

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	7 July 2022
DATE OF PANEL DECISION	6 July 2022
DATE OF PANEL MEETING	30 June 2022
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, David West and Alan Tickle
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 30 June 2022, opened at 2pm and closed at 2:40pm.

MATTER DETERMINED

PPSHCC-124 – Mid Coast – DA 2021/2110 at 45 Manning River Drive, Taree - Refurbishment of existing basketball court building (as described in Schedule 1).

The Panel had the benefit of a number of briefings from both Council and the Applicant. The application has been amended from that originally lodged to address a number of issues.

The Panel has had a detailed briefing and review of the parking and traffic impacts associated with the development. It is understood that there is sufficient carparking on the broader recreational precinct site to cater for the proposed development and the current operations.

The development also has the benefit of access to informal overflow parking to the south of Recreation Drive which has historically been used by patrons of the broader facility. The development does not rely on on-street carparking. Despite the extent of site shown on the cover page of the civil plans, the Panel received confirmation from Council that no works extend into the conservation zoned area of the broader titles and are satisfied with this.

Large events are categorised as events over 500 people and are proposed to occur between 5-6 times a year. These events will require a detailed event management plan which requires approval from Council. Large events cannot be held concurrently with other large events associated with other sporting codes. Specific conditions have been included to address this aspect.

The Panel considers that there is a need to provide landscaping to the site and conditions have been included. Specific conditions have been drafted to identify the location of the rainwater tank in lieu of the bladder option put forward by the Applicant.

The Applicant had requested that the condition relating to the s7.12 Contribution be waived. The Panel advised that this could not be considered without further consultation with Council. The Applicant indicated that they did not want the determination of the matter delayed for this to occur.

The Panel considers that the proposed development will provide a much needed facility to the evolving Taree Regional Recreation precinct and will provide broader public and community benefit. The impacts of the development have been assessed as reasonable and can be adequately mitigated. The site is suitable for the development as proposed.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposed use is suitable for the site and reflects the planned use for the Regional Recreation precinct.
- The impacts of the development are reasonable and can be appropriately mitigated.
- The facility provides a much needed community asset to the broader community.

CONDITIONS

The Development Application was approved subject to the conditions at Schedule 2. The conditions were amended from those attached to the Council Report as follows:

- Requirement for detailed Event Management Plan for large events – Condition 57.
- Limits on large events and when these can occur – Condition 58.
- Requirement for replacement tree planting – Condition 13.
- Requirement for location of the rainwater tank to be specified – Condition 14.
- Review of Operational Management Plan every five (5) years to be approved by Council – Condition 56.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Sandra Hutton	 David West
 Alan Tickle	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-124 – Mid Coast – DA 2021/2110
2	PROPOSED DEVELOPMENT	Refurbishment and expansion of an existing basketball court building; • Addition of new basketball courts at rear of existing building, including an additional three (3) basketball courts; • Addition of new ancillary components including spectator seating, change rooms, storage rooms, first aid rooms, café space, patron toilets, reception and foyer, and office space; • Addition of mezzanine area for multipurpose use with kitchen and lift facility; and • Addition of new outdoor decking and pedestrian pathways.
3	STREET ADDRESS	Lot 1 DP 798539 Lot 2 DP 798539 Lot 1 DP 783990 Manning River Drive Taree
4	APPLICANT/OWNER	Greater Taree City Council (MidCoast Council)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o State Environmental Planning Policy (Planning Systems) 2021 - o State Environmental Planning Policy (Resilience and Hazards) 2021 - o State Environmental Planning Policy (Transport and Infrastructure) 2021 - o State Environmental Planning Policy (Industry and Employment) 2021 - o Greater Taree Local Environmental Plan 2010 - o Greater Taree Development Control Plan 2010 • Draft environmental planning instruments: • Development control plans: - o Greater Taree Development Control Plan 2010 - o Greater Taree s94A (s7.12) Contributions Plan 2016 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 21 June 2022 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: - o Council assessment officer – Adam Matlawski - o On behalf of the applicant – Melissa Thomas, Steve Atkins and Robert Spampinato
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 31 March 2022 - o <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant and David West

		- o <u>Council assessment staff</u>: Adam Matlawski, Bruce Moore, Belinda Kennwell, Craig Wilkinson, Liam Bulley and Kieran Woodall - o <u>Applicant representatives</u>: Megan Crowhurst, Melissa Thomas, Matthew Szymula, Stephen Kasinski, Robert Spaminato and Megan Thomas - o <u>Department staff</u>: Carolyn Hunt and Lisa Foley • Briefing: 18 May 2022 - o <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, David West and Alan Tickle - o <u>Council assessment staff</u>: Adam Matlawski, Bruce Moore and Kieran Woodall - o <u>Department staff</u>: Leanne Harris • Site inspections: - o <u>Sandra Hutton</u>: 26 June 2022 - o <u>Juliet Grant</u>: 12 June 2022 - o <u>David West</u>: 17 June 2022 - o <u>Alan Tickle</u>: 24 June 2022 • Final briefing to discuss Council's recommendation: 30 June 2022 - o <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, David West and Alan Tickle - o <u>Council assessment staff</u>: Adam Matlawski, Bruce Moore and Kieran Woodall - o <u>Department staff</u>: Leanne Harris and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

General Conditions

The following conditions of consent are general conditions applying to the development.

1. Development in accordance with approved plans

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

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Existing Site plan and demolition plan	DWG No. TP001 Rev: B	HSPC Architects Health	09/02/2022
Proposed Site Plan – Stage 1	DWG No. TP003 Rev: B	HSPC Architects Health	09/02/2022
Proposed Site Plan – Stage 2	DWG No. TP004 Rev: B	HSPC Architects Health	09/02/2022
Proposed Ground Floor Plan – Stage 1	DWG No. TP005 Rev: B	HSPC Architects Health	09/02/2022
Proposed Ground Floor Plan – Stage 2	DWG No. TP006 Rev: B	HSPC Architects Health	07/02/2022
Proposed Elevations – Stage 1 North - East	DWG No. TP007 Rev: B	HSPC Architects Health	09/02/2022
Proposed Elevations – Stage 1 South - West	DWG No. TP008 Rev: B	HSPC Architects Health	09/02/2022
Proposed Elevations – Stage 2 North - East	DWG No. TP009 Rev: B	HSPC Architects Health	09/02/2022
Proposed Elevations – Stage 2 South - West	DWG No. TP010 Rev: B	HSPC Architects Health	09/02/2022
Site Operational Management Plan	-	-	-
Emergency Business Continuity plan 2022	-	-	-
Waste Management Plan	Ref: 631.30350.00000-L01-WMP-v0.1-20210714.docx	SLR	14/07/2021
Civil Works Plan Bike Path	Job No: NL170290-01 Dwg No: DD-C03.03 Rev: 2	Northrop	11.04.2022

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Staging

The development is to be carried out in two (2) stages as follows:

Stage One

- Refurbishment of existing basketball court building;
- Addition of new basketball courts at rear of existing building including an additional three (3) basketball courts, with space to store future retractable seats;
- Additional of Gallery 1 providing access to the new rear courts;
- Addition of part of the new outdoor decking and pedestrian ramp 1;
- Signage; and
- Other minor works as illustrated on the approved stage 1 plans.

Stage Two

- Addition of new ancillary components including spectator seating, change rooms, storage rooms, first aid rooms, café space, patron toilets, reception and foyer, and office space;
- Addition of mezzanine area for multipurpose use with kitchen and lift facility;
- Addition of new outdoor decking and pedestrian pathways
- Installation of retractable seating; and
- Other minor works as illustrated on the approved stage 2 plans.

Reason: To ensure that adequate infrastructure is provided to each stage.

3. Compliance with National Construction Code Series - Building Code of Australia

All building work must be carried out in accordance with the requirements of the National Construction Code Series - Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

4. Support for neighbouring buildings

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

Reason: To protect development on adjoining premises. Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

5. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

The following conditions must be complied with prior to the commencement of demolition of any building or structure

6. Bond required to guarantee against damage to public land

Prior to the commencement of any demolition work, a Damage Bond Application form together with payment of a bond in the amount of \$2000 and an administration fee in accordance with Council's current adopted fees and charges must be submitted to Council.

Reason: Protection of public assets

7. Inspection of Stormwater Line Condition

Prior to the commencement of any demolition work, a camera survey of the line is to be arranged with MidCoast Council, to assess the condition of the existing stormwater line. A secondary inspection will be required upon completion of work to ensure the stormwater line's condition has been unaffected by the construction works.

Reason: To determine the condition of existing MidCoast Council Asset/s and ensure the condition is unaffected by development.

Prior to the issue of the Construction Certificate

The following conditions must be complied with prior to the issue of any Construction Certificate.

8. Water and sewerage Section 68 approval

Prior to the issue of a construction certificate for each stage of the development, an approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

Reason: Statutory requirement.

9. MidCoast Council Water Services approval

Prior to the issue of a construction certificate for each stage of the development, a Certificate of Compliance from MidCoast Council Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

10. Geotechnical report - engineering works

Prior to the issue of a construction certificate for each stage of the development, a certificate from a suitably qualified professional engineer must be submitted to the certifying authority, certifying that:

- a) the design of the civil engineering works, including any footings and / or piers have been assessed as structurally adequate in accordance with the relevant Australian Standards;
- b) the civil engineering works will not be affected by landslip or subsidence either above or below the works;
- c) Adequate drainage has been provided with appropriate considerations given to groundwater constraints.

Reason: To ensure site stability and public safety.

11. Structural Engineers Report

Prior to the issue of a construction certificate for each stage of the development, a report from a qualified structural engineer must be submitted to and approved by the certifying authority. The structural report is to certify the adequacy of the existing structure to support the additional loads.

Reason: To ensure structural stability and safety of the completed building.

12. Design to ensure the stormwater main will be protected

All footings are to be founded a minimum 300mm below the zone of influence of Councils stormwater drainage system. Prior to the issue of a construction certificate for each stage of the development, engineering details demonstrating compliance are to be submitted to the certifying authority.

Reason: To ensure structural adequacy of the development and drainage line.

13. Works within the Council Land

Prior to the issue of a construction certificate for stage 1 of the development, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the civil infrastructure works listed in the table below.

Work	Standard to be provided
Reconstruction of existing cycle path	Sealed / asphalt pavement to match existing on new alignment and adjustment of service utilities and bollards as required.
Footpath / external access paths	Concrete paths to be provided in accordance with Council Standard Drawing No. SD 0103.
Grading, trimming, topsoiling and turfing of the external areas	The surface levels are to be finished flush with adjacent road or kerb levels falling away from the building.

Road pavement reconstruction, line marking and installation of signs	Provision for new parking bays and reconstruction of pavement to Council's Adopted Engineering Standard.
Line marking and signage at the corner of Bligh Street & Recreation Drive	Provision for line marking and signage to Council's Adopted Engineering Standard.
Construction of stormwater infrastructure	Reinforced concrete pipes and pits in accordance with Council's Adopted Engineering Standard and Council Standard Drawing No. SD0110
Overflow vehicular access	Provision for laybacks and gates / bollards as required by Council to accommodate overflow parking on Lot 2 DP 597577.
Replacement tree planting	Replacement planting at a rate of 2:1 within the frontage to Recreation Lane to the satisfaction of Council.

Reason: To ensure works within Council's land are constructed to a suitable standard for public safety.

14. Stormwater details

Prior to the issue of a construction certificate, plans and specifications detailing the method of stormwater collection, retention and disposal from the site must be submitted to and approved by Mid Coast Council under Section 68 of the Local Government Act 1993. The stormwater system must be designed to comply with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage and include provision for 10,000L of retention and re-use. The retention must be in the form of slim line tanks located adjacent to the western side of the stadium and not protrude beyond the delineation of the emergency evacuation stairs. The rainwater tank(s) must be connected to greywater use in the proposed development, have provision for an external tap and with the overflow connected to Council's existing piped system

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

15. Traffic management plan

Prior to the issue of a construction certificate for each stage of the development, a traffic control plan must be submitted to and approved by the relevant Road Authority. The plan must be designed in accordance with the requirements of:

- a) The Roads and Maritime Services, Traffic Control at Work Sites (current version); and
- b) Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads.
- c) The National Heavy Vehicle Regulator (NHVR).

Reason: To ensure public safety during the construction of the development.

16. Internal vehicular access

Prior to the issue of a construction certificate for stage 1 of the development, plans and specifications prepared in accordance with AS/NZS 2890.1-2004: Parking facilities, Part 1: Off-street car parking & AS2890.2: Parking Facilities Off Street Commercial Vehicle Facilities must be submitted to and approved by the certifying authority.

The plan must include the following:

- a) Pavement description being concrete, asphalt or similar (Car park and driveway layout).
- b) Drainage (pipes, pits, on-site detention, etc.).
- c) A physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways.
- d) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities
- e) Turning paths; and
- f) Line-marking and signs.

Reason: To ensure suitable vehicular access is provided to the development.

17. Structural certification - flood affected buildings

Prior to the issue of a construction certificate for each stage of the development, a report from a suitably qualified and experienced engineer must be provided to the certifying authority demonstrating that the building has been designed to withstand all flood forces from a 1% Annual Exceedance Probability (AEP) flood.

For the purpose of this assessment the 1% AEP flood level is RL 4.9m AHD with a velocity of 0.1m/s.

Reason: To ensure the building is structurally adequate to withstand impacts from flooding.

18. Storage facilities above floor level

Prior to the issue of a construction certificate for each stage of the development, plans and specifications detailing the provision of secure storage facilities for goods that are not flood compatible located within the development above the flood planning level must be submitted to and approved by the certifying authority. The nominated space may be used for purposes other than storage when flooding is not expected, provided the space is readily available and can be made secure during the period of flooding.

Reason: To provide safe storage space during a flood emergency.

19. Access and facilities for people with disabilities

Prior to the issue of a construction certificate for each stage of the development, plans and specifications detailing access to and within the development and facilities for persons with disabilities must be submitted to and approved by the certifying authority. The development must be in accordance with Australian Standard AS 1428.1 - Design for access and mobility and Part D3 of the Building Code of Australia.

Reason: To ensure the development provides equitable and dignified access and facilities for people with disabilities.

20. Construction management plan

Prior to the issue of a construction certificate for each stage of the development, a construction management plan must be submitted to and approved by Council.

The construction management plan must include:

- a) a traffic control plan designed in accordance with the requirements of the Roads and Maritime Services, Traffic Control at Work Sites Version 2 and Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads' prepared by an accredited person trained in the use of the current version of RMS Traffic Control at Work Sites manual.
- b) a traffic management plan
- c) provision for pedestrian movement and safety
- d) details of loading and unloading areas;
- e) details of parking for tradesman's vehicles

Reason: To ensure public safety during the construction of the development.

21. Flood Emergency Management Plan

Prior to the issue of a construction certificate for stage 1 of the development, a statement from a qualified engineer must be submitted to and approved by the certifying authority. The statement must certify that a plan for evacuation/stay during a major flood event has been formulated and provided to the applicant. The plan must be displayed with the building in a suitable location.

Provision must be made to review the plan every 5 years.

Reason: To ensure the safety of the occupants during a major flood.

22. Design standards - food premises

Prior to the issue of a construction certificate for stage 2, plans and specifications for the fit out of the food premise must be submitted to and approved by Council's Environmental Health Officer.

The plans and specifications shall demonstrate compliance with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.

Reason: To ensure public health and safety.

23. Erosion and sediment control plan

Prior to the issue of a construction certificate for each stage of the development, an erosion and sediment control plan prepared by a suitably qualified person in accordance with "The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter

dams, and sedimentation basins.

Reason: To protect the environment from the effects of erosion and sedimentation.

24. Certification of Noise Mitigation Measures

Prior to the issue of a construction certificate for each stage of the development, construction details (including mechanical equipment specifications) must be reviewed by a suitably qualified acoustic engineer to ensure the development will not result in intrusive noise. Written certification must be provided to the Principal Certifying Authority and Council.

Reason: To protect the amenity of adjoining premises.

25. S7.12 Development Contributions

Prior to the issue of a construction certificate for stage 1 of the development, a monetary contribution must be paid to Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979.

A contribution of \$88,600 is payable as set out in the following table:

Greater Taree Section 94A Contributions Plan 2016		
Levy Rate	Development Cost	Contribution Payable
1% of the development cost	\$8,860,000	\$88,600

The Contributions Plan and the Standard Schedule for Section 7.12 Plans may be viewed on Council's web site or at Council's offices.

Reason: To provide for the improvement of facilities and services.

Prior to the commencement of any development work

The following conditions must be satisfied prior to the commencement of any development work.

26. Section 138 for works within road reserve

Prior to any works, an application under Section 138 of the Roads Act must be submitted to and approved by Council, for any works or occupation of the road reserve.

Reason: To ensure public safety and protect public assets during the construction of the development.

27. Construction certificate required

Prior to the commencement of any building work (including excavation), a construction certificate must be issued by a certifying authority.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

28. Notification of commencement and appointment of principal certifying authority

Prior to the commencement of any building work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

29. Toilet facilities - sewerred areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

30. Site construction sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

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

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

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

31. Installation of erosion & sediment control measures

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

During any development work

The following conditions must be complied with during any development work.

32. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

33. Construction in flood prone areas

Flood compatible materials and fixtures must be used for all areas below the flood planning level. The flood planning level for this development is R.L. 5.4m A.H.D.

Reason: To protect the building from flooding.

34. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

35. Wiring in flood prone buildings

All wiring, power outlets, switches, etc., must be provided in accordance with the following requirements:

- a) To the maximum extent possible, all wiring, power outlets, switches, etc, must be located above the flood planning level.
- b) All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components.
- c) All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly.
- d) Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level.
- e) Only submersible-type splices are to be used below the flood planning level.
- f) All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding.
- g) Any existing wiring is to be certified by a licensed electrical contractor as compliant with current electrical standards.

Reason: To maintain the safety of buildings and occupants during a flood event.

36. Inspection and Assessment of Stormwater System

During works, the existing stormwater system is to be inspected by a licenced plumber to determine if it complies with current standards and is of adequate capacity and condition to convey the additional stormwater generated by the development.

If the stormwater system is found to be of inadequate capacity or in poor condition, it must be upgraded/repaired as required.

Evidence of this inspection and determination must be provided to the principal certifying authority prior to the issue of an occupation certificate.

Reason: To ensure proper disposal of stormwater.

37. Construction standards - Food premises

The premises must be constructed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.

Reason: To ensure public health and safety.

38. Security

A Security (Burglar) Alarm System and closed circuit television monitors are to be fitted to the premises.

Reason: To reduce opportunities for criminal activity

39. Standards for demolition work

All demolition works must be undertaken in accordance with the provisions of Australian Standard AS 2601: The demolition of structures. Prior to demolition, all services must be disconnected and capped off.

Reason: To protect public health and safety

40. Compliance with waste management plan

During demolition and/or construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

Reason: To ensure waste is minimised and recovered for recycling where possible

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

The following conditions must be complied with prior to the issue of an Occupation Certificate.

41. Works to be completed

The building/structure or part thereof must not be occupied or used until an occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

42. MidCoast Council Water Services Certificate of Attainment

Prior to the issue of an occupation certificate for each stage of the development, a Certificate of Attainment from MidCoast Council Water Services, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the principal certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

43. Completion of car parking areas and provision of signs

Prior to the issue of an occupation certificate for stage 1 of the development, the car parking areas must be constructed in accordance with the approved plans and be fully line-marked.

Reason: To ensure that adequate parking facilities for the development are provided on site.

44. Stormwater drainage work

Prior to the issue of a final occupation certificate, all drainage works including a 10,000L rainwater tank must be installed by a suitably qualified person and in accordance with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage and the required Section 68 Approval.

Reason: To ensure compliance with the development consent and statutory requirements.

45. Emergency management plan

Prior to the issue of an occupation certificate, an emergency management plan must be submitted to and approved by the principal certifying authority. This plan must specifically address:

- a) flooding
- b) bushfire

Reason: To ensure procedures are in place to minimise harm to the public.

46. Inspections of engineering work

Prior to the issue of any occupation certificate, a Certificate of Practical Completion from MidCoast Council, stating that all works identified in the Public Engineering Works Permit have been satisfactorily completed, must be submitted to the principal certifying authority.

Reason: To ensure the provision of required civil infrastructure.

47. Defects liability bond for civil works

Prior to the issue of an occupation certificate, a defects liability bond, must be paid to Council. The bond is to cover any defects to civil works arising within 12 months from issue of the occupation certificate.

Reason: To ensure any defects in civil works are rectified.

48. Mechanical ventilation

Where an exhaust ventilation system is required to be installed in accordance with the requirements of Australian Standard AS1668.2-2012 and the National Construction Code a Certificate of Compliance must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed has been tested and complies with Australian Standard AS1668.2-2012 and the National Construction Code,

Reason: To ensure public health and safety.

49. Soundproofing of mechanical equipment

Prior to the issue of a final occupation certificate, all mechanical equipment must be located and/or adequately soundproofed so as not to create offensive noise as defined under the Protection of the Environmental Operations Act 1997 and Regulations.

Reason: To maintain acoustic amenity.

50. Food notification

Prior to the issue of an occupation certificate for stage 2 of the development, a 'Food business notification' form must be completed and submitted to Council in accordance with the Food Act 2003.

Reason: Statutory requirement.

51. Adjustment to criterium track

Prior to the issue of an occupation certificate for stage 1 of the development all adjustments to the criterium track as shown in the approved Civil Works Plan Bike Path plan shall be completed

Reason: To maintain amenity and public safety

Conditions which must be satisfied during the ongoing use of the development

The following conditions must be complied with during ongoing use of the development

52. Hours of operation (reviewable condition)

The approved hours of operation for the use of the development are restricted to the times and/or locations set out in the following table:

Location/Day	Start Time	Finish Time
Monday to Sunday	7:00am	10:00pm

In accordance with section 4.17 (10B) of the Environmental Planning and Assessment Act 1979, this condition is a review condition.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood. The purpose of this review condition is to enable the extended operating hours to be reviewed should any complaint be received regarding noise or other disorderly or antisocial behaviour at the premises. Upon the condition being reviewed, the extended hours of operation may be varied in accordance with the recommendations of the review.

Reason: To maintain amenity

53. Ongoing maintenance of food premises

The food premises must at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises.

Reason: To maintain public health and safety.

54. Review of Evacuation/Stay Plan (Flood Event)

The Evacuation/Stay plan in a major flood event must be reviewed and updated by a suitably qualified & experienced engineer every 5 years.

Reason: To ensure the safety of the occupants during a major flood.

55. Maintenance of Stormwater Treatment - Rainwater Tank for Water Quality

Maintain the rainwater tank/s in perpetuity to ensure optimal functionality.

Reason: To protect water quality.

56. Site management plan

The premises shall be operated in accordance with the approved site operational management plan.

The site operational management plan must be reviewed, updated and submitted to Council for approval every 5 years.

Reason: To minimise impacts on the amenity of the area.

57. Large Events

An approval under the Local Government Act 1993 shall be obtained from Council for the holding of each 'large' event.

An event management plan, specific to each large event, shall be prepared and submitted with any application.

A large event is defined as any event that caters for more than 500 persons in total.

Reason: Statutory requirement

58. Number of large Events

No more than six (6) large events shall be permitted to be held within any calendar year.

Large events will not be permitted to be held concurrently with other sporting large events within the Taree Regional Recreation Centre.

Reason: To maintain amenity