

APPENDIX 1 – SCHEDULE OF CONDITIONS

- (1) The development shall be undertaken generally in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title: Site Plan
Drawing No: A.010
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

Title: Demolition Plan
Drawing No: A.011
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

Title: Ground Floor Plan
Drawing No: A.100
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

Title: Elevations
Drawing No: A.500
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

Title: Detail Elevations
Drawing No: A.501
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

Title: External Finishes
Drawing No: A.1010
Revision: B
Drawn by: Eclipse Consulting Engineers
Dated: 18.01.2018

{Reason: To ensure that the development is undertaken in accordance with that assessed}

- (2) The drainage and plumbing installation shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the water and sewerage authority.
{Reason: Statutory and Council requirement}
- (3) A hoarding, barricade or fence shall be erected between the demolition and construction site and any adjoining public place and/or around any road opening or obstruction if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by

the proposed works. If necessary, an awning sufficient to prevent any material from or in connection with the work falling onto the public place is also to be erected.

The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.

{Reason: Council requirement for the protection of the public}

- (4) The sanitary, water plumbing and drainage associated with the proposed building requires the issue of a separate approval from Council prior to being installed. In this regard a Drainage and Plumbing Approval Application form is available from Council and must be completed by the licensed plumbing and drainage contractor and returned to Council with the appropriate fee. Drainage or plumbing works must not be commenced until Council has issued a permit authorising such works.

{Reason: Statutory requirement of Local Government Act, 1993}

- (5) All sanitary plumbing, drainage and water plumbing work shall be carried out by a licensed plumber and drainer.

{Reason: Statutory requirement of Section 634 of the Local Government Act, 1993}

- (6) The top of the Amenities and Multi-purpose Room Building(s) overflow (relief) gully shall be a minimum 150 mm below the lowest sanitary fixture in such buildings, and

- (a) Be a minimum 75 mm above the finished surrounding ground level; or
- (b) Where the overflow (relief) gully is located in a path or paved area which is finished such that surface water cannot enter it and is graded away from the building, it may be finished level with such path or paved area.

{Reason: Statutory and Council requirement}

- (7) Hot water delivered to the outlets of any hand-basins and showers shall not exceed 50°C, whilst disabled fixtures shall not exceed 45°C.

{Reason: Council policy and statutory requirement of the Plumbing Code of Australia}

- (8) A site rubbish container shall be provided on the site for the period of the construction works prior to commencement of any such work.

{Reason: Council requirement to prevent pollution of the environment by wind-blown litter}

- (9) All excavations associated with the erection of the building and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.

{Reason: Council requirement for protection of public}

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

{Reason: Prescribed statutory condition under the Environmental Planning and Assessment Act}

- (11) Prior to works commencing, the applicant shall ensure that a sign is erected on the work site in a prominent position at the front of the property showing:

- (a) The name, address and telephone number of the Principal Certifying Authority (PCA) for the work;

- (b) The name of the principal contractor for the building/demolition work and a telephone number on which that person may be contacted outside of working hours; and
- (c) That unauthorised entry to the work site is prohibited.

Such sign must be maintained on the site during the course of the building/demolition work and not be removed until the work has been completed.

{Reason: Statutory condition imposed by clause 98A of the EP&A Regulation, 2000}

- (12) The person having the benefit of this development consent, if not carrying out the work as an owner-builder, must, unless that person is the principal contractor, ensure that the principal contractor has been notified of the critical stage inspections and any other inspections that are specified by the appointed Principal Certifying Authority (PCA) to be carried out.

Note: The 'principal contractor' is the person responsible for the overall coordination and control of the carrying out of the building work.

{Reason: Statutory requirement imposed by the EP&A Act, 1979}

- (13) All roof and stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard, prior to the issue of the Occupation Certificate, the licensee is required to submit to Council a Certificate of Compliance for the subject stormwater work within two (2) days of completion.

{Reason: Statutory and Council requirement}

- (14) Prior to the Occupation Certificate being issued, Council's Planning & Environment Division is to be given at least 24 hours notice for its officers to carry out an inspection of the completed stormwater drainage, sanitary drainage and water plumbing installations.

{Reason: To enable an inspection of the building's plumbing and drainage to determine they have been satisfactorily completed}

- (15) A structural engineer's certification shall be submitted to the Consent Authority and Principal Certifying Authority prior to removal of the entry pavilion's roof, to identify the following where applicable-

- (a) Specify the measures necessary, if any, to brace the existing masonry work to be retained, before and during the adjoining demolition works; and
- (b) Specify the permanent measures to be implemented and installed to brace the retained masonry façade wall to secure it against expected dead and live loadings, including wind loads as determined under Part B of the BCA; or
- (c) Certify that the portion of the masonry façade wall to be retained is structurally self-supporting and requires no additional bracing and support.

Note: Any structural upgrading/bracing works required to be undertaken as part of any certification stipulated pursuant to the above provisions, will need to be included as part of the development's construction certificate application.

{Reason: To ensure structural adequacy of the existing masonry wall to be retained}

- (16) Prior to the issue of any Occupation Certificate for the proposed building work, the development's external works, which includes landscaping, car park and hardstand areas, traffic signage and line marking, and any conditioned road/footpath upgrading, must have been completed in conformity with this development consent; unless the deferment of such works in part or in stages has been agreed to in writing by the consent authority.
{Reason: To ensure the development is completed prior to its occupation and use}
- (17) The Sediment and Erosion Control Plan, prepared by Eclipse Consulting Engineers, dated September 2017, is required to be implemented onsite prior to any site disturbance works being commenced and shall remain, in a maintained condition, until all site works are completed.
{Reason: Implementation of Council policy to reduce sediment pollution}
- (18) All walls, floors, ceilings, shelves, fittings and furniture shall be constructed of material that is durable, impervious and capable of being easily cleaned.
{Reason: Council requirement to achieve compliance with food safety standards}
- (19) All ceilings in food preparation areas shall be lined with plasterboard or similar material having a continuous smooth impervious surface capable of being easily cleaned.
{Reason: Council requirement to achieve compliance with food safety standards}
- (20) Those portions of the building proposed to be used for the manufacturing, preparing, storing or handling of food shall be constructed and operated in accordance with the requirements of the Food Act, 2003, Food Regulations, 2010 and the Food Safety Standards. Prior to the business commencing, the operator shall notify Council and a satisfactory inspection completed.
{Reason: Statutory requirement of the Food Act, 2003}
- (21) The building proposed to be used for manufacturing, preparing, storing or handling food for sale shall be constructed and fitted out in accordance with the minimum requirements of the Food Standards Code and the Food Act, 2003. Plans detailing the construction and fit-out of the food preparation areas shall be submitted and approved by Council prior to the Construction Certificate being issued.
{Reason: Statutory requirement and the implementation of Council's policy}
- (22) Should an exhaust fan be proposed over the stove/cooking area, it shall exhaust to the exterior of the building.
{Reason: Council requirement to prevent the creation of a fire hazard}
- (23) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
{Reason: Council and statutory requirement to protect Aboriginal heritage}
- (24) Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition or construction works, the applicant and contractor shall ensure that the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

- (25) All solid waste from demolition, construction and operation of the proposed development shall be assessed, classified and disposed of in accordance with the Department of Environment and Climate Change - Waste Classification Guidelines. Whilst recycling and reuse are preferable to landfill disposal, all disposal options (including recycling and reuse) must be undertaken with lawful authority as required under the Protection of the Environment Operations Act.

{Reason: Council requirement to require compliance with the POEO Act}

- (26) Waste construction materials including soil arising from the development must be disposed of at an appropriately licensed waste facility.

{Reason: To ensure environmentally safe disposal}

- (27) Noise from the development (L_{Aeq}) shall not exceed the background (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics when measured at the most affected residence.

{Reason: Council requirement to prevent the generation of a noise nuisance}

- (28) Prior to the commencement of the development the applicant shall prepare and submit to Council for approval a Waste Management Plan. Such Plan shall be approved by Council prior to commencement of the development and shall include but not be limited to, the following:

- (a) Assessment of types of waste;
- (b) Classification of each type of waste;
- (c) Volume of each type of waste;
- (d) Management and storage of waste onsite:
 - Method of waste disposal and disposal sites;
 - Method of waste transport and disposal sites; and
- (e) Record keeping.

{Reason: Council requirement to require compliance with the POEO Act}

- (29) The proposed swimming pools used by the public shall be operated and continuously disinfected in accordance with the NSW Health Department's guidelines, the Public Health Act 2010 and Public Health Regulation 2012.

{Reason: To preserve and protect human health and comply with Public Health Regulations, 2012}

- (30) All hazardous chemicals required for the operation and maintenance of the pool shall be stored in areas which are suitably sealed, bunded, roofed and protected from the public access.

{Reason: To prevent pollution of groundwater and the environment}

- (31) Demolition and construction work shall only be carried out within the following time:

Monday to Friday:	7 am to 6 pm
Saturday:	8 am to 1 pm
Sunday and public holidays:	No construction work permitted

{Reason: Council requirement to reduce the likelihood of noise nuisance}

- (32) Prior to occupation or use of the proposed development, the applicant shall provide Council with copies of all weighbridge or receipt dockets from the licensed waste disposal depot as evidence of appropriate waste disposal.
{Reason: Council requirement to require compliance with the POEO Act}
- (33) The applicant shall ensure all practicable measures are taken to minimise the release of dust into the atmosphere at the demolition site and from vehicles transporting material off-site.
{Reason: Council requirement to prevent dust nuisance and the contravention of the POEO Act}
- (34) The deliberate burning of the building and/or demolition material shall not be permitted.
{Reason: Council requirement to prevent emission of air pollutants and contravention of POEO Act}
- (35) The demolition contractor shall be given a copy of Council's conditions of development consent.
{Reason: To facilitate compliance with Council's Approval by the demolition contractor}
- (36) The demolition of the existing building and infrastructure is required to be undertaken in conformity with AS 2601-1991. A requirement of clause 1.7.1 of such standard is that the applicant and/or its contractor must prepare a Work Plan and submit such plan to Council prior to any demolition work commencing.

In particular, such Work Plan must include proposed measures to address dust generation; protection of the public; assessment, removal and disposal of hazardous materials and conditions (especially asbestos sheeting, lead-based paint and any organochlorine contaminated soil); noise control and protection of Council's services (including the capping of proposed abandoned sewer junction connections).

{Reason: Council requirement to prevent environmental contamination and creation of public nuisances arising from demolition works}

- (37) Should the existing town water supply service connection(s) not be suitably located and/or of a suitable size to accommodate the proposed development, then a separate application would be required to be made to Council, with the appropriate fee(s) being paid, for the provision of a suitably sized metered water service to the development.
{Reason: Council policy in respect of commercial developments}
- (38) A commercial standard concrete vehicular cross-over, and kerb and gutter vehicle entrance, constructed in accordance with Council's standards STD 5211 and STD 5235 being provided by and at full cost to the Developer at the location shown on the approved development plan.

However, prior to any construction works being undertaken on this access driveway, a detailed (fully dimensioned) site plan is to be lodged with and approved by Council. The access driveways are to be designed and constructed of sufficient width at the roadway (kerb and gutter alignment) and the property boundary alignment such that two cars can pass at the property boundary (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) and is able to access the subject land in a forward motion from the through travel lane of Warne Street without the need to cross over onto the wrong side of the road at any time.

Such works shall also include the reinstatement of the redundant kerb and gutter vehicle access off Warne Street to 'upright' kerb and gutter at full cost to the Developer; this work is to also include restoration of the road shoulder following construction in accordance with

Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.

Should Council's Senior Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (39) The existing broken footpath along the Warne Street shall be upgraded to Council's satisfaction in accordance with Council Standard STD 5251 including the provision of on-street line marking along Warne Street to Council's satisfaction at full cost to the Developer.

Where any disabled accessible car parking spaces are maintained in Warne Street, kerb ramps designed to appropriate Australian Standards will be constructed adjacent to them.

A detailed line marking plan of Warne Street including footpath upgrade shall be submitted to Council for approval prior to any construction.

Should Council's Senior Development Engineer (or his representative) not undertake the required inspections as detailed in the abovementioned Council standards, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with the abovementioned Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

{Reason: Council policy in respect of commercial developments}

- (40) All driveways, hard stand areas and parking areas shall be drained to Council's satisfaction, noting that development will be required to discharge flows from the land in its undisturbed/natural state for the minor storm event (1 in 20 year ARI) to the Bell River and also make provision for the major event (1 in 100 year ARI) to be safely conveyed to Bell River without impact on adjacent private property.

The car park shall be hard stand sealed with asphalt or concrete as shown on the approved plan.

Additionally, prior to the discharge into Bell River, the developer will be required to install at their own expense a 'pollution control device(s)'.

All works are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction.

In this respect the Developer must have approved by Council, prior to the issue of the building's Construction Certificate, detailed calculations and drawings of the proposed development's stormwater drainage system.

{Reason: To achieve a satisfactory standard of stormwater disposal from the proposed development}

- (41) All vehicles must enter and exit the subject land and proposed development in a forward direction. No reversing of vehicles onto the public roadway system will be permitted.

{Reason: To provide safety for the travelling public utilising the public roadways}

- (42) All loading and unloading of goods related to the development proposal shall be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.
{Reason: Requirement of Council so as not to create adverse traffic conditions}
- (43) No advertising, advertising sign(s) or structure(s) of any standard will be permitted to be displayed within (or overhang onto) the "road reserve" area(s). If required by Council, a registered surveyor is to verify location of the proposed sign in relation to the allotment boundaries.
{Reason: To protect the amenity of the travelling public utilising the surrounding roadways}
- (44) No materials, goods, plant or vehicles associated with the proposed development shall be stored, displayed or placed for advertising purposes outside the allotment's boundary.
{Reason: Implementation of Council's Policy Codes}
- (45) Any alteration/damage to the footpath, kerbing and guttering, vehicular entrance(s), road or road shoulder including utility services, shall be repaired/restored at full cost to the developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction Standards.
{Reason: Implementation of Council Policy}
- (46) Should any of the proposed demolition activity works encroach onto the road reserve area (which includes the footpath area) and prior to any works commencing on the site, the applicant/developer is required to make a separate 'Road Opening Application' (Section 138 Application under the Roads Act, 1993) with Council's Infrastructure and Operations Division, plus payment of any appropriate fee(s).

In conjunction with the Section 138 Application, a Traffic Management Plan showing all activities for controlling pedestrian and vehicular traffic shall be prepared by a suitably accredited person, submitted to, and approved by Council's Traffic Engineer, demonstrating that the proposed demolition works can be undertaken in a safe manner minimising disruption to pedestrian and vehicular traffic movement(s).

The Traffic Management Plan shall include layout plans showing temporary detours, details of arrangements for demolition work under traffic and the location, size and legend of all temporary signs and other traffic control devices and be in accordance with the WorkCover Authority requirements.

Prior to the issue of the Occupation Certificate for the proposed development, the developer/applicant is to provide the Principal Certifying Authority (PCA) with written evidence/confirmation that the required Section 138 Application was lodged with Council and that any relevant condition(s) have been complied with.

{Reason: To ensure adequate safety measures are in-place for the public utilising the adjacent footpaths and roadways}

- (47) The conveyance of effluent from the proposed development to Council's sewer constitutes a trade waste discharge therefore a Trade Waste Application must be completed. The completed application, along with the appropriate application fee, all required details covering drainage, discharge and capacity, pre-treatment devices and installation must be submitted to Council's Water Supply and Sewerage Client Services Coordinator and approved by Council prior to issuing the building's Construction Certificate. No effluent will be permitted to be discharged to Council's sewer until the required Trade Waste Approval

has been obtained and all required pre-treatment devices have been installed and passed by Council.

{Reason: Statutory requirement of the Local Government (General) Regulation, 2005}

(48) Prior to any demolition works commencing on the site, the following are required to be completed and carried out to Council's satisfaction:

- (a) The existing metered town water supply service connection(s) is required to be disconnected by Council. Council's Water Supply and Sewerage Client Services Coordinator must be contacted on 6801 4000 requesting removal of the disused water service and meter; and
- (b) Disconnection of the sewer drainage and capping of Council's sewerage main junction. An inspection by Council's Development Engineer in regard to this condition is required prior to the 'capped' sewerage junctions being backfilled.

{Reason: Requirements of Council to protect its civil infrastructure assets}

(49) The proposed plant room as shown on the "Stormwater Drainage Plan" drawing no. C03-C, dated 31.01.2018, shall be relocated or resized so that it is clear of the zone of influence of the existing and proposed stormwater lines.

{Reason: Implementation of Council policy}

(50) A 30m vegetation buffer extending from the high bank of the Bell River shall be maintained to minimise the risk of erosion and river bank failure.

{Reason: To protect the stability of the Bell River}

(51) A photographic archival record prepared by a suitably qualified heritage consultant in accordance with Heritage Council guidelines is to be provided to the satisfaction of Council's Manager Building and Development Services before the commencement of any work on site and before the issue of a Construction Certificate.

{Reason: To record of the existing Wellington Memorial Pool site and buildings}

(52) An interpretation plan prepared by a suitably qualified heritage consultant is to be provided to the satisfaction of Council's Manager Building and Development Services and is to be implemented prior to the issue of an Occupation Certificate for the development.

{Reason: To highlight the heritage values of the existing Wellington Memorial Pool site}

(53) A detailed landscaping plan shall be provided to Council for approval prior to the release of the construction certificate for the development. The detailed landscaping plan shall:

- Specify the plantings to be installed throughout the development site, including the full frontage setback, entrance, car park, basketball court and pool areas;
- Include the mature heights and widths of each species;
- Show that significant landscaping will be provided throughout the development to integrate it with its park setting; and
- Show that significant landscaping will be provided along the frontage setback to soften the visual impact of the contemporary buildings on the Warne Street streetscape.

{Reason: To ensure the proposed development integrates with Cameron and Bell parks and contributes to the Warne Street Streetscape}

(54) The sign shall be maintained in good and substantial repair.

{Reason: Council requirement to maintain structural adequacy and visual amenity}

(55) The sign shall not flash, be animated, be excessively luminous or glow.

{Reason: Council requirement to prevent distraction of passing motorists}

- (56) The Water Supply headworks contribution of \$32,025.15 (6.233 ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with former Wellington Shire Council's adopted Section 94A Development Contributions Plan 2012, Amendment 1 dated 18 December 2013, shall be paid by the developer prior to the release of the Occupation Certificate for the development.

Such contribution rate is adjusted annually becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$5,138.95 per ET.

Note 2: As the above contribution rate is reviewed annually the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of former Wellington Shire Council's adopted Section 94A Development Contributions Plan 2012, Amendment 1 dated 18 December 2013}

- (57) The Sewerage Services headworks contribution of \$5,632.85 (3.116 ET), calculated on a land use basis, pursuant to Section 64 of the Local Government Act, 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act, 2000 and in accordance with the former Wellington Shire Council's adopted Section 94A Development Contributions Plan 2012, Amendment 1 dated 18 December 2013, shall be paid by the developer prior to the release of the Occupation Certificate for the development.

Such contribution rate is adjusted annually becoming effective from 1 July each year and as adopted in Council's annual Revenue Policy.

Note 1: Council's adopted 2017/18 financial year rate is \$1,807.72 per ET.

Note 2: As the above contribution rate is reviewed annually, the 'current contribution rate' is to be confirmed prior to payment.

{Reason: Implementation of former Wellington Shire Council's adopted Section 94A Development Contributions Plan 2012, Amendment 1 dated 18 December 2013}

- (58) Prior to the release of the construction certificate for the development a security camera plan shall be submitted to Council for approval which shows that surveillance coverage of the entrance to the pool, car park, parkland to the west, and Warne Street (including concealment areas of retained entrance pavilion and Warne Street walls) will be available to pool staff at all times.

{Reason: To ensure the development is consistent with principles for crime prevention}

- (59) Amended plans shall be submitted with the Construction Certificate application for the development which show that the 'splash pad' pool will graduate to a depth of 600mm at its deep end.

{Reason: To ensure that the development provides adequate water depths for different ages and abilities}

- (60) The plans submitted with the Construction Certificate application shall show that eight (8) bicycle parking spaces shall be provided in close proximity to the entrance to the pool.

{Reason: To ensure that adequate bicycle parking is available for patrons.}

NOTES

- (1) A Construction Certificate for the subject development's building work must be sought and obtained prior to any such work commencing.

Note: pursuant to clause 18A of the Building Professional Regulation 2007, such construction certificate cannot be sought from Council's own accredited certifiers, as the capital investment value of the development exceeds \$5 million.

- (2) A list of fire safety measures must be submitted with the Construction Certificate application pursuant to clause 139 of the Environmental Planning and Assessment Regulation, 2000. The Regulation prescribes that the information to be submitted must include:
 - A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
 - A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.
- (3) Details of the disabled facilities (including access paths, toilets, signage and location of any tactile ground surface indicators) need to be adequately detailed on the Construction Certificate application plans to permit assessment and compliance evaluation with the provisions of the Premises Standards and the BCA. In particular, the submitted details for the proposed disabled and ambulant toilets should include elevations and floor plans of the facilities drawn to a scale of 1:20. Reference should be made to AS 1428.1, the Access Code under the Premises Standards and AS/NZS 2890.6 regarding specific design parameters.
- (4) On completion of the erection of the subject building, the owner of the building is required to submit to the Principal Certifying Authority (PCA) a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule attached to the Construction Certificate. Such certificate(s) must be submitted to the PCA prior to occupation or use of the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to Council (if not the appointed PCA) and the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position.

- (5) The owner of the building is required to submit to Council at least once in each period of 12 months following the completion of the building an Annual Fire Safety Statement(s) with respect to each essential fire safety measure associated with the building.

Copies of the subject Annual Fire Safety Statements must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW and displayed within the subject building in a prominent position. In this regard Fire and Rescue NSW has requested that only electronic copies of the statement be forwarded to their dedicated email address, being afss@fire.nsw.gov.au

- (6) Should the Geotechnical Site Investigation show a highly or extremely reactive site then, where the sanitary drainage pipework passes through the underside of the proposed Amenities and Multi-purpose buildings, flexible pipework fittings must be fitted to permit articulation of the pipework equivalent with the expected soil movement. Reference should be made to AS 2870-2011 in this regard.
- (7) It is requested that the Applicant include in the tender documentation for the construction of the proposed development that the successful principal contractor (the builder) will be responsible for the payment of all Council sanitary and water plumbing and drainage approval and inspection fees associated with the development. Alternatively, the principal contractor is to ensure that plumbing contractors, when quoting on such work, are informed to include such Council fees in their quotations.

(8) *EXTRACT OF:*

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014

Part 7 Transportation and management of asbestos waste

Note. *Asbestos waste* is defined in Part 3 of Schedule 1 to the Act.

77 Definitions

In this Part:

bonded asbestos material means any material (other than friable asbestos material) that contains asbestos.

friable asbestos material means any material that contains asbestos and is in the form of a powder or can be crumbled, pulverised or reduced to powder by hand pressure when dry.

78 General requirements applying to transportation of asbestos waste

A person who transports asbestos waste must ensure that:

- (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) if the waste consists of bonded asbestos material—it is securely packaged during the transportation, and
- (c) if the waste consists of friable asbestos material—it is kept in a sealed container during transportation, and
- (d) if the waste consists of asbestos-contaminated soils—it is wetted down.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

79 Reporting on transportation of asbestos waste solely within New South Wales

- (1) This clause applies to the transportation of asbestos waste.
- (2) However, this clause does not apply to any of the following:
 - (a) the transportation of less than 100 kilograms of asbestos waste, or of less than 10 square metres of asbestos waste that is asbestos sheeting, in any single load,
 - (b) the transportation of asbestos waste if Part 4 applies to the transportation,

- (c) the transportation of asbestos waste in an emergency to protect human health, the environment or property,
 - (d) the transportation of asbestos waste that commenced before 1 July 2015.
- (3) The transporter of a load of asbestos waste must cause the following information to be given to the EPA (in the prescribed form and manner) before the transportation of the load commences:
- (a) the address of the site at which the asbestos waste has been generated (by its removal from the site), if known to the transporter,
 - (b) the name, address and contact details of the premises from which the load is proposed to be transported,
 - (c) the date on which it is proposed that the transportation commence,
 - (d) the name, address and contact details of the premises to which the waste is proposed to be transported,
 - (e) the approximate weight (in kilograms) of each class of asbestos waste in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up),
 - (f) any other information specified in the Asbestos and Waste Tyres Guidelines.
- (4) If the premises to which the load is delivered (the **receiving premises**) are not the same as the premises specified under subclause (3) (d), the transporter causing the delivery must ensure that the EPA is given the name, address and contact details of the receiving premises (in the prescribed form and manner) within 24 hours after the delivery.
- (5) The transporter of a load of asbestos waste must ensure that the occupier of any premises to which the transporter causes the load to be delivered is given the following information (in the prescribed form and manner) no later than on delivery:
- (a) the unique consignment code issued by the EPA in relation to that load,
 - (b) any other information specified in the Asbestos and Waste Tyres Guidelines.
- (6) The occupier of a waste facility to which a load of asbestos waste is delivered must cause the EPA to be given the following information (in the prescribed form and manner) within 3 days after the delivery:
- (a) the date and time of delivery,
 - (b) the approximate weight (in kilograms) of each class of asbestos waste in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up),
 - (c) any other information specified in the Asbestos and Waste Tyres Guidelines.
- (7) The EPA may grant an exemption under Part 9 from the whole of, or any provision within, this clause.
- (8) A reference in this clause to the **prescribed form and manner** in which information is to be given is a reference to the form and manner in which the Asbestos and Waste Tyres Guidelines specify the information is to be given.
- (9) For the purposes of this clause, the classes of asbestos waste are as follows:
- (a) bonded asbestos material,
 - (b) friable asbestos material.

(10) In this clause:

Asbestos and Waste Tyres Guidelines means the document of that name, published by the EPA in the Gazette (as amended or replaced, from time to time, by notice published in the Gazette).

Note. A copy of the guidelines is available on the EPA's website (www.epa.nsw.gov.au).

transporter of asbestos waste means:

- (a) in the case of asbestos waste that is transported in the course of business—the person who carries on the business, or
- (b) in any other case—any individual who carries out the transportation.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

80 Disposal of asbestos waste

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

81 Re-use and recycling of asbestos waste prohibited

A person must not cause or permit asbestos waste in any form to be re-used or recycled.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

- (9) Offensive noise as defined under the Protection of the Environment Operations Act, 1997 shall not be emitted from the proposed development.

Air impurities as defined under the Protection of the Environment Operations Act, 1997 shall not be released or emitted into the atmosphere in a manner which is prejudicial to the health and safety of occupants, the surrounding inhabitants or the environment.

- (10) The development shall be undertaken in accordance with Essential Energy's correspondence dated 24 October 2017 (copy attached).

RIGHT OF REVIEW

Section 82A of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to make a request to the Council for it to review its determination, within six (6) months after the date on which the applicant received this notice. Any requests for a review are required to be accompanied by a fee as set in Council's revenue policy.

Note: Pursuant to s82A(4) a council is not obligated to accede to a request for review.

RIGHT OF APPEAL

Section 97 of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice.

