

## CONSENT CONDITIONS – Calrossy Multi-Use Classroom & Associated Works

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-173 – DA2022-0278
<b>PROPOSAL</b>	Construction of a Two Storey Multi Use Classroom, Auditorium, Foyer, Landscaping & Retaining Walls
<b>ADDRESS</b>	Lot 62 in DP 1278645 (formerly Lot 420 in DP 1005750) – 242 Moore Creek Road, NORTH TAMWORTH NSW 2340
<b>APPLICANT</b>	GHD Pty Ltd
<b>APPLICATION TYPE</b>	Development Application

#### SCHEDULE 1 – CONDITIONS OF CONSENT

##### General Conditions of Consent

- 1) Development shall take place in accordance with the attached endorsed plans:
  - a) Architectural plans prepared by GHD, Project No. 12534461, Drawing No. A050, A051, A100, A101, A102, A400, A401, A550, A600, Undated; and,
  - b) Statement of Environmental Effects prepared by GHD, Dated 17 December 2021.
- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) and the disability (Access to Premises – Buildings) Standards 2010.
- 4) The Applicant shall consult with, as required:
  - a) Essential Energy;
  - b) Natural gas company; and
  - c) a telecommunications carrier,
 regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).
- 5) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.

- 6) To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause 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 Australian Standard AS4282 - Control of Obtrusive Effects of Outdoor Lighting.
- 7) This consent does not authorise any increase to student or staff numbers on the site, which is currently capped at 700 students and 65 staff under DA0480/2001. Any increase to student or staff numbers will require approval via a modification application to DA0480/2001 or a new Development Application.
- 8) The applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up to date as required throughout the life of the development. None of the Conditions of Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

#### **Prior to the Commencement of Works**

- 9) The approved development which is the subject of this development consent must not be commenced until:
  - a) a Construction Certificate for the building work has been issued by the consent authority, Council (if Council is not the consent authority) or an accredited Certifier;
  - b) the person having the benefit of the development consent has:
    - i) appointed a Principal Certifier for the building work; and
    - ii) notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case;
  - c) the Principal Certifier has, no later than two days before the building work commences:
    - i) notified the consent authority and Council (if Council is not the consent authority) of his or her appointment; and
    - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
  - d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved;
    - ii) notified the Principal Certifier of any such appointment;
    - iii) unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
    - iv) given at least two days notice to Council of the persons intention to commence the erection of the building.
- 10) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
  - a) must be a standard flushing toilet;
  - b) must be connected to a public sewer; or
  - c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 11) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
  - a) the name, address and telephone number of the Principal Certifier for the work; and

- b) 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) a statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 12) The contractors engaged to undertake development on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 13) Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater – Soils and Construction (Landcom 2004). The ESCP is to form part of the construction site management plan under Condition No. 20 and shall be implemented prior to the commencement of any construction works.
- 14) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3 and the RMS current version of the "Traffic Control at Worksites" manual.

#### **Prior to Issue of a Construction Certificate**

- 15) a) In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 (previously 94A) Development Contributions Plan 2013, **\$111,595** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

- \\$C<sub>PY</sub>** Is the amount of the contribution at the date of Payment
- \\$C<sub>DC</sub>** Is the amount of the contribution as set out in this development consent
- CPI<sub>PY</sub>** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI<sub>DC</sub>** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council:
  - i) Prior to the issue of the release of a Construction Certificate.

**It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

The Tamworth Regional Council Section 7.12 (formerly Section 94A) Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

- 16) Prior to the issue of a Construction Certificate, a detailed landscaping plan shall be submitted for approval by the Principal Certifier. The landscaping plan shall include the provision of drought and frost tolerant species and native plants in accordance with Council's Development Control Plan 2010. Additionally, the landscaping plan shall comply with the NSW Rural Fire Services General Terms of Approval.
- 17) Retaining walls greater than 600mm above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.
- 18) Pursuant to Section 68 of the *Local Government Act 1993*, the following approvals must be obtained from Council prior to works commencing:
  - a) carry out water supply work;
  - b) carry out sewer work; and
  - c) carry out stormwater work;
- 19) A detailed stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments.

The stormwater servicing strategy for this development must also include calculations and associated commentary for the following: -

- a) Stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the post-developed flows to pre-developed natural flows.
- b) Minor stormwater networks
- c) Q100 overland flow paths
- d) Conveyance of flows entering the site from upslope

Advisory Note:

The detailed stormwater servicing strategy must include all impervious areas within the post-developed site, including any works carried out on site via exempt development pathways.

- 20) Prior to the issue of a Construction Certificate, the Applicant must submit a construction site management plan for approval by the Principal Certifier. The plan must include the following matters:
  - a) location and materials for protective fencing and hoardings on the site;
  - b) provisions for public safety;
  - c) pedestrian and vehicular site access points and construction activity zones;
  - d) 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;
  - e) 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 (if applicable);
  - f) an erosion and sediment control plan;

- g) details of any bulk earthworks to be carried out;
- h) location of site storage areas and sheds;
- i) equipment used to carry out all works;
- j) a garbage container with a tight-fitting lid;
- k) dust, noise and vibration control measures; and,
- l) location of temporary toilets.

The Applicant must ensure that a copy of the approved construction site management plan is kept on site at all times during construction.

## **During Works**

### *General*

- 21) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
- **Monday to Friday - 7.00am to 5.00pm; and,**
  - **Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm.**

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises. The Applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.

- 22) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Division.
- 23) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- 24) Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 25) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
- 26) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 27) While 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.

In this condition:

- “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
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft 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.

#### *Stormwater*

- 28) All stormwater discharging from the proposed development site, buildings and works must be conveyed to the approved point of discharge by underground pipe drains complying with AS3500.3 (as amended) to the satisfaction of Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 29) Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum: -
  - i) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
  - ii) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development; A system to prevent overland flows discharging onto adjoining properties shall be implemented; and,
  - iii) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.

#### *Allotment Filling*

- 30) Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

#### *Inspections*

- 31) It is required that a Principal Certifier (PC) be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning and Assessment Act 1979* and *Regulation 2021*. The owner may appoint either Council or a registered certifier to be the PC.

#### **Prior to Issue of an Occupation Certificate**

- 32) The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.
- 33) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to the issue of any Occupation Certificate for the premises to ensure compliance with the provisions of the *Environmental Planning and Assessment Act 1979*.

- 34) To ensure that the required Fire Safety Measures are provided in accordance with the building's use and operating in accordance with the appropriate standards, the owner of the building must cause a copy of a Fire Safety Certificate to be given to the person issuing the Occupation Certificate in accordance with Clause 84 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021* for each measure listed in the fire safety schedule (attached).

The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate is also to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the subject building. Email address for lodgement of Fire Safety Certificate is - [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

- 35) All landscaping required by the detailed Landscape Plan must be completed prior to the issue of an Occupation Certificate.

In lieu of completing the landscaping nominated on the landscaping plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.

- 36) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS3798 (as amended) shall be provided to Council.

#### **Ongoing Requirements**

- 37) Offensive noise, as defined in the *Protection of the Environment Operations Act 1997*, shall not be generated from the continuing operation of the development approved by this consent.

Advisory Note: Offensive noise is defined in the *Protection of the Environment Operations Act 1997* as noise that by reason of its level, nature, character or quality, or the time at which the noise is made can be considered offensive or unreasonably interferes with the comfort or repose of a person who is outside of the premises from which the noise is emitted.

- 38) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.

#### **Advice Note(s)**

- 1) Clause 89 of the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021* requires the owner of a building to which an essential fire safety measure is applicable to maintain each essential fire safety measure as identified by virtue of a fire safety schedule, to a standard no less than that specified in the schedule.
- 2) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an Annual Fire Safety Statement in accordance with Clause 89 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021* for each measure listed in the schedule. The statement must only be in the form specified by Cause 92 of the Regulation. A copy of a current Annual Fire Statement should always be prominently displayed in the building.

A copy of the statement is to be lodged with Council - [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) and provided to the Commissioner of the New South Wales Fire Brigade - [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

## **SCHEDULE 2 – APPROVALS UNDER SECTION 4.46**

- 1) The proposal is to be carried out in accordance with the General Terms of Approval issued by the NSW Rural Fire Service reference DA20220204002363-Original-1, dated 02 March 2022, as follows:
  - a) New construction shall comply with Section 3 and Section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.
  - b) New internal roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*.
  - c) 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:
    - i) 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;
    - ii) Planting is limited in the immediate vicinity of the building;
    - iii) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
    - iv) 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;
    - v) Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
    - vi) Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
    - vii) Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
    - viii) Avoid climbing species to walls and pergolas;
    - ix) Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building.
  - d) The Bush Fire Emergency Management and Evacuation Plan shall be upgraded to include the new building and access provisions.

## **SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW**

### **RIGHT OF REVIEW**

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the Applicant may request the Council to review the determination for a development consent or modification of a development consent, provided this application is not made in respect to designated or Crown development. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. A determination or decision reviewed under this Division is not subject to a further review.

### **RIGHT OF APPEAL**

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* (Act) gives you the right to appeal to the Land and Environment Court. In accordance



with Section 8.10 of the Act, your appeal must be made within six (6) months after the date on which you receive this notice; or, the date on which that application is taken to have been determined under Section 8.11 of the Act.

Section 8.8 of the Act does not give an objector the right of appeal against this determination notice as the development does not constitute designated development.