



Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **WENTWORTH SHIRE COUNCIL CHAMBERS, DARLING STREET, WENTWORTH**, commencing at **5:00PM**.

The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.

All speakers should refrain from making any defamatory comments or releasing personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.

The meeting must not be recorded by others without prior written consent of the Council in accordance with the Council's code of meeting practice.

Councillors & staff are obligated to declare Conflicts of Interest as required under the Local Government Act 1993 and Councils adopted Code of Conduct.

Councillors are reminded of their Oath of Office whereby they have declared and affirmed that they will undertake the duties of the Office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

KEN ROSS
GENERAL MANAGER

LATE ITEMS
ORDINARY MEETING
AGENDA
23 JUNE 2025

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9 REPORTS TO COUNCIL

9.13 DA2024/146 FIBRE OPTIC SYMPHONIC ORCHESTRA (FOSO) ART INSTALLATION 214 LOG BRIDGE ROAD LOT 2 DP 1308132 WENTWORTH

File Number: RPT/25/345

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

On behalf of Mildura Development Board, Jackson Planning prepared and lodged a development application for the Fibre Optic Symphonic Orchestra – Art Installation at 214 Log Bridge Road, Wentworth. The land is owned by Wentworth Shire Council and the application was supported by plans, statement of environmental effects and bush fire assessment. Having consideration to the content of all associated documents the application has been assessed and accordingly this report recommends that Development Application 2024/146 is approved subject to conditions, as listed in the attached assessment report.

Recommendation

That Council:

1. Approve DA2024/146 subject to conditions being a Fibre Optic Symphonic Orchestra Art Installation at Lot 2 DP 1308132, 214 Lodge Bridge Road, Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to inform council of detail relevant to the subject Development Application to enable a determination to be made.

Background

To facilitate the Bruce Munro art exhibition the subject site requires development consent. The art installation being categorized as a recreation facility is permissible with consent in Zone RU1 subject to conditions.

Report Detail

The proposed art installation and associated development is permitted with consent under Zone RU1. The proposed development meets the zone objectives as listed below:

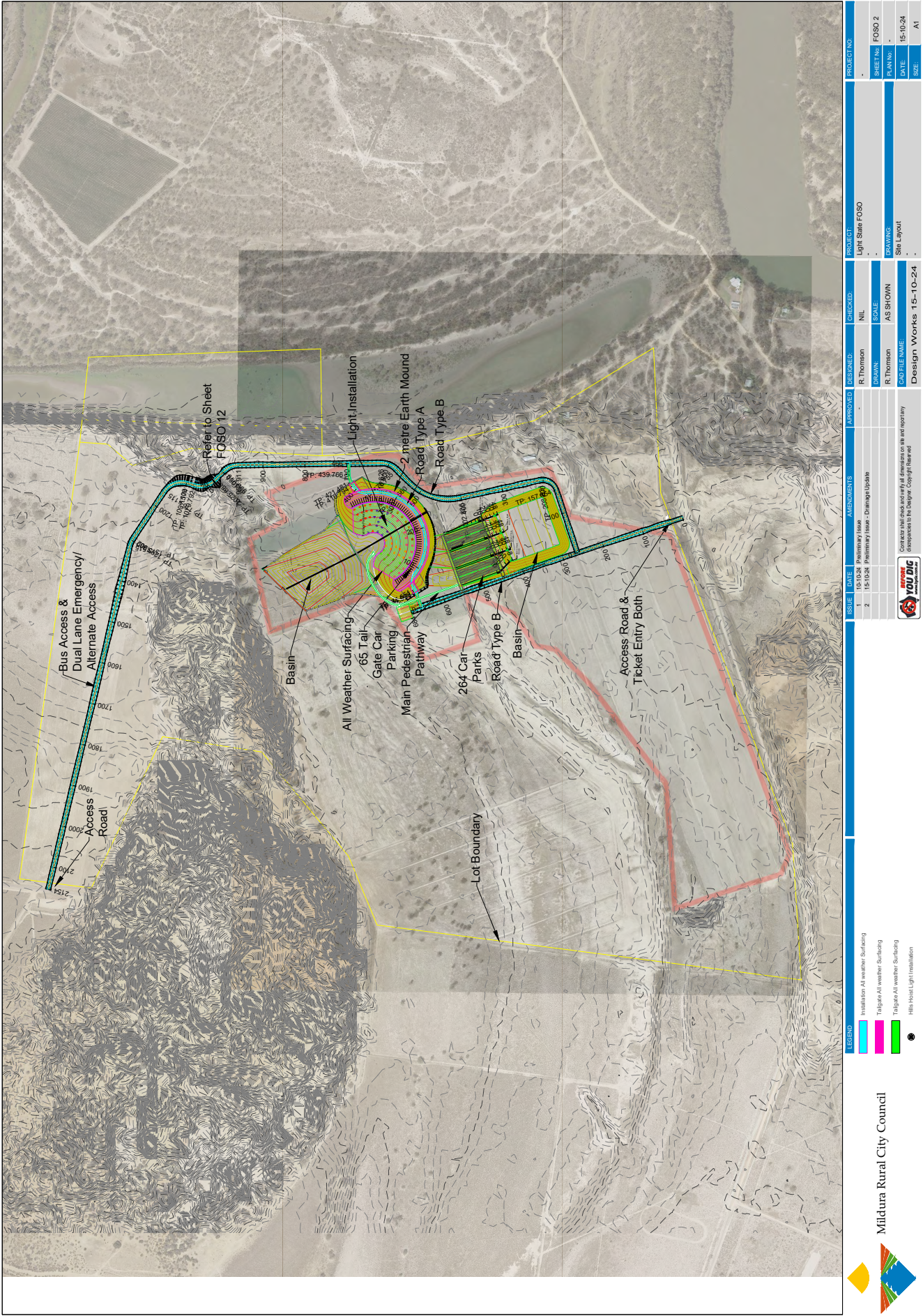
The assessment of the proposed development is attached and should be read for the detail which supports the recommendation to approve the Fibre Optic Symphonic Orchestra art installation.

Conclusion

To facilitate the Bruce Munro art exhibition the subject site requires development consent. The art installation being categorized as a recreation facility is permissible with consent in Zone RU1 subject to conditions.

Attachments

1. Plan [↓](#)
2. DA2024/146 Assessment Report [↓](#)



 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DEVELOPMENT APPLICATION INTERNAL REFERRAL</p>
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From: Health & Planning Department	Trim Ref No.: DOC/24/26341
To: Kerrie Copley - Planning Officer Health & Planning	
Date: 8 November 2024	Response Due: 6 December 2024
Subject: Health and Planning Referral – Development Services / Assessment Officer	

Message:

Could you please advise of any conditions or comments your department may have in relation to the below proposal.

Application No:	DA2024/146
Proposed Development:	(FOSO) Fibre Optic Symphonic Orchestra - Art Installation
Subject Land:	214 Log Bridge Road Lot 2 DP 1308132 Wentworth
Assessment No:	P492/05
Owner:	WENTWORTH SHIRE COUNCIL
Applicant:	JACKSON PLANNING MJJR PTY LTD – Matt Jackson


Thanks, Carmel

Attachments:

- Conditions – Please refer to template conditions DA
- Statement of Environmental Effect & Plans – Please refer PAN - 481996

Response:

BCA Classification	Reason Determination EP & A LEP DCP BCSEPP TISEPP	Response Received:
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	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DA Assessment Report Section 4.15 Evaluation</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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File Reference: DA2024/146 & PAN 481996
Property Title & Address: 214 Log Bridge Road Lot 2 DP 1308132 Wentworth P492/05
Property owner(s): WENTWORTH SHIRE COUNCIL
Applicant(s): JACKSON PLANNING MJJR PTY LTD – Matt Jackson
Proposal: (FOSO) Fibre Optic Symphonic Orchestra – Art Installation
Previous DAs: -
Cost of proposed development: \$4,554,489.40

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 2 DP 1308132 located in Wentworth, NSW. The lot has an area of approximately 483.3ha and is accessed via Log Bridge Road linking it to the surrounding area. The site is surrounded by public land, with Perry Sandhills located to the north-west and Thegoa Lagoon to the east.

The subject site is zoned RU1 Primary Production under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is an irregularly shaped Lot containing two storage sheds built to support agricultural use of the land.

The site does not contain a heritage item and is not located within the heritage conservation area or urban release areas of Wentworth Shire Councils mapping. The site is located within the bush fire mapped area. The site is identified as affected by floodway and flood planning mapping, terrestrial biodiversity, & wetlands areas.

DESCRIPTION OF PROPOSAL

The proposal is for the use and development of the Fibre Optic Symphonic Orchestra (FOSO) art installation comprising of:

- The primary development consists of an art installation located to the northeast of the site. The specific art structures are 80 columns of light made from cylindrical arrays of fibre optic cables, positioned on rotary structure measuring 3.5 meters high and 2 meters wide. The installation will be surrounded on the east, south and west by “Tail Gate” car parking which will be accessed by a road to the south.
- A main car park holding 264 car parks has been proposed south-west of the installation, with pedestrian access located towards the west.
- Primary road access will be via Lodge Bridge Road, Bus and emergency access is proposed to be located via the north-east (via Perry Sandhills access).
- The art installation will operate during the following times (depending on demand):
 - Summer Hours: Thursday to Sunday - 6:30pm to 10:30pm.
 - Autumn Hours: Thursday to Sunday – 6:30pm to 9:30pm.
 - Winter Hours: Friday & Saturday – 5:00pm to 9:00pm.
 - Spring Hours: Thursday – Saturday – 5:00pm to 9:00pm.
- The max capacity of the installation will be approximately 1000 persons, split between standard tickets, Platinum tickets and tail gate tickets.

Additional information has been requested 04/06/2025 to clarify if the installation is to operate for a prescribed amount of years or if the event will be ongoing.

A response provided 05/06/2025 confirms that the installation is contracted to operate for a period of 5 years.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Transport and Infrastructure) 2021

The application was referred to Transport for New South Wales as traffic generating development (s2.122) as the traffic report within the SEE states the provision of 264 car parking spaces, with the site able to accommodate up to 1000 patrons. Development that proposes more than 200 car spaces is therefore referred.

The application was referred to Essential Energy under this SEPP due to the presence of electricity infrastructure within the site.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development is located on land over 1ha in size, with no clearing of native vegetation required to accommodate the proposed art installation, access roads and car parking arrangements on the site.

Vegetation identified on the site is unsuitable as koala habitat, as such, no assessment against Chapter 3 & 4 of the SEPP is necessary.

Assessment against Chapter 5 pertaining to conserving and enhancing the riverine environment of the River Murray was carried out as the site is distanced from the nearest waterway but is classified as Riverine Land under the map associated with this Chapter being impacted by floodway, flood planning, terrestrial biodiversity and wetland mapping.

An assessment against Chapter 5, **clause 5.9** principles of the SEPP are as follows:

1. Access

The site is freehold land, the proposed development will not change access to the river.

2. Bank disturbance

The development will not be conducted within the bank and bed of the waterway.

3. Flooding

Council mapping indicates that the site is impacted by flooding, and the road access via Cadell Street impacted by floodway mapping. This flood mapping is an indication of impact relevant in a 1:100 year flood event. The accuracy of this mapping must be considered to have altered since 1956 particularly with the dramatic increase to river front development and altered land uses. The Statement of Environmental Effects indicates that the site is impacted, and that the development is designed to allow free flow of flood water during times of flood. Risk to human life is low as the proposed development will not operate during flood events and no buildings or structures form part of this application. Due to the proposed development site being located near Thegoa Lagoon and approximately 100m from the high bank of the Murray River, impact should be considered. Therefore, an assessment against these principles is as follows:

- a. The land has already been disturbed through agricultural use. The effect of flooding across wetlands is vital for riverine ecosystems.

- b. The land is flood liable, with risks of flooding during flood events. This is especially relevant due to the increase in extreme weather events caused by Climate change.
 - c. The proposed art installation is not deemed to have detrimental effect on the redistribution of floodwater as it is a temporary installation and can be removed prior to a riverine flood event causing inundation and cutting off access to the site. The construction of access roads, carparking and viewing areas will alter the flow of floodwater and likely alter redistribution impacts.
 - d. The development proposed does not have a tie to the river.
 - e. The site is located on flood prone land, however, the proposed art installation will not operate during times of riverine flooding. The proposal is not a habitable structure, therefore, risk to human life if flooded is minimal.
 - f. There is no anticipated increase to water or land pollution from the proposed development. Conditions of consent will be included to mitigate and manage any environmental impacts.
 - g. The proposed development will not operate during times of flooding. No significant changes to flood waters are anticipated from the art installation as the structures are temporary. The roads, carparking and viewing areas may alter the distribution of water during flood events.
 - h. The nature of riverine flood is such that inundation occurs slowly providing time for the evacuation of people from areas of impact. The infrastructure within the flood planning area is subject to flood inundation, and therefore may be a track for access rather than a sealed road.
4. Land Degradation
- Development application will be conditioned to minimise impacts of the development on the land as required. This development is not anticipated to have any impact on groundwater, cause salination or contribute to an increase in soil acidity. No large-scale deep excavation will occur as part of this application.
5. Landscape
- No native vegetation removal is proposed as part of the development. Any tree planting on the land will need to match with the native vegetation currently on the land.
6. River related use
- The proposed development does not have a demonstrated essential relationship with the river. It is to be located some distance from the bank of the River Murray.
7. Settlement
- The proposed development is for an art installation and associated access and viewing infrastructure and does not propose creating a residential settlement.
8. Water Quality
- Any work and subsequent uses of the land must be managed and designed to not cause any pollution of the waterway. If approved, the determination will be conditioned to ensure water quality measures are in place as required.
9. Wetlands
- The land is located in wetland area as per WSC mapping. The art installation is temporary and able to be removed as necessary during a flood event. The associated access and viewing infrastructure will be installed on flood prone land. It is the objective of the development to blend with the natural environment in its current state, therefore, keeping ground disturbance and impacts upon the wetlands minimal.

As per requirements for consultation under **Clause 5.10, Clause 5.11, and Clause 5.12** the application was referred to Department of Planning, Industry and Environment and TfNSW. Responses from external agencies to be included within assessment and conditions of consent.

An assessment against **clause 5.13** principles is as follows:

- **Building setback:** The proposed development does not include any buildings and is not dependent on a location adjacent to the Murray River.
- **Matters to be considered**
 - o **Effluent disposal:** Not applicable
 - o **Landscaping:** Not applicable

Wentworth Local Environmental Plan (LEP) 2011

Zone objectives and permissibility

The proposed art installation and associated development is permitted with consent under RU1 Primary Production zone. The proposed development meets the zone objectives of the relevant zones under which the subject site is located.

The objectives of the zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

Response provided by the applicant within SEE:

While the proposed development has no link to agriculture, the benefits to the tourism sector significantly outweigh the negatives of removing a portion of land that can be used for agriculture. Additionally, the proposed use and development will not have any detrimental impact on any surrounding land uses as location of this parcel is setback an acceptable distance from any residential land. While not currently proposed as part of the initial application, future works will be proposed to include food and drink premises; further increasing the economic benefit to the Municipality.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note—

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,

- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

industry means any of the following—

- (a) ~~general industry, **general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.~~
 - (b) ~~heavy industry, **heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—~~
 - (a) ~~hazardous industry, or~~
 - (b) ~~offensive industry.~~
- ~~It may also involve the use of a hazardous storage establishment or offensive storage establishment.~~
- (c) light industry, definition provided above.
 - ~~but does not include—~~
 - (d) rural industry, or
 - (e) extractive industry, or
 - (f) mining.

Note: Industries are a **prohibited use** within the RU1 zone.

~~**eco-tourist facility** means a building or place that—~~

- (a) ~~provides temporary or short term accommodation to visitors on a commercial basis, and~~
- (b) ~~is located in or adjacent to an area with special ecological or cultural features, and~~
- (c) ~~is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.~~

~~It may include facilities that are used to provide information or education to visitors and to exhibit or display items.~~

Note—

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field, and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note—

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

This application is for the use and development of the Fibre Optic Symphonic Orchestra (FOSO) Art Installation which could be classified as a recreational facility.

Clause 5.21 Flood planning

An assessment of the proposed art installation recreational activity against clause 5.21(2) is as follows:

- a. Development will not change flood behaviour.
- b. The proposed development will not increase flood impacts on land and adjoining lands.
- c. The site will not be operational in times of flood, however, evacuation routes will be available as necessary.

- d. The proposed development will not pose a risk during flood events as they will not continue during flood events. The art installation is temporary and can be removed and reinstalled as required.
- e. Erosion and sediment control measures proposed and to be conditioned through development consent.

An assessment of the proposed art installation development against clause 5.21(3) is as follows:

- a. The art installation development has been designed to allow flood water to pass through in times of flooding, with no buildings or structures that obstruct water. These will be removable in times of flood. It is difficult to predict the cumulative effect of previously approved development along the river and in flood prone land will have in relation to flood behaviour and climate change. Council can only use previous event information and conditions of consent to minimise risk to human life. It should be noted that the site of the proposed installation was not flooded during the flood event of 2022, although the access to the site along Cadell Street was compromised during this flood event.



- b. No buildings are proposed at this stage of this development.
- c. The SEE states that the art installation will not operate during times of flood and access roads will facilitate evacuation.
- d. The SEE states the art installation is temporary, with structures to be removed from the site at the end of the installations lifespan.

Clause 7.1 Earthworks

Any earthworks will form part of this approval and will be ancillary to the main approval. However, standards will still need to be followed during any earthworks.

Clause 7.4 Terrestrial Biodiversity

The proposed development complies with this clause as the development will have a minimal disturbance to the site proposed. The site where the art installation, car parking and viewing areas are proposed to be located is clear of vegetation with no further clearing proposed to accommodate the installation.

Clause 7.5 Wetlands

The proposed development complies with this clause as the development is located outside of the wetlands mapped area of the site and will have little disturbance to the site, as it is already clear of vegetation in the area proposed for the development site.

Clause 7.6 Development on River front areas

The proposed development is located more than 600m from the closest point (high bank) of river front land. The development would be located more than 100m from Thegoa Lagoon meeting the setback requirements of 40m. Conditions of consent will be included to mitigate and manage waste, stormwater, erosion, vegetation and biodiversity.

Clause 7.7 Riparian land and Murray River and other watercourses – general principles.

The proposed development is not anticipated to have detrimental impacts on the surrounding environment. Measures to mitigate and manage impacts will be conditioned within the consent if approved.

Clause 7.8 Additional provisions – development on river bed and banks of the Murray River.

The proposed development has been assessed against clause 7.7 and is acceptable development for this location near the Murray River and related waterway – Thegoa Lagoon. The approval will be conditioned to mitigate and manage impacts to the riverine ecosystems present in this location.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against Chapter 5 provisions of the Wentworth Development Control Plan (DCP) 2011.

Wentworth DCP	Chapter	Acceptable	Not Acceptable	N/A	Reason
	Chapter 5 5.1 Intensive Agriculture	X			The proposed art installation development has no link with agriculture, however, use of the land to facilitate an art installation such as this will open the area to tourism with benefits for the entire Sunraysia area. The objectives of the RU1 zone identify the potential for such projects within this zone to promote growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism. Due to the development meeting this objective it can be concluded that the nature of the development proposed is therefore suitable in this instance within the RU1 zone. It should also be noted that climate change will lead to reduced rainfall making agricultural land less viable – therefore installations such as this provide used of agricultural land to promote and support tourism.
	5.2 Subdivision			X	No subdivision proposed

	5.3 Rural Dwellings a). General Controls b). Access			X	No dwelling proposed.
	5.3.1 Water			X	No dwelling proposed.
	5.3.2 Effluent Disposal			X	N/A for art installation development.
	5.3.3 Fencing			X	Fencing not part of this application.
	5.3.4 Dwelling setback from river			X	N/A as proposed development not a dwelling
	5.3.5 Land Capability			X	N/A as proposed development not a dwelling
	5.4 Rural Sheds			X	N/A as not a storage shed
	5.5 Rural industries	X			Noted – although the proposed development is not related to an rural industry, conditions to be included that mitigate and manage noise, access, landscaping, and land capability.
	5.6 – 5.6.10 Boarding and/or breeding kennels for dogs and cats in rural areas			X	Not an application for boarding or breeding.
	5.7 – 5.7.3 Hazardous chemical			X	N/A – No hazardous chemicals to be used in relation to the proposed development.
	5.8 Rural land use conflict	X			Surrounding sites are primarily used for agriculture with the closest dwelling being located approximately 350m from the proposed development. Due to the nature of the development buffer distances not warranted, however, conditions of consent regarding amenity of the neighbourhood must be considered due to the large- scale nature of the proposal.

	5.8.1 Buffer distances			X	N/A to this development.
	5.8.2 Variations to buffers	X			Surrounding sites are zoned primary production RU1 with crown reserve to the east of the property. Conditions of consent will be used to mitigate and manage the amenity of the neighbourhood. There does not appear to be a need for a vegetation buffer.
	5.8.3 Vegetation buffers	X			Surrounding sites are zoned primary production – no need anticipated for vegetation buffer.

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The site is surrounded by primary production agricultural land including associated structures. It is not anticipated that the proposed art installation will negatively impact the area or the existing land uses nearby.
Public domain & Streetscape			X	The proposed art installation will not be visible from the road as it is well setback from both Renmark Road and Log Bridge Road.
Landscaping			X	N/A
Stormwater			X	N/A
Heritage	X			None known on site.
Soils & Soils Erosion	X			None expected from the proposed development, as standards will need to be followed during construction.
Air and microclimate	X			Proposed development not anticipated to affect the air or microclimate.

Water Resources	X			No impact anticipated from the development to nearest water resources, Thegoa Lagoon or Murray River.
Biodiversity (Flora & Fauna)	X			No native vegetation to be cleared in preparation for the development site. Impact of noise and light to be included within conditions of consent.
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities	X			Electrical infrastructure is available to the site. No other services are available to the site.
Access & Parking	X			Direct access to the site available, adequate space for parking available on site.
Roads & Traffic	X			<p>Roads providing access to the site from Log Bridge Road and Renmark Road form part of this application. With access to the art installation reliant on transportation to the site, traffic movement and parking are important aspects to this proposal.</p> <p>Further traffic impact must be provided in response to submissions and as per request uploaded to the portal 03/02/2025.</p> <p>The following additional information has been provided by WSC Road and Engineering Department regarding the proposed development:</p> <p>TRAFFIC IMPACT ASSESSMENT IN RELATION TO DA2024/146</p> <p>This traffic Impact Assessment has been prepared to evaluate the potential traffic implications of the proposed Development Application at 214 Log Bridge Road. The Development is expected to attract visitors from local, regional and interstate.</p> <p>At this stage the precise visitor numbers and associated vehicle movements are not known, however once the installation has commenced operations Council in conjunctions with the operators will monitor traffic movements to and from the site to ensure there are no adverse impacts on surrounding properties and the local road network.</p> <p>The current road network leading to the site experiences low traffic volumes based on available traffic count data and anecdotal evidence which indicates that the development can be accommodated within the existing transport network.</p> <p>Council has recently undertaken upgrade works to provide an all weather sealed two lane access road leading to the site which will adequately cater for large tourist bus movements. Council has also requested Transport for nSW to undertake a speed zone review for the access road.</p> <p>A full traffic review will be conducted within 12 months of opening or earlier if visitor numbers exceed project thresholds. Mitigation measures will be escalated based on observed traffic volumes and any community feedback.</p>

				<p>Controls measures may include the following: Temporary speed zone reduction and associated traffic management event signage during operating hours. Council will continue to work closely with the venue operator to review and implement adaptive traffic control measures ensuring that any emerging issue will be identified and addressed promptly. Should you wish to discuss any matter raised in this letter, please contact myself, Roads and Engineering Department on 03 5027 5027.</p>
Solar Access and Energy Efficiency			X	N/A
Overshadowing			X	N/A
Privacy & Overlooking			X	N/A
Flooding	X			<p>The site is impacted by flood according to Council's mapping, however, the nature of the development does not propose any habitable spaces and the art installation is temporary (5 years). Structures related to the development should be designed so as not to pose an impact to the passage of floodwaters. The installation will not operate during times of high flood water.</p>
Bushfire Prone Area	X			<p>The site is within the bushfire prone land zone, however, the application is not for the construction of any buildings (habitable structures), therefore a location within this zone is permissible. It is proposed that viewing of the art installation will not occur on days of total fire ban. RFS referral response dated 30 January 2025 requested BPAD report within 21 days. 19/02/2025 As the requested information was not provided by the applicant RFS advise that the legislative timeframe has elapsed and a formal request for re-assessment will be required when the BDAP report is provided. BPAD to be provided by the applicant and re-referred to RFS. Amended Bushfire Assessment Report by qualified BDAP accredited consultant provided dated 28/05/2025. Uploaded to RFS via the portal for reconsideration 02/06/2025.</p>
Noise	X			<p>Possible increase in noise during construction. Ongoing noise associated with vehicle movement, music accompanying light show and human interaction anticipated while the venue is open. The site is well distanced from the township of Wentworth, therefore, disturbance is anticipated to be minimal.</p>
Technological hazards	X			None anticipated

Safety, Security & Crime Prevention	X			The proposed development will ensure access for tourist / recreational purposes incorporating access for all. The SEE provided states "Future additional development of the site proposes the inclusion of food and drink premises". Any further development has not been considered during this assessment and will require additional assessment. Crime prevention and safety have been considered within the Event Management Plan. The event will be staffed during operational hours.
Social and Economic Impacts	X			The increased volume of traffic and traffic related impacts to Cadell Street could be seen as a negative social impact. Positive impacts include the boost to tourist visitation to the Wentworth township, creation of employment opportunities and flow on economic benefits to other businesses.

(5) The suitability of the site for development

The site is suitable for the proposed recreational activity development (FOSO) as any adverse impact on the environment in this locality can be mitigated and managed through appropriate conditions of consent. Such conditions of consent have been included via referral with external agencies and internal departments of Wentworth Shire Council. The proposed development is permitted with consent as "Any other development not specified in item 2 or 4" within the RU1 Primary Production zoning of the area under the Wentworth LEP 2011. Although this proposed development poses no link to agricultural land use, the reuse of the land to promote tourism demonstrates a positive use without land use conflict, fragmentation or alienation of resource lands. The proposed Fibre Optic Symphonic Orchestra (FOSO) art installation will provide a recreational activity / venue that appeals to a wide audience, promoting Wentworth as a destination locality, with economic and employment benefits to the local area. Concerns raised by submitters have been considered during the assessment of the application and addressed by the applicant.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days with 5 submissions received during the notification period. Concerns raised within the submissions are summarised below:

- Increase in Traffic (including trucks) along Cadell Street – Increased vehicle movements up to 600 during opening times (4 nights per week) with a possible increase to 7 days a week during school holidays.
- Speed of vehicles (including trucks) along Cadell Street
- Enforcement of speed limit.
- Lack of footpath for pedestrians along Cadell Street (safety concern) extending along Log Bridge Road.
- Log Bridge Road safety concerns – blind corners and gum trees along road edge.
- Traffic calming devices such as speed humps along Cadell Street.
- Varying widths of Log Bridge Road and Cadell Street – Cadell Street difficult for residents to reverse onto due to elevation without traffic increase.
- Line marking of road to indicate roadway.
- Closing time of event during summer.
- Time all vehicles will be departing the venue not clear.

- Renmark Road suggested as main entry/exit point with Log Bridge Road (residential road) used as emergency entry/exit.
- FOSO positive for people, town, and tourism.
- Is FOSO a permanent or temporary installation?
- Inadequate information included on site/locality plan (not North arrow and no indication of location relevant to township of Wentworth).
- Inconsistency of opening days/times between SEE and TMP.
- Intended route through Wentworth to access Log Bridge Road not identified within SEE and TMP.
- Suggestion that the TMP should also include a Traffic Impact Assessment (TIA) as the document does not address the impact of increased traffic to the local road network and residents along the assumed vehicle route.
- Increased vehicle traffic/movements along route to event = increased noise.
- Alternate road identified from Renmark Road could facilitate two-way vehicle movement.
- Renmark Road alternative would not be as disruptive to residents as the Cadell Street option as there are fewer dwellings, and these dwellings are set back further from the roadway. This road experiences less traffic than Log Bridge Road.
- Lack of waste management and amenities in application.

The submissions were uploaded to the NSW planning portal for response on 18 December 2024.

The applicant's response addressing matters raised is as follows;

Objection 1:

As per the TIA supplied by the proponent, it is considered that the proposed access way and primary road (Cadell Street/Log Bridge Road) is sufficient at this current point in time. While it is noted that that WSC may temporary reduce the speed in this area, this is only a suggestion at this point.

Objection 2:

Please see previous comments (same objection concerns).

Objection 3:

Please see previous comments (same objection concerns).

Objection 4:

Amended plans have been provided which show a North Point.

The TMP has been amended to be consistent with the SEE

It is considered that in this circumstance that the proponent being WSC, any traffic issues that arise from the development will be dealt with by the Council.

While the argument put forward regarding having all traffic flow along Renmark Road, it is considered that the traffic is still passing through an existing predominately residential area; thus having essentially a consistent "impact" on the locality.

Objection 5:

Please see previous comments (same objection concerns).

(7) The public interest

Submissions received regarding this development were largely regarding impacts from traffic along Cadell Street and Log Bridge Road Wentworth and not against the actual light installation. Traffic flow and management including safety concerns relating to speed of vehicles are factors that can be mitigated and managed ongoing through implementation of a traffic management plan. Subsequently, impacts can be reassessed and modified in response to the popularity of the event. Therefore, the proposed development is considered consistent with overall public interest as the installation itself will have minimal detrimental effect to the surrounding area. Moreover, no objections were made by the immediate surrounding neighbours where the installation is to be located.

NOTE: It is noted that the concept plans provided as part of the plan set are concept only and although they are part of the stamped approved plans, they will be subject to further development application and assessment processes as stated within the conditions of consent.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	<p>BCA Classification: N/A Non classifiable.</p> <p><u>Comments</u></p> <ul style="list-style-type: none"> No buildings identified as part of this development. Construction Certificates required for light installations.
Subdivision Engineer	Y	<p>As the site will be leased R&E don't really have any certain conditions other than the following;</p> <p>There will need to be some investigations and studies done in regards to both road intersections in terms of construction and signage.</p> <p>All stormwater runoff will be required to be obtained on site. No runoff is to directed towards the lagoon or the river.</p> <p>What level of restoration will be required after the project? Will there be a requirement on Council?</p> <p>Regards Brad. (2/12/2024)</p>
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	

Sustainable Infrastructure	N	
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COMMENTS FROM EXTERNAL REFERRALS

TFNSW:

Received 10/12/2024 No Objections – further comments and advice as per Attachment 1 below;

Context

TfNSW understands the subject application:

- Proposes the installation of a fibre optic symphonic orchestra (FOSO) art structure (3.5m x 2m). The development will also feature the following:
 - Ancillary car park accommodating up to 264 car spaces. - Viewing deck, dining area and site amenities.
 - A primary road access via the local road network (Log Bridge Road)
 - The site can accommodate up to 1000 patrons and will operate at limited hours (generally no longer than 4.5hrs a day) depending on demand.
- The site is located within the existing local road network approx. 2.5km from the Wentworth town centre. The local road network connects to the Silver City Highway (HW22).
- Bus and emergency service access is proposed via the northern point of the subject site. It is anticipated that traffic entering and exiting from this point will use Renmark Road (MR68), a regionally classified road, and Silver City Highway.
- Council is seeking advice from TfNSW to assist in its assessment under the State Environmental Planning Policy (Transport and Infrastructure) 2021. Council has referred the proposal as ‘trafficgenerating development’, under Schedule 3 of the TISEPP, as it proposes more than 200 car spaces.

TfNSW Recommendations TfNSW’s primary interests are in the road network, traffic, and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

TfNSW provides the following comments and recommendations for Council’s consideration below:

1. Council should consider imposing a requirement to provide an operational Traffic Management Plan (TMP) to identify and determine measures taken to minimise impacts to the broader road network. The TMP should identify and detail the following (but not limited to):
 - a) Expected operational traffic volume (including identification of peak times),
 - b) Vehicle types associated with the development (consider the suitability of heavy vehicle access on the local road network),
 - c) Existing road environment considerations (road geometry, speed zones and sight distance constraints)
 - d) In the event of queuing in the local road network as a result of site operations, queue lengths should be identified and mitigation strategies should be undertaken should lengths exceed acceptable levels.
 - e) Traffic control measures (signage, line-marking, barricades, etc.)
 - f) Contain an ongoing incident register, including any complaints received from residents relating to operations at the site.

- g) Identify emergency service access arrangements and ensure a clear emergency procedure is included during site operations.
 - h) Provide a bus pick-up/drop-off schedule and ensure movements occur outside background traffic peak times.
2. To reduce the impact on the classified road network, Council should ensure that primary access in and out of the site will occur via the existing local road network.
3. The proponent is to contact TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required for any VMS or event signage on the classified (State) road network. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. For further information see:
<https://roadswaterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>

Council requested additional information via the portal 10/12/2024 as follows:

As part of the assessment process, the application was referred to Transport for New South Wales. The following additional information is required based on agency response:

- A response to the issues/concerns raised by Transport for New South Wales. Agency response is located under “agency advice” document type of this planning portal application.

The additional information is to be provided to Council by 9 March 2025. The application will be “on hold” until this date.

Should the further information not be provided by 9 March 2025 (90 days from today), under Clause 36 of the Environmental Planning and Assessment Regulation 2021, the applicant is taken to have notified Council that the information will not be provided.

Note: 21 days in the assessment period have elapsed.

The applicant responded with the following on the 12/12/2024:

Hi Kerrie,

While the comments of the department are noted, as the WSC are essentially the proponents for this application I do not believe getting a TMP for the external roads is necessary as they will do any works they believe are required to be done; with or without a TMP.

Regards,

Matt

An **additional request** to address transport related issues was added **by Council** 03/02/2025 as follows:

As part of the assessment process, the following additional information is to be supplied: A Draft Operational Traffic Management Plan.

The Draft Operational Traffic Management Plan is to address the following as a minimum, in consideration of the road network, traffic, and broader transport issues, particularly regarding the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport:

- Expected operational traffic volume (including identification of peak times).
- Vehicle types associated with the development (consider the suitability of heavy vehicle access on the local road network).
- Existing road environment considerations (road geometry, speed zones and sight distance

constraints).

- In the event of queuing in the local road network as a result of site operations, queue lengths should be identified and mitigation strategies should be undertaken should lengths exceed acceptable levels.

- Traffic control measures (signage, line-marking, barricades, etc).

- Identify emergency service access arrangements and ensure a clear emergency procedure is included during site operations.

In preparation of the above required Draft Operational Traffic Management Plan, and to ensure compliance with requirements, it is recommended that contact is made with the relevant department of Wentworth Shire Council on 03 5027 5027.

The additional information is to be provided to Council by 2 April 2025 (60 days). The application will be placed "On Hold" until this date.

Should the required information not be provided by 2 April 2025, under Clause 36 of the Environmental Planning and Assessment Regulation 2021, the applicant is taken to have notified Council that the information will not be provided.

Note: 33 Days in the assessment period have elapsed.

A response to the matters raised was uploaded to the portal 28/05/2025 and includes a 16 page Traffic Management Plan.

Rural Fire Service:

Response received 30/01/2025 as follows;

Dear Sir/Madam,

Development Application

s4.14 – Other – Other

Art Installation - Log Bridge Road Wentworth NSW 2648, 2//DP1308132

I refer to your correspondence dated 17/01/2025 seeking advice regarding bush fire protection for the above Development Application. The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises the following:

The information addressing bushfire within the Statement of Environmental Effects (SEE) is not considered adequate for the assessment of the application. It is requested that a bush fire assessment report addressing the considerations of section 8.3.3 of Planning for Bush Fire Protection (PBP) 2019 be provided.

It is recommended that you engage the services of a Bushfire Planning and Design (BPAD) Accredited Practitioner to prepare the bush fire assessment report. A list of BPAD practitioners can be found on the Fire Protection Association Australia (FPAA) website (https://www.fpaa.com.au/Web/Web/Registers/BPAD_register.aspx).

If additional information is not received within 21 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time.

For any queries regarding this correspondence, please contact Kathryn Murphy on 1300 NSW RFS.

Council requested the following additional information 31/01/2025;

As part of the assessment process, the application was referred to NSW Rural Fire Service (RFS). The following additional information is required based on agency response: A bush fire assessment report created by a Bushfire Planning and Design accredited practitioner. Agency response can be located under the documents tab titled "DA20250119000236-Original-1-30-01-2025_16_10_35_Request_for_Information_Letter.pdf" under the "Additional Info request" document type, of this planning portal application. The additional information is to be provided to Council by 18 February 2025 (21 days). The application will be placed "On Hold" until this date. Should the required information not be provided by 18 February 2025, under Clause 36 of the Environmental Planning and Assessment Regulation 2021, the applicant is taken to have notified Council that the information will not be provided. Note: 33 Days in the assessment period have elapsed.

Advice from RFS received via the portal dated 19 February 2025:

Development Application s4.14 – Other – Other

Art Installation - Log Bridge Road Wentworth NSW 2648, 2//DP1308132

I refer to your correspondence dated 17/01/2025 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the Environmental Planning and Assessment Act 1979.

The New South Wales Rural Fire Service (NSW RFS) cannot support the proposed development. Previously requested information was not received within the legislative time frame to allow for assessment of the application against the Aims and Objectives of Planning for Bush Fire Protection (2019).

For any queries regarding this correspondence, please contact Kathryn Murphy on 1300 NSW RFS.

Yours sincerely,

Anna Jones

Supervisor Development Assessment & Plan
Built & Natural Environment

A Bushfire Assessment Report created by Waratah Bushfire was uploaded to the portal 28/05/2025 and forwarded to RFS for re referral 02/06/2025.

Response received from RFS to the Bushfire Assessment Report 19/06/2025.

Rural Fire Service

ATTENTION: Kerrie Copley Date:

Thursday 19 June 2025

Dear Sir/Madam,

Development Application s4.14 – Other – Other

Art Installation - LOG BRIDGE ROAD WENTWORTH NSW 2648, 2//DP1308132

I refer to your correspondence dated 02/06/2025 seeking advice regarding bush fire protection for the above Development Application in accordance with S38 of the Environmental Planning and Assessment Regulation 2021.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

General

1. The development proposal is to generally comply with the following plans/documents except where amended by recommendations below.

- The architectural plans prepared by Aspire Architecture (dated: 14/03/2025, job ref: AA23-096).
- The Bush Fire Assessment Report prepared by Waratah Bushfire (dated: 22 April 2025, ref: W25013).

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:

2. From the commencement of building works and in perpetuity, the property around the Fibre Optic Symphonic Orchestra (FOSO) must be maintained as an inner protection area identified as 'Asset protection zone' in Figure 2.1 of the Bush Fire Assessment Report prepared by Waratah Bushfire (dated: 22 April 2025, ref: W25013) to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- north, west and south for a distance of 76 metres;
- east for a distance of 103 metres; and,
- south-east for a distance of 88 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

Construction Standards

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:

3. New construction of the VIP lounge, viewing deck, ramps, stairs and office/merchandise building must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfireprone 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.

Access Requirements

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions apply:

4. Prior to the issue of an occupation certificate, access roads must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways clearly, indicate load rating;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient; 2
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; and,
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

Water and Utility Services

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:

5. Prior to the issue of an occupation certificate, the provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- two 20,000 litre static water supply tanks must be provided on-site,
- an outlet for firefighting purposes is located within the open air bush fire refuge area,
- 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.
- 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 measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:

6. 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. To achieve this, the following conditions apply:

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

- the RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- include planning for the early relocation of occupants;
- contact details for the local Rural Fire Service office; and,
- procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

For any queries regarding this correspondence, please contact Kathryn Murphy on 1300 NSW RFS.

Yours sincerely,
David Webster

Department of Climate Change, Energy, the Environment and Water:

Received 6/12/2024 – BCS recommend further consideration is given to potential flood and biodiversity risks that may impact the riverine environment. Attachment A, below, lists the detailed RFI;

ATTACHMENT A Detailed advice on DA2024-146 Art Installation Log Bridge Road Wentworth Flood Risk Management

The Wentworth Flood Study, in preparation by Lyall & Associates, will provide an up-to-date assessment of the riverine flood risk for Wentworth and surrounds, including the subject site. BCS recommends that Council await the finalisation and adoption of the Wentworth Flood Study (Lyall & Assoc.) before making a determination on this matter.

If Council proceeds to an earlier determination, BCS recommends that Council refer to the provisional assessment of flood risk provided in the Draft Wentworth Flood Study (Advisian, 2021). While not finalised or adopted this study provides relevant modelling, indicating the subject site may be impacted by riverine flooding in events as frequent as a 5% annual exceedance probability (AEP). In a 1% AEP riverine flood event, this study indicates that the subject site is within a floodway which activates between Thegoa Lagoon and breakout flows from the Great Darling Anabranch and the Murray River.

The NSW Flood Risk Management Manual (DPE, 2023) states that development that is not compatible with the flow conveyance function of a floodway should be located where it does not adversely affect flow conveyance, that is, outside of floodways.

Before making a determination, Council should be satisfied that the flood risks are understood and there are measures to mitigate the risk. In consideration of this risk, Council must also be satisfied that the application has regard for provisions of the Wentworth Local Environmental Plan (2011), Wentworth Shire Development Control Plan (2011) and Chapter 5 of the B&C SEPP.

BCS considers that a failure to address the flood risks discussed above does not satisfy the planning principles established by Chapter 5 of the B&C SEPP. Specifically, BCS considers that the application does not currently take into account:

- the redistributive effect of the proposed development on floodwater, and*
- the pollution threat represented by any development in the event of a flood.*

Biodiversity

The subject site is surrounded by areas of biodiversity habitat, including Thegoa Lagoon, Perry Sandhills Reserve and the Murray River corridor. These areas support biodiversity and are likely to support threatened species, communities and their habitats.

There are nearby records for threatened species such as White-bellied Sea-Eagle and Freckled Duck at Thegoa Lagoon. The lagoon and flood plain are known breeding habitat for nonthreatened birds, such as darters, cormorants and swans.

While the proposal is well located to avoid direct impacts, such as clearing of native vegetation, there is potential for indirect impacts on surrounding habitat.

Wildlife in surrounding habitat may be displaced by the disturbance from this proposal. Noise and light may disrupt nocturnal or breeding wildlife in nearby areas. Light can attract wildlife, disrupting their natural behaviours. Traffic movement may increase the potential for collisions with wildlife.

BCS recommend an impact assessment is prepared in accordance with the National Light Pollution Guidelines for Wildlife. Additional consideration should be given to the impacts of traffic and noise on wildlife. This assessment should evaluate the risk to wildlife in the area and propose mitigation measures and any ongoing monitoring required to reduce potential impacts. Mitigation measures should be specific, nominating the timing and responsibility for each measure.

BCS are also aware there is a shallow saline aquifer below Thegoa Lagoon. It is not clear how much excavation is required as part of this proposal. We recommend Council and the proponent assess the potential for interaction with this aquifer, and how saline water would be managed if interaction is likely.

A request for further information addressing the matters raised within the agency response was added to the portal 10/12/2024.

The **applicant** responded 30/01/2025 – “Hi Kerrie, their response is noted, kind regards, Matt” no indication was made that the matters raised would be addressed.

An additional request for further information listing specific points was added 04/02/2025 as follows;

As part of the assessment process, the following additional information is to be supplied:
Address relevant clauses of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and clause 7.5 of the Wentworth Local Environmental Plan 2011.

The response should provide further consideration to potential flood and biodiversity risks that may impact the site of the proposed development and include;

- The redistributive effect of the proposed development on floodwater.
- The pollution threat represented by any development in the event of a flood.
- Assessment in accordance with the National Light Pollution Guidelines for Wildlife of the potential indirect impacts on surrounding habitat.
- Assessment of the impacts and associated risks of traffic and noise on wildlife, including specific mitigation measures and ongoing monitoring.
- A shallow saline aquifer exists below Thegoa Lagoon. Should the level of excavation required to facilitate the proposed development interact with the aquifer, a plan indicating how saline water is to be managed, must be supplied.

The additional information is to be provided to Council by 3 April 2025 (60 days). The application will be placed "On Hold" until this date.

Should the required information not be provided by 3 April 2025, under Clause 36 of the Environmental Planning and Assessment Regulation 2021, the applicant is taken to have notified Council that the information will not be provided.

Note: 33 Days in the assessment period have elapsed.

The applicant responded to this request 28/05/2025 as follows:

Please find attached an amended SEE that addresses 7.6 and the SEPP concerns.

Regards,

Matt

Below is an extract from the amended SEE addressing the above:

Clause 5.21 Flood planning

The objectives of this clause are as follows—

- to minimise the flood risk to life and property associated with the use of land,
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- to avoid adverse or cumulative impacts on flood behaviour and the environment,
- to enable the safe occupation and efficient evacuation of people in the event of a flood.

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- is compatible with the flood function and behaviour on the land, and
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- incorporates appropriate measures to manage risk to life in the event of a flood, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Discussion

As the subject land will not be permanently occupied at any time, the risk to life is not considered an issue. The site will also not be operated during times of flooding. 8 The proposed development is designed that will allow any flood water to pass through in times of flooding. The application is predominantly for construction of roadworks and the art installation structures. These structures

are not considered significant that they will obstruct the flow of flood water. In conclusion it is considered that the proposed development will allow the safe and efficient evacuation of people in the event of a flooding event.

Clause 7.4 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by—

- protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence, and
- encouraging the conservation and recovery of native fauna and flora and their habitats.

Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development—

- is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- is likely to have any adverse impact on the habitat elements providing connectivity on the land.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- if that impact cannot be minimised—the development will be managed to mitigate that impact.

Discussion

The proposed development will not result in any unreasonable environmental impacts. It is located over a vacant and cleared area of the site and no native vegetation is required to be removed to accommodate the installation. All stormwater and 9 wastewater will be managed on-site in accordance with the relevant Council and other Government Agency policies. As such, there will be no adverse impacts to the nearby lagoon.

Clause 7.5 Wetlands

The objectives of this clause is to ensure that natural wetlands are preserved and protected from impacts of development. When assessing a development application for development on land to which this clause applies, the consent authority must consider potential adverse impacts from the development on-

- the growth and survival of native flora and fauna,
- the condition and significance of the native flora on the land and whether it should be substantially retained, and
- the provision and quality of habitats for indigenous and migratory species, and
- the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity, and
- any wetland in the vicinity of the proposed development and any proposed measures to minimise or mitigate those impacts.

Discussion

The proposed development area was predominantly used for agricultural production previously, therefore no existing native vegetation is proposed to be removed as part of this application. Given the nature of the development and taking into consideration that the land is within a Flood Planning Area; significant ground disturbance is not envisaged. It is accepted that standard conditions relating to the construction of development may be required to be certified by a qualified structural engineer confirming that the design and structural adequacy of the art installation structures can withstand the effects of inundation in the event of a flood.

Clause 7.6 Development on river front areas

The objectives of this clause are as follows—

- to support natural riverine processes, including the migration of the Murray River's channels,
- to protect and improve the bed and bank stability of the Murray River,
- to maintain and improve the water quality of the Murray River,
- to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,
- to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.

Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—

- boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
- the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,
- environmental protection works,
- extensive agriculture and intensive plant agriculture,
- walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),
- water recreation structures. Development consent must not be granted under subclause (2) unless the consent authority is satisfied of the following—
 - that the appearance of the development, from both the Murray River and the river front area will be compatible with the surrounding area,
 - that the development is not likely to cause environmental harm, including (but not limited to) any of the following—
 - o pollution or siltation of the Murray River,
 - o any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,
 - o any adverse effect on drainage patterns,
 - that the development is likely to cause only minimal visual disturbance to the existing landscape,
 - that continuous public access, and opportunities to provide continuous public access, along the river front and to the Murray River are not likely to be compromised,
 - that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land is to be maintained.

Discussion

The proposed development will not conflict with the objectives of this clause as it will not result in any unreasonable visual or environmental impacts to the Theoga Lagoon and surrounding environs. All proposed development (including roads) are in excess of 100 metres from the high bank. All stormwater and wastewater will be managed onsite in accordance with the relevant Council and other Government Agency policies. The art installation will not impact any public access to the river and no historic, scientific, cultural, social, archaeological or architectural will be impacted.

Clause 7.7 Riparian land and Murray River and other watercourses—general principles

The objective of this clause is to protect and maintain the following—

- water quality within the Murray River and other watercourses,
- the stability of the bed and banks of the Murray River and other watercourses,
- aquatic riparian habitats,
- ecological processes within the Murray River and other watercourses and riparian areas.

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- is likely to cause any adverse impact on the following—
 - the water quality and flows within a watercourse,
 - aquatic and riparian species, habitats and ecosystems,
 - the stability of the bed, shore and banks of a watercourse,
 - the free passage of fish and other aquatic organisms within or along a watercourse,
- 12 any future rehabilitation of a watercourse and riparian areas, and
- will increase water extraction from a watercourse.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- if that impact cannot be minimised—the development will be managed to mitigate that impact.

Discussion

The development is not considered to result in any detrimental impacts to the Theoga Lagoon and surrounding environs. All stormwater and wastewater will be managed onsite in accordance with the relevant Council and other Government Agency policies.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 5 – River Murray Lands

Part 5.2 Planning Principles

When this Part applies, the following must be taken into account –

Flooding

Where land is subject to inundation by floodwater—

- (a) the benefits to riverine ecosystems of periodic flooding,
- (b) the hazard risks involved in developing that land,

- (c) the redistributive effect of the proposed development on floodwater,
 - (d) the availability of other suitable land in the locality not liable to flooding,
 - (e) the availability of flood free access for essential facilities and services,
 - (f) the pollution threat represented by any development in the event of a flood,
 - (g) the cumulative effect of the proposed development on the behaviour of floodwater,
- and
- (h) the cost of providing emergency services and replacing infrastructure in the event of a flood.

Discussion

While it is noted that a small portion of the land is to be raised to allow the development to occur; the area to be re-shaped is a small portion of the overall land. The drainage and carparking areas will not be raised thus having no impacts on any floodwater that would flow over the land. If a flood event was to occur on the subject land, it is considered the proposed development would be removed in its entirety; resulting in minimal pollution impacts on the floodwater.

The assessing Council officer had a phone discussion with the applicant 06/06/2026 to discuss BCS recommendations and meeting these requirements. The applicant advised that early in the application process he was advised by planning staff that a threatened species report was not required as the proposed art installation was not anticipated to operate all night and therefore, the impact to native fauna would be minimal. The applicant was requested to provide a statement supporting this discussion via the portal.

While the applicant provided further information in an amended SEE uploaded 28/05/2025 addressing environmental impact, the BSC requirements mentioned within the response uploaded to the portal 06/12/2024 for an assessment to be prepared in accordance with the National Light Pollution Guidelines for Wildlife, may be considered and included as a deferred commencement condition of consent.

NSW EPA:

Received 2/12/2024 – no comment & no further consultation required.

Essential Energy:

Received 19/11/2024 – general comments provided.

Department of Primary Industries (Fisheries):

Referral rejected 19/11/2024



CONCLUSIONS


1. **General comments:**
2. **The proposal satisfies the points for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act*.**
3. **The proposal occurs on land zoned RU1 Primary Production. The proposal is not considered to have detrimental impact on the site and surrounds.**

4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal is consistent with the development controls in Chapter 5 of the Wentworth Development Control Plan (Dec 2011).
5. The proposed Fibre Optic Symphonic Orchestra (art installation) accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the State Environmental Planning Policy (Transport and Infrastructure) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
Signature: 	Signature: 
Kerrie Copley Planning Officer	Ken Ross General Manager
Date: 20/06/2025	Date:

	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>TEMPLATE CONDITIONS</p>
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**DA2024/146 OUTDOOR RECREATIONAL FACILITY - FIBRE OPTIC SYMPHONIC ORCHESTRA ART
 INSTALLATION 214 LOG BRIDGE ROAD LOT 2 DP 1308132 WENTWORTH**

GENERAL CONDITIONS

1.	<p>Approved development</p> <p>Approval is for the use and development of the Lot 2 DP 1308132 for an outdoor recreational facility - Fibre Optic Symphonic Orchestra (FOSO) Art Installation comprising of:</p> <ul style="list-style-type: none"> • 80 x columns of light (3.5m x 2m rotary structures). • A carpark capable of holding 264 vehicles with pedestrian access to the event. • Tail gate carparking. • Operating hours. • Maximum persons on site is capped at 1000 people. • Associated works. <p>Note: Ongoing concept plans forming part of this approval do not form part of this development consent and will require consent and approval/s.</p> <p>Condition reason: To ensure all parties are aware of the approved development.</p>
2.	<p>Approved Plans and Documentation</p> <p>The development shall be in accordance with the following plans, documentation and recommendations made there in:</p> <ul style="list-style-type: none"> • Locality Plan provided by Mildura Rural City Council; No Date; No page number. • Site Layout Plan provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 2. • Site Layout Plan (enlargement) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 3. • Site Layout Plan (Installation area) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 4. • Site Layout Plan (Car Park & South Basin) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 5. • Nest (Section View) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 6. • Car Park & South Basin (Section View) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 7. • Road Cross Section provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 8. • Pipe Long Sections (pipe 1) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 9.

	<ul style="list-style-type: none"> • Pipe Long Section (pipe 2) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 10. • Pipe Long Section (pipe 3) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 11. • Pipe Long Section (pipe 4) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 12. • Pipe Long Section (pipe 5) provided by Mildura Rural City Council; Date: 15-10-24; Issue No: 2; Sheet number: FOSO 13. • Proposed Ongoing Concept – Overall Site Plan provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD01. • Proposed Ongoing Concept - Site Plan provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD02. • Proposed Ongoing Concept – Floor Plan provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD03. • Proposed Ongoing Concept - Setout Plans provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD04. • Proposed Ongoing Concept - Elevations provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD05. • Proposed Ongoing Concept – Stairs/ramps/shade sail Elevations provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD06. • Proposed Ongoing Concept – Stairs/deck details provided by Aspire Architecture; Project No.: AA23-096; Date: 14/03/2025; Sheet No: WD07. • Artwork Components provided by the applicant; No date; Pages 14 to 18. • Amended Planning Report – Fibre Optic Symphonic Orchestra (FOSO) Art Installation Log Bridge Road Wentworth, NSW, 2648. No Date. Pages 1 to 17. • Traffic Management Plan – Wentworth Shire Council Fibre Optic Symphonic Orchestra; Dated: Sept 2024; Pages: 1 to 16. • Bush Fire Assessment Report: Fibre Optic Symphonic Orchestra (FOSO) prepared by Waratah Bushfire; File no: W25013; Version: 1.0 Final; Dated: 22 April 2025; Pages: 1 to 36. • Aboriginal Cultural Heritage Due Diligence Assessment – Light/State Wentworth Project by Landscape; Dated: 18 October 2024; Pages 1 to 27. • Traffic Impact Assessment by Wentworth Shire Council; Dated: 19 May 2025. • Venue Management Plan V1-AUG 2024 FOSO; Pages 1 to 21. <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
3.	Asset Protection Zones

	<p>From the commencement of building works and in perpetuity, the property around the Fibre Optic Symphonic Orchestra (FOSO) must be maintained as an inner protection area identified as 'Asset protection zone' in Figure 2.1 of the Bush Fire Assessment Report prepared by Waratah Bushfire (dated: 22 April 2025, ref: W25013) to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> • north, west and south for a distance of 76 metres; • east for a distance of 103 metres; and, • south-east for a distance of 88 metres. <p>When establishing and maintaining an inner protection area, the following requirements apply:</p> <ul style="list-style-type: none"> • tree canopy cover should be less than 15% at maturity; • trees at maturity should not touch or overhang the building; • lower limbs should be removed up to a height of 2 m above the ground; • tree canopies should be separated by 2 to 5 m; • preference should be given to smooth-barked and evergreen trees; • large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings; • shrubs should not be located under trees; • shrubs should not form more than 10% ground cover; • clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; • grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and • leaves and vegetation debris should be removed regularly. <p>Condition reason: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
4.	<p>Construction standards</p> <p>New construction of the VIP lounge, viewing deck, ramps, stairs and office/merchandise building must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfireprone 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.</p> <p>Condition reason: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
5.	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried

	<p>out:</p> <ol style="list-style-type: none"> 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 the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be-</p> <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to-</p> <ol style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
6.	<p>Emergency and Evacuation Planning Assessment</p> <p>A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:</p> <ul style="list-style-type: none"> • the RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; • include planning for the early relocation of occupants; • contact details for the local Rural Fire Service office; and, • procedures for coordinated evacuation of the site in consultation with local emergency services. <p>A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.</p> <p>Condition reason: The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.</p>
7.	<p>Essential Energy - Conditions</p> <p>The Lot and DP contains High Voltage electricity network along the eastern side of the property (not shown on plans), a 20m easement (10 metres each side of the centre) is required to maintain safe distances.</p> <ul style="list-style-type: none"> • If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment. • Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

	<ul style="list-style-type: none"> Any activities in proximity to electricity infrastructure 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. 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). 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. <p>Condition reason: To ensure essential energy requirements are met.</p>
8.	<p>Landscaping Assessment</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Condition reason: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
9.	<p>Lapsing of Approval</p> <p>Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is physically commenced within 5 years of the date of this permit.</p>

	<p>Condition reason: Ensure everyone is aware of the lapsing of the approval.</p>
10.	<p>Property access</p> <p>Prior to the issue of an occupation certificate, access roads must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> • minimum 5.5m carriageway width kerb to kerb; • parking is provided outside of the carriageway width; • curves of roads have a minimum inner radius of 6m; • the road crossfall does not exceed 3 degrees; • the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways clearly, indicate load rating; • a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided; • traffic management devices are constructed to not prohibit access by emergency services vehicles; • maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient; • all roads are through roads; • dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; and, • there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available. <p>Condition reason: The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.</p>
11.	<p>Water and Utility Services</p> <p>Prior to the issue of an occupation certificate, the provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> • two 20,000 litre static water supply tanks must be provided on-site, • an outlet for firefighting purposes is located within the open air bush fire refuge area, • 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.

	<ul style="list-style-type: none"> - 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. <p>In this regard:</p> <ul style="list-style-type: none"> ○ 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. • where practicable, electrical transmission lines are underground, • where overhead, electrical transmission lines are proposed as follows: <ul style="list-style-type: none"> ○ 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. <p>Condition reason: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
12.	<p>Works outside the property boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Condition reason: To ensure all approved works occur within the property boundaries.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

13.	<p>Access Point</p> <p>Before the issue of a Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards.</p> <p>Access during construction shall only be through the driveway crossing of the subject land.</p> <p>Condition reason: To control vehicular movement on road crossings.</p>
14.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.</p> <p>Condition reason: To ensure construction works are adequately managed to protect the surrounding amenity.</p>
15.	<p>Erosion and Sediment Control</p> <p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ol style="list-style-type: none"> 1. the guidelines set out in the NSW Department of Housing manual Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book), and 2. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry'; (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p>

	<p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
16.	<p>Environmental protection measures</p> <p>Prior to the issue of a construction certificate an analysis of potential light shed (particularly from vehicle headlights) onto Thegoa Lagoon and into the Perry Sandhills Reserve must be prepared to the satisfaction of the consent authority.</p> <p>Where significant light spill is identified a plan for shielding habitat from the light sources must be prepared and implemented.</p> <p>Condition reason: To protect sensitive habitat areas from the impacts of light spill.</p>
17.	<p>Event management Plan</p> <p>Prior to the issue of a construction certificate the Event Management Plan (Venue Management Plan) must be updated to identify measures to mitigate and manage biodiversity impacts. Measures should include risks and impacts, performance measures, timing and identify parties responsible for compliance.</p> <p>Such impacts could include but is not limited to:</p> <ul style="list-style-type: none"> • Vehicle collision with wildlife • Speed of vehicles • Wildlife attracted to the site (lighting/food/waste) • Disruption to natural habitat <p>Condition reason: To ensure that biodiversity impacts are monitored and measures taken to minimise further/ongoing impact.</p>
18.	<p>Lighting</p> <p>Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with relevant standards in this regard.</p> <p>All external lighting must</p> <ul style="list-style-type: none"> • comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and • be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places. • Lighting at vehicle access points to the development must be in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces Set. <p>Pedestrian pathways, roadways and carparks shall be appropriately lit.</p> <p>Condition reason: To ensure lighting does not cause nuisance.</p>
19.	<p>Long Service Levy</p> <p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry</p>

	<p>Long Service Payments Act 1986 and provides proof of this payment to the certifier.</p> <p>Condition reason: To ensure the long service levy is paid.</p>				
20.	<p>Payment of Security Deposits</p> <p><i>This condition applies to all construction works \$25,001 and above.</i></p> <p>Before the commencement of any works on the site or the issue of a construction certificate, the beneficiary of this consent must make all of the following payments to Council and provide written evidence of these payments to the certifier:</p> <table border="1"> <tr> <td>Infrastructure Bond (Security Deposit):</td><td>\$3,000.00</td></tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections)</td><td>\$232.00</td></tr> </table> <p>The payments will be used for the cost of:</p> <ul style="list-style-type: none"> • making good any damage caused to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates, • completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and • any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property. <p>The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owners / developers expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction.</p> <p>Note: The inspection fee includes Councils fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with councils fees and charges at the payment date.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be created.</p>	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$232.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$232.00				

21.	<p>Plumbing and Drainage - Industrial / Commercial</p> <p>Before the issue of a Construction Certificate, application/s under Section 68 of the Local Government Act NSW 1993 are to be submitted to Council and approved for the following works:</p> <ul style="list-style-type: none"> • Carry out water supply, stormwater and sewerage works (Plumbing and drainage work). • Dispose of waste into a sewer of Council (Liquid trade waste). <p>Note: All stormwater from the site is to be directed towards a legal point of discharge. All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person, licensed with the New South Wales Department of Fair Trading.</p> <p>Condition reason: To ensure plumbing and drainage works are carried out appropriately.</p>
22.	<p>Stormwater Management Plan</p> <p>Before the issue of a construction certificate the beneficiary of this consent is to design and submit to Council for approval a Stormwater Management Plan for the development. The design is to be approved by Council before any work takes place on this site. All work detailed by the approved design is to be constructed by the beneficiary of this consent under supervision of the Principal Certifying Authority. All work is to be carried out at the beneficiary of this consent's expense.</p> <p>The plan is to include treatment measures for the water if it is to be discharged into a waterway.</p> <p>Condition reason: To ensure stormwater run-off is appropriately managed.</p>
23.	<p>Waste management plan</p> <p>Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:</p> <p>Details the following:</p> <ul style="list-style-type: none"> • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be • reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and local.</p>
24.	<p>Works in Road Reserve</p> <p>A Road Opening Permit is required from the Wentworth Shire Council prior to any works or excavation within the road reserve including but not limited to: water tapping, sewer, driveway crossings, tree planting or removal etc.</p> <p>Please contact Councils Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a permit.</p>

	Condition reason: To control development in the road reserve.
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BEFORE BUILDING WORK COMMENCES

25.	<p>Bush fire asset protection zones</p> <p>Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.</p> <p>Condition reason: To provide a buffer to protect life and property from bush fire attack.</p>
26.	<p>Construction Certificates and Appointment of Principal Certifier</p> <p>Prior to the commencement of any works, the following requirements must be complied with</p> <ul style="list-style-type: none"> • A Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, • A Principal Certifier must be appointed, and Council must be notified in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and notify Council in writing of their intention to commence work (at least two [2] days' notice is required). <p>Condition reason: To ensure works complies with relevant legislation and other codes.</p>
27.	<p>Contractor details notification</p> <p>The certifying authority must advise Council, in writing of:</p> <ul style="list-style-type: none"> • The name and contractor licence number of the licensee who has been contracted to do or intends to do the work, or • The name and permit of the owner-builder who intends to do the work. <p>If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.</p> <p>Condition reason: To ensure work is carried out by licensed contractor.</p>
28.	<p>Disability access and facilities</p> <p>This approval does not provide any indemnity to the owner or beneficiary of this consent under the Disability Discrimination Act 1992 in respect to the provision of access and facilities for people with disabilities.</p> <p>Condition reason: Comply with federal discrimination legislation.</p>
29.	<p>Dial before you dig</p> <p>Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary.</p> <p>Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individuals responsibility to anticipate and request the nominal location</p>

	<p>of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities."</p> <p>Condition reason: To ensure existing infrastructure is identified.</p>
30.	<p>Disability access Access for people with disabilities must be provided in accordance with relevant Australian Standard and Building Code of Australia (as required).</p> <p>Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.</p> <p>The following legislation may be relevant:</p> <ul style="list-style-type: none"> • The NSW Disability Inclusion Act 2014 • The Commonwealth Disability Discrimination Act 1992 • NSW Anti-Discrimination Act 1977. <p>Condition reason: To ensure compliance with legislation for disability inclusion.</p>
31.	<p>Erosion and sediment controls in place Before the commencement of any site or building work, the developer must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by Council) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>Condition reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>
32.	<p>Notice of commencement of works Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must:</p> <ul style="list-style-type: none"> • Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. • Notify the adjoining owners that work will commence. <p>Condition reason: To provide notification of works commencing.</p>
33.	<p>Rubbish/Waste Management Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilised.</p> <p>Condition reason: To ensure the construction site is kept clean and safe at all times.</p>
34.	<p>Storage of materials Throughout the construction period, from commencement of work, the storage of materials is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.</p>

	Condition reason: To ensure the construction materials are stored on site in a tidy & safe manner.
35.	<p>Toilet facilities Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work.</p> <p>Condition reason: To ensure workers and contractors have access to amenities on site.</p>
36.	<p>Tree protection measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>

DURING BUILDING WORK

37.	<p>Approved Plans A copy of the stamped approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on site for the duration of site works and be made available upon request to either the Council or other Government Agencies.</p> <p>Condition reason: To ensure all parties are aware of the approved works to be conducted.</p>
38.	<p>Construction noise While work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
39.	<p>Contamination discovered during works If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the Contaminated Land Management Act 1997:</p> <ul style="list-style-type: none"> • all works must stop immediately, and • the Environment Protection Authority and the council must be notified of the contamination. • Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated. <p>Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.</p> <p>Condition reason: To ensure contaminated land is managed appropriately.</p>
40.	<p>Cut and fill (if applicable) While building work is being carried out, the principal certifier must be satisfied all soil removed</p>

	<p>from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • All excavated material removed from the site must be classified in accordance with the EPAs Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. • All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removal & replacement meets requirements.</p>
41.	<p>Encroachment of easements</p> <p>No works are to encroach over any easements.</p> <p>Condition reason: To ensure works are not carried out over easements.</p>
42.	<p>Hours of work</p> <p>The developer must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> • 7.00am to 6.00pm on Monday to Friday • 8.00am to 1.00pm on Saturdays <p>The developer must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>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.</p> <p>Note: Any variation to the hours of work requires Councils approval.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
43.	<p>Implementation of site management plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
44.	<p>Natural drainage</p> <p>Any works undertaken in the subject land including building and filling shall not cause alteration to the previous drainage in the subject land or adjacent land. Any remedies required to discharge drainage water caused to be accumulated by the works associated with this permit shall be the responsibility of the beneficiary of this consent.</p>

	<p>Condition reason: To ensure natural drainage is maintained where possible.</p>
45.	<p>Procedure for critical stage inspections While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
46.	<p>Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
47.	<p>Security fencing An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project</p> <p>Condition reason: To ensure the site is secured during construction.</p>
48.	<p>Tree protection While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. The construction site management plan 2. The relevant requirements of any Australian Standard for the protection of trees on development sites <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>Condition reason: To protect trees during site works.</p>
49.	<p>Uncovering relics or Aboriginal objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and a) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft

	<p>made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.</p> <p>Condition reason: To ensure protection of objects of potential significance during works.</p>
50.	<p>Waste management</p> <p>While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.</p> <p>Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:</p> <ul style="list-style-type: none"> • The contact details of the person(s) who removed the waste • The waste carrier vehicle registration • The date and time of waste collection • A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill • The address of the disposal location(s) where the waste was taken • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during construction, documenting that waste is appropriately handled.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

51.	<p>Completion of landscape and tree works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).</p>
52.	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority. Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in</p>

	accordance with the relevant agency requirements, before occupation.
53.	<p>Emergency Procedures Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information prior to the issue of an Occupation Certificate and at all times during operation.</p> <p>Condition reason: To ensure required emergency instructions are displayed.</p>
54.	<p>Maximum capacity and signage for business operator Before the issue of an occupation certificate, a sign must be permanently displayed at the main entry point of the premises in a prominent position which states the operators name and 1000 persons as the maximum number of persons permitted in the premises as approved under this consent.</p> <p>Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.</p>
55.	<p>Occupation Certificate The facility shall not be occupied or used until an Occupation Certificate is issued either by council or by an accredited certifier.</p> <p>Condition reason: To ensure development is accredited.</p>
56.	<p>Parking The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than the development.</p> <p>All car parking spaces shall be completed prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure onsite parking is utilised appropriately.</p>
57.	<p>Pedestrian safety signage Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.</p> <p>Condition reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway.</p>
58.	<p>Removal of waste upon completion Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.</p> <p>Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.</p>

	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
59.	<p>Repair of infrastructure Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
60.	<p>Site Waste Minimisation and Management Plan Prior to the issue of the occupation certificate, a Site Waste Minimisation and Management Plan that advises the final bin configuration and servicing of the development shall be prepared and supplied to the principal certifier. The plan shall include an assessment on bin storage and security, ability for the occupant to manoeuvre the bins to and from the storage area to an agreed location for servicing, and accessibility for the collection vehicle. The plan shall comply with Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (ISBN 978-1-74293-944-5), published by the NSW Environment Protection Authority in December 2012.</p> <p>The following shall be considered:</p> <p>Bin configuration and servicing for food waste generators, smaller bins with more regular servicing may be appropriate, or use of food dehydrator systems.</p> <p>Note: The plan should promote recycling by providing separation of recyclable and non-recyclable material.</p> <p>Condition reason: To ensure suitable waste management practices are in place.</p>

OCCUPATION AND ONGOING USE

61.	<p>Additional structures No additional structures (including those aspects within the approved concept plans) are to be built or installed on the site without permission from Wentworth Shire Council.</p> <p>Condition reason: To ensure only work approved under this consent is carried out.</p>
62.	<p>Amenity of the neighbourhood The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.</p> <p>Condition reason: To ensure the amenity of the neighbourhood is not compromised unreasonably.</p>
63.	<p>External lighting during ongoing use During ongoing use of the site, all lighting must be operated and maintained in accordance with</p>

	<p>the approved plans and the requirements of this consent.</p> <p>Condition reason: To ensure the safe operation of the site and protect the amenity of the local area.</p>
64.	<p>Maintenance of wastewater and stormwater treatment device</p> <p>During occupation and ongoing use of the facility, the beneficiary of this consent must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.</p> <p>Condition reason: To protect sewerage and stormwater systems.</p>
65.	<p>Operating hours</p> <p>Following commencement of occupation, the art installation shall operate between the times stated as follows:</p> <ul style="list-style-type: none"> • Summer Hours: Thursday to Sunday - 6:30pm to 10:30pm. • Autumn Hours: Thursday to Sunday – 6:30pm to 9:30pm. • Winter Hours: Friday & Saturday – 5:00pm to 9:00pm. • Spring Hours: Thursday – Saturday – 5:00pm to 9:00pm. <p>Other internal operations such as cleaning, preparation, and other office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>Note: Any variation to the operational hours will require further consultation with Wentworth Shire Council and amendment of this consent.</p> <p>Condition reason: To ensure operation occurs within the hours as stated.</p>
66.	<p>Operational waste management</p> <p>The Applicant shall:</p> <ol style="list-style-type: none"> a) implement all reasonable and feasible measures to minimise the waste generated by the development b) classify all waste in accordance with the EPA's Waste Classification Guidelines; c) ensure that the waste generated by the development is appropriately stored, handled and disposed of at appropriately licensed waste facilities <p>Condition reason: To ensure compliance with ongoing waste management and maintenance requirements.</p>
67.	<p>Release of securities / bonds</p> <p>When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Councils requirements.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>
68.	<p>Use of accessways and parking areas</p>

	<ul style="list-style-type: none">• All accessways and parking areas must be unobstructed at all times.• Accessways and car spaces—<ul style="list-style-type: none">- must be used solely for vehicular access and for the parking of vehicles associated with the use of the facility.- must not be used for the manufacture, storage or display of goods, materials or any other equipment. <p>Condition reason: To ensure constant access & egress to the site.</p>
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