

11.1 DA 2023-0025 - PROPOSED TOURIST AND VISITOR ACCOMMODATION 404 GOOBARRAGANDRA ROAD GOOBARRAGANDRA

Attachment Titles:

1. Architecturals - 404 Goobarragandra - Tourism and Visitor Accommodation
2. Draft notice of determination - Draft Consent Conditions DA2023/0025 Proposed Tourist and Visitor Accommodation
3. Bushfire Safety Authority - RFS
4. General Terms of Approval - DPE Water
5. Planning Circular - PC13-001 How to Characterise Development
6. Amended site plan to include requested information (including plan views)

Attachment 1 - Architecturals - 404 Goobarragandra Rd Goobarragandra - Tourist & Visitor accommodation_PAN-301852

REWARD CHARACTER
DESIGNS
BUILDING DESIGN & CREATOR

PROPOSED HOTEL ACCOMMODATION

404 GOOBARRAGANDRA ROAD, GOOBARRAGANDRA, NSW, 2720

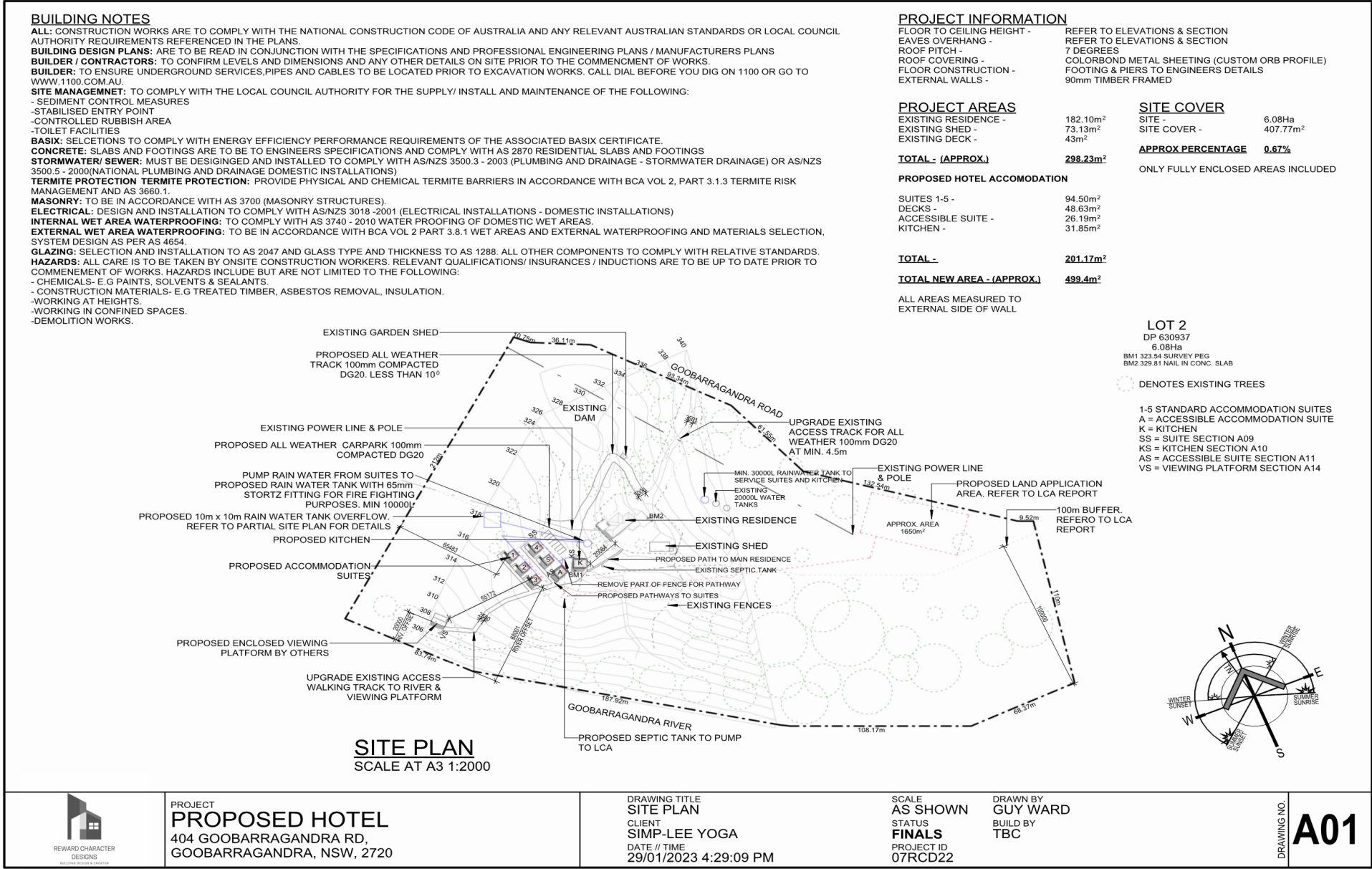
LOT 2 DP 630937
LOT SIZE - 6.08Ha
LGA: SNOWY VALLEYS COUNCIL

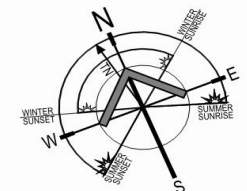
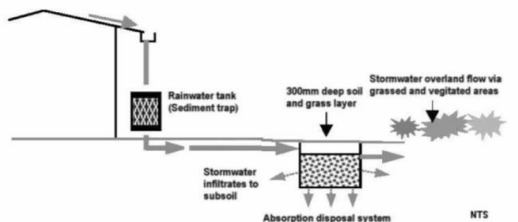
DESIGNED FOR:
SIMP-LEE YOGA

DRAWING SCHEDULE:	
NO.	TITLE
A01	SITE PLAN
A02	PARTIAL SITE PLAN
A03	BUSHFIRE MANAGEMENT PLAN
A04	BAL NOTES
A05	SUITES & KITCHEN FLOOR PLANS
A06	SUITE ELEVATIONS
A07	SUITE ELEVATIONS
A08	KITCHEN ELEVATIONS
A09	SUITE SECTION
A10	KITCHEN SECTION
A11	ACCESSIBLE SUITE SECTION
A12	DETAILED ACCESSIBLE BATH SECTIONS
A13	AS 1428
A14	VIEWING PLATFORM
A15	VIEWING PLATFORM SECTION
A16	GLAZING SCHEDULE
A17	3D RENDERERS
A18	3D RENDERERS

REVISION:
PRELIMINARY. 1 26/01/2023
FINALS. 29/01/2023

DESIGNED: REWARD CHARACTER DESIGNS
P 0406 140 093
E REWARDCHARACTERDESIGNS@HOTMAIL.COM





PARTIAL SITE PLAN
SCALE AT A3 1:1000



PROJECT
PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

DRAWING TITLE
PARTIAL SITE PLAN
CLIENT
SIMP-LEE YOGA
DATE // TIME
29/01/2023 4:29:11 PM

SCALE
AS SHOWN
STATUS
FINALS
PROJECT ID
07RCD22

DRAWN BY
GUY WARD
BUILT BY
TBC

DRAWING NO.
A02



NSW RURAL FIRE SERVICE

To report a fire emergency

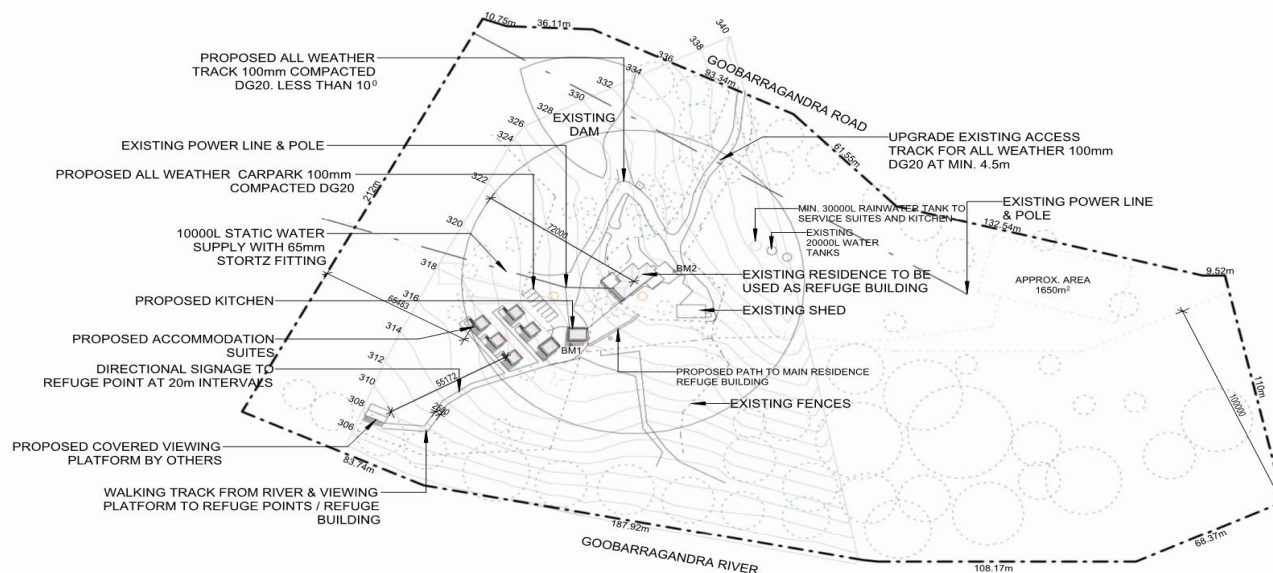
- » Call Triple Zero (000)
- » If you are deaf or have a speech or hearing impairment call 106



For information on fires

- ▶ Check our [Fires Near Me](#) page for current incidents
- ▶ Listen to local media
- ▶ Check social media such as [NSW RFS Facebook](#) and [NSW RFS Twitter](#)
- ▶ Bush Fire Information Line - 1600 579 737
- ▶ If you are deaf, hard of hearing or have a speech impairment, contact us through the National Relay Service
 - ▶ TTY users phone 1800 555 677 then ask for 1600 579 737
 - ▶ Sealed Listen users phone 1900 555 677 then ask for 1600 579 737
 - ▶ Internet relay users connect to the NRS then ask for 1600 579 737
- ▶ **To report a fire or emergency (TTY users only), access TTY 106.**

Position	Name of Person	Building / area of responsibility	Mobile phone number
Owner and Manager – Fire Warden	Amanda Myers	Refuge Building and Hotel Accommodation Manage evacuation and people	0400300592
Owner and Manager	Jason Myers	Hotel Accommodation Check for threats, protection of assets, Liaison with local RES	0409461903

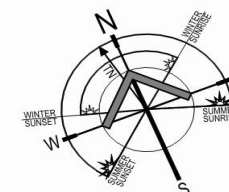


LOT 2
DP 630937

BM1 323.54 SURVEY PEG
BM2 329.81 NAIL IN CONC. SLAB

-  DENOTES EXISTING TREES
 DENOTES ASSEMBLY POINT

REFUGE POINT TO BE OF BAL 12.5 AS PER BUSHFIRE REPORT
ALL INTERNAL ACCESS TRACKS TO BE SUITABLE TO FOR UP
TO 23 TONNES AS PER BUSHFIRE REPORT



BUSHFIRE MANAGEMENT SITE PLAN

SCALE AT A3 1:2000



PROJECT

PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

DRAWING TITLE
BUSHFIRE MAN. PLAN
CLIENT
SIMP-LEE YOGA
DATE // TIME
29/01/2023 4:29:13 PM

SCALE
AS SHOWN
STATUS
FINALS
PROJECT ID
07RCD22

DRAWN BY
GUY WARD
BUILD BY
TBC

DRAWING NO.

A03

EXISTING REFUGE BUILDING TO BE UPGRADED TO THE FOLLOWING BAL 12.5 AS PER BUSHFIRE ASSESSMENT REPORT.

BAL – 12.5

SUBFLOOR SUPPORTS

- No special construction requirements

FLOORS

- No special construction requirements

EXTERNAL WALLS

- Parts less than 400 mm above ground or decks etc. to be of non-combustible material.
- 6mm fibre cement clad or bushfire resistant / naturally resistant timber

EXTERNAL WINDOWS

- Frames of metal,metal reinforced PVC-U, Meranti or bushfire resisting timber.
- Openable portion to be screened with steel, bronze or aluminium mesh.
- 4mm Grade A safety glass min or glass blocks within 400mm of ground, deck etc.

EXTERNAL SLIDING DOORS

- Frames of metal,metal reinforced PVC-U, Meranti or bushfire resisting timber,
- No special construction requirements for openable portion .
- Grade A safety glass min within 400mm of ground, deck etc.

EXTERNAL HINGED DOORS

- Frames of metal,metal reinforced PVC-U, Meranti or bushfire resisting timber.
- Unglazed doors 35mm solid non-combustible timber for parts less than 400 mm above ground, decking etc.
- Glazed doors solid non-combustible timber with Grade A safety glass min for parts less than 400 mm above ground, decking etc.
- Tight-fitting with weather strips at base.

ROOFS

- Non-combustible covering.
- Roof/wall junction sealed.
- Openings fitted with non-combustible ember guards.
- Roof to be fully sarked.

VERANDAHS, DECKS ETC

- Unenclosed sub-floor space – no special requirement for materials.
- No special requirements for supports or framing.
- Decking to be non-combustible or bushfire resistant within 300 mm horizontally and 400 mm vertically from a glazed element.



PROJECT
PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

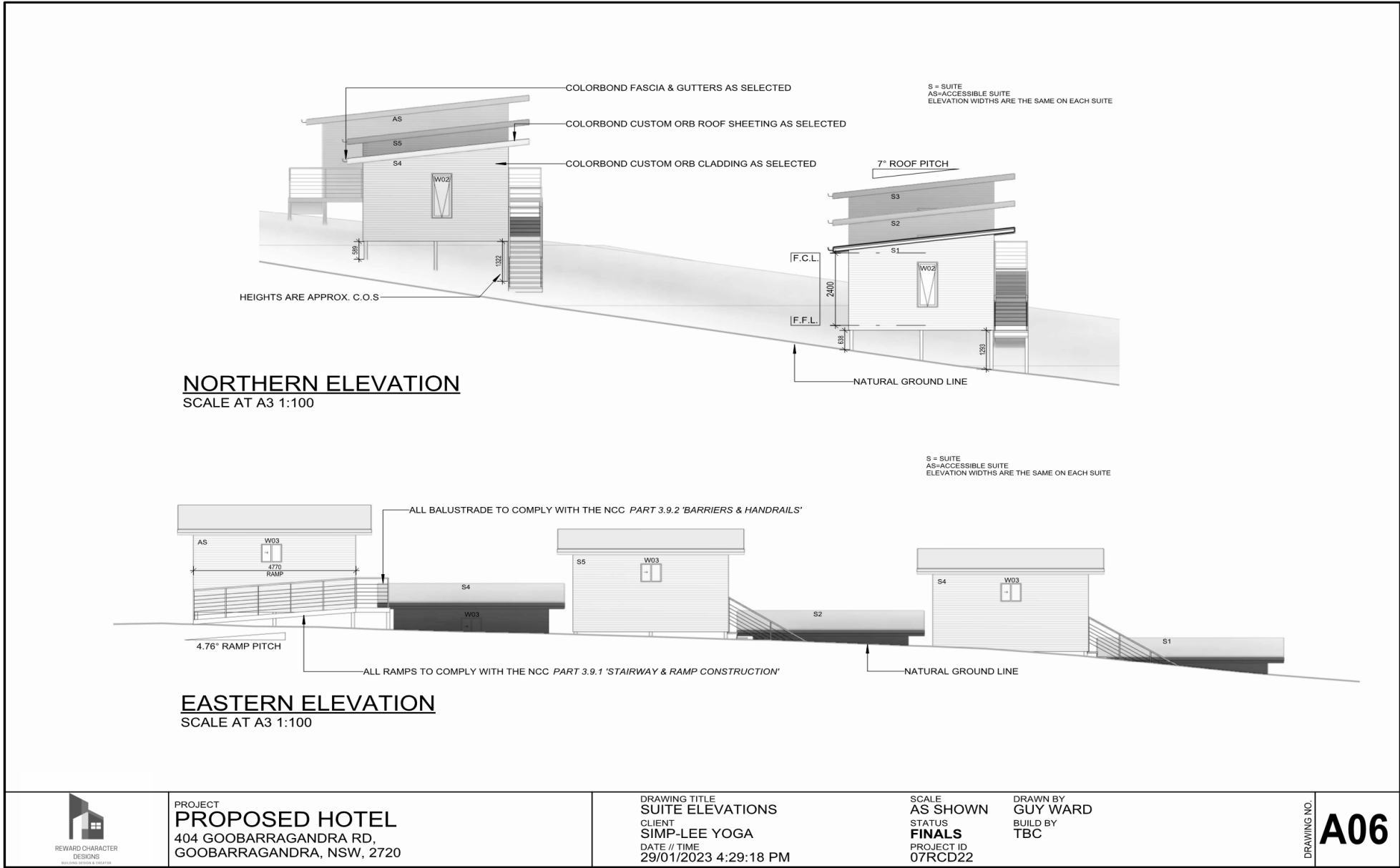
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BAL NOTES
CLIENT
SIMP-LEE YOGA
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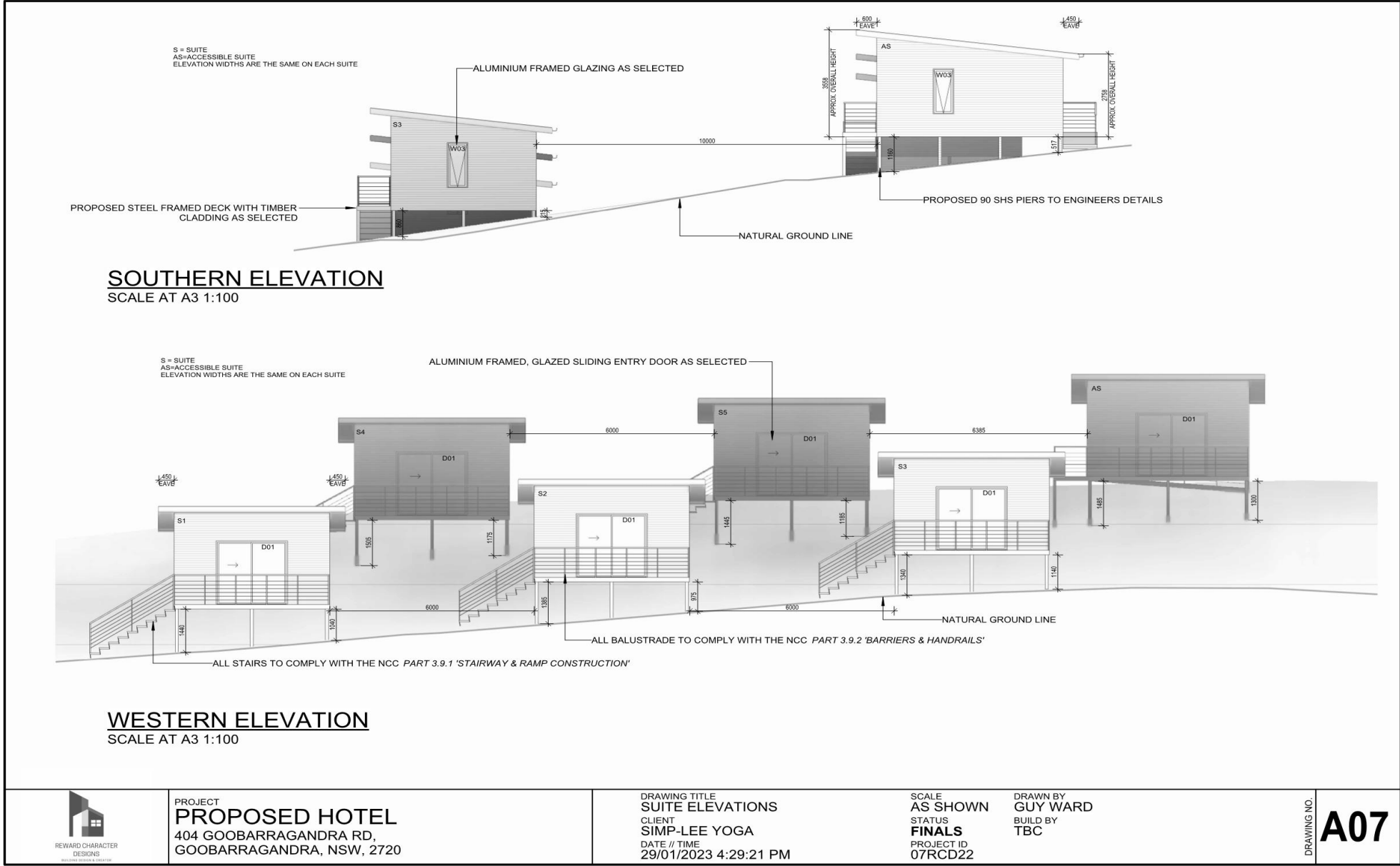
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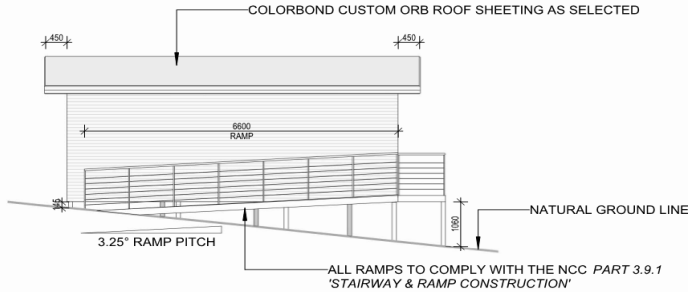
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BUILD BY
TBC

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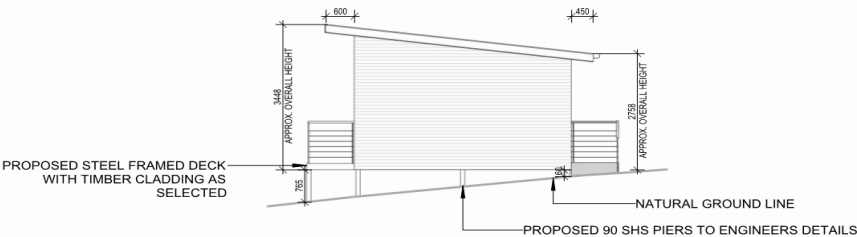
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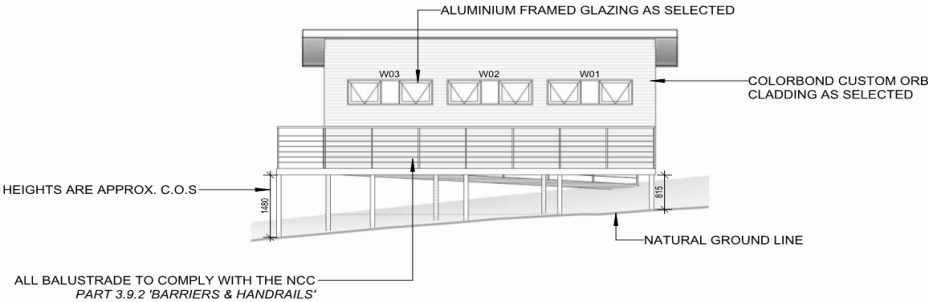




NORTHERN ELEVATION
SCALE AT A3 1:100



EASTERN ELEVATION
SCALE AT A3 1:100



SOUTHERN ELEVATION
SCALE AT A3 1:100



WESTERN ELEVATION
SCALE AT A3 1:100



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PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

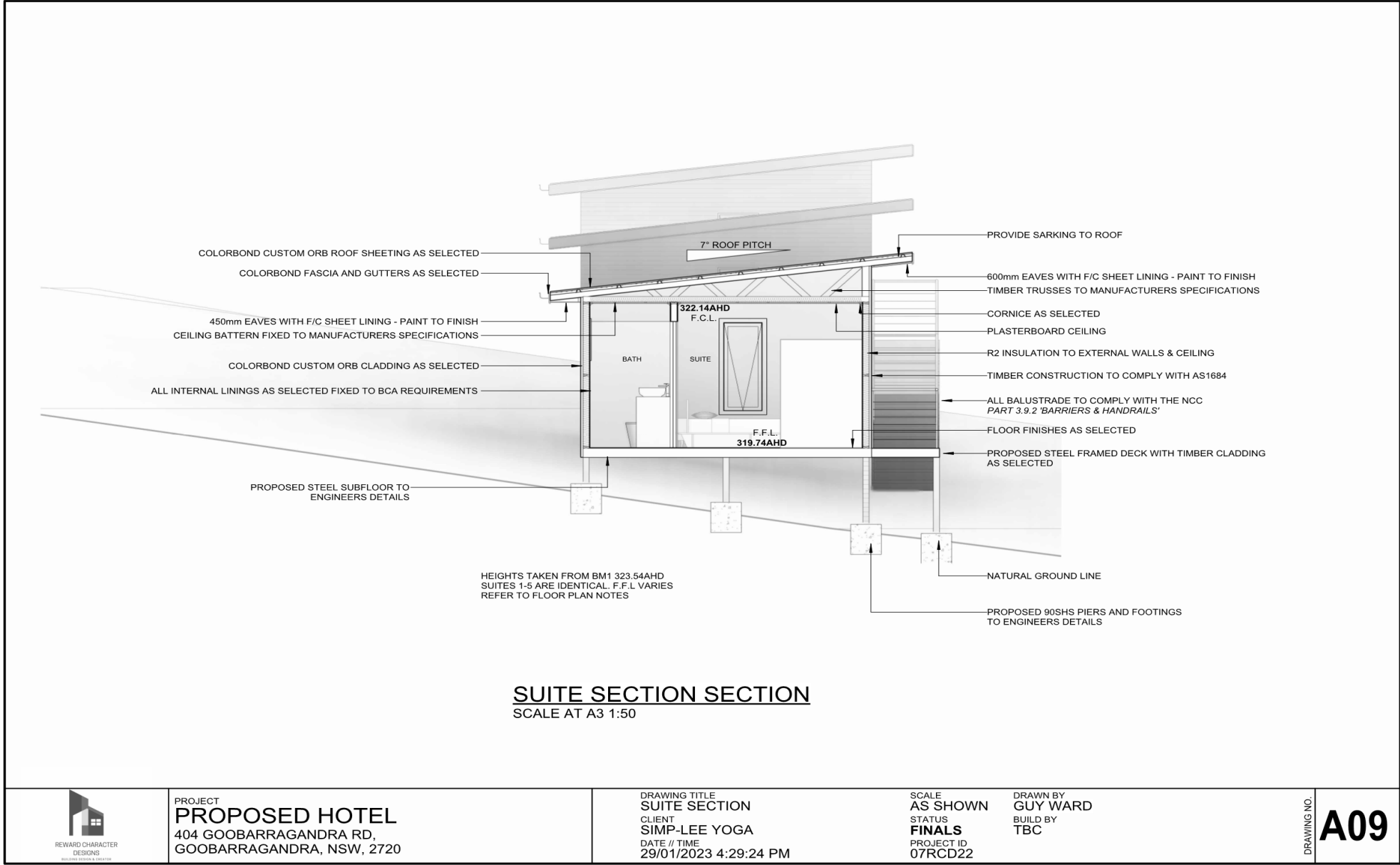
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KITCHEN ELEVATIONS
CLIENT
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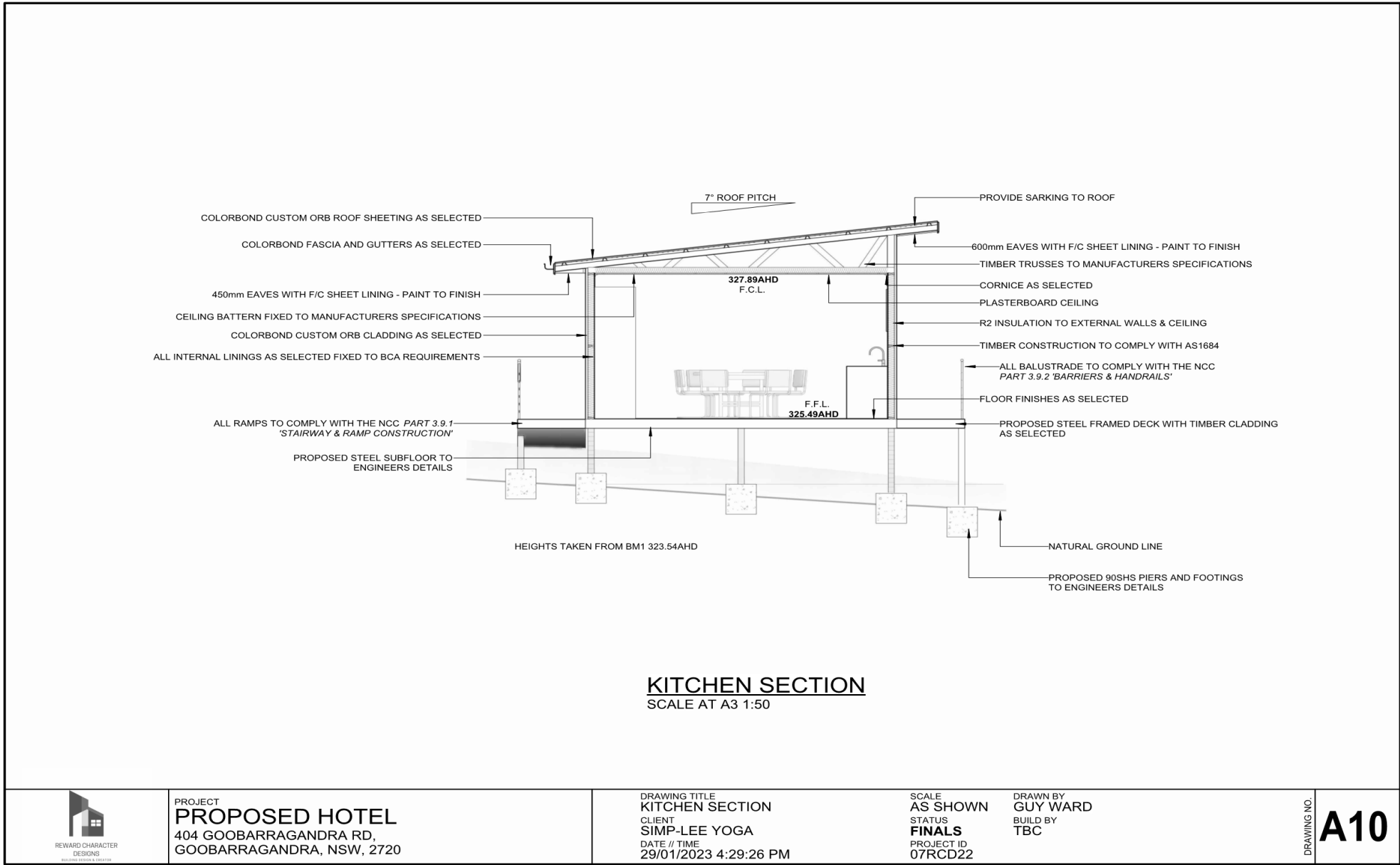
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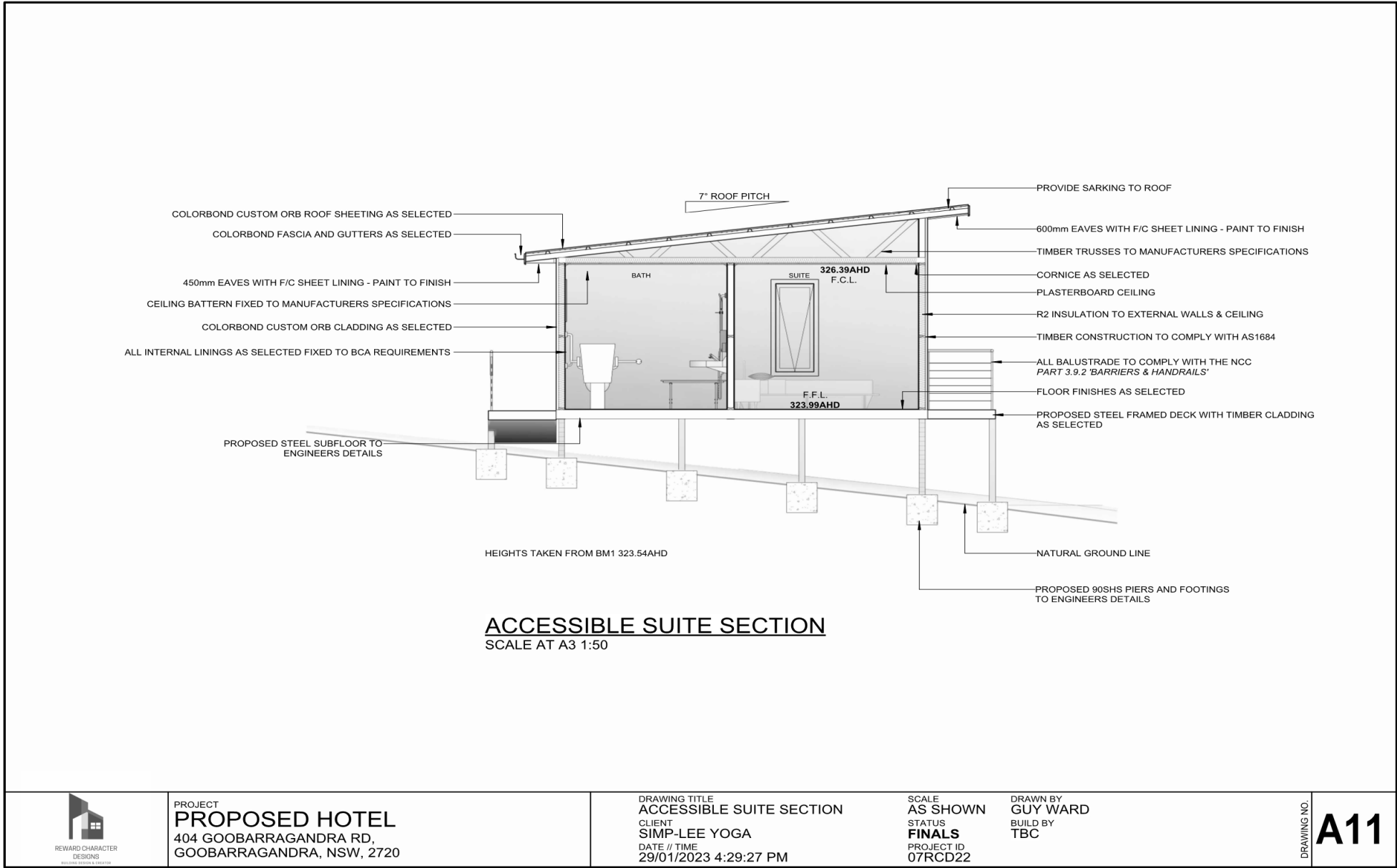
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BUILD BY
TBC

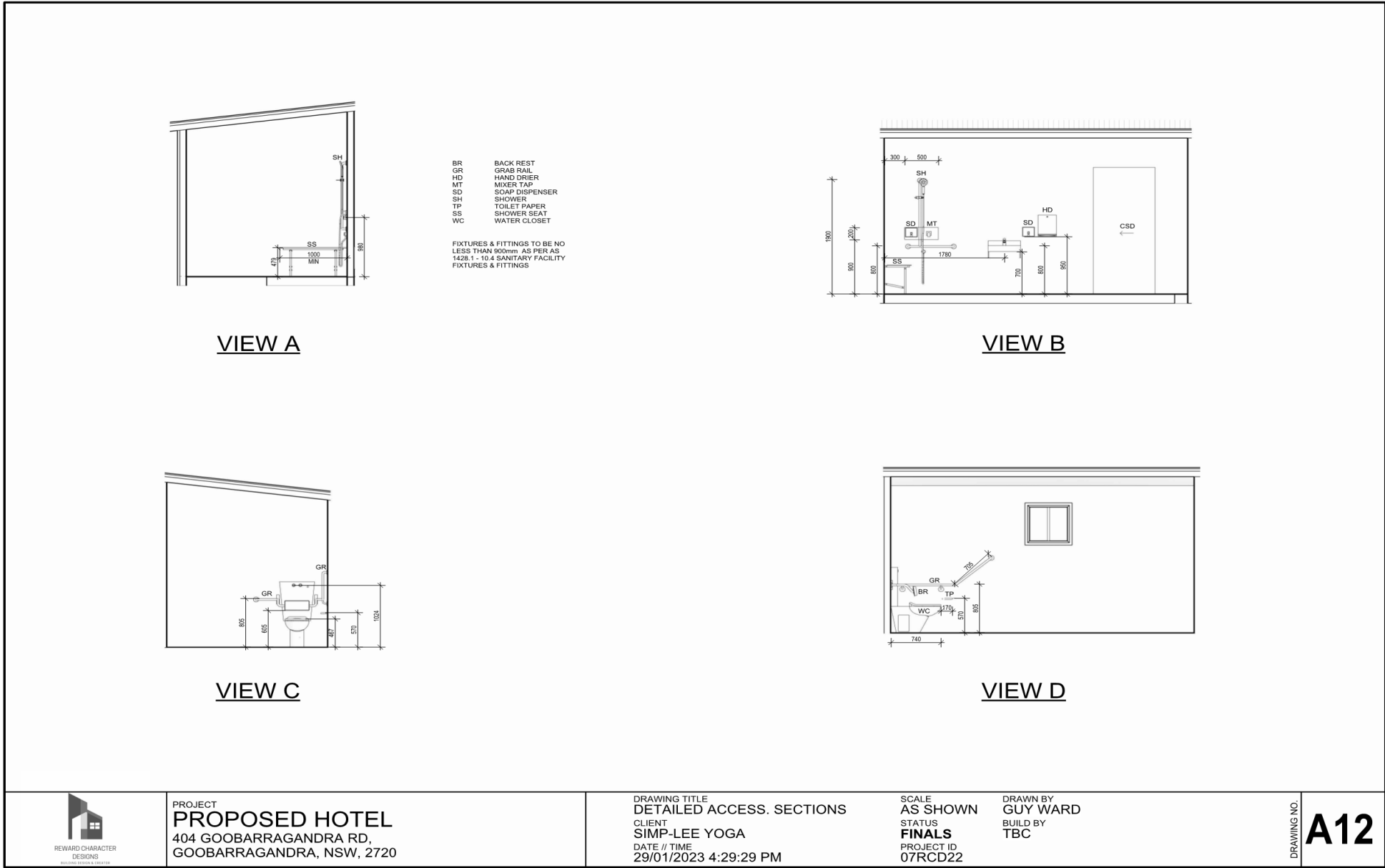
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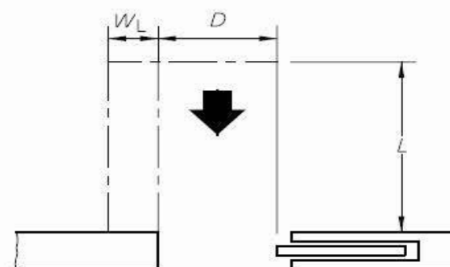
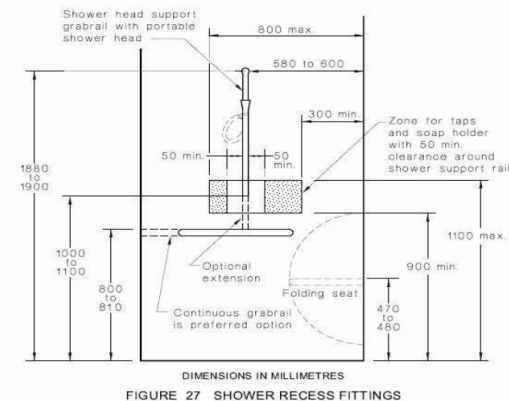
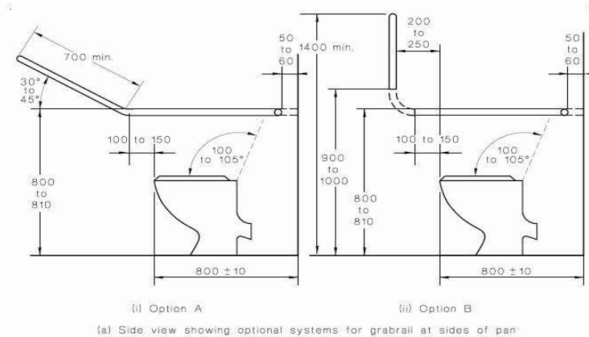
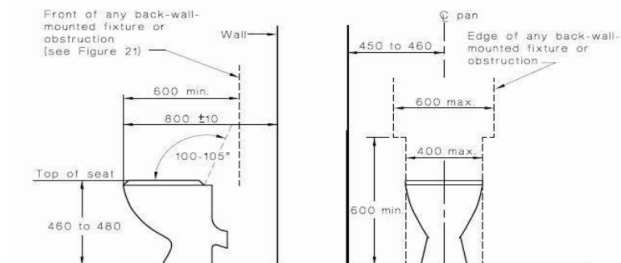
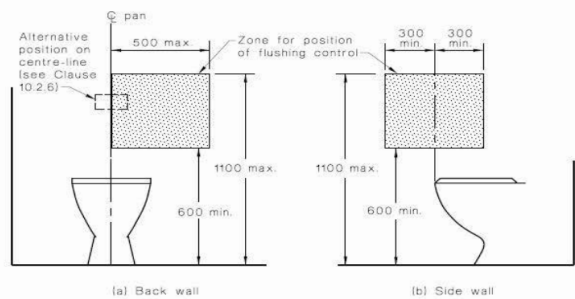
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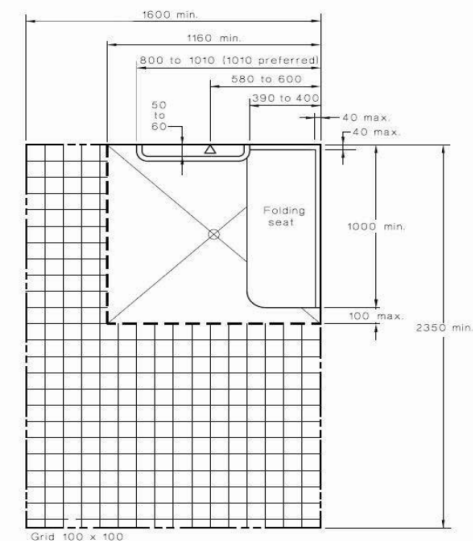


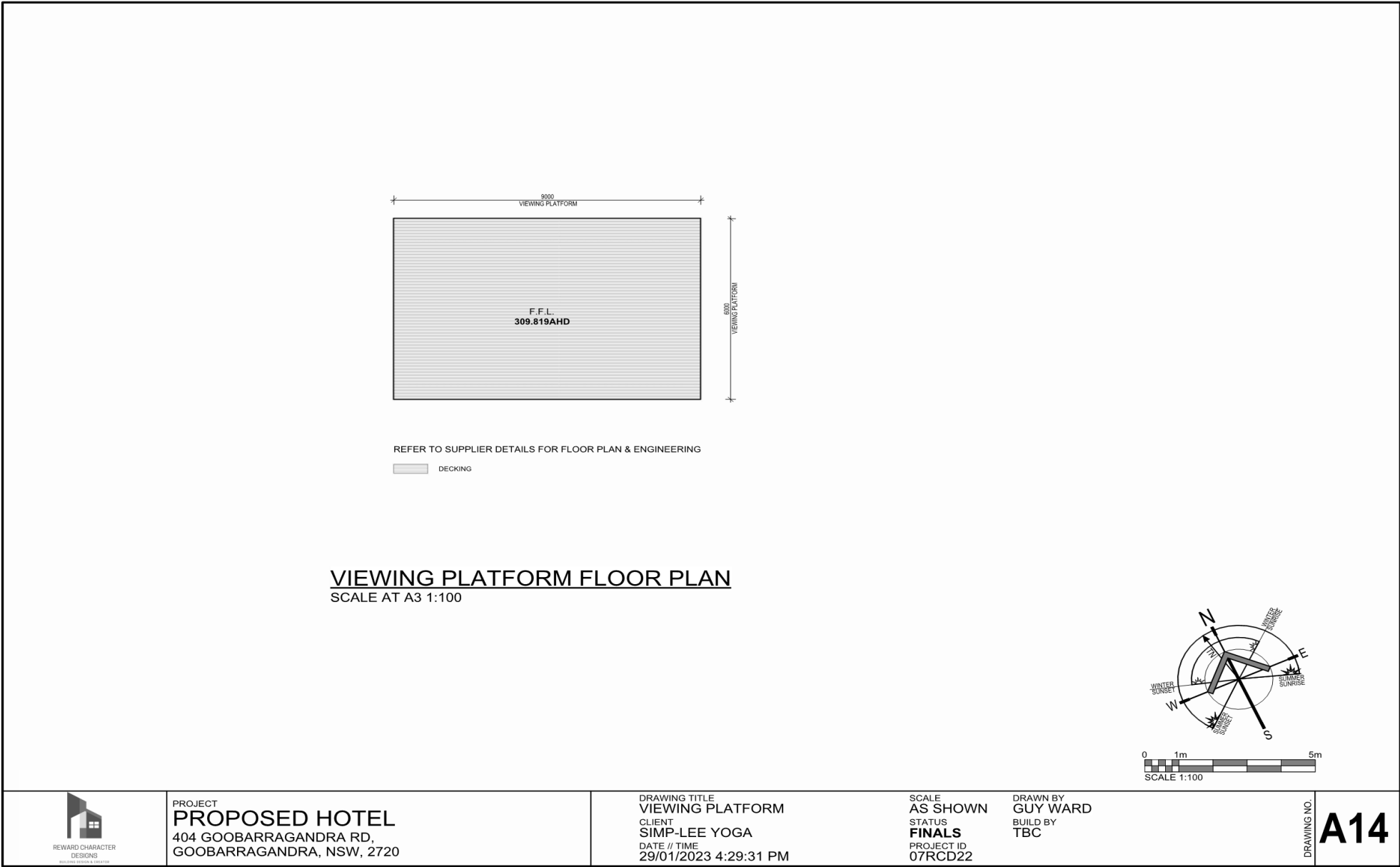


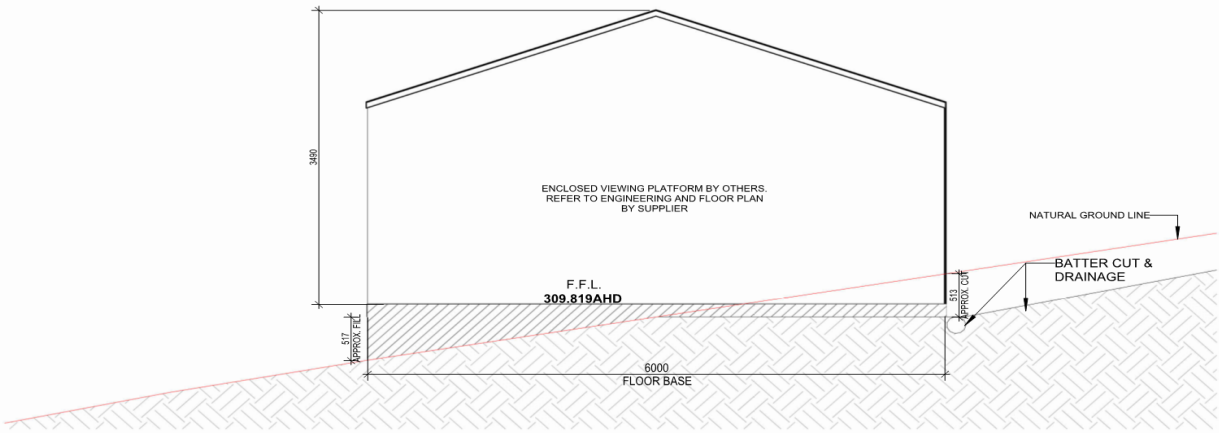




Dimension D	Dimension L	Dimension W_H	Dimension W_L
800	1350	0	470
850	1350	0	480







VIEWING PLATFORM SECTION
SCALE AT A3 1:50



PROJECT
PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

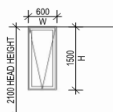
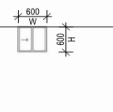
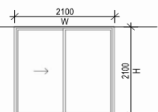
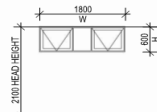
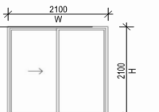
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SCALE
AS SHOWN
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FINALS
PROJECT ID
07RCD22

DRAWN BY
GUY WARD
BUILD BY
TBC

DRAWING NO.

A15

ACCOMMODATION SUITES GLAZING SCHEDULE PER SUITE			KITCHEN GLAZING SCHEDULE	
				
WINDOW NUMBERS- W01, W02 QUANTITY- 2 GLAZING - SINGLE CLEAR OPENING - AWNING FRAME - ALUMINIUM TOTAL FOR PROJECT- 12	WINDOW NUMBERS- W03 QUANTITY- 1 GLAZING - SINGLE CLEAR OPENING - SLIDING FRAME - ALUMINIUM TOTAL FOR PROJECT- 6	DOOR NUMBERS- D01 QUANTITY- 1 GLAZING - SINGLE CLEAR OPENING - SLIDING DOOR UNIT FRAME - ALUMINIUM TOTAL FOR PROJECT 6	WINDOW NUMBERS- W01, W02, W03 QUANTITY- 3 GLAZING - SINGLE CLEAR OPENING - AWNING FRAME - ALUMINIUM TOTAL FOR PROJECT- 3	DOOR NUMBERS- D01 QUANTITY- 1 GLAZING - SINGLE CLEAR OPENING - SLIDING DOOR UNIT FRAME - ALUMINIUM TOTAL FOR PROJECT 1

DOOR & WINDOW NOTES
- ALL WINDOWS & GLAZED DOOR INSTALLATION TO COMPLY WITH AS 2047 AND AS 1288. BUSHFIRE PRONE AREAS TO COMPLY WITH AS 3959 - REFER TO BUSHFIRE NOTES FOR BUSHFIRE ATTACK LEVEL (BAL) (IF APPLICABLE TO PROJECT).
- WINDOW FRAME AND GLAZING PERFORMANCE LEVELS TO MEET OR EXCEED BASIX CERTIFICATE REQUIREMENTS.
- BUILDER TO ADVISE FRAMING MANUFACTURER OF SELECTED WINDOW MANUFACTURERS AS STANDARD WINDOW SIZES VARY SLIGHTLY BETWEEN MANUFACTURERS.
- ALL WINDOW AND DOOR DIMENSIONS TO BE CHECKED ON SITE PRIOR TO FABRICATION.
- ALL OPERABLE WINDOWS TO BE FITTED WITH SEALS AND TIGHT FITTING FLY SCREENS.
- EXTERNAL DOORS TO BE FITTED WITH WEATHER SEALS ALL ROUND.



PROJECT
PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

DRAWING TITLE
WINDOW & DOOR SCHEDULE
CLIENT
SIMP-LEE YOGA
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FINALS
PROJECT ID
07RCD22

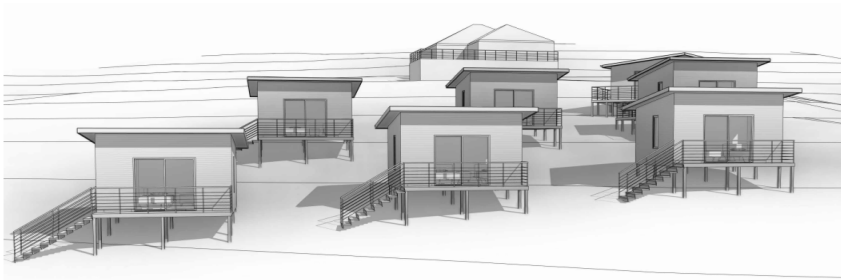
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GUY WARD
BUILT BY
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DRAWING NO.

A16



PROPOSED SUITES WITH EXISTING
HOUSE IN THE DISTANCE



PROPOSED SUITES WITH EXISTING
HOUSE IN THE DISTANCE



PROJECT
PROPOSED HOTEL
404 GOOBARRAGANDRA RD,
GOOBARRAGANDRA, NSW, 2720

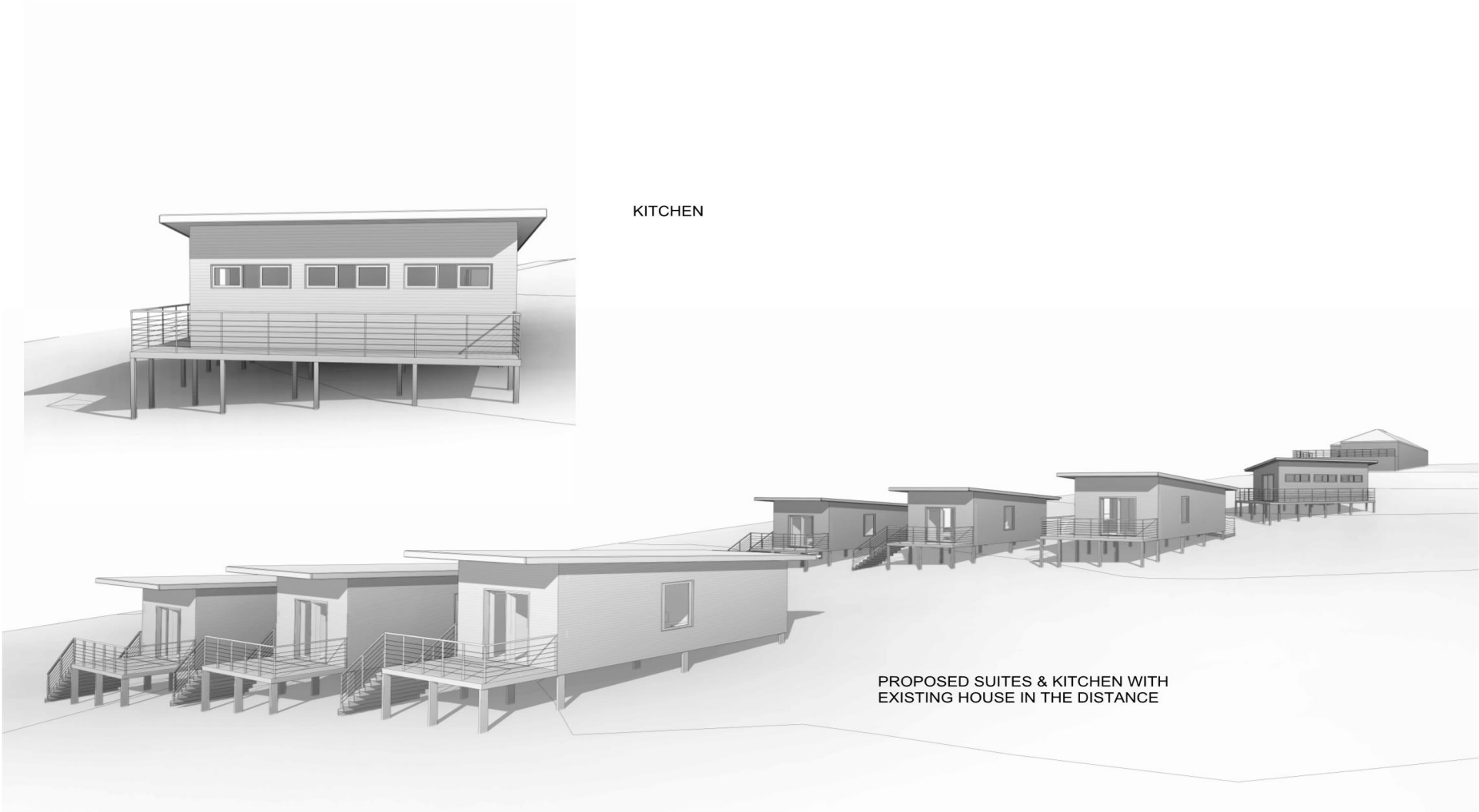
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3D RENDERS
CLIENT
SIMP-LEE YOGA
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AS SHOWN
STATUS
FINALS
PROJECT ID
07RCD22

DRAWN BY
GUY WARD
BUILT BY
TBC


DRAWING NO.

A17



KITCHEN

PROPOSED SUITES & KITCHEN WITH EXISTING HOUSE IN THE DISTANCE

 <p>REWARD CHARACTER DESIGNS ARCHITECTURAL VISUALISATION</p>	<p>PROJECT</p> <p>PROPOSED HOTEL</p> <p>404 GOOBARRAGANDRA RD, GOOBARRAGANDRA, NSW, 2720</p>	<p>DRAWING TITLE</p> <p>3D RENDERS</p> <p>CLIENT</p> <p>SIMP-LEE YOGA</p> <p>DATE // TIME</p> <p>29/01/2023 4:29:37 PM</p>	<p>SCALE</p> <p>AS SHOWN</p> <p>STATUS</p> <p>FINALS</p> <p>PROJECT ID</p> <p>07RCD22</p>	<p>DRAWN BY</p> <p>GUY WARD</p> <p>BUILD BY</p> <p>TBC</p>	<p>DRAWING NO.</p> <p>A18</p>
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Attachment 2 - 2023.07.05 DRAFT Notice of Determination - Draft Consent Conditions DA 2023.0025 Proposed Tourist and Visitor Accommodation

Application No: 2023/0025
PAN: 301852
Contact: Nick Wilton



5 July 2023

Amanda Myers
404 Goobarragandra Road
Goobarragandra New South Wales 2023

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*

APPLICATION NO:	2023/0025
APPLICANT:	Amanda Myers
OWNER:	Amanda and Jason Myers
PROPERTY DESCRIPTION:	Lot 2 in Deposited Plan 630937
PROPERTY ADDRESS:	404 Goobarragandra Road, Goobarragandra
PROPOSED DEVELOPMENT:	Tourist and Visitor Accommodation (Hotel / Motel Accommodation)
DETERMINATION:	Approval subject to condition Council resolution
CONSENT TO OPERATE FROM:	TBA
CONSENT TO LAPSE ON:	TBA

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Nick Wilton
Manager Growth and Activation

TBA
Date of Determination

P: 1300 ASK SVC (1300 275 782)

Tumut Office 76 Capper Street Tumut NSW 2720	Tumbarumba Office Bridge Street Tumbarumba NSW 2653
E: info@svc.nsw.gov.au	www.svc.nsw.gov.au



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Supporting Strong and
Vibrant Communities

DA APPLICATION 2023/0025 Lot 2 in Deposited Plan 630937

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**ADMINISTRATION CONDITIONS****1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of Tourist and Visitor Accommodation (Hotel Accommodation).

Reason: *To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan	07RCD22 AO1-AO3	Reward Character Designs	January 2023
Elevations Drawings / Architectural Plans	07RCD22 AO4-A18	Reward Character Designs	January 2023
Statement Of Environmental Effects	404 Goobarragandra Rd, Goobarragandra	CAF Building and Town Planning Consultancy	February 2023
Site classification and land capability assessment	7768	McMahon Earth Science	19 October 2023

Reason: *To ensure the development is carried out in accordance with the approved plans and documentation.*

3. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance with Building Code of Australia

That the work must be carried out in accordance with the requirements of the National Construction Code.

Reason: *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

5. Erection of Signs

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

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) for the work, and

DA APPLICATION 2023/0025 Lot 2 in Deposited Plan 630937

- (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.

Reason: *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. Compliance with Disability Discrimination Act 1992

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

Reason: *To inform of relevant access requirements for persons with a disability.*

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE
Application for a Construction Certificate (Building Works)**

7. The applicant shall apply to Council or an Private Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.

Note: Land conditions adjacent to the site have been identified as potential landslip and accordingly a geotechnical report has been prepared on the site conditions that has made recommendations / conclusions on how the site is to be managed.

- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).

DA APPLICATION 2023/0025 Lot 2 in Deposited Plan 630937

- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:

- Performance requirements that the alternative solution intends to meet.
- Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
- A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier (PC) and lodgement of Notice of Commencement.*

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

8. Appointment of Principal Certifier (PC)

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

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

DA APPLICATION 2023/0025 Lot 2 in Deposited Plan 630937

of the building.

Reason: *To ensure that there is certainty as to the consent applying to the land.*

9. Building Materials & Colour Scheme

Details and samples of all new external building materials and finishes, including their proposed colours, shall be submitted for the approval of Council prior to the issue of the Construction Certificate.

The development should incorporate recessive and non-reflective colours for any proposed cladding or roofing materials.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

10 Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

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

Reason: *To inform of relevant access requirements for persons with a disability.*

10. Accessible Car Parking Spaces

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Principal Certifier (PC) prior to the issue of the Construction Certificate.

Reason: *To inform of relevant access requirements for persons with a disability.*

11. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

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

Reason: *To minimise the amount of waste going to landfill.*

12. Landscaping Plan

A landscaping plan shall be prepared and submitted to Council for approval, prior to the issue of any construction certificate for the development.

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The landscaping plan shall include a mix of local indigenous species including but not limited to River Red Gums and also Tumut Grevilleas native to the local area.

The landscaping plan shall also provide for a contiguous landscaping screen to the North Western Boundary of the property with a minimum of 5 metres in depth and to the full length of the boundary. The setback of the screen shall be such so as to not increase the BAL rating on the adjoining property at 382 Goobarragandra Road Goobarragandra.

The approved landscaping plan requirements shall be completed prior to the issue of any occupation certificate.

Reason: To comply with the requirements of the Development Control Plan and to ensure privacy of adjoining residents.

13. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Snowy Valleys Council, for the following approvals:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works
- Approval to install an Onsite Sewer Management System and Approval to Operate (given the nature of the proposed effluent a separate stand-alone system will be required for the proposed development)

Reason: A requirement under the provisions of the *Local Government Act 1993*.

14. Section 138 Roads Act 1993 Approval

The existing access to the development shall be required to be upgraded in accordance with Council's standard drawings for a rural road access. This shall include bitumen sealing from the edge of the road pavement to the property boundary.

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) prior to the issue of any construction certificate.

Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's (now TfNSW) manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

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- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

15. Section 7.11 Contributions

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Snowy Valleys Local Government Area.

\$10,431.06 prior to 30 June 2024 (being 1738.51 per unit in Tumut Rural Areas). If paid after this date the amount will be indexed in accordance with Council's contributions plan and in accordance with the fees and charges applicable at the time of payment.

Note: In the case of a new or revised contributions plan being adopted, the rate will be in accordance with that plan if not paid prior to its adoption.

All contributions are indexed annually in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

16. Erosion and Sediment Control Plan

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

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- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

Reason: *To minimise soil erosion and sediment movement during construction.*

17. Light Spillage

Measures to ensure that no light spillage is created from the approved development into existing nearby residences, shall be provided to the satisfaction of Council prior to issue of Construction Certificate. All lighting shall be directed downwards and no security lights or flood lights shall be utilised on the development which may cause light spillage onto adjoining properties.

Reason: *To ensure no reduction in residential amenity.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

18. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Snowy Valleys Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit (if applicable);
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

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19. Fencing of the Construction Site

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.

Reason: *To ensure that the safety of the public is not compromised.*

20. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including roads, drainage and vegetation and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents' expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, roads, drainage lines are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

Reason: *Public safety.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

21. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

22. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

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Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

Reason: *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

23. Structure not to be built over easements/infrastructure

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains or easements.

Reason: *To protect infrastructure.*

24. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

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

Reason: *To ensure that natural drainage of the property and adjoining properties is not affected.*

25. Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

26. Damage to Adjoining Properties

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

Reason: *Structural safety.*

27. Prevention of Nuisance

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

Reason: *Health and amenity.*

28. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

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

Any run-off and erosion control measures required shall 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 shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall 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 shall be left clear of waste and debris.

Reason: *Environmental amenity.*

29. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure the safety of life and property.*

30. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgement of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

31. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

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Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

32. Waste Management

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

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

33. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

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

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

Note: *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

34. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans*

35. Section 138 Roads Act 1993 Final

The applicant is to ensure that the works associated with the Section 138 approval for this

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development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans*

36. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Councils assets are protected.*

37. Fire Safety Certificate

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

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Snowy Valleys Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

38. National Plumbing and Drainage Code

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: *To comply with legislation.*

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

39. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire and Rescue; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety

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schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

40. Capacity Limits of development

The development shall be restricted to a maximum of 12 patrons at any one time.

Reason: *To ensure the amenity impacts of the development are appropriately managed*

41. Hours of Operation

The hours of operation once an occupation certificate has been issued for the development shall be 24 hours per day 7 days per week with patrons to check into the development after 2pm and check out after 10am.

Reason: *To ensure the amenity impacts of the development are appropriately managed*

42. Operational Noise

The proponent shall ensure that all operational noise shall not exceed 5 dBA above background noise levels when measured at any habitable room of any adjoining residential property.

Reason: *To ensure the amenity impacts of the development are appropriately managed*

43. Operational Management Plan

The proponent shall prepare and implement an operational management plan for the development outlining proposed management and supervision protocols to manage the use of the site including but not limited to management of complaints, noise, gatherings, litter and waste management.

CONCURRENCE CONDITIONS

Rural Fire Service

1. The proponent shall comply with the requirements of the Rural Fire Service Bushfire Safety Authority dated 2 June 2023.

Department of Planning and Water (Environment)

1. The proponent shall comply with the requirements of the General Terms of Approval correspondence dated 13 April 2023.

END OF CONDITIONS

Attachment 3 - DA20230025 Bushfire Safety Authority RFS**NSW RURAL FIRE SERVICE**

Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Your reference: (CNR-52225) DA2023/0025
Our reference: DA20230222000748-Original-1

ATTENTION: Bradley Allen

Date: Friday 2 June 2023

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Other Tourist Accommodation
404 GOOBARRAGANDRA ROAD GOOBARRAGANDRA 2720, 2//DP630937

I refer to your correspondence dated 24/02/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.

- The Bushfire Assessment Report prepared by CAF Building and Town Planning Consulting dated 10/05/2023, Revision B.
- The plans drawn by Reward Character Designs titled "Proposed Hotel Accommodation, 404 Goobarragandra Rd, Goobarragandra" dated 29/01/2023.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area for a distance of 60 metres from all occupiable buildings in accordance with Appendix 4.1.1 of *Planning for Bush Fire Protection 2019*.

Construction Standards**1****Postal address**

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

The intent of measure is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

3. New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. The existing dwelling must be upgraded, if not currently compliant, to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Access - Internal Roads

The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

5. Property access roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*.

6. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

7. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- a minimum 10,000 litre static water supply, tank, pool, dam or the like, must be provided for each occupiable structure,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,

- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter;
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

8. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Emergency and Evacuation Planning Assessment

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.

3

9. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan and include planning for the early relocation of occupants and;
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed.

For any queries regarding this correspondence, please contact David Webster on 1300 NSW RFS.

Yours sincerely,

Michael Gray
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation
404 GOOBARRAGANDRA ROAD GOOBARRAGANDRA 2720, 2//DP630937
RFS Reference: DA20230222000748-Original-1
Your Reference: (CNR-52225) DA2023/0025

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Michael Gray

Manager Planning & Environment Services
Built & Natural Environment

Friday 2 June 2023

Attachment 4 - DA20230025 Endorsed DPE Water Response IDAS-2023-10159_A-61793

Department of Planning and Environment



Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10159
Your ref: DA2023/0025

13 April 2023

The General Manager
Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Attention: Bradley Allen

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10159 - Controlled Activity Approval
Dev Ref: DA2023/0025
Description: Erection of 6 accommodation suites and kitchen for Tourist and Visitor Accommodation Purposes
Location: Lot 2 DP630937, 404 Goobarragandra Road
GOOBARRAGANDRA 2720

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment—Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, Department of Planning and Environment—Water requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

Department of Planning and Environment—Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

Department of Planning and Environment—Water requests that Council provide a copy of this letter to the development consent holder.

Department of Planning and Environment—Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely

Kieran Ball

For
Nathalie Whitby
Manager
Licensing and Approvals
Department of Planning and Environment—Water



General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2023-10159
Issue date of GTA:	13 April 2023
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 2 DP630937, 404 Goobarragandra Road GOOBARRAGANDRA 2720
Waterfront Land:	Goobarragandra River
DA Number:	DA2023/0025
LGA:	Snowy Valleys Council

The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G002	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA2023/0025 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>

Attachment 5 - planning-circular-ps-13-001-how-to-characterise-development (1)



PLANNING circular

PLANNING SYSTEM

Local planning

Circular	PS 13-001
Issued	21 February 2013
Related	PN 11-003

How to characterise development

The purpose of this circular is to provide assistance in determining whether a particular development is permitted on land in a specific zone under a Standard Instrument Local Environmental Plan (SILEP). It may also assist in relation to development under non-Standard Instrument LEPs. This circular may be relevant when considering whether a rezoning is required for a particular development to be carried out and, if so, the nature of that rezoning. The explanatory material set out in this circular is for information purposes only and does not constitute legal advice.

Introduction

The Standard Instrument for Principal Local Environmental Plans (LEPs) includes a Dictionary of standard definitions.

Definitions in the Standard Instrument Dictionary can be divided into:

- terms that describe land uses which can be included in the Land Use Table of a Standard Instrument LEP ('land use terms'), and
- other explanatory terms that are important for interpretation purposes.

Direction 5 of the Land Use Table exclusively lists all the land use terms that may be included in the Land Use Table, e.g. 'dwelling house', 'retail premises', and 'industry'.

The Land Use Table of a Standard Instrument LEP specifies for each zone:

- development that may be carried out without development consent, and
- development that may be carried out only with development consent, and
- development that is prohibited.

Permitted and prohibited land uses in zones

All proposed development will fall into one of the three categories – permitted without consent, permitted with consent, or prohibited. Whether a development is permitted (with or without consent) or prohibited will depend on the purpose for which the development is being carried out.

A reference to a type of building or other thing in the Land Use Table is to be interpreted as a reference to

development *for the purposes of* that type of building or other thing. For example, the listing of 'dwelling houses' under the heading "Permitted with consent" in Zone RU1 Primary Production means that development for the purposes of a dwelling house is permitted with consent in that zone.

The following terms are discussed in this circular:

- development for a purpose
- ancillary uses
- "principal purpose"

Development for a purpose

Development is considered to be *for a particular purpose* if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the end to which the development serves.

To determine whether a development is (or will be) for a particular purpose, an enquiry into how that purpose will be achieved by the development is necessary. The assessment will vary depending on the facts of each case.

Example 1: Supermarket

In the Standard Instrument Dictionary:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

In the case of development for the purpose of a shop such as a supermarket, the development could involve the construction of:

- the building in which the supermarket and its associated stock room and loading dock is located
- a basement or adjoining car park for customers who wish to shop at the supermarket
- driveways providing vehicular access from the public road to the car park and passageways, travelators or pedestrian ramps providing pedestrian access between the public road, the car park and the supermarket, and
- a landscaped, supermarket forecourt area that provides passive recreation and access for customers.

All of the above development can be regarded as being for the one dominant purpose of a shop. The integral relationship between the various components means it is not appropriate to characterise each as being for the purpose of a 'car park', or 'roads', or 'recreational area'.

The fact there are different components or parts of varying nature comprising the development is not necessarily of importance. Obviously, the only part of the proposed development specifically intended for use as a supermarket is that part of the building which incorporates the supermarket. The other parts of the development such as the car park, driveways, access ways, and landscaped forecourt serve the purpose of enabling the supermarket to function on the land.

Ancillary use

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.

To put it simply:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.

In the Standard Instrument Dictionary:

mixed use development means a building or place comprising 2 or more different land uses.

Example 2: Industrial premises

In the Standard Instrument Dictionary:

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

In the case of development for the purpose of general industry, such as a factory, the development could involve the construction of:

- the building in which the factory and its associated storehouse and loading dock is located
- an adjoining car park for employees
- driveways providing vehicular access from the public road to the car park and passageways
- fencing around the premises for security and safety, and
- a caretaker's residence for a full-time caretaker to manage and maintain the premises.

The integral relationship between the various components means it is appropriate to characterise the entire development as being for the dominant purpose of general industry, including the caretaker's residence, the built form of which could be considered to be a different, residential use of land. However, since the residence exists to serve the dominant purpose, it is properly characterised as an ancillary use and is therefore development for purposes of general industry.

However, if the proposed residence is not for a full-time caretaker at all -- but is instead a house that could be rented out to anyone, fenced off away from the industrial premises with separate access and driveway from a road -- it should be characterised as development for the purposes of a dwelling house or residential accommodation. The proper characterisation of the residence will depend on the facts.

The characterisation of the residence has the following implications:

- If the entire development is for the purpose of general industry, 'general industry' must be permitted with consent on the land for consent to be granted
- If the development is mixed use, for the purpose of general industry and as well as a dwelling house, both 'general industry' and 'dwelling house' must be permitted with consent on the land for consent to be granted.

Considerations for characterisation

A component of a development may have features that are both ancillary and independent. If this is the case, consider the following:

- Is the component going to serve the dominant purpose of the development or is it independent?
- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.
- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.
- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).
- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.
- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

Example 3: Warehouse and distribution centre

A development application is made for the development of land for the purpose of a warehouse and distribution centre. A retail component is proposed as part of the development. Development for the purposes of 'warehouse and distribution centre' is permitted with consent under the Land Use Table for the relevant zone, but 'retail premises' is prohibited.

In the Standard Instrument Dictionary:

warehouse and distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Development consent can only be granted to the development if the land is rezoned to permit 'retail premises'. The retail premises component cannot be characterised as being ancillary to the other purpose of the development ('warehouse and distribution centre'), however minor it may be in comparison, because the definition of 'warehouse and distribution centre' excludes any retail sales being made from the premises.

A non-Standard Instrument LEP may have a different definition of 'warehouse and distribution centre' that does not specifically exclude an on-site retail premises component. If that is the case, development consent may be granted to the development if the retail premises can be characterised as being ancillary to the dominant purpose of the development, being 'warehouse and distribution centre'. However, if both uses are substantial components of the development and neither serves the other, the retail premises cannot be considered to be ancillary – rather, both uses should be characterised as independent, dominant purposes. This is the case even if the operations are related.

Changes to an ancillary use

If an ancillary use expands to the extent it is no longer subordinate or subservient to the dominant purpose,

development consent may be required for the change of use.

Definitions that use the term "principal purpose"

There are eight land use terms in the Standard Instrument Dictionary that use the term "principal purpose" as part of their definition.

For example, in the Standard Instrument Dictionary:

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

The use of the term "principal purpose" in such a context adds flexibility to what may be considered to be for the purpose of 'hardware and building supplies'.

A building or place that sells goods or materials relating to the construction and maintenance of buildings and related outdoor areas **and** also sells other goods or materials or provides related or unrelated services may still fall within the definition of 'hardware and building supplies', but only if those other goods, materials or services do not constitute a major component of the development.

The definition makes it clear that even if these other goods or materials are sold or services provided, the principal purpose of the building or place must remain "the sale or hire of goods or materials such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas".

Example 4: Hardware and building supplies

A development application is made for the development of land for the purpose of hardware and building supplies. The sale of goods or materials used in the construction and maintenance of buildings and related outdoor areas is the main purpose of the development, but the sale of goods not necessarily for this purpose is also proposed on-site. Some of the goods that will be available for sale (whether or not of a kind used in the construction and maintenance of buildings and related outdoor areas) could be considered to be bulky goods.

Development for the purposes of 'hardware and building supplies' is permitted with consent under the Land Use Table for the relevant zone but 'bulky goods premises' is prohibited.

In such circumstances, development consent may be granted to the development so long the principal purpose of the development is still the sale of goods or material used in the construction and maintenance of buildings and adjacent outdoor areas. The land does not need to be rezoned to permit 'bulky goods premises' for development consent to be granted

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because the development when considered as a whole is not for the purpose of a 'bulky goods premises'.

Consultation with council

If you have any concerns or questions as to whether a proposed development is permitted, or whether a rezoning is required, please contact your local council for assistance. Pre-DA meetings (a meeting held prior to the lodgement of any development application) with Council planning staff are available in all local government areas.

Further Information

A copy of this planning circular, and other specific practice notes and planning circulars on the Standard Instrument LEP, can be accessed on the department's website at <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Authorised by:

Sam Haddad
Director-General

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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www.planning.nsw.gov.au

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