site. The conditions proposed in Attachment A ensure that suitable and safe access is provided to the development via the new access driveway to the west of the existing driveway close to the roundabout as stage 2 of the approved development.

The proposed modified development does not alter the suitability of the site, which was considered appropriate when the original development application was determined. In this regard Council is satisfied the development accords with **Section 4.15(1)(c)** of the Act.

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment. The proposed modification has been considered in relation to relevant Environmental Planning Instruments, and deemed to be acceptable. On this basis, the proposal, is unlikely to raise any issues that are contrary to the public interest.

Section 4.55 Assessment – Conclusion

This application has been assessed under Section 4.55 of the Environmental Planning and Assessment Act, 1979 and it is considered that the proposed modification has merit and can be supported for the following reasons:

- (a) The modification is over minor environmental impact (viz. Section 4.55(1A)(a))
- (b) The modification is considered to be substantially the same development.
- (c) The modification has been notified in accordance with the provisions of the Act and regulations and that submissions have been addressed.

Section 4.55 Assessment - Recommendation

It is recommended that Council as the consent authority pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 modify the previous Development Consent No: 145/2021(1) as per the draft conditions of consent provided in Attachment A. These conditions include the removal of the Deferred Commencement requirement and inclusion of conditions particularly pertaining to the construction of the new access from Willandra Avenue prior to the issue of an Occupation Certificate for the waste transfer station (recycling facility).

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

If Council's intention is to support the applicant's request for the removal of the deferred condition and not alter any other condition than Condition 1 which includes the staging plans for the works, then the amended condition set would essentially be Attachment A without the yellow highlights, provided as Attachment H. Further not include the external or internal civil construction conditions would likely set an undesirable precedent for other developers to pursue a similar approach.

- (a) Development Application 145/2021(2) be delegated to the Director Sustainable Development for the preparation and issue of the modified notice of determination, removing the deferred commencement condition, for a Recyclables Storage Facility (Waste Transfer Station) at 107-117 Willandra Avenue Griffith subject to conditions including those set out in Attachment H.**

While not recommended this could allow for the existing driveway to be utilised for the recycling facility with no internal civil works, parking, stormwater detention and the like.

OPTION 3

Refusal to modify the consent.

OPTION 4

Any other resolution of Council.

POLICY IMPLICATIONS

There are no adverse policy implications for Council in supporting this application.

FINANCIAL IMPLICATIONS

There are no reasonable expected adverse financial implications for Council in supporting this application.

LEGAL/STATUTORY IMPLICATIONS

If any recommendation is made other than Option 1 without the conditions for construction upgrades may lead to the setting of an undesirable precedent for development.

ENVIRONMENTAL IMPLICATIONS

There are no reasonably expected adverse environmental implications for Council in supporting this application.

COMMUNITY IMPLICATIONS

There are no adverse community implications for Council in supporting this application.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 7.1 Encourage respectful planning, balanced growth and sustainable design.

CONSULTATION

Senior Management Team, Director Sustainable Development, Planning & Environment Manager, Development Assessment Panel, the applicant, surrounding land owners as a result of notification in accordance with Council's Community Participation Plan.

ATTACHMENTS

(a)	DA 145/2021(2) - Draft Conditions of Consent ↓	36
(b)	DA 145/2021(1) - Report to Ordinary Council 25 October 2022 ↓	55
(c)	DA 145/2021(1) - Minutes 25 October 2022 ↓	71
(d)	DA 145/2021(1) - Issued Notice of Determination Recycling Facility - Deferred Commencement ↓	74
(e)	DA 186/2018(2) - Issued Notice of Determination Truck Depot & Refuelling Facility ↓	86
(f)	DA 145/2021(2) - Modification Application Plans ↓	112
(g)	DA 145/2021(2) - Modification Correspondence from Applicant ↓	116
(h)	DA 145/2021(2) - Draft Conditions Option 2 ↓	122

Attachment A – Draft Conditions of Consent

All yellow highlights are modified or inserted conditions to DA 145/2021

Blue highlight to condition one reflects plans to be approved

All conditions have been renumbered where conditions were inserted.

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

1. Approved Development

Development consent has been granted for waste transfer station relating to the 'Earn and return' recycling scheme at Lot 2 DP 1145133 107-117 Willandra Avenue GRIFFITH and Lot 1 DP 1296228 (previously known as part of Lot 8060 DP 1198761 – MI Drainage Channel between the property and Willandra Avenue).

Stage A: Use of part of the property for the purpose of a waste transfer station utilising the existing driveway for access to the recycling facility for a period of twelve (12) to eighteen (18) months (weather permitting), or until the approved western driveway is completed, whichever occurs first.

Stage B & C: Continued operation of the waste transfer station via the western access constructed from Willandra Avenue as detailed on approved plans for Stage B and C.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a waste transfer station, which is defined as:

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

The development must be implemented in accordance with Development Application No. 145/2021(1) accepted by Council on 16 July 2021 and as subsequently amended 02 March 2023, and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Plan and elevation Recyclables storage area DA 01a	24 August 2022	Miestudio
Stage A – Existing Access Recycling Facility	25 September 2023	Xeros Piccolo
Stage B – Proposed Recycling Facility Project	25 September 2023	Xeros Piccolo
Stage C – Proposed Recycling Facility Project	25 September 2023	Xeros Piccolo

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environmental Effects	22 August 2022	Planningmatters Development Service

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

(modified date)

2. Storage volume

The total volume of recyclables to be stockpiled shall not exceed 50m³ at any one time with up to 1000 tonnes of recyclables stored and transferred to and from the site per annum.

3. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

4. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

5. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

6. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

7. Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

8. National Construction Code

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

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

9. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

10. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further the work can continue.

11. Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works. The Construction Certificate can be issued either by Council or a private certifier.

12. Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428* Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

13. Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to this building. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

14. Construction Approval (Civil Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Approval (Civil Works) prior to commencing civil works. This approval can only be issued by Council. An Application for Construction Approval (Civil Works) form, complete with detailed plans and specifications, shall be submitted to Council for the Construction Approval (Civil Works).

(inserted date)

15. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(inserted date)

16. Clearing of Vegetation

Vegetation shall not be burned on the site. All vegetation that is approved to be cleared to allow the development shall be either relocated, chipped and/or mulched and removed from the site for disposal at an approved waste recycling or management depot.

(inserted date)

17. Property Number

The property has been allocated the following street number: 107-117 Willandra Avenue.

This number is to be prominently displayed at the street frontage or any other position which is clearly visible from the street during construction and at completion.

(inserted dated)

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

18. Payment of building and construction industry long service levy

(deleted date)

19. Schedule of finishes

Prior to the issue of the Construction Certificate for building works, a schedule of external finishes of the proposed building are to be provided to and approved by Council.

20. Stormwater Drainage

All stormwater runoff shall be directed to the onsite detention system which is to be designed and constructed for DA 186/2018. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings including hydraulic calculations for the existing and proposed drainage system are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards Stormwater Drainage & Disposal Policy (CS-CP- 310)* and are to be submitted to Council for approval **prior to the issue of a Construction Certificate for Building Works.**

21. Onsite detention

Stormwater detention is to be created onsite for the critical storm event. The maximum developed stormwater discharge shall not exceed the pre-development stormwater discharge from the site. Design and details including hydraulic calculations are to be submitted to Council for approval in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards*, *Council's Onsite Detention Policy (CS-CP-404)* and *Council's Stormwater Drainage & Disposal Policy (CS-CP-310)* **prior to the issue of a Construction Certificate for building works.**

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

(inserted date)

22. Recyclables drainage pit

Prior to the issue of the Construction Certificate details are to be provided for the proposed recyclables drainage pit including grade of floor and drain and volume of pit. Details of management of the pit are to be submitted for approval to ensure the pit does not overflow or contaminate the ground or stormwater systems.

23. Discharge of water into Murrumbidgee Irrigation drainage channel

Any proposal to discharge water into Murrumbidgee Irrigation's drainage channel system must be supported by written approval from Murrumbidgee Irrigation (MI). A copy of MI's approval and conditions must be submitted to Council **prior to the issue of a Construction Certificate for building works.**

(inserted date)

24. Construction Approval (Civil Works) in relation to all road works and access

Prior to the issue of a Construction Certificate for DA 145/2021, a Construction Approval (Civil Works) in relation to all road works and property access for Stage B of the development must be submitted to Council for assessment and approval.

(modified dated)

25. Traffic Management Plan (TMP)

A Traffic Management Plan (TMP) is to be prepared by a suitably qualified professional detailing the proposed traffic control and management arrangements to be in place until such time as the off and on site road and accessway works have been completed. The Traffic Management Plan shall be submitted to Council for approval and is to include, but not be limited to, the following:

- (a) management of the loading and unloading of vehicles (up to and including the largest size vehicle accessing the development);
- (b) parking;
- (c) internal vehicle manoeuvring;
- (d) pedestrian safety measures for staff and visitors; and
- (e) ingress and egress movements of vehicles accessing the development from the public road.

All traffic control and management arrangements in the approved Traffic Management Plan is to be installed prior to the lodgement of a Construction Certificate application.

(modified dated)

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

26. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

27. Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) 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 any 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.

28. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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

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

29. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

30. Construction Management Plan (CMP)

Prior to the commencement of work within councils road reserve, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- a. the management of traffic during construction;
- b. the management of loading and unloading of construction materials on site;
- c. material stockpiling/storage;
- d. identify parking for construction worker vehicles;
- e. dust mitigation measures; and
- f. complaint management and contingency measures.

The construction management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

(inserted dated)

31. Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance prior to the commencement of work within Council's road reserve. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

(inserted dated)

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

32. No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

33. Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition 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.

34. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and

- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

35. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

36. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

37. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

38. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

39. Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting an application via the NSW Planning Portal and linking it to the Development Application or Construction Certificate application.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

40. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works to maintain public safety/amenity.

(inserted dated)

41. Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries.

(inserted dated)

Prior to the issue of the Occupation Certificate for Building Works

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

42. Fire Safety Certificate

An occupation certificate authorising a person

- (a) to commence occupation or use of a new building, or
- (b) to commence a change of use for an existing building, must not be issued unless a

final fire safety certificate has been issued for the building.

An occupation certificate authorising a person

- (a) to commence occupation or use of a partially completed new building, or
- (b) to commence a change of use for part of an existing building, must not be issued unless a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

43. Recyclables drainage pit

Prior to the issue of the Occupation Certificate the recyclables drainage pit is to be constructed as per the approved plan.

44. Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate, stormwater infrastructure to the onsite detention system is to be installed in accordance with the approved plan, Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

45. Installation of stormwater infrastructure

Prior to the issue of the Occupation Certificate, stormwater infrastructure and the onsite detention system are to be installed in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards*, Council's *Onsite Detention Policy (CS-CP-404)*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

(inserted date)

46. Murrumbidgee Irrigation

The applicant shall obtain written approval from Murrumbidgee Irrigation for the proposed truck depot. Written unconditional consent from Murrumbidgee Irrigation shall be submitted to Council **prior to the issue of an Occupation Certificate**.

(inserted date)

47. Off-Street Parking

Prior to the issue of the Occupation Certificate, two (2) parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's *Development Control Plan No. 20 Off-street Parking Policy*, including one (1) car parking space in accordance with *Australian Standard 2890.6:2009* for disabled persons are to be provided on site to serve the development. Spaces adjacent to walls or other obstructions, which may affect door openings or vehicle manoeuvring, are to be widened by an additional 300mm on the side of the obstruction(s).

NOTE: This consent does not guarantee compliance with the *Disability Discrimination Act, 1992* and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

(inserted date)

48. Linemarking

Delineation of parking bays and directional lines are to be implemented in accordance with the approved plans and *Australian Standard 2890.1:2004* prior to the issue of the Occupation Certificate. Parking bay delineation and directional lines are to be installed.

(inserted date)

49. Sealing of parking and manoeuvring areas

Prior to the issue of the Occupation Certificate, all car parking areas, and areas forward of the building line of the existing shed are to be bitumen sealed as a minimum. The remaining vehicular manoeuvring areas and general use areas are to be constructed of compacted road building gravel in accordance with Council's *Sealing of Parking and Manoeuvring Areas Policy (CS-CP-405)*.

(inserted date)

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

50. Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

51. Sole Occupancy

The premise is to be used solely as one unit and is not to be sub-let or divided into separate sections or used for any additional or unauthorised purposes.

52. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building, which; are to be reclaimed and disposed of within a 24 hour period, such that the site remains in a clean state and there is no nuisance to adjoining property.

53. Landscape screening

The existing citrus plantings directly located at the rear of the proposed storage facility shall be maintained for the life of the development. Alternatively suitable screening vegetation shall be planted on the western side of the building to reduce the bulkiness and visual impact of the tilt panel wall. Screening could be in the form of a tall hedge or trees.

Similarly, screening trees are to be maintained on the Kidman Way frontage of the site.

54. Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

55. Storage of Goods and Trade Waste

No waste associated with the facility is to be stored at any time outside the recyclables storage area.

56. Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

57. Redundant accessway

The existing access way off Willandra Avenue servicing the subject allotment shall be made redundant and the road reserve is to be reinstated to match the surrounding streetscape. All works shall comply with the requirements specified in *Council's Engineering Guidelines - Subdivisions and Development Standards*. These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted date)

58. Traffic Management Plan (TMP)

At the completion of the Griffith Southern Industrial Link Road, all Restricted Access Vehicles (RAVs) accessing the subject allotment are limited to left-in, right-out movements only. This requirement is to be reflected in a Traffic Management Plan (TMP) for the proposed development.

The TMP is to be prepared by a suitably qualified engineer detailing the proposed traffic control and management arrangements. The Traffic Management Plan shall be submitted to Council for approval and is to include, but not be limited to, the following:

- a. management of the loading and unloading of vehicles (up to and including the largest size vehicle accessing the development);
- b. parking;
- c. internal vehicle manoeuvring;
- d. pedestrian safety measures; and
- e. ingress and egress movements of vehicles accessing the development from the public road
- f. dust mitigation measures to be implemented for the lifetime of the development.

All traffic control and management arrangements in the approved Traffic Management Plan is to be installed within eighteen (18) months of the date of this modified notice of determination.

(inserted dated)

59. Access/intersection works

A concrete or bitumen sealed access is to be provided between the property boundary and the road carriageway off Willandra Avenue. The new accessway is to be located a minimum of 150m from the roundabout at the intersection of Willandra Avenue and Kidman Way.

Road works will be required to Willandra Avenue at the access connection point. As a minimum a Channelised Right Turn (CHR(s)) and an Auxiliary Left Turn (AUL) are to be provided.

The CHR(s) is to be designed in accordance with the Austroads *Guide to Road Design – Extended Design Domain Figure A.7 – lower through lane deviation treatment*. It is to be designed and constructed to the south-western side of the existing centreline of Willandra Avenue. The AUL is to be designed to a minimum length of 100 metres.

Access and road upgrade are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and the Austroads Guidelines as amended by the supplements adopted by Transport - Roads and Maritime Services for the prevailing speed limit and RMS Technical Directions

These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted dated)

60. Concrete median

A concrete traffic median is to be constructed along Willandra Avenue. The median is to be constructed to restrict right turning movements out of the north-western most driveway to Lot 6 DP 859691 (Griffith Gateway Complex). The median is to include a pedestrian refuge and lighting.

Works are to be completed in accordance with the approved design, *Council's Engineering Guidelines - Subdivisions and Development Standards*, and *Austroads Guide to Road Design* as amended by the technical directions issued by the NSW Roads and Maritime Services.

These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted date)

61. Kerb and gutter construction

Nominal 150mm high integral kerb & guttering and associated road works are to be constructed along the south-western side of Willandra Avenue for the full frontage of the subject allotment. All works are to be completed in accordance with *Council's Engineering Guidelines for Subdivisions and Development Standards*.

These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted date)

62. Entry Gate Setback

Any entry gate installed for the subject development shall be set back a minimum storage length of 40 metres from the Willandra Avenue road carriageway.

(inserted date)

63. Ongoing access to site

The following conditions will apply for the lifetime of the subject development:

- a. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.
- b. All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety.
- c. All vehicular loading and unloading is to be carried out within the site to prevent interference with the use of the public road by vehicles and pedestrians.
- d. Vehicles accessing the development are to be limited to 36.5 metre Road Trains Vehicles as specified in *Austroads Design Vehicles and Turning Path Templates Guide 2013*.
- e. The approved Traffic Management Plan is to be adhered to at all times.

(inserted date)

64. Access maintenance

The property owner remains responsible for the upkeep and maintenance of the accessway and associated facilities for the lifetime of the proposed development.

(inserted date)

65. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.

(inserted date)

66. Clear Zone

The design of the road upgrade, kerb and gutter, and intersection works to be completed on Willandra Avenue as part of the subject development shall address the proximity of the existing power poles along the south-western side of Willandra Avenue.

All works are to be designed in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*, *Austroads Guidelines* as amended by the supplements adopted by Transport - Roads and Maritime Services for the prevailing speed limit and RMS Technical Directions for the full frontage of the development. These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted date)

67. Pavement Design

Proposed roadworks on Willandra Avenue to be in accordance with a Council approved pavement design, completed by a qualified geotechnical engineer and must conform to *Council's Engineering Guidelines - Subdivisions and Development Standards*, the *Austrroads Guide to Pavement Technology*. These works are to be completed within eighteen (18) months of the date of this modified notice of determination.

(inserted date)

68. To mitigate the impact on nearby residential receptors the person or entity with the benefit of the consent shall ensure:

- (a) The maximum number of trucks (prime movers) associated with the operation of the truck depot shall not exceed 30, and the maximum number of trailers standing upon the site at any one time shall not exceed 80.
- (b) Trucks entering the site during the evening and night time hours – 6.00 pm to 7.00 am must drive into position and turn off engines immediately once stationary. No reversing movements are permitted. Engines are to be turned off whilst refuelling occurs.
- (c) Trucks and other plant and equipment should not be left idling unnecessarily when stationary. Trucks and other machinery found to produce excessive noise compared to industry best practice are to be removed from the site or stood down until repairs or modifications can be made.
- (d) Any refrigerated vans / trailers entering the site must have the refrigeration units switched off before entering the site and remain switched off at all times.
- (e) The new/upgraded truck wash facility is only to be used during the day time and evening periods. All pumps and equipment associated with the truck wash facility are to be installed at ground level.
- (f) The existing truck wash is to be decommissioned.
- (g) All activities in the maintenance workshop are to be confined to day time hours Monday to Saturday – 7.00 am to 6.00 pm. The person or entity with the benefit of the consent shall keep a log of emergency repairs carried out outside the approved hours.
- (h) All activities associated with the maintenance workshop must be carried out within the buildings. With the exception of carrying out visual inspections, no maintenance, tyre changing and the like is permitted outside of these buildings.
- (i) All compressors must be located within the workshop and tyre warehouse or in acoustically designed enclosures.
- (j) Fork lifts are only to operate during day time hours: 7.00 am to 6.00 pm. Any warning alarm or device is to comply with the relevant Australian Standard and satisfy the requirements of the Work Health and Safety legislation.

(inserted date)

69. 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 (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(inserted date)

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy

Strictly based on the documents submitted, Essential Energy makes the following comments to make potential safety risks arising from the proposed development:

1. As to the proposed driveway access:

- a. The power pole in the location of the proposed driveway must be re-located, at the Applicant's expense. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
- a. Any proposed driveway access and/or exit (concrete crossovers) must remain at least 3.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- a. The proposed driveway must comply with clearances for trafficable land, ground clearances must be maintained.

2. Minimum safety clearance requirements are to be maintained at all times for the proposed roadway where roadworks are to be undertaken, as such roadway passes under Essential Energy's existing overhead powerlines located at the front of the property. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

3. Minimum safe distance requirements are to be maintained at all times for all fixed height vehicles/trucks that will pass under Essential Energy's existing overhead powerlines located at the front of the property. Refer *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure* and Essential Energy's *Work Near Overhead Powerlines* brochure.

Essential Energy also makes the following general comments:

- a. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- c. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- d. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

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

(inserted date)

Attachment D – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil

Griffith City Council**DA REPORT**

CLAUSE	CL02
PROPOSAL	DA 145/2021 - WASTE OR RESOURCE TRANSFER STATION (RECYCLING STORAGE FACILITY)
PROPERTY	Lot 2 DP 1145133 – Nos. 107-117 Willandra Avenue and part of Lot 8060 DP 1198761 – MI Drainage Channel between the property and Willandra Avenue
LOCATION	Griffith
ZONING	B6 – Enterprise Corridor
APPLICABLE PLANNING INSTRUMENT	Griffith Local Environmental Plan, 2014
EXISTING DEVELOPMENT	Truck Depot & ancillary infrastructure
APPLICANT	Planningmatters Development Service
OWNER	Young Property Holdings Pty Ltd & Murrumbidgee Irrigation Ltd regarding Lot 8060 DP 1198761)
DIRECTORS OF COMPANY (IF APPLICABLE)	Martin Ruggeri (Planningmatters Development Service); Greg & Judith Young (Young Property Holdings P/L)
APPLICATION DATE	16 Jun 2021
REASON FOR REFERRAL	Submissions objecting to the application
FROM	Joanne Tarbit, Development Assessment Planner
TRIM REF	22/122739

SUMMARY

Note this report was laid on the table at the Council Meeting held 11 October 2022.

Proposal

- The application has been referred to the Ordinary Meeting of Council on the basis of three (3) written objections to the development application.
- The proposal is for the construction and use of a recycling storage facility. Recyclables to be stored on the site will comprise drink containers that have been collected from deposit stations/containers associated with the NSW State Government's 'Return & Earn' recycling scheme pending transportation to Wagga Wagga for processing.
- The application documents have indicated that a maximum of seven (7) heavy rigid vehicles per day would deliver recyclables to the site, with one a maximum of (1) B-Double vehicle picking up from the site per day, in addition to the 'transport depot' land use.
- The proposed development has been submitted as an additional use at the site of the 'Transport Depot' as previously approved (DA 186/2018(1)). The approval and use of the site is concurrently under assessment for a modification DA 186/2018(2) in relation to the layout and access to the site. The existing access way to the site is considered to be unsafe given the proximity to the Kidman Way/Willandra Avenue roundabout. The new access is yet to be constructed.
- The subject application DA 145/2021 relies on the proposed new access to the site which is yet to be constructed and therefore it is recommended that this application be

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)

approved with 'deferred commencement' conditions relating to the new access, based on the details contained in report – See Attachment A.

Type of Development

Local

Main Issues

Submissions objecting to the development, received as a result of notification of the application in accordance with the Community Participation Plan.

RECOMMENDATION

- (a) **The Report be raised from the table.**
- (b) **Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to Development Application DA 145/2021 for a Recycling Storage Facility at 107-117 Willandra Avenue Griffith subject to the conditions including those set out in Attachment 'A' of this report; and**
- (c) **Development Application 145/2021 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.**

In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillors' votes in relation to this matter.

SITE DESCRIPTION

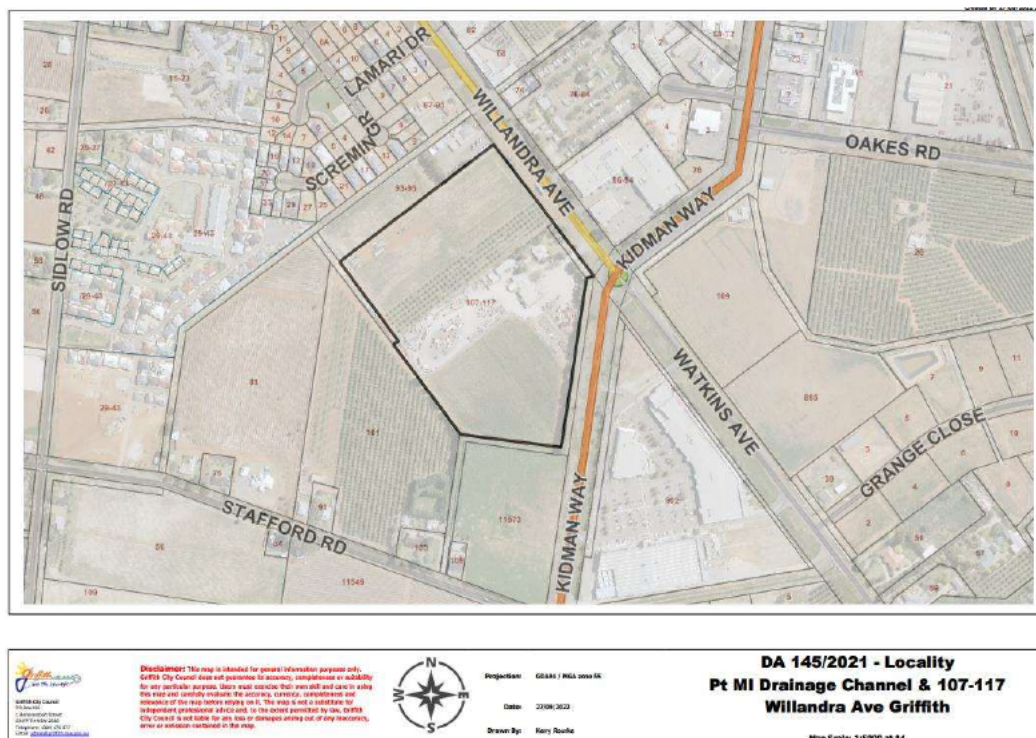
The site is located on the western side of Kidman Way on the intersection with Willandra Avenue and opposite the gateway bulky goods shopping centre. The land has an area of 8 hectares with a frontage to Willandra Avenue of 216m and has a depth of approximately 270m and currently contains a dwelling house, and associated septic system, detached garage, a number of sheds, with associated office, portable tea room, portable amenities block, uncovered wash bay, multiple shipping containers, storage areas for landscape supplies, and extensive gravel truck parking and manoeuvring areas. The site can be accessed via a gravel driveway.

The site is generally flat with low points to the south east near the Kidman Way and another near the proposed new entrance off Willandra Avenue. Contours suggest the areas associated with the truck depot are slightly elevated.

The locality comprises bulky good shopping centres and some undeveloped land and is adjoined by a caravan shop and horticulture farmland.

A mix of Athol Pine and Casuarina trees line the eastern boundary of the site on the Kidman Way providing a valuable screening of the depot. Similarly a variety of exotic garden trees near the dwelling on the site provide screening to Willandra Avenue. Further screening is provided to the west by four rows of citrus. These latter trees are to be retained, however trees at the Willandra Avenue frontage of the site have been approved for removal approval under the 'Tree Preservation Order', with the land proposed to be redeveloped as carpark, as part of the modified Development Application 186/2018(2) currently under assessment by Council.

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)

LOCATION MAP**BACKGROUND****Site History**

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available the following can be established:

An inspection of the subject site in 2000 revealed storage of citrus peels, which were stored till dry and then transported to Rockdale feedlot (Yanco). Council EHO staff determined that the storage on site was acceptable at the time. Approval to transport waste (presumably citrus peels) was approved in 2004. This approval requires annual renewal, though no further approval has been requested.

DA 36/2009 for the two lot subdivision of land allowing for the transport depot and the caravan shop to be on separated titles.

DA 38/2007 was rejected. The Development Application was for the selling of fruit and veg produce from the nature strip near the subject site.

DA 186/2018 for the continuing use of a truck depot and new refuelling facility was approved 3 October 2019. A modification to this application is currently with Council for assessment, which has also received submissions in objection and will be separately reported to Council.

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)

Application and Compliance timeline (additional information)

Compliance Action Notice of Order	25 January 2021 & 14 May 2021 pertaining to use of land – Stop using the premises as a recycling transfer facility and seek appropriate consent to operate.
DA 145/2021 Lodged	16/06/2021
DAP	17/06/2021
TfNSW	24/06/21 – 29/07/2021
Advertise & Notify	25/06/21 - 9/07/2021
Add info	8/07/21 – 24/08/2022 (413 Stop days) Greater detail of operations, waste storage, amenity, volumes, height of recyclables, storm water and leachate disposal, consideration of fire safety guidelines. Amended plan also requested to lower height.
All 5 Submissions sent to applicant	29/07/2022
Development Engineers	17/06/21 – 24/08/2022
Building Surveyors	23/08/22 – 25/08/2022
Additional information received	24/08/2022 (currently at 84 calendar days actively with Council of 497 days since lodgement).

PROPOSAL IN DETAIL

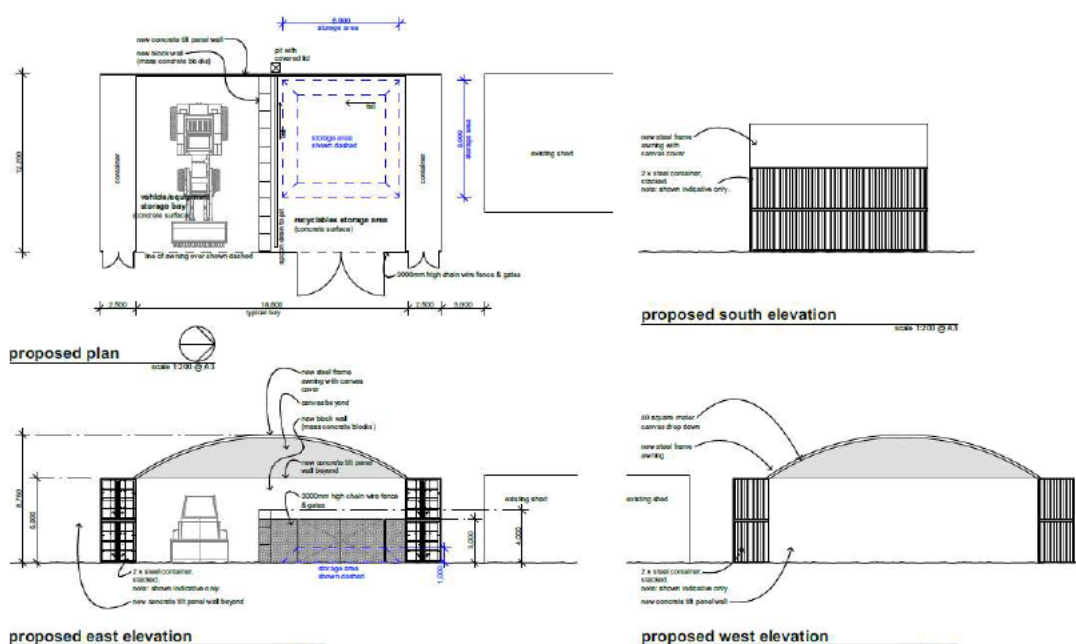
The proposed development relates to the construction of roofed hardstand storage areas and the continued use of part of premises for the purposes of a recycling storage facility on Lot 2 DP 1145133, Willandra Avenue, Griffith (see Attachment B). The recyclables to be stored on the site will comprise empty plastic & glass bottles and metal cans that have been collected from deposit stations/containers associated with the NSW State Government's 'Return & Earn' recycling scheme pending transportation to Wagga Wagga for processing.

No signage is proposed as part of the development.

The business that currently occupies the site has approximately 30 prime movers and up to 80 trailers mainly used in a B-Double or Road Train configuration. Vehicle movements from the site include approximately 209 movements per day of which 69 movements comprise heavy vehicles.

While the business that currently occupies the subject site has Development Approval 186/2018, the consent has not been finalised nor an occupation certificate issued. The applicant has also submitted a modification for DA 186/2018(2) to relocate the proposed refuelling facility within the site and to define car parking and vehicular movements within the site, which is concurrently under assessment.

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)



ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act, 1979. The following matters are of relevance to the development the subject of the development application.

SECTION 4.15 (1)(a)(i) any environmental planning instrument

Griffith Local Environmental Plan 2014

(a) Permissibility

The proposed development is for Recycling Storage Facility and this falls under the definition of **waste or resource transfer station** in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- a resource recovery facility,
- a waste disposal facility,
- a waste or resource transfer station,
- a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

CL02 DA 145/2021 – Waste or Resource Transfer Station (Recycling Storage Facility)

The proposed waste or resource transfer station is ancillary to the truck depot use of the subject site. In any case, the subject land is zoned B6 Enterprise Corridor and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 a **waste or resource transfer station** is development that is permitted with the consent of Council. On this basis the proposed development is considered permissible.

(b) *Aims and Objectives*

The proposed development has been considered with regard to the aims of Griffith Local Environmental Plan 2014 as set down in Part 1, clause 1.2(2) which states:

- (a) *to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) *to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) *to manage and protect areas of environmental significance,*
- (e) *to recognise the historical development of the area and to preserve heritage items associated with it.*

The objectives for Zone B6 Enterprise Corridor set down in the Land Use Table are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To ensure residential development is associated with and ancillary to a primary business.*

The proposed development is considered to be consistent with the first three objectives of the zone and ancillary to the existing approved development at the site.

(c) *Principal Development Standards*

Section 4 of the Environmental Planning and Assessment Act 1979 defines a *development standard* as being a provision of an environmental planning instrument in relation to the carrying out of a development, being provisions by or under which requirements are specified or standards are fixed in respect to any aspect of the development.

Part 4 of Griffith Local Environmental Plan 2014 identifies the principal development standards that apply. In this instance there are no development standards applicable to the proposed development.

(d) *Additional Local Provisions*

(i) *Earthworks*

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)

The proposed development involves minor earthworks which are considered ancillary to the construction of the facility. These works are unlikely to have any detrimental impact on environmental functions and processes, nor effect neighbouring sites or cultural or heritage features of the surrounding land.

(ii) Essential services

Clause 7.10 states that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) *the supply of water,*

A water service is available at the site. It needs to be confirmed via a flow rate and pressure test if this service is adequate for fire protection needs.

(b) *the supply of electricity,*

Electricity is already available to the site.

(c) *the disposal and management of sewage,*

The disposal of sewerage on site is via an existing on-site septic system. The current system is old (not approved on council register) and serves as dwelling and a portable amenities block. The applicant advised it gets pumped out once a year.

A number of other sinks (mechanics workshops) and kitchenettes (two) and a truck wash drain so soil on site or direct to a stormwater drain. Sewer management has been conditioned in relation to DA 186/2018.

(d) *stormwater drainage or on-site conservation,*

Stormwater disposal was unclear on site with stormwater typically flowing overland and into MI drainage reserves. As for sewer, stormwater management has been conditioned in relation to DA 186/2018.

Further details relating to the management of stormwater specific to the waste transfer station including plans and calculations are to be provided as a condition of consent.

(e) *suitable vehicular access.*

Vehicle access to the site will require upgrading and has been conditioned in relation to DA 186/2018.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

The subject application was referred to Transport for NSW (TfNSW) as required by Section 2.119 Development with frontage to a classified road'.

TfNSW has assessed the application based on the documentation provided and advised 'would raise no objection on the basis that the Consent Authority ensures that the development is undertaken in accordance with the information submitted' with the application.

This advice is based on the following:

CL02 DA 145/2021 – Waste or Resource Transfer Station (Recycling Storage Facility)

- Access to the development is proposed from Willandra Avenue. Access is not proposed to the Kidman Way;
- The site is proposed as a bulk collection and storage facility for delivery from public collection locations with Griffith. As a bulk storage location the proposal does not to propose public access to the facility; and
- Based on the above the proposed development is anticipated to generate limited traffic.

SECTION 4.15 (1)(a)(iii) any development control plan

The following is a list of development control plans that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

DCP No.	DCP TITLE	APPLIES
DCP No. 1	Non-Urban Development	No
DCP No. 3	Industrial Development	Yes
DCP No. 11	Urban Subdivision	No
DCP No. 19	Mixed Development	No
DCP No. 20	Off Street Parking Policy	Yes
DCP 2020	Residential Development Control Plan	No

DCP 3 – Industrial development

1. All buildings setback greater than 10m to property boundaries. Landscaping to frontage of site existing
2. Access and car parking areas to be upgraded as previously conditioned in accordance with DA 186/2018. The site is currently accessed via the existing undefined gravel access close to the Kidman Way/ Willandra Avenue Roundabout. This access way is considered to be unsafe and does not serve the current needs of the site which have grown in terms of volume, vehicle size and number of movements over time without consent. As such, a deferred commencement condition has been placed on the consent requiring the new access associated with DA 186/2018 to be constructed before this consent is active.
3. Vehicular access to the site will comply with engineering guidelines
4. Car parking is calculated under the heading DCP 20 – Off Street Parking Policy over page
5. Most of the buildings on site are existing. This application relates to the construction of a new building for the purpose of a transfer station for the recycling of bottles and cans. The building is to be located within the site behind the existing buildings.
6. The buildings on site are existing. The proposed new building has adequate separation
7. Conditions will be placed on the development in relation to noise, sewer, stormwater management and operations to ensure the development complies with POEO Act and related legislation.
8. Landscaping is existing on site in the setback areas, though most has been approved for removal at the frontage of the site for the new car parking area associated with DA 186/2018. Orange trees to the west will also be retained as a screen to the site, and new carpark landscaping installed.

DCP20 – Off Street Parking Policy

The off street car parking policy requires a comparative analysis for the determination of car parking numbers associated with a waste management facility. Similarly a comparative analysis was required for the development application 186/2018 for the continuing use of a truck depot and refuelling station.

For the comparative analysis of DA 186/2018, the DA 98/2017 for Riverina Express (a similar Truck Depot) was considered. DA 98/2017 was for a larger premises including 50 prime movers and 80 trailers. The application submitted included the provision of 50 car parking spaces, which was agreed by Council as suitable for the needs of the site and conditioned.

The Willandra Avenue development application 186/2018 was assessed on the basis that the site caters for 30 prime movers and up to 80 trailers. A direct comparison was made and the application was approved with a total requirement of 30 car parking spaces.

The applicants SOEE for the proposed development DA 145/2021 suggests the development does not require any additional commuter car parking spaces given *'the proposed development itself is not considered to require the provision of any additional on-site parking spaces, provision exists for staff & visitors to currently park adjacent to the existing office & workshop building. Provision will exist for staff & visitors to be able to park in the new carpark that is proposed to be located along the site's north-eastern boundary as part of the application to modify DA 186/2018.'*

Conversations with the applicant confirm the proposed new use is unlikely to create additional demand for the storage of trucks on site, as the proposed truck to be used for the cartage of recycling will be used for the backfill loads from Wagga, rather than a new truck being dedicated to this new use. On this basis no new parking will be required for this application.

SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulations

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2000 and Development Control Plan 25 – Notification of Development Applications - set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

In addition to the statutory referral process identified in Part F of this report, the notification of the development included the following:

Notification Description	Required	Submission Period
Publication in Area News	No	
Letters to Neighbours	Yes	17 June 2021 – 9 July 2021

As a result of the public participation process, Council received four (4) submissions in response to the notification objecting to the development.

The applicant has chosen not to respond to the issues raised in the submissions.

The submissions (refer to documents Attachment C) may be summarised as follows, with Council comment following each matter raised:

CL02 DA 145/2021 - Waste or Resource Transfer Station (Recycling Storage Facility)

Issue / Council Assessment**Issue 1: Scale and traffic – Bypass route**

Griffith City Council Heavy Vehicle By Pass link is nearing completion which will make Willandra Avenue a local road no longer permissible to use for these types of heavy vehicles.

Can the applicant provide further clarification on the additional B-Double movements that the proposal will generate as it is unclear from the SoEE description?

Assessment:

The Kidman Way to the adjoining roundabout and that part of Willandra Avenue to the entrance to the subject site will remain a B-Double Route once the Heavy Vehicle Bypass Route is open. The anticipated maximum number of heavy rigid vehicles per day, based on the proposed capacity, is seven (7) with one (1) B-Double vehicle. The proposed development will be utilising existing trucks to backfill loads to and from Wagga Wagga. The site remains capped at 30 heavy vehicles as defined by the National Heavy Vehicle Law (NHVL) and a maximum of 80 trailers as conditioned by DA 186/2018.

Issue 2: Scale and traffic – Local movements

We strongly object to any traffic movement changes, which impact on 86-94 Willandra Avenue also known as the Gateway Centre Griffith. The General Layout Plan submitted with the application includes a notation relating to the staff carpark / loading bay exit driveway from the Gateway site to 'Provide raised pedestrian refuge to prevent right turn exit from existing driveway...'

Assessment:

The proposed development application does not include any road works, including any works which would impact on the Gateway Shopping Centre. The works indicated on the plan relate to works previously conditioned and/or approved for DA 186/2018 which relate to the construction of a new access for the use of the site as a truck depot and refuelling station depot. No changes to these arrangements relate to this application.

Issue 3: Alternate sites for Waste Depot

A waste or resource transfer station on this site is not acceptable as it neighbours our shop, Willandra Gardens new housing estate, a Cinema and Family Fun Land, multiple bulky goods and retail outlets, new neighbouring approved truck stop with food, and the expanding Trowella Retirement Estate.

Griffith is not land locked and surely there is a more appropriate site for this scale of truck depot / re-fuelling station and waste and resource transfer station. There are many other appropriate sites on approved and future Heavy Vehicle routes.

Assessment:

Council assesses Development Applications as submitted. The use of the site for a truck depot and refuelling station has already been assessed and approved by Council (DA 186/2018).

While other sites may be suitable for the proposed development, it is considered that the proposed use of the site is also suitable given it is an ancillary of the use of the site and will be limited though the volume of waste stored on site, annual volume and duration which the

CL02 DA 145/2021 – Waste or Resource Transfer Station (Recycling Storage Facility)

recyclables will be stored at the subject site. The proposed development is located over 100m to all property boundaries and is shielded from view by existing buildings and trees on the Kidman Way property boundary.

Issue 4: Increase of traffic through illegal use

The new application for a waste or resource transfer station has already illegally increased traffic to this site as it has been operating without Council approval as a waste or resource transfer station.

Assessment:

Regarding traffic movements the Statement of Environmental Effects advises the following in relation to traffic generation:

'The proposed development is not anticipated to result in a significant increase in the type or volume of vehicles that are currently associated with the use of the site for the purposes of a truck depot. Whilst heavy vehicles delivering recyclables to the site will be operated by a waste contractor and would otherwise not be associated with the site on a day-to-day basis the heavy vehicles collecting recyclables from the site are operated by the business that occupies the truck depot on the subject land and therefore are not considered to result in additional vehicle movements.

It is anticipated that on average there could be approximately 1-4 deliveries of recyclables to the site per day with on occasions up to 5-7 deliveries [delivery by heavy rigid trucks] on the busiest of days during the summer months (i.e.: when demand for drinks in glass & plastic bottles and metal cans is greatest). There may be occasions throughout the year that there won't be any deliveries to the site and/or that deliveries may not occur every day such as during the winter months (i.e.: when demand for drinks in glass & plastic bottles and metal cans is less). It is anticipated that on average there could be approximately 1 B-Double transporting recyclables from the site almost (if not) every day.'

Council is aware of the use of the site for this land use without consent. An Order has been issued in this regard which is a separate matter to the development application before Council.

Issue 5: Odour

Anyone who has attended a return and earn recycling station would be fully aware of the stench / putrid odour that emits from this recycling waste so the claim that this will not occur on this site that will store and handle this type of waste is ridiculous.

This type of development so close to the City's most recent and major developments will create noise, smell, vermin, dust, rubbish, potential water run off contamination etc. and is clearly inappropriate for this site.

The application for a waste or resource transfer station within close proximity to our business goes against our fundamental principles of clean living.

Assessment:

It is agreed that the 'earn and return' recycling stations emit an odour when in close proximity to the facility. This odour dissipates with distance. These facilities collect glass, plastic and aluminium drink containers that are generally empty. Unlike a full recycling facility, these containers are not contaminated with food waste such as canned food. As such odour is limited and is considered unlikely to impact neighbouring developments which are over 100m to the subject site.

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Liquid runoff from within the recyclables storage area will be collected in a spoon drain and directed to a pit at the rear of the storage area. This can be pumped out as the need arises.

Issue 6: Permissibility

Zone B6 Enterprise Corridor objectives in the Griffith Local Environmental Plan 2014 (GLEP2014). The plan suggests the following developments are prohibited in the B6 zone.

- *Freight Transport facilities,*
- *Heavy Industrial storage establishments,*
- *Resource recovery facilities and*
- *Waste disposal facilities*

Assessment:

The proposed use is not considered to be the predominant land use and can be considered as ancillary to the previously approved Truck Depot. Determining that a development is ancillary rather than a dominant or mixed use development can be guided by the planning circular PS21-008 'How to Characterise Development'. The circular guides the characterisation of the land use with consideration of questions such as: the amount of land to be used for that component, whether the component is sub-servient to the dominant land use, is the relationship ancillary and physical proximity to the rest of the development?

In this case, the proposed development will use approximately 400m² including associated truck parking. The land is 8 hectares in size, with less than 1% to be dedicated to the proposed land use.

The dominant approved land use for a truck depot. The applicant has advised that trucks are required to bring goods to Griffith from Wagga Wagga. The proposed cartage of recyclables from Griffith to Wagga Wagga, provides regular use of the return trip which may otherwise be empty.

The proposed development is located in the approved footprint of the development close to the existing sheds on site, with separation for the purpose of fire safety.

On the basis of the above, it is considered the proposed land use is ancillary to the approved land use which is a Truck Depot.

Issue 7: On site vehicle movements

Can the applicant illustrate the Rigid and B Double truck movements through the facility to show how traffic will manoeuvre on the suggested existing hardstand areas when unloading and loading waste materials?

Can the applicant provide a traffic management plan for the increased vehicle movements through the current access to the site?

Assessment:

Council placed requirements for hardstand and all weather gravel treatments within trafficable areas of the site during the assessment of DA 186/2018. The subject application will utilise these areas for manoeuvring through the site. The proposed recyclables storage area will utilise an existing concrete pavement for the base of the covered structure, with unloading and pickup to occur in the adjoining all-weather gravel surface.

The site is limited to 30 trucks and 80 trailers operating from the site, with no additional vehicles to be approved as part of this application.

Issue 8: Waste Handling and runoff

When handling waste is it not best practice that the hardstand be impermeable to avoid contamination of the soil through the unloading, storage and loading processes?

Can the applicant show how the contaminated run off water and fluids from bottles and cans will be captured, stored, treated, and reused onsite?

Assessment:

The surface of the recyclables storage area is an existing concrete pavement. A drain will be provided to a pit at the rear of the facility which can be pumped out as needed. Liquid waste will not enter an existing on site effluent disposal system.

Issue 9: Operating hours

What are the actual proposed operating hours of the facility as it is not clear from the SoEE description? Is the facility proposed to operate 7 days a week as it is not clear from the SoEE description?

Assessment:

Hours of operation were approved under DA 186/2018 as the following:

(72) Hours of operation

The hours of operation are limited to the hours set out in the table below for general operation of the depot including use of the truck wash and the maintenance workshop:

Days	Time Period
Mondays to Friday	7.00am – 6.00pm
Saturday	8.00am – 6.00pm

Trucks are permitted to enter, park, refuel and leave the site outside of these hours.

Any alteration to these hours will require a modification to this consent or a separate development application.

Issue 10: Containment of waste

Is it not best practice when operating a recycling facility in a civic area that all loading and unloading of waste is conducted indoors to prevent loose uncontrolled waste from escaping the facility? Given the proponent has advised that there will be airborne waste this is a substantial consideration.

Can the applicant describe how the makeshift tunnel like structure with an opening height on each end of 8.6m approximately will adequately contain airborne waste with only a 2m high chainmesh fence?

Can the applicant advise if they intend to collect the airborne rubbish from their property only or will they extend this process to include the Kidman Way Road reserve and the adjacent properties to the proposed facility daily? Is this considered best practice for waste management?

Can the applicant provide information that supports the construction of a makeshift structure as proposed strives for the objectives of the Zone B6 Enterprise Corridor?

Assessment:

The applicant has amended the proposed structure to include a tilt panel wall for the full rear elevation, 4 metre high concrete blocks through the centre of the site, separating the storage area from the vehicle storage, and a 3m high chain fence/gate at the frontage.

A condition will be placed on the consent to ensure the use of the site does not create nuisance to neighbouring properties, and the waste is adequately contained within the site.

SECTION 4.15 (1) (e) the public interest

The provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environmental are avoided.

Community Participation Plan: The application was notified and advertised in accordance with the policy. Four (4) submissions were received from neighbouring properties in relation to the application which are considered under section 4.15(1)(d) of this report.

On the basis that the proposed development is considered to be consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030; Griffith Local Environmental Plan 2014 and other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

Refusal of the application & rectification works to be undertaken.

OPTION 3

Any other resolution of Council.

POLICY IMPLICATIONS

There are no policy implications for Council.

FINANCIAL IMPLICATIONS

There are no adverse financial implications for Council unless the applicant pursues an appeal against Council's determination in the Land & Environment Court.

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LEGAL/STATUTORY IMPLICATIONS

If the 'Deferred Commencement' condition is removed from the consent, and no other conditions of consent are inserted to ensure the construction of the proposed new site access and associated car parking and civil works, potential exists for legal action if there is an accident on a public road directly attributed to this development consent.

If any recommendation is made, other than Option 1 or 2, without the conditioned construction upgrade of the proposed site access to Willandra Avenue, there is significant increase in risk to the public. If Council does not require the works to be undertaken immediately, Council could be found to have failed in its responsibility to protect the public and itself be exposed to litigation should an accident occur.

Relevant necessary conditions of consent under DA 186/2018(2) in this regard to accessway upgrade are considered to be (as a minimum):

Prior to issue of Construction Approval for Civil Works

- 28 Access & intersection works
- 29 concrete median
- 30 kerb & gutter
- 31 turning path diagrams

Prior to issue of Occupation Certificate

- 53 Redundant accessway (pertaining to closure of existing access)
- 52 Traffic Management Plan
- 55 Access & Intersection works
- 56 Concrete median
- 57 Kerb & Gutter

On-going Requirements

- Turning path of largest size vehicle to be clear of obstructions at all times.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications for unless the entity with the benefit of the consent does not comply with conditions of consent.

COMMUNITY IMPLICATIONS

There are no adverse implications for the community.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 7.1 Encourage respectful planning, balanced growth and sustainable design.

CONSULTATION

Senior Management Team, Director Sustainable Development, Manager Planning & Environment, Engineering Design and Approvals Manager & the Development Assessment Panel.

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ATTACHMENTS

- (a) DA 145/2021 - Draft Conditions of Consent (under separate cover) [⇒](#)
- (b) DA 145/2021 - Application Documentation (under separate cover) [⇒](#)
- (c) DA 145/2021 - Submissions Objecting to DA (under separate cover) [⇒](#)



MINUTES

ORDINARY MEETING OF GRIFFITH CITY COUNCIL HELD IN GRIFFITH CITY COUNCIL CHAMBERS ON TUESDAY, 25 OCTOBER 2022 COMMENCING AT 7:00PM

PRESENT

Deputy Mayor, Councillor Glen Andreazza in the Chair, Mayor, Doug Curran (Zoom); Councillors Shari Blumer (Zoom), Simon Croce, Jenny Ellis (Zoom), Manjit Singh Lally, Melissa Marin, Christine Stead, Chris Sutton (Zoom), Laurie Testoni and Dino Zappacosta

STAFF

General Manager, Brett Stonestreet (Zoom), Director Economic & Organisational Development, Shireen Donaldson, Director Sustainable Development, Bruce Gibbs, Director Utilities, Graham Gordon, Director Infrastructure & Operations, Phil King, Director Business, Cultural & Financial Services, Max Turner and Minute Taker, Leanne Austin

MEDIA

The Area News, Cai Holroyd

1 COUNCIL ACKNOWLEDGEMENTS

The Meeting opened with Councillor Laurie Testoni reading the Opening Affirmation and the Acknowledgement of Country.

2 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

22/267

RESOLVED on the motion of Councillors Simon Croce and Christine Stead that an apology be received from Councillor Anne Napoli and leave of absence be granted and that requests for attendance by audio-visual link from Councillors Doug Curran, Jenny Ellis, Shari Blumer, Chris Sutton and General Manager, Brett Stonestreet be approved by Council.

For
Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Laurie Testoni
Councillor Dino Zappacosta

Against

The division was declared PASSED by 11 votes to 0.

Minutes of Ordinary Meeting of Council 25 October 2022

CL02 DA 145/2021 - WASTE OR RESOURCE TRANSFER STATION (RECYCLING STORAGE FACILITY)

22/274

RESOLVED on the motion of Councillors Christine Stead and Doug Curran that the report be raised from the table.

Councillors Doug Curran and Laurie Testoni moved the following **MOTION** that:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to Development Application DA 145/2021 for a Recycling Storage Facility at 107-117 Willandra Avenue Griffith subject to the conditions including those set out in Attachment 'A' of this report; and
- (b) Development Application 145/2021 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.

Councillors Laurie Testoni and Simon Croce moved the following **AMENDMENT** that:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to Development Application DA 145/2021 for a Recycling Storage Facility at 107-117 Willandra Avenue Griffith subject to the conditions including those set out in Attachment 'A' of this report, including an option to construct the driveway within a 12 to 18 month timeframe (weather permitting); and
- (b) Development Application 145/2021 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.

The Amendment was PUT.

For
Councillor Glen Andreazza
Councillor Simon Croce
Councillor Manjit Singh Lally
Councillor Christine Stead
Councillor Laurie Testoni

Against
Councillor Doug Curran
Councillor Shari Blumer
Councillor Jenny Ellis
Councillor Chris Sutton
Councillor Dino Zappacosta

The division was declared EQUAL 5 votes to 5.

The Deputy Mayor (Chair of the Meeting) used a casting vote to vote for the Amendment.

The Amendment was **CARRIED** by **6 votes to 5** and became the **MOTION**.

22/275

RESOLVED on the motion of Councillors Laurie Testoni and Simon Croce:

- (a) Council, as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979, grant consent to Development Application DA 145/2021 for a Recycling Storage Facility at 107-117 Willandra Avenue Griffith subject to the conditions including those set out in Attachment 'A' of this report, including an option to construct the driveway within a 12 to 18 month timeframe (weather permitting); and
- (b) Development Application 145/2021 be delegated to the Director of Sustainable Development for the preparation and issue of the notice of determination.

Minutes of Ordinary Meeting of Council 25 October 2022

In accordance with the Local Government Action (section 375A - Recording of voting on planning matters) Council must record the Councillor's vote in relation to the matter.

For
Councillor Glen Andreazza
Councillor Simon Croce
Councillor Manjit Singh Lally
Councillor Christine Stead
Councillor Laurie Testoni

Against
Councillor Doug Curran
Councillor Shari Blumer
Councillor Jenny Ellis
Councillor Chris Sutton
Councillor Dino Zappacosta

The division was declared EQUAL 5 votes to 5.

The Deputy Mayor (Chair of the Meeting) used a casting vote to vote for the Motion. The Motion was **CARRIED** by **6 votes to 5**.

Councillor Melissa Marin returned to the meeting at 7:45 pm.

Councillor Laurie Testoni left the meeting having declared a significant non-pecuniary interest, the time being 7:45 pm.

CL03 DA 25/2022 - STAGED MULTI-DWELLING HOUSING DEVELOPMENT
*** STAGE 1 RETENTION OF EXISTING DWELLING AND CONSTRUCTION OF TWO (2) NEW DWELLINGS * STAGE 2 - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF ONE (1) NEW DWELLING**

22/276

RESOLVED on the motion of Councillors Simon Croce and Doug Curran that the meeting suspend Standing Orders to allow Margaret Beasley to address Council.

For
Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Dino Zappacosta

Against

The division was declared PASSED by 10 votes to 0.

22/277

RESOLVED on the motion of Councillors Christine Stead and Simon Croce that the meeting resume Standing Orders.

For
Councillor Doug Curran
Councillor Glen Andreazza
Councillor Shari Blumer
Councillor Simon Croce
Councillor Jenny Ellis
Councillor Manjit Singh Lally
Councillor Melissa Marin
Councillor Christine Stead
Councillor Chris Sutton
Councillor Dino Zappacosta

Against



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION DEVELOPMENT CONSENT

Section 4.16(1)(a) Environmental Planning and Assessment Act, 1979

Development Application No.: 145/2021(1)

Applicant: Planningmatters Development Service
23 Noorilla Street
GRIFFITH NSW 2680

Description of Development: Recycling Storage Facility

Property Description: Lot 2 DP 1145133
107-117 Willandra Avenue GRIFFITH

Development application has been: approved subject to conditions in Attachment B & C

Date of Determination: 25 October 2022

Development consent operates from: 25 October 2022

Development consent lapses on: 25 October 2027

The reasons for the decision to grant approval to this application are:

- The development is considered to be permissible within the zone and meets the objectives of the zone.
- The development complies with the majority of relevant and applicable controls.
- Where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, and has been addressed by way of a condition of consent.
- Submissions have been taken into consideration and have been addressed by way of amended plans and conditions of consent.
- The development is appropriate to the character of the area and the land is considered to be suitable for the proposed development.
- The proposed development is unlikely to have any unreasonable impact on the environment.
- The development is not considered to raise any matter contrary to the public interest.

It is important that all conditions be carefully read and understood prior to the commencement of the development.

For further information regarding this matter please contact Council's Development Assessment Planner, Joanne Tarbit on 1300 176 077.



BRUCE GIBBS
DIRECTOR SUSTAINABLE DEVELOPMENT

Attachment A - General Advice

This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.

1. Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

2. Review of Determination

If you are dissatisfied with this decision, the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the Determination. The request must be made and determined within six (6) months of the date of this determination. It is advisable to lodge the application for review under Section 8.3 as soon as possible to facilitate the statutory timeframes.

3. Compliance with Development Consent

The development and all associated works must be carried out in accordance with this development consent and subsequent construction approvals.

4. Unauthorised Development

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent. An offence under *Environmental Planning and Assessment Act 1979* and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent. On the spot penalties may be imposed for works which are carried out in breach of this consent, or without consent.

5. National Construction Code and Australian Standards

This determination does not include an assessment of the proposed works under the National Code of Australia (NCC) and other relevant Standards. All new building work (including alterations and additions) must comply with the NCC and relevant Standards.

Attachment B – Deferred Commencement

(1) Deferred Commencement Consent

Council hereby grants “Deferred Commencement Consent” for the waste transfer station ancillary to transport depot.

In accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this development consent does not become operational until the following conditions have been met and/or satisfied:

- (a) All conditions relating to Development Application 186/2018 relating to the continuing use of the site for a transport depot and refuelling station have been met and related Occupation or compliance certificates issued with the option to construct the driveway within a 12 to 18 month timeframe (weather permitting);

In accordance with clause 4.53(6) of the Environmental Planning and Assessment Act, 1979, this “Deferred Commencement Consent” remains valid for a period of two years, from the date of notification. If Council is not completely satisfied within this time period as to the completion of the above matters, the development application will be deemed to have lapsed and the provisions of Section 8.7 shall apply as if the consent had been refused.

If the conditions listed in the “Deferred Commencement Consent” above are satisfied, Council will issue notice that the consent has become operational and the ‘Operational’ conditions of consent set out hereunder will then apply.

Attachment C – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for waste transfer station relating to the 'Earn and return' recycling scheme at Lot 2 DP 1145133 107-117 Willandra Avenue GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a waste transfer station, which is defined as:

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

The development must be implemented in accordance with Development Application No. 145/2021(1) accepted by Council on 16 July 2021 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Plan and elevation Recyclables storage area DA 01a	24 August 2022	Miestudio
General Layout Plan – Internal 2/2 Project No 200504 Rev A	22 August 2022	Xeros Piccolo

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environmental Effects	22 August 2022	Planningmatters Development Service

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

(2) Storage volume

The total volume of recyclables to be stockpiled shall not exceed 50m³ at any one time with up to 1000 tonnes of recyclables stored and transferred to and from the site per annum.

(3) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(4) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(5) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(6) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(7) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(8) National Construction Code

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

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

(9) Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

(10) Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

(11) Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works. The Construction Certificate can be issued either by Council or a private certifier.

(12) Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428* Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

(13) Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to this building. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

(14) Payment of building and construction industry long service levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

(15) Schedule of finishes

Prior to the issue of the Construction Certificate for building works, a schedule of external finishes of the proposed building are to be provided to and approved by Council.

(16) Stormwater Drainage

All stormwater runoff shall be directed to the onsite detention system which is to be designed and constructed for DA 186/2018. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings including hydraulic calculations for the existing and proposed drainage system are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards Stormwater Drainage & Disposal Policy (CS-CP- 310)* and are to be submitted to Council for approval **prior to the issue of a Construction Certificate for Building Works**.

(17) Recyclables drainage pit

Prior to the issue of the Construction Certificate details are to be provided for the proposed recyclables drainage pit including grade of floor and drain and volume of pit. Details of management of the pit are to be submitted for approval to ensure the pit does not overflow or contaminate the ground or stormwater systems.

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(18) Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

(19) Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) 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 any 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.

(20) Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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

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

(21) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(22) No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

(23) Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition 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.

(24) Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

(25) Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

(26) SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

(27) Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

(28) Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

(29) Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting an application via the NSW Planning Portal and linking it to the Development Application or Construction Certificate application.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

(30) Fire Safety Certificate

An occupation certificate authorising a person

- (a) to commence occupation or use of a new building, or
- (b) to commence a change of use for an existing building, must not be issued unless a final fire safety certificate has been issued for the building.

An occupation certificate authorising a person

- (a) to commence occupation or use of a partially completed new building, or
- (b) to commence a change of use for part of an existing building, must not be issued unless a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

(31) Recyclables drainage pit

Prior to the issue of the Occupation Certificate the recyclables drainage pit is to be constructed as per the approved plan.

(32) Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate, stormwater infrastructure to the onsite detention system is to be installed in accordance with the approved plan, Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(33) Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

(34) Sole Occupancy

The premise is to be used solely as one unit and is not to be sub-let or divided into separate sections or used for any additional or unauthorised purposes.

(35) Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building, which; are to be reclaimed and disposed of within a 24 hour period, such that the site remains in a clean state and there is no nuisance to adjoining property.

(36) Landscape screening

The existing citrus plantings directly located at the rear of the proposed storage facility shall be maintained for the life of the development. Alternatively suitable screening vegetation shall be planted on the western side of the building to reduce the bulkiness and visual impact of the tilt panel wall. Screening could be in the form of a tall hedge or trees.

Similarly, screening trees are to be maintained on the Kidman Way frontage of the site.

(37) Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

(38) Storage of Goods and Trade Waste

No waste associated with the facility is to be stored at any time outside the recyclables storage area.

(39) Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

Attachment D – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

Nil

Attachment E – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil



**SECTION 4.55(1A) MODIFICATION OF CONSENT
NOTICE OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

(Section 4.55(1A) Environmental Planning & Assessment Act, 1979)

Development Application No.: 186/2018(2)

Applicant(s): Planningmatters Development Service
23 Noorilla Street
GRIFFITH NSW 2680

Description of Development: Alteration/Addition to existing Commercial Premises

Property Description: Lot 2 DP 1145133 & Part Lot 8060 DP 1198761
107-117 Willandra Avenue GRIFFITH

Date of determination: 25 October 2022

Development application has been: granted consent *(subject to conditions in Attachment 'B')*

Development consent operates from: 3 October 2019

Development consent lapses on: 3 October 2024

'General terms of approval' given by: no other authorities

It is important that all conditions be carefully read and understood prior to the commencement of the development.

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

For further information regarding this matter please contact Council's Development Assessment Planner, Joanne Tarbit on 1300 176 077.



BRUCE GIBBS
DIRECTOR SUSTAINABLE DEVELOPMENT

Enc

Attachment A - General Advice

This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.

1. Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

2. Review of Determination

If you are dissatisfied with this decision, the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the Determination. The request must be made and determined within six (6) months of the date of this determination. It is advisable to lodge the application for review under Section 8.3 as soon as possible to facilitate the statutory timeframes.

3. Compliance with Development Consent

The development and all associated works must be carried out in accordance with this development consent and subsequent construction approvals.

4. Unauthorised Development

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent. An offence under *Environmental Planning and Assessment Act 1979* and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent. On the spot penalties may be imposed for works which are carried out in breach of this consent, or without consent.

5. Prior to commencement of any variations from the approved plans and conditions of approval, an amended development application and a (new or amended) Construction Certificate may be required to be submitted to and approved by Council or an Accredited Certifier. Failure to obtain the required prior written development consent from Council for any variations to the consent (and failure to obtain a new/amended construction certificate) is an offence, which may result in the above penalties or infringements.

6. National Construction Code and Australian Standards

This determination does not include an assessment of the proposed works under the National Code of Australia (NCC) and other relevant Standards. All new building work (including alterations and additions) must comply with the NCC and relevant Standards.

Attachment B – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for the continuing use of a Truck Depot and new ancillary refuelling facility at Lot 2 DP 1145133 & Part Lot 8060 DP 1198761, 107-117 Willandra Avenue.

This approval includes:

- Use of existing sheds and buildings on site for the purpose of office, servicing, tearoom, amenities and storage associated with the Truck Depot facility;
- Use of the site for a maximum fleet of 30 heavy vehicles as defined by the National Heavy Vehicle Law (NHVL) and a maximum of 80 trailers;
- The construction of a 110,000 litre aboveground bunded refuelling facility;
- The construction of a new access way to the site
- New staff and visitor car parking area;
- The construction of a new truck wash bay;
- Ancillary car parking for 30 vehicles.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a *truck depot*, which is defined as:

- *a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.*

The development must be implemented substantially in accordance with Development Application No. 186/2018 received by Council on 22 August 2018 and modified 10 June 2021 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Received by Council	Prepared or Drawn By
Overall Site Plan A0003 (Issue A dated 05/10/2021)	12 September 2022	Xeros Piccolo
General Layout Plan A1001 (Issue A dated 05/10/2021)	12 September 2022	Xeros Piccolo
General Layout Plan - Internal 1/2 A1002 (Issue A dated 05/10/2021)	12 September 2022	Xeros Piccolo
General Layout Plan – Internal 1/2 A1003 (Issue A dated 05/10/2021)	12 September 2022	Xeros Piccolo
Carpark Layout Plan B2001 (Issue A dated 05/10/2021)	12 September 2022	Xeros Piccolo
Proposed Pan and Elevation – Washbay	12 September 2022	Miestudio

Document	Date Received by Council	Prepared or Drawn By
Statement of Environmental Effects	21 August 2018	Planningmatters Development service
SEPP 33 Screening	21 August 2018	Advitech environmental
Traffic Assessment Report	18 June 2019	Varga Traffic Planning

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

Modified 25 October 2022

- (2) This approval does **not** include the use of the site as a waste or resource transfer station. A separate approval is required for this use.

'waste or resource transfer station' means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.'

- (3) Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works, prior to commencing building works. The Construction Certificate can be issued either by Council or a private certifier.

Modified 25 October 2022

- (4) Construction Approval (Civil Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Approval (Civil Works), prior to commencing civil works. This approval can only be issued by Council. An Application for Construction Approval (Civil Works) form, complete with detailed plans and specifications, shall be submitted to Council for the Construction Approval (Civil Works).

Modified 25 October 2022

- (5) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(6) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(7) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(8) Aboriginal or Cultural artefacts

Should any Aboriginal artefacts, other cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

(9) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(10) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(11) Clearing of Vegetation

Vegetation shall not be burned on the site. All vegetation that is approved to be cleared to allow the development shall be either relocated, chipped and/or mulched and removed from the site for disposal at an approved waste recycling or management depot.

(12) National Construction Code

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

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

(13) Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility*, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

(14) Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to any proposed buildings and to any proposed modification to current buildings. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

(15) Property Number

The Truck Depot has been allocated the following street number: 107-117 Willandra Avenue.

This number is to be prominently displayed at the street frontage or any other position which is clearly visible from the street during construction and at completion.

(16) Clause 93 - Building Upgrades Required

Consideration has been given to Clause 93 of the *Environmental Planning and Assessment Regulation 2000*. Council requires the building to be upgraded to comply with such of the Category 1 fire safety provisions as are applicable to the building's proposed use. Upgrading works required to be completed are as follows:

- Provide minimum 4.5kg all-purpose portable fire extinguisher to the administration part of the main building.

To carry out the above works the person with the benefit of the consent will require a construction certificate. Plans detailing compliance with the relevant Category 1 fire safety provisions, as listed above, shall be submitted with the application for a construction certificate.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

(17) **Relocated and modified to condition (34A) 25 October 2022**

(18) **Long Service Levy**

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441

(19) **Deleted and new Advisory Note (1) inserted 25 October 2022**

(20) **Section 64 Water Supply, Sewerage and Drainage Contributions**

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

Table of Contributions Required – Water & Sewerage

Type of contribution	Location	Amount per tenement	Number of tenements	Amount to be paid
Water supply	Griffith	\$7,652.00	4.65	\$35,581.80
Total				\$35,581.80

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

(21) **Section 7.12 Development Contributions**

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Council's adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.

Total payment shall be **\$4,000.00** (1% of the proposed cost of carrying out the development).

The contribution is to be paid **prior to the issue of the Construction Certificate**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

(22) Preliminary Site Investigation Report

Prior to the issue of the Construction Certificate, a preliminary site investigation report is to be prepared in accordance with the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* and submitted to Council. The report shall identify any site contamination that may be present as a result of previous land uses and means to remediate the land to make it suitable for the proposed development.

Before the Construction Certificate can be issued, the report shall conclude that:

- (a) No contamination exists, and therefore the construction of the development can proceed; or
- (b) Certain remediation needs to occur prior to construction commencing, in which case that remediation needs to be carried out and validated prior to any construction works; or
- (c) Remediation can occur during construction of the development.
- (d) Such proactive measures as may be required to prevent recurrence of contamination.

Should the investigation report identify that remediation is required, the applicant shall:

- (a) Within 30 days after the completion of the remediation works, a notice of completion, including a validation and/or monitoring report is to be submitted to Council. This notice must be consistent with clause 18 of SEPP 55.

(23) Boundary Fence

Details of the proposed security fence are to be provided to Council for approval **prior to the issue of the Construction Certificate for the fence**. Details are to include elevations and a site plan. The site plan shall detail property boundaries, existing trees, and gate access to the site. The security fence should be aesthetically designed with consideration of the site location being a key entrance point to Griffith.

Given the existing boundary screening trees and proposed new fence may conflict (as the trees have been planted on the property boundary), consideration should be given to maintaining the streetscape appearance by retaining screening trees and setting the new security fence within the subject site, rather than on the property boundary.

The gates on the new access driveway are to open inwards and shall be set 40m into the site to allow for the stacking on heavy vehicles off Willandra Avenue.

No entrance gate should be provided at the existing site entrance.

Modified 25 October 2022

(24) Wash Bay

Prior to the issue of the Construction Certificate for the wash bay, new plans are to be submitted to Council for approval. The wash bay area is to be covered and bunded in order to prevent ingress of stormwater and preclude escape of detergent and sediment.

The wastewater shall be treated onsite and disposed of to a dedicated vegetated or landscaped area, sub-surface irrigation or evaporation ponds. A pre-treatment system will also be required to ensure the wastewater is of a quality suitable for discharge to land.

Alternatively, the applicant is to obtain and submit to council, written approval from Murrumbidgee Irrigation for the discharge of treated wastewater from the site into Murrumbidgee Irrigation's drainage system.

Modified 25 October 2022

Prior to the issues of a Construction Approval (Civil Works)

Prior to commencing Civil Works you will need a Construction Approval (Civil Works) issued by Council. Before this approval can be issued, compliance with the following conditions is to be demonstrated.

(25) Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall be discharged via a **Class 1 Oil Water Separator**. Stormwater shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings and hydraulic calculations for the existing and proposed drainage system are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards* and *Council's Stormwater Drainage & Disposal Policy (CS-CP-310)* and are to be submitted to Council for approval **prior to the issue of a Construction Approval (Civil Works)**.

Modified 25 October 2022

(26) Onsite detention

Stormwater detention is to be created onsite for the critical storm event. The maximum developed stormwater discharge shall not exceed the pre-development stormwater discharge from the site. Design and details including hydraulic calculations are to be submitted to Council for approval in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards*, *Council's Onsite Detention Policy (CS-CP-404)* and *Council's Stormwater Drainage & Disposal Policy (CS-CP-310)* **prior to the issue of a Construction Approval (Civil Works)**.

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

Modified 25 October 2022

(27) Discharge of water into Murrumbidgee Irrigation drainage channel

Any proposal to discharge water into Murrumbidgee Irrigation's drainage channel system must be supported by written approval from Murrumbidgee Irrigation (MI). A copy of MI's approval and conditions must be submitted to Council **prior to the issue of a Construction Approval (Civil Works)**.

Modified 25 October 2022

(28) Access/intersection works

A concrete or bitumen sealed access is to be provided between the property boundary and the road carriageway off Willandra Avenue. The new accessway is to be located a minimum of 150m from the roundabout at the intersection of Willandra Avenue and Kidman Way.

Road works will be required to Willandra Avenue at the access connection point. As a minimum a Channelised Right Turn (CHR(s)) and an Auxiliary Left Turn (AUL) are to be provided.

The CHR(s) is to be designed in accordance with the Austroads *Guide to Road Design – Extended Design Domain Figure A.7 – lower through lane deviation treatment*. It is to be designed and constructed to the south-western side of the existing centreline of Willandra Avenue. The AUL is to be designed to a minimum length of 100 metres.

Detailed design drawings for the accessway and road works (including design and road building material) are to be submitted to Council for approval **prior to the issue of a Construction Approval (Civil Works)**. Design is to comply with Council's *Engineering Guidelines - Subdivisions and Development Standards* and *Austroads Guidelines*. All costs are to be borne by the developer.

Modified 25 October 2022

(29) Concrete median

A concrete traffic median is to be constructed along Willandra Avenue. The median is to be constructed to restrict right turning movements out of the north-westernmost driveway to Lot 6 DP 859691 (Griffith Gateway Complex). The median is to include a pedestrian refuge and lighting.

A detailed design of the concrete median is to be submitted to Council for approval **prior to the issue of a Construction Approval (Civil Works)**. Works are to be completed in accordance with the approved design, *Council's Engineering Guidelines - Subdivisions and Development Standards*, and *Austroads Guide to Road Design* as amended by the technical directions issued by the NSW Roads and Maritime Services.

Modified 25 October 2022

(30) Kerb and gutter construction

Nominal 150mm high integral kerb & guttering and associated road works are to be constructed along the south-western side of Willandra Avenue for the full frontage of the subject allotment. Detailed engineering design drawings for the kerb and gutter and associated works shall be submitted to Council for approval **prior to the issue of a Construction Approval (Civil Works)**. Such plans shall include designs and specifications for all proposed works as required for approval by Council. The requirements are to comply with *Council's Engineering Guidelines for Subdivisions and Development Standards*.

Modified 25 October 2022

(31) Turning path diagrams

The accessway, intersection treatment, and associated road works to be completed as part of the subject development are to be designed to accommodate the two-way movement of A-Double Road Trains (36.5m).

Prior to the issue of a Construction Approval (Civil Works), turning path diagrams are to be submitted to Council for approval which demonstrate that the movement of A-Double Road Trains (36.5m) can be accommodated by the proposed accessway and roadworks. The diagrams are to be completed in accordance with *Austroads Design Vehicles and Turning Path Templates Guide 2013*.

Modified 25 October 2022

(32) Clear Zone

Prior to the issue of a Construction Approval (Civil Works), the design of the road upgrade, kerb and gutter, and intersection works to be completed on Willandra Avenue as part of the subject development shall address the proximity of the existing power poles along the south-western side of Willandra Avenue.

All works are to be designed in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*, *Austroads Guidelines* as amended by the supplements adopted by Transport - Roads and Maritime Services for the prevailing speed limit and RMS Technical Directions for the full frontage of the development

Modified 25 October 2022

(33) Pavement Design

Prior to the issue of a Construction Approval (Civil Works), pavement design and specifications prepared by a suitably qualified Geotechnical Engineer shall be submitted to Council for approval. The pavement design must conform to *Council's Engineering Guidelines - Subdivisions and Development Standards*, the *Austroads Guide to Pavement Technology*.

Modified 25 October 2022

(34) Shared path

Prior to the issue of a Construction Approval (Civil Works), the applicant shall submit detailed design plans for a 2.5-metre-wide, shared concrete footpath. The concrete footpath is to be constructed along the south-western side of Willandra Avenue. The footpath is to extend from the northern most corner of the subject site, to the south of the proposed accessway for the subject site and cross Willandra Avenue (with a pedestrian refuge provided in the raised centre median to be constructed along Willandra Avenue) to link with the existing footpath on the north-eastern side of Willandra Avenue. Detailed design drawings are to comply with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Pedestrian and Bicycle Strategy – May 2018*.

Modified 25 October 2022

(34A) Landscape Plan

Prior to the issue of the Construction Certificate (Civil Works), a detailed landscaping plan shall be designed for the proposed development for all areas forward of the Truck Depot Shed building line. This shall include the carparking areas, new access to the site, boundary screening and nature strip. Three (3) copies are to be submitted to and approved by Council or the Principal Certifier.

- (a) The landscaping plan shall be drawn to scale (minimum 1:200) by a suitably qualified person and include: Identification of all trees to be retained or removed
- (b) The location of all existing and proposed tree and shrub species
- (c) Details to remediate the existing driveway access to the site
- (d) Height and spread of selected species at maturity
- (e) Irrigation measures
- (f) Security Fence location including any gates
- (g) The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.

Landscaping to be provided within the site and along the boundary with the adjoining road reserve to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site.

Shade trees are to be planted at a ratio of 1 tree for every 4 carparking spaces where existing shade is not available.

The purpose of the landscaping shall be to screen and soften the visual impact of the proposed development on the streetscape. The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.

Relocated and modified from Condition 17, 25 October 2022

(34B) Boundary Adjustment

Prior to the issue of the Construction Approval (Civil Works) relating to the new carpark at the frontage of the site, the subdivision certificate for the proposed boundary adjustment is to be finalised and lodged and registered with the NSW Land Registry Services.

Inserted 25 October 2022

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(35) Construction Management Plan (CMP)

Prior to the commencement of work, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the development. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- a. the management of traffic during construction;
- b. the management of loading and unloading of construction materials on site;
- c. material stockpiling/storage;
- d. identify parking for construction worker vehicles;
- e. dust mitigation measures; and
- f. complaint management and contingency measures.

The construction management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

(36) Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

(37) Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) 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 any 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.

(38) Erection of Signs

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

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

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

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

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

(39) Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(40) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works to maintain public safety/amenity.

(41) No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

(42) Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition 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.

(43) Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

(44) Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

(45) SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

(46) Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

(47) Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries.

(48) Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday to Saturday with no work to be undertaken on Sundays or Public Holidays.

Variation to these times may be permitted on submission of a written request to Council indicating the date/s and time/s of the proposed work. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

(49) Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
- (b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting a Notice of Works form.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning (02) 6962 8100 to arrange for an inspection to be carried out.

Prior to the issue of the Subdivision Certificate

Before Council will release the subdivision plan for the boundary adjustment, you will need to demonstrate compliance with the following conditions. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(1) Subdivision Certificate

A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the Land Property Information Office. An application for a Subdivision Certificate is required upon completion of all conditions of consent. The application is to be lodged with the Principle Certifier via the NSW Planning Portal.

Inserted 25 October 2022

(2) Murrumbidgee Irrigation

The applicant shall obtain written approval from Murrumbidgee Irrigation for the proposed boundary adjustment. Written unconditional consent from Murrumbidgee Irrigation shall be submitted to Council **prior to the issue of a Subdivision Certificate.**

Inserted 25 October 2022

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

(50) Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate, stormwater infrastructure and the onsite detention system are to be installed in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards*, Council's *Onsite Detention Policy (CS-CP-404)*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

(51) Murrumbidgee Irrigation

The applicant shall obtain written approval from Murrumbidgee Irrigation for the proposed truck depot. Written unconditional consent from Murrumbidgee Irrigation shall be submitted to Council **prior to the issue of an Occupation Certificate.**

(52) Class 1 Oil Water Separator

Prior to the issue of an Occupation Certificate, written confirmation from the contractor responsible for installing the Class 1 Oil Water Separator is to be submitted to Council confirming that the installation of the unit was completed in accordance with the manufacturer's specifications.

(53) Redundant accessway

Prior to the issue of an Occupation Certificate, the existing access way off Willandra Avenue servicing the subject allotment shall be made redundant and the road reserve is to be reinstated to match the surrounding streetscape. All works shall comply with the requirements specified in *Council's Engineering Guidelines - Subdivisions and Development Standards*.

(54) Traffic Management Plan (TMP)

At the completion of the Griffith Southern Industrial Link Road, all Restricted Access Vehicles (RAVs) accessing the subject allotment are limited to left-in, right-out movements only. This requirement is to be reflected in a Traffic Management Plan (TMP) for the proposed development.

The TMP is to be prepared by a suitably qualified engineer detailing the proposed traffic control and management arrangements. The Traffic Management Plan shall be submitted to Council for approval and is to include, but not be limited to, the following:

- a. management of the loading and unloading of vehicles (up to and including the largest size vehicle accessing the development);
- b. parking;
- c. internal vehicle manoeuvring;
- d. pedestrian safety measures; and
- e. ingress and egress movements of vehicles accessing the development from the public road
- f. dust mitigation measures to be implemented for the lifetime of the development.

All traffic control and management arrangements in the approved Traffic Management Plan is to be installed **prior to the issue of an Occupation Certificate**.

(55) Access/intersection works

Prior to the issue of an Occupation Certificate, a concrete or bitumen sealed access is to be provided between the property boundary and the road carriageway off Willandra Avenue. The new accessway is to be located a minimum of 150m from the roundabout at the intersection of Willandra Avenue and Kidman Way.

Road works will be required to Willandra Avenue at the access connection point. As a minimum a Channelised Right Turn (CHR(s)) and an Auxiliary Left Turn (AUL) are to be provided.

The CHR(s) is to be designed in accordance with the Austroads *Guide to Road Design – Extended Design Domain Figure A.7 – lower through lane deviation treatment*. It is to be designed and constructed to the south-western side of the existing centreline of Willandra Avenue. The AUL is to be designed to a minimum length of 100 metres.

Access and road upgrade are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and the Austroads Guidelines as amended by the supplements adopted by Transport - Roads and Maritime Services for the prevailing speed limit and RMS Technical Directions

Modified 25 October 2022

(56) Concrete median

Prior to the issue of an Occupation Certificate, a concrete traffic median is to be constructed along Willandra Avenue. The median is to be constructed to restrict right turning movements out of the north-western most driveway to Lot 6 DP 859691 (Griffith Gateway Complex). The median is to include a pedestrian refuge and lighting.

Works are to be completed in accordance with the approved design, *Council's Engineering Guidelines - Subdivisions and Development Standards*, and *Austroads Guide to Road Design* as amended by the technical directions issued by the NSW Roads and Maritime Services.

(57) Kerb and gutter construction

Prior to the issue of an Occupation Certificate, nominal 150mm high integral kerb & guttering and associated road works are to be constructed along the south-western side of Willandra Avenue for the full frontage of the subject allotment. All works are to be completed in accordance with *Council's Engineering Guidelines for Subdivisions and Development Standards*.

(58) Off-Street Parking

Prior to the issue of the Occupation Certificate thirty (30) parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's *Development Control Plan No. 20 Off-street Parking Policy*, including one (1) car parking space in accordance with *Australian Standard 2890.6:2009* for disabled persons are to be provided on site to serve the development. Spaces adjacent to walls or other obstructions, which may affect door openings or vehicle manoeuvring, are to be widened by an additional 300mm on the side of the obstruction(s).

NOTE: This consent does not guarantee compliance with the *Disability Discrimination Act, 1992* and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

(59) Linemarking

Delineation of parking bays and directional lines are to be implemented in accordance with the approved plans and *Australian Standard 2890.1:2004*. Parking bay delineation and directional lines are to be installed **prior to the issue of an Occupation Certificate**.

(60) Sealing of parking and manoeuvring areas

Prior to the issue of an Occupation Certificate all car parking areas, and areas forward of the building line of the existing shed are to be bitumen sealed as a minimum. The remaining vehicular manoeuvring areas and general use areas are to be constructed of compacted road building gravel in accordance with Council's *Sealing of Parking and Manoeuvring Areas Policy (CS-CP-405)*.

(61) Shared path

Prior to the issue of an Occupation Certificate the applicant shall construct a 2.5-metre-wide, shared concrete footpath along the south-western side of Willandra Avenue. The footpath is to extend from the northern most corner of the subject site, to the south of the proposed accessway for the subject site and cross Willandra Avenue (with a pedestrian refuge provided in the raised centre median to be constructed along Willandra Avenue) to link with the existing footpath on the north-eastern side of Willandra Avenue. Shared path construction is to include appropriate infrastructure to ensure safe movements are available for pedestrians crossing the road. Construction works are to comply with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Pedestrian and Bicycle Strategy – May 2018*.

(62) Installation of Landscaping

The approved landscaping areas shall be installed to the satisfaction of Council **prior to the issue of the Final Occupation Certificate**. The maintenance of the landscaping areas within Council's road reserve shall be the responsibility of the person with the benefit of the development consent and to the satisfaction of Council.

(63) Fire Safety Certificate

An interim fire safety certificate or a final fire safety certificate must be received prior to the issue of an interim occupation certificate.

A final fire safety certificate must be received prior to the issue of a final occupation certificate.

(64) Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council **prior to the issue of the Occupation Certificate**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions, inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

(65) Approval to operate

Prior to the issue of an Occupation Certificate, owners must obtain from Council an approval to install and operate an onsite sewage system. An aerated waste water system (AWTS) only shall be approved for use.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(66) Class 1 Oil Water Separator

Ongoing requirements for the Class 1 Oil/Water Separator to be installed as part of the stormwater drainage system:

- a. The Class 1 Oil Water Separator to be installed as part of the subject Development Application is to be maintained in accordance with the manufacturer's specifications for the lifetime of the development. The maintenance works carried out for the Class 1 Oil Water Separator are to be recorded and retained by the applicant and made available to Council upon request.
- b. All waste removed from the Class 1 Oil Water Separator unit is to be disposed of by an appropriately licenced contractor to an approved disposal facility. The records for the disposal of waste from the Class 1 Oil Water Separator are to be recorded and retained by the applicant and made available to Council upon request.
- c. The quality of water discharged from the Class 1 Oil Water Separator is to be monitored/tested annually by an approved National Association of Testing Authorities (NATA) laboratory. Results of the testing are to be recorded and retained by the applicant and made available to Council upon request.

(67) Entry Gate Setback

Any entry gate installed for the subject development shall be set back a minimum storage length of 40 metres from the Willandra Avenue road carriageway.

(68) Ongoing access to site

The following conditions will apply for the lifetime of the subject development:

- a. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.
- b. All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety.
- c. All vehicular loading and unloading is to be carried out within the site to prevent interference with the use of the public road by vehicles and pedestrians.
- d. Vehicles accessing the development are to be limited to 36.5 metre Road Trains Vehicles as specified in *Austroads Design Vehicles and Turning Path Templates Guide 2013*.
- e. The approved Traffic Management Plan is to be adhered to at all times.

(69) Access maintenance

The property owner remains responsible for the upkeep and maintenance of the accessway and associated facilities for the lifetime of the proposed development.

(70) Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

(71) Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

(72) Hours of operation

The hours of operation are limited to the hours set out in the table below for general operation of the depot including use of the truck wash and the maintenance workshop:

Days	Time Period
Mondays to Friday	7.00am – 6.00pm
Saturday	8.00am – 6.00pm

Trucks are permitted to enter, park, refuel and leave the site outside of these hours.

Any alteration to these hours will require a modification to this consent or a separate development application.

(73) Sole Occupancy

The premise is to be used solely as one unit and is not to be sub-let or divided into separate sections or used for any additional or unauthorised purposes.

(74) Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building, which;

- (a) must deal with each essential fire safety measure in the building premises, and
- (b) must be given:
 - i within 12 months after the date on which an annual fire safety statement was previously given, or
 - ii if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, whichever is the later.

(75) The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.

(76) To mitigate the impact on nearby residential receptors the person or entity with the benefit of the consent shall ensure:

- (a) The maximum number of trucks (prime movers) associated with the operation of the truck depot shall not exceed 30, and the maximum number of trailers standing upon the site at any one time shall not exceed 80.

- (b) Trucks entering the site during the evening and night time hours – 6.00 pm to 7.00 am must drive into position and turn off engines immediately once stationary. No reversing movements are permitted. Engines are to be turned off whilst refuelling occurs.
 - (c) Trucks and other plant and equipment should not be left idling unnecessarily when stationary. Trucks and other machinery found to produce excessive noise compared to industry best practice are to be removed from the site or stood down until repairs or modifications can be made.
 - (d) Any refrigerated vans / trailers entering the site must have the refrigeration units switched off before entering the site and remain switched off at all times.
 - (e) The new/upgraded truck wash facility is only to be used during the day time and evening periods. All pumps and equipment associated with the truck wash facility are to be installed at ground level.
 - (f) The existing truck wash is to be decommissioned.
 - (g) All activities in the maintenance workshop are to be confined to day time hours Monday to Saturday – 7.00 am to 6.00 pm. The person or entity with the benefit of the consent shall keep a log of emergency repairs carried out outside the approved hours.
 - (h) All activities associated with the maintenance workshop must be carried out within the buildings. With the exception of carrying out visual inspections, no maintenance, tyre changing and the like is permitted outside of these buildings.
 - (i) All compressors must be located within the workshop and tyre warehouse or in acoustically designed enclosures.
 - (j) Fork lifts are only to operate during day time hours: 7.00 am to 6.00 pm. Any warning alarm or device is to comply with the relevant Australian Standard and satisfy the requirements of the Work Health and Safety legislation.
- (77) Amenity
- The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.
- (78) Council's road reserve
- Council's road reserve/nature strip including footpath shall be kept clear of advertising signage, fixtures, vehicles, goods and materials at all times. There is to be no storage of materials on the public reserve adjoining the property.
- (79) 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 (2000) and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

(80) Storage of Goods and Trade Waste

No goods, materials or trade waste are to be stored at any time outside, other than in the approved garbage facilities or storage facilities.

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Essential Energy

Strictly based on the documents submitted, Essential Energy makes the following comments to make potential safety risks arising from the proposed development:

1. As to the proposed driveway access:
 - a. The power pole in the location of the proposed driveway must be re-located, at the Applicant's expense. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
 - a. Any proposed driveway access and/or exit (concrete crossovers) must remain at least 3.0 metres away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - a. The proposed driveway must comply with clearances for trafficable land, ground clearances must be maintained.
2. Minimum safety clearance requirements are to be maintained at all times for the proposed roadway where roadworks are to be undertaken, as such roadway passes under Essential Energy's existing overhead powerlines located at the front of the property. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
3. Minimum safe distance requirements are to be maintained at all times for all fixed height vehicles/trucks that will pass under Essential Energy's existing overhead powerlines located at the front of the property. Refer *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure* and Essential Energy's *Work Near Overhead Powerlines* brochure.

Essential Energy also makes the following general comments:

- a. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- c. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

- d. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- e. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

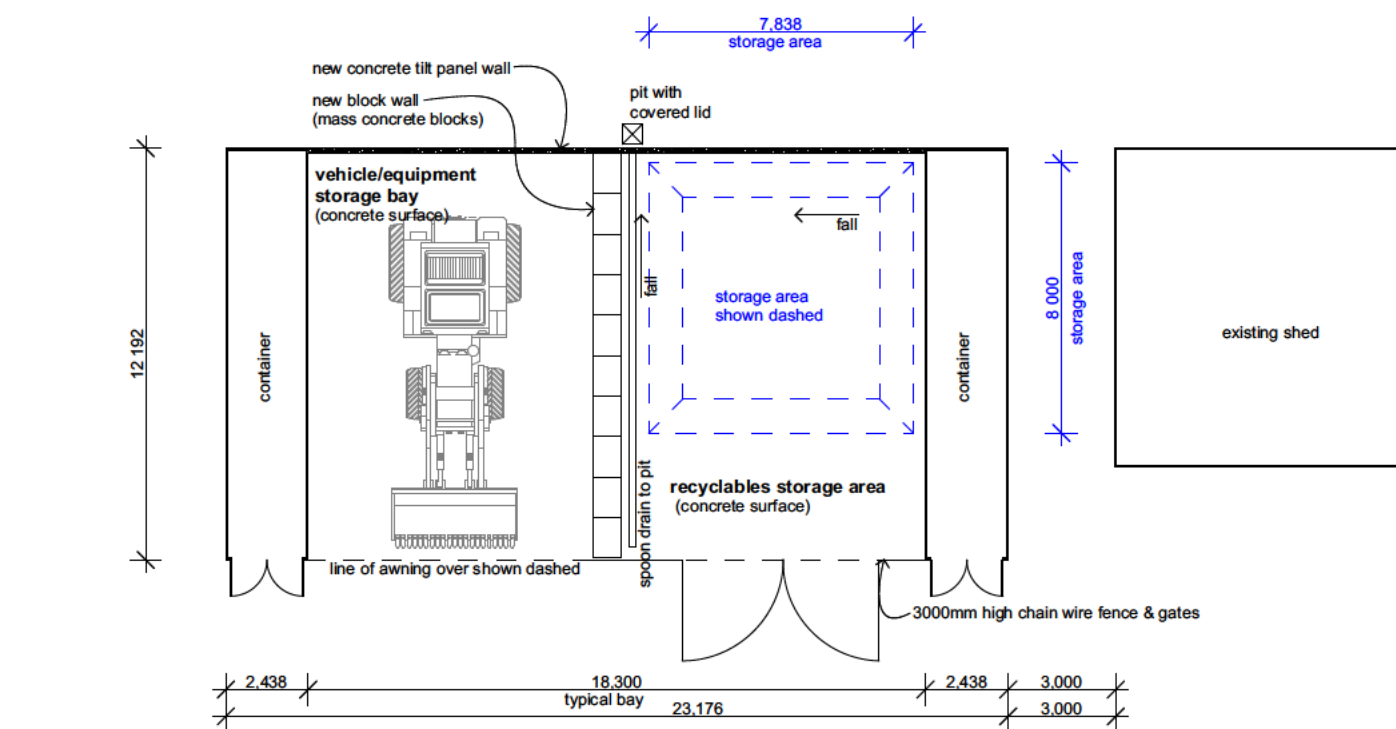
Inserted 25 October 2022

Attachment D – Other Council Approvals and Consents

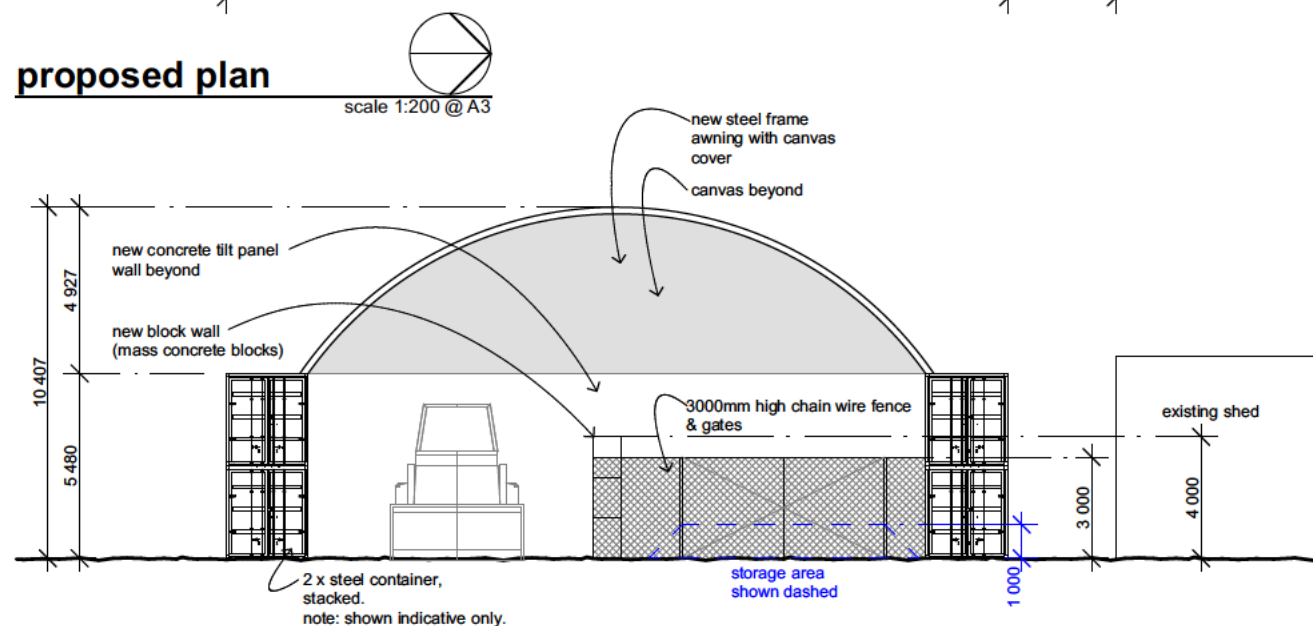
Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil



proposed plan



proposed east elevation

storage area calculations

volume of a truncated pyramid
 $= 1/3(8 \times 8 + 8 \times 6 + 6 \times 6) \times 1$
 $= 49.33$ cubic metres

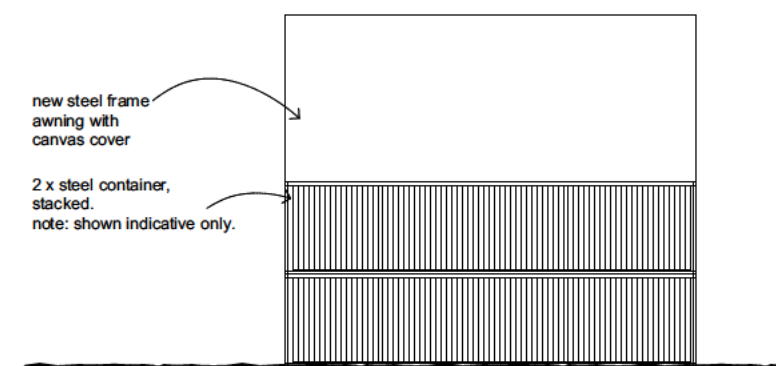
note: this calculation does not allow for free space between recycables

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scale 1:200 @ A3

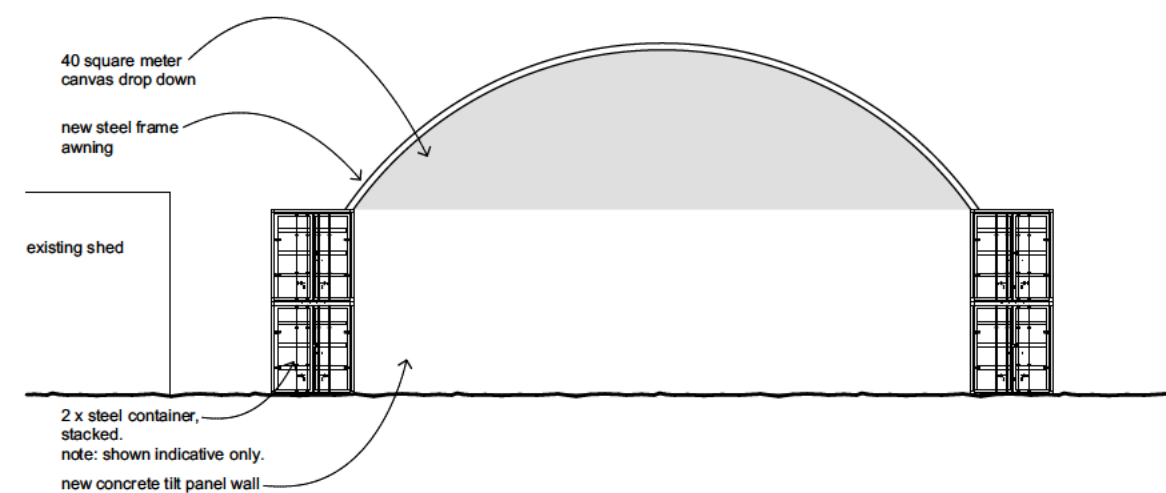


23 noorilla street
griffith nsw 2680
ph: 02 6962 2696
email: info@planningmatters.net.au
job number: 2016.60



proposed & north south elevation

scale 1:200 @ A3



proposed west elevation

scale 1:200 @ A3

drawing:
proposed plan & elevation
- recyclables storage area

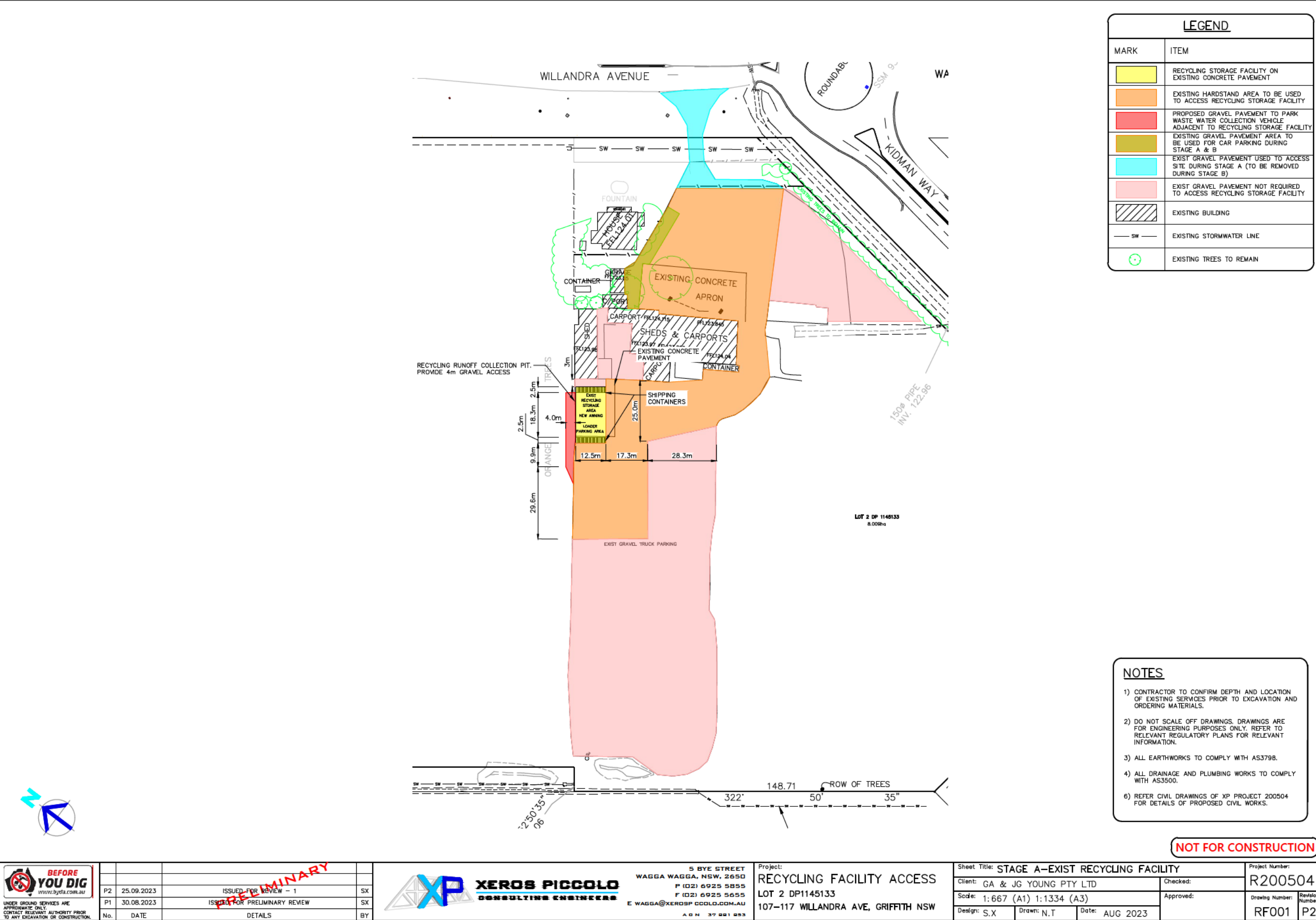
project:
06 cnr kidman way
.au & willandra avenue, griffith

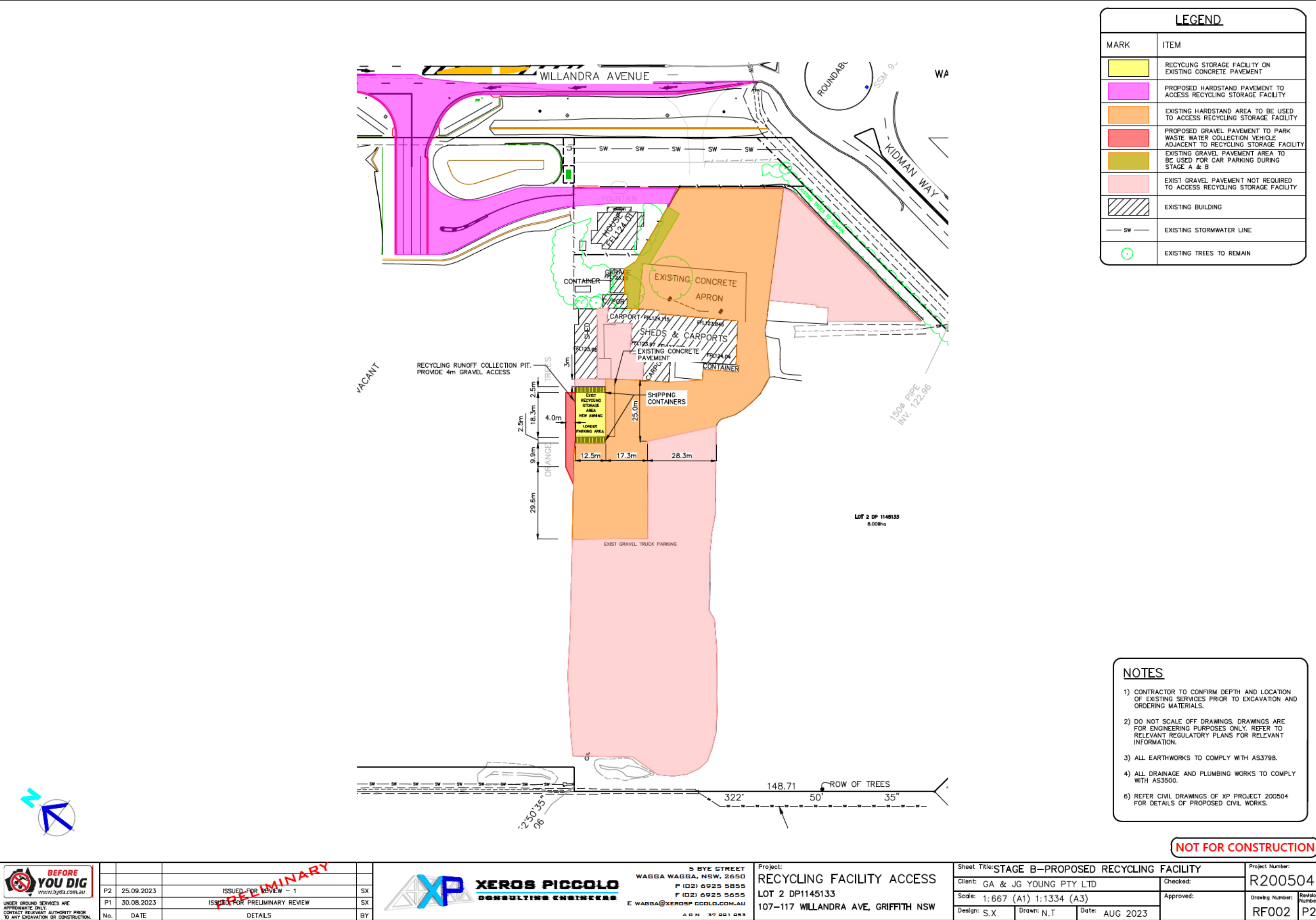
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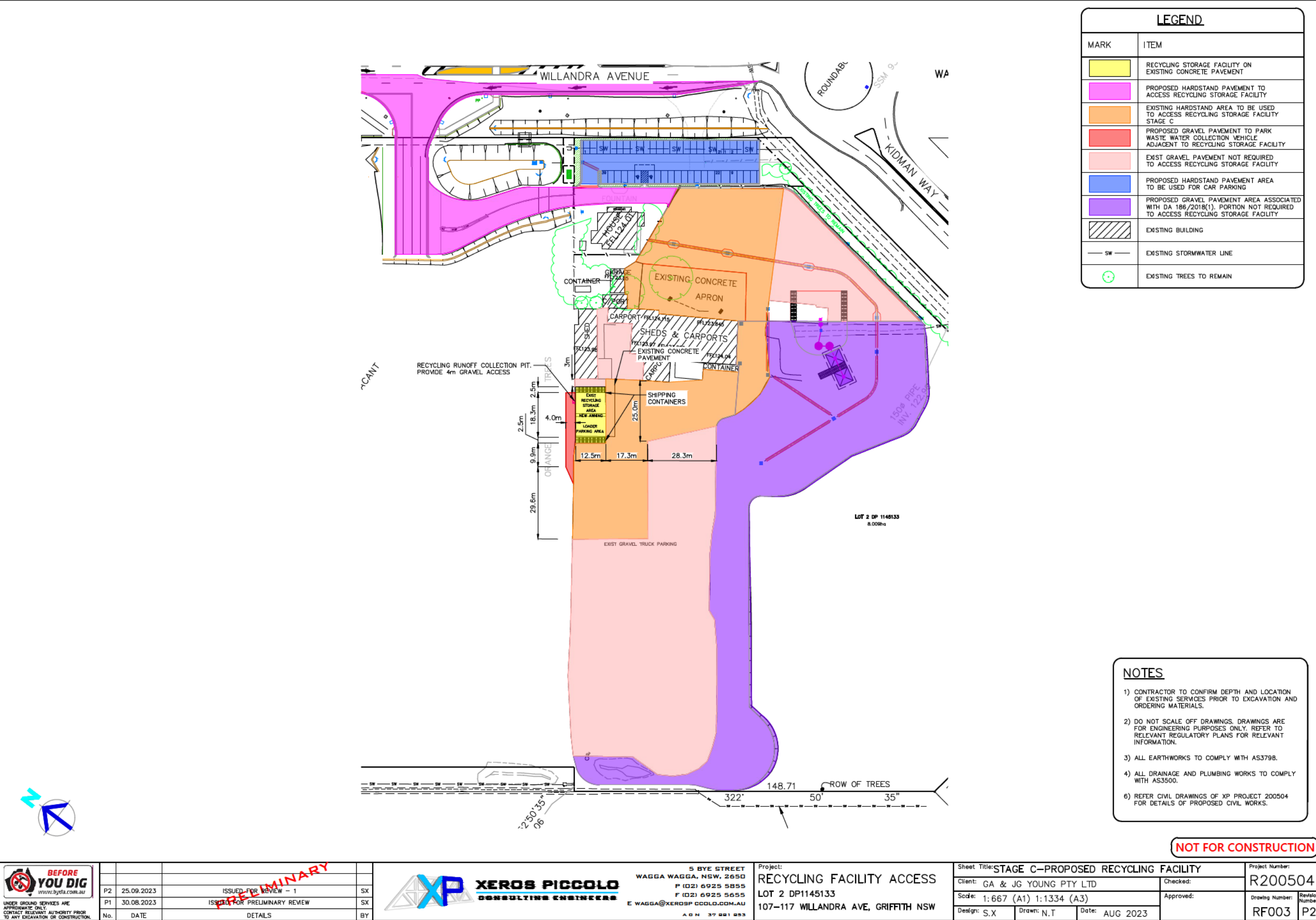
date: 10.02.2023

issue: d

drawing no: da 01a









ABN: 95 707 366 151

23 Noorilla Street
Griffith NSW 2680

Telephone: 02 6962 2696
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Email: info@planningmatters.net.au

Our Ref: 2016.60
Your Ref: DA 145/2021

10 February 2023

C Potgieter
Environment & Planning Manager
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Dear Carel,

DA 145/2021 – Application to modify the Notice of Determination

Following on from my discussions with Council's Acting Development Assessment Coordinator (Kerry Rourke), please find attached an application to modify Council's Notice of Determination No.145/2021(1) dated 25 October 2022. This application seeks consent to alter the dimensions of the recyclables storage facility and to remove the 'deferred commencement' requirement(s) that need to be satisfied before DA 145/2021 can become operational.

Below is a commentary relating to the condition listed in Attachment B of Council's Notice of Determination that we are seeking to delete as part of this application:

- (1): This condition stipulates that all conditions associated with DA 186/2018, which relates to the continuing use of the site for the purposes of a truck depot and provision of a new re-fuelling facility, need to be met and that an Occupation or Compliance Certificate is issued before DA 145/2021, which relates to the establishment of a recycling storage facility, can become operational. This requirement means that the proponent /landowner can't submit a Construction Certificate (CC) application relating to building works associated with the recycling facility, let alone construct or operate the recycling storage facility until every single condition listed in DA 186/2018 is satisfied and/or an Occupation Certificate relating to DA 186/2018 is issued.

DA 186/2018 requires a considerable amount of off-site civil works to be completed. These works include: road widening & the construction of turning lanes on Willandra Avenue; and the provision of a new/replacement driveway off Willandra Avenue. It takes a considerable period of time to design let alone obtain approval and subsequently construct roadworks. Whilst the proponent/landowner's civil engineer & geo-technical consultant were engaged some time ago the proponent needed to obtain approval from Essential Energy to relocate existing powerpoles before the off-site civil design could be finalised. The proponent/landowner only received approval from Essential Energy in late January 2023 and their civil engineer finalised the off-site civil design drawings in early February 2023. An application for Civil Works Approval relating to off-site works on Willandra Avenue has subsequently been submitted to Council and the proponent/landowner has indicated that they're looking to commence off-site civil works as soon as possible after they receive approval from Council.

DA 186/2018 requires a considerable amount of on-site civil works to be completed. These works include the: construction of new stormwater detention basins, internal roadways & a carparking area; and the sealing of some hardstand surfaces. DA 186/2018 also includes the construction of: a new/replacement washbay; and a new re-fuelling area. Whilst the proponent/landowner's civil engineer was engaged some time ago the proponent needed to obtain approval from Council to relocate the re-fuelling area before on-site civil design plans could be prepared. Council approved the application to modify the Development Consent which included relocation of the re-fuelling area in late October 2022. The proponent/landowner's civil engineer commenced work on the on-site

civil design in mid February after they completed the off-site civil design. Considering the extent of time that needs to be dedicated to designing on-site civil works and that approval needs to be obtained from Murrumbidgee Irrigation, an application for on-site Civil Works Approval is unlikely to be submitted to Council for several months. Notwithstanding the time that it will take to design and get approval for on-site civil works the re-fuelling may not be constructed for some time. The fact that DA 145/2021 is linked to completion of every element of DA 186/2018 is considered to be extremely onerous and unwarranted

With the exception of the new driveway off Willandra Avenue, the proponent/landowner doesn't believe that civil works let alone the other building requirements required by DA 186/2018 are considered to directly relate to DA 145/2021. In this regard, the recycling storage facility doesn't require the provision of any on-site carparking or the sealing of internal roadways to operate. Likewise, the recycling facility has no direct relationship with the re-fuelling area or even the washbay which were approved as part of DA 186/2018. Considering that Councillors resolved to provide a period of 12-18 months to construct the new/replacement driveway off Willandra Avenue the proponent/landowner is questioning why they need to complete all other civil & building works associated required by DA 186/2018 before they can even submit a CC application for building works associated with DA 145/2021. On this basis, the proponent/landowner would like to request that the 'deferred commencement' requirement be deleted.

Below is a commentary relating to the condition listed in Attachment C of Council's Notice of Determination that we are seeking to amend as part of this application:

- (1): This condition lists what the approval relates to and identifies plans & documents that have been approved by Council. This application seeks consent to alter the dimensions of the recyclable storage facility to what is reflected on the attached updated partial site plan and updated floor/elevations plan. Whilst some elements of the structure (eg: length; height & width of the containers) will be reduced the updated plans provide for the overall height & width of the structure to increase. Despite the overall height & width of the structure increasing by approx' 1647mm & 2076mm respectively the overall appearance of the structure when viewed from surrounding properties and public roads is anticipated to be relatively similar to what was approved. In fact, it could be disputed whether the slight increase in height & width will be noticeable from outside the site considering the facility's relatively large setback from property boundaries.

This application to modify Development Consent No. 145/2021 is considered to have minimal if any environmental impact and not alter the nature of the approved development. The request for Council to delete condition 1 in Attachment B & condition 1 in Attachment C of the Notice of Determination is not considered to change the nature of the approved landuse. Likewise the proposed modification is not considered to result in the proposal not being substantially the same as what was initially proposed & approved. It is acknowledged that Council may notify the application to modify the Development Consent considering that submissions were received relating to the initial proposal.

Should you have any queries regarding this application please don't hesitate to contact me on 0427 844 374 or by email: mruggeri@planningmatters.net.au

Regards,



Martin Ruggeri
Principal
Planningmatters Development Service



ABN: 95 707 366 151

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Our Ref: 2016.60
Your Ref: DA 145/2021

11 April 2023

J Tarbit
Development Assessment Planner
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Dear Joanne,

DA 145/2021 – Application to modify the Notice of Determination

I wish to acknowledge receipt of Council's letter dated 23 March 2023. Please find below a commentary relating to the points listed in Council's letter:

1. It is noted that Council agrees that some works conditioned in the Notice of Determination relating to DA 186/2018 are not required to be completed in order to operate the proposed recyclables storage facility that was approved as part of DA 145/2021. I have reviewed the works associated with DA 186/2018 that Council believes are & are not considered to relate to DA 145/2021 in points: 1a) & 1b); and 1c) of Council's letter. Whilst the proponent agrees that the works associated with DA 186/2018 that are identified in point 1c) of Council's letter (ie: the new/replacement washbay; and new re-fuelling area) don't relate to what is proposed as part of DA 145/2021, the proponent respectfully does not agree with Council's position that all the works associated with DA 186/2018 that are identified in points 1a) & 1b) of Council's letter relate to DA 145/2021.

The proponent does not believe that: road widening & the construction of turning lanes on Willandra Avenue; and/or the construction of a new/replacement driveway off Willandra Avenue need to be completed before the recycling storage facility commences operation seeing though Councillors provided them with a 12-18 month period to complete these works. Likewise, the proponent does not believe that the construction of: stormwater detention basins; new/additional roadways & carparking area(s) or the sealing of hardstand areas need to be completed before the recycling storage facility commences operation. In this regard, the proponent is of the opinion that during the initial 12-18 month period that vehicles associated with the recycling storage facility are permitted to use the existing driveway in the north-eastern corner of the site off Willandra Avenue that no new/additional roadways or carparking areas need to be built and that no hardstand areas need to be sealed, which could be considered to result in a significant increase in hardstand areas that would trigger the need to detain stormwater.

Council's letter makes reference to Council imposing conditions based on the plans that are submitted with the application to modify the Development Consent and that the plans submitted to date show extensive road works and carparking. The reason the submitted plans show road works on Willandra Avenue, new roadways on the site and the new carparking area associated with DA 186/2018 was so that Council could see where infrastructure associated with DA 145/2021 would be located in relation to both existing & proposed buildings & hardstand areas that were approved as part of DA 186/2018. Infact I recall Council staff asking that the site plans that would be submitted DA 145/2021 show all existing & proposed works on the site when we discussed the need to submit a separate DA for the recyclables storage facility.

Council's letter requests the submission of further details relating to the specific use of the recycling storage facility (as a stand-alone landuse) to ensure that only works relevant to the recycling storage facility are imposed as conditions of consent. Please find below a commentary relating sub-points listed in Council's letter:

- i. As stated in Section 2.3 of the Statement of Environmental Effects (SoEE) that was submitted with DA 145/2021 the recyclables storage facility will not result in a direct increase in the number of staff currently employed by the business that operates the existing truck depot on the site (ie: currently Young Transport) or the businesses associated with the collection of the recyclables (ie: currently Cleanaway). Likewise, the recyclables storage facility will not result in a direct increase in the number of visitors and/or customers associated with the site.

All staff associated with the delivery/collection of recyclables to/from the site will be undertaken by staff & vehicles currently operated by Cleanaway & Young Transport, respectively. No new/additional/dedicated staff need be employed by either business to operate a recyclables storage facility on the subject site. In this regard, Cleanaway's heavy vehicle drivers that will collect the recyclables from Earn & Return deposit facilities and deliver them to Young Transport's truck depot are currently employed by Cleanaway. Likewise, Young Transport's heavy driver's that will transfer the recyclables from the subject site to a recycling sorting/processing facility in Wagga are currently employed by Young Transport. Young Transport's staff administration that may be associated with any required office work (eg: inventory & invoicing) are also currently employed by Young Transport.

No new/additional offices, staffrooms and/or amenities are required to be provided at Young Transport's truck depot to enable operation of the recyclables storage facility. Cleanaway's heavy vehicle drivers will only be on-site for a relatively short period of time when delivering recyclables and generally less time than they would be on each of the site's occupied by the Earn & Return deposit facilities. Cleanaway's staff will undertake a site induction session that will enable them to enter & leave the truck depot on an as-needs basis without having to sign in/out. Whilst Cleanaway's heavy vehicle drivers will be able to use existing amenities at Young Transport's truck depot, they will not need to attend the truck depot's office on each visit to the site. Young Transport's heavy vehicle drivers & administration staff already have access to the truck depot's existing office(s), staff room & amenities.

- ii. Attached is an extract of the site plan identifying the extent of existing hardstand areas that can currently be used to access the recycling storage facility (see area highlighted orange) until such time as the new/replacement access is constructed off Willandra Avenue and the associated new entry into the truck depot are constructed (see area highlighted purple). Considering that Councillors provided a 12-18 month period within which to construct the new/replacement access off Willandra Avenue, perhaps Council could approve the application to modify the Development Consent as a staged approval. Stage 1 could comprise the construction of the recyclables storage facility with vehicular access/egress being via the existing access located in the north-eastern corner of the site for a period of 12-18 months (see area highlighted orange with red stripes). Stage 2 could require the existing driveway located in the north-eastern corner of the site to be made redundant and require all vehicular access/egress via the new/replacement driveway off Willandra Avenue that is being constructed as part of DA 186/2018 (see area highlighted purple). Parking during the Stage 1 period could comprise Young Transport's staff continuing to park adjacent to the eastern side of the former dwelling that has recently been approved to be used as an office (see area highlighted orange with red stripes). Parking during the Stage 2 period could comprise Young Transport's staff parking in the new carpark that is being constructed to the north of the office as part of DA 186/2018 (see area highlighted purple with red stripes).

Considering that once the civil works associated with DA 186/2018 have been completed the site layout will reflect what is identified on the plans that were submitted with DA 145/2021 we have to date purposefully not submitted site plans that just show the recyclables storage facility in isolation with no reference to what the site's final layout will be. Not only is this common practice, I recall Council staff requesting that the plans associated with the recyclables storage facility reflect what was approved as part of DA 186/2018 before we submitted DA 145/2021. For the same reason, the site plans submitted with DA 228/2021, which related to changing the use of the former dwelling to an office, also identified civil works associated with DA 186/2018. With respect I cannot understand why Council would want the site plan associated with DA 145/2021 not reflecting what was approved as part of DA 186/2018 considering that: DA 186/2018 was approved before DA 145/2021; that conditions in DA 186/2018 refer to the submission of a separate DA for the recyclables storage facility; and that the recyclables storage facility and the truck depot won't actually operate in isolation. As an alternative, we're wondering whether the submission of the amended plan that identifies the potential staging of civil works associated with DA 186/2018 that also relate to DA 145/2021 is more appropriate. It is requested that Council staff convene a meeting to discuss whether the approving the application to modify the Development Consent as a staged approval based on the attached amended plan satisfies Council's request.

- iii. As stated above the opportunity exists to approve the application to modify the Development Consent as a Staged Approval seeing though Councillors have already provided the proponent with the opportunity to defer the completion of some civil works on the site associated with DA 186/2018. Whilst a commentary relating to potential staging is provided above it is requested that a meeting be convened with Council staff after notification of the proposal and prior to finalisation of the report to be presented to the Ordinary Meeting of Council to ensure that there is no confusion as to what is proposed and to discuss what changes can/should be made to the conditions of consent.

It is noted that the application to modify the Development Consent will be notified to surrounding landowners and that will require determination at an Ordinary Meeting of Council. It is requested that we be provided with the opportunity to review and potentially respond to issues raised in any submission s received by Council. It is also requested that we be provided with the opportunity to meet with Council staff once they have completed their assessment but before they have prepared a report to be presented at the Ordinary Meeting of Council.

2. Council staff seem to be concerned with the increase in the height of the recyclables storage facility that is proposed as part of the application to modify the Development Consent. The proponent does not believe that an increase in the overall height of the 'igloo' type structure that will cover that recyclables storage facility by approximately 1650mm will significantly alter the appearance of the structure when viewed from surrounding public roads or neighbouring properties. In this regard, the recyclables storage facility will still be located in the centre of the subject site and will be at least 125m from the nearest neighbour and the road carriageways on Willandra Avenue & The Kidman Way. Given that other buildings and/or vegetation on the subject site will obscure the igloo when viewed from the closest part of the road carriageways on both Willandra Avenue & The Kidman Way, the distance at which the structure will be entirely visible from Willandra Avenue & The Kidman Way is anticipated to be approximately 150m & 300m, respectively. This is considerably further than the setback that other commercial buildings within the immediate locality have to Willandra Avenue & The Kidman Way (eg: existing office & workshop buildings on the subject site; and BCF, Super Cheap Auto, Repco & Bunnings opposite the site).

Application to modify DA 145/2021
Dev't on Lot 2 DP 1145133, Willandra Ave, Griffith

2016.60B

Attached are long section plans identifying anticipated views of the recyclables storage facility taken from different locations along both Willandra Avenue & The Kidman Way. These plans demonstrate that the proposed increase in height of the recyclables storage facility is minimal considering the structure's setback from adjoining road carriageways.

Should you have any other queries regarding this application please don't hesitate to contact me on 0427 844 374 or by email: mruggeri@planningmatters.net.au

Regards,



Martin Ruggeri
Principal
Planningmatters Development Service

Attachment H – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for waste transfer station relating to the 'Earn and return' recycling scheme at Lot 2 DP 1145133 107-117 Willandra Avenue GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a waste transfer station, which is defined as:

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

The development must be implemented in accordance with Development Application No. 145/2021(1) accepted by Council on 16 July 2021 and as subsequently amended 02 March 2023, and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Plan and elevation Recyclables storage area DA 01a	24 August 2022	Miestudio
Stage A – Existing Access Recycling Facility	25 September 2023	Xeros Piccolo
Stage B – Proposed Recycling Facility Project	25 September 2023	Xeros Piccolo
Stage C – Proposed Recycling Facility Project	25 September 2023	Xeros Piccolo

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environmental Effects	22 August 2022	Planningmatters Development Service

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

(modified date)

(2) Storage volume

The total volume of recyclables to be stockpiled shall not exceed 50m³ at any one time with up to 1000 tonnes of recyclables stored and transferred to and from the site per annum.

(3) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

(4) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(5) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(6) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(7) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(8) National Construction Code

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

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

(9) Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.

5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment.

(10) Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further the work can continue.

(11) Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works. The Construction Certificate can be issued either by Council or a private certifier.

(12) Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility*, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

(13) Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to this building. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

(14) Payment of building and construction industry long service levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

(15) Schedule of finishes

Prior to the issue of the Construction Certificate for building works, a schedule of external finishes of the proposed building are to be provided to and approved by Council.

(16) Stormwater Drainage

All stormwater runoff shall be directed to the onsite detention system which is to be designed and constructed for DA 186/2018. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. Detailed design drawings including hydraulic calculations for the existing and proposed drainage system are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards Stormwater Drainage & Disposal Policy (CS-CP- 310)* and are to be submitted to Council for approval prior to the issue of a **Construction Certificate for Building Works**.

(17) Recyclables drainage pit

Prior to the issue of the Construction Certificate details are to be provided for the proposed recyclables drainage pit including grade of floor and drain and volume of pit. Details of management of the pit are to be submitted for approval to ensure the pit does not overflow or contaminate the ground or stormwater systems.

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(18) Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

(19) Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) 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 any 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.

(20) Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

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

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

(21) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(22) No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

(23) Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition 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.

(24) Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

(25) Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

(26) SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

(27) Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

(28) Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

(29) Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting an application via the NSW Planning Portal and linking it to the Development Application or Construction Certificate application.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

(30) Fire Safety Certificate

An occupation certificate authorising a person

- (a) to commence occupation or use of a new building, or
- (b) to commence a change of use for an existing building, must not be issued unless a final fire safety certificate has been issued for the building.

An occupation certificate authorising a person

- (a) to commence occupation or use of a partially completed new building, or
- (b) to commence a change of use for part of an existing building, must not be issued unless a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

(31) Recyclables drainage pit

Prior to the issue of the Occupation Certificate the recyclables drainage pit is to be constructed as per the approved plan.

(32) Installation of stormwater infrastructure

Prior to the issue of an Occupation Certificate, stormwater infrastructure to the onsite detention system is to be installed in accordance with the approved plan, Council's *Engineering Guidelines – Subdivisions and Development Standards*, and Council's *Stormwater Drainage & Disposal Policy (CS-CP- 310)*.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(33) Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

(34) Sole Occupancy

The premise is to be used solely as one unit and is not to be sub-let or divided into separate sections or used for any additional or unauthorised purposes.

(35) Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building, which; are to be reclaimed and disposed of within a 24 hour period, such that the site remains in a clean state and there is no nuisance to adjoining property.

(36) Landscape screening

The existing citrus plantings directly located at the rear of the proposed storage facility shall be maintained for the life of the development. Alternatively suitable screening vegetation shall be planted on the western side of the building to reduce the bulkiness and visual impact of the tilt panel wall. Screening could be in the form of a tall hedge or trees.

Similarly, screening trees are to be maintained on the Kidman Way frontage of the site.

(37) Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

(38) Storage of Goods and Trade Waste

No waste associated with the facility is to be stored at any time outside the recyclables storage area.

(39) Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

Attachment D – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

Nil

Attachment E – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil