

ATTACHMENT A

DA-87/2023 - DRAFT CONDITIONS

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the Principal Certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to—

	<div><div><div><div><div><div></div><div>a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</div><div>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</div></div></div></div></div></div>																																																												
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3	<div><div><div><div><div><div></div><div>Shoring and adequacy of adjoining property</div></div></div><div><div><div><div><div><div></div><div>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</div><div>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—<div><div><div>a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</div><div>b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</div></div></div><div>3. This section does not apply if—<div><div><div>a. the person having the benefit of the development consent owns the adjoining land, or</div><div>b. the owner of the adjoining land gives written consent to the condition not applying.</div></div></div></div></div></div></div></div></div></div></div></div></div>																																																												
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4	<div><div><div><div><div><div></div><div>Approved plans and supporting documentation</div></div></div><div><div><div><div><div><div></div><div>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</div></div></div><div><div><div><div><div><div></div><div>Approved plans</div></div><table><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>A.000</td><td>A</td><td>Cover Sheet</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.010</td><td>A</td><td>Site Plan</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.012</td><td>-</td><td>Room Schedule</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.013</td><td>-</td><td>Site Plan with Aerial</td><td>Facility Design Group</td><td>20.04.2023</td></tr><tr><td>A.014</td><td>-</td><td>Landscape Concept Plan</td><td>Facility Design Group</td><td>22.05.2023</td></tr><tr><td>A.100</td><td>A</td><td>Ground Floor Plan</td><td>Facility Design Group</td><td>23.03.2023</td></tr><tr><td>A.101</td><td>A</td><td>Roof Plan</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.300</td><td>A</td><td>Reflected Ceiling Plan</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.400</td><td>A</td><td>Sections</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.500</td><td>A</td><td>Elevations</td><td>Facility Design Group</td><td>20.02.2022</td></tr><tr><td>A.1010</td><td></td><td>Colourboard</td><td>Facility Design Group</td><td>20.02.2022</td></tr></table></div></div></div></div></div></div></div></div></div></div>	Plan number	Revision number	Plan title	Drawn by	Date of plan	A.000	A	Cover Sheet	Facility Design Group	20.02.2022	A.010	A	Site Plan	Facility Design Group	20.02.2022	A.012	-	Room Schedule	Facility Design Group	20.02.2022	A.013	-	Site Plan with Aerial	Facility Design Group	20.04.2023	A.014	-	Landscape Concept Plan	Facility Design Group	22.05.2023	A.100	A	Ground Floor Plan	Facility Design Group	23.03.2023	A.101	A	Roof Plan	Facility Design Group	20.02.2022	A.300	A	Reflected Ceiling Plan	Facility Design Group	20.02.2022	A.400	A	Sections	Facility Design Group	20.02.2022	A.500	A	Elevations	Facility Design Group	20.02.2022	A.1010		Colourboard	Facility Design Group	20.02.2022
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C101	C	General Notes	Eclipse Engineers Consulting	04.07.2023
C102	C	Sediment and Erosion Control Plan	Eclipse Engineers Consulting	04.07.2023
C103	C	Pre & Post Development Plans	Eclipse Engineers Consulting	04.07.2023
C104	C	Stormwater Drainage Plan - 1 of 2	Eclipse Engineers Consulting	04.07.2023
C105	C	Stormwater Drainage Plan - 2 of 2	Eclipse Engineers Consulting	04.07.2023
C106	C	Stormwater Details	Eclipse Engineers Consulting	04.07.2023
C107	C	Bulk Earthworks - Combined Pool Excavation Plan	Eclipse Engineers Consulting	04.07.2023
C108	C	Bulk Earthworks - Filling to Proposed Platform Level Plan	Eclipse Engineers Consulting	04.07.2023
C109	C	Bulk Earthworks - Cross Sections - 1 of 3	Eclipse Engineers Consulting	04.07.2023
C110	C	Bulk Earthworks - Cross Sections - 2 of 3	Eclipse Engineers Consulting	04.07.2023
C111	C	Bulk Earthworks - Cross Sections - 3 of 3	Eclipse Engineers Consulting	04.07.2023
Approved documents				
Document title	Report / version / reference number	Prepared by	Date of document	
Statement of Environmental Effects		Facility Design Group Architects	June 2023	
Traffic & Parking Assessment	PT22082r01_Final	Positive Traffic Pty Ltd	June 2023	
Energy Efficiency Evaluation Section J of NCC 2022	23172	Partners Energy	11/5/2022	
BCA Capability-Report		Alpha Code Consulting	27/04/2023	
Inverell Aquatic Centre - Waste Management Plan	Version 0.2	MRA Consulting Group	20/04/2023	
Noise Impact Assessment	nss23927 - Final	Noise and Sound Services	June 2023	
Statement of Heritage Impact	Issue B	Noel Thomson Architecture Pty Ltd	31/05/2023	
Electrical Services Design	Rev. A	Spectrum Engineering Solutions	19/05/2023	

Statement of Intent			
Statement of Compliance Access for People with a Disability	Job No: 222278	Accessible Building Solutions	22/05/2023
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			

Building Work

Before issue of a construction certificate

5	<p>Preparation of construction and fit out plans for food and drink premises</p> <p>Before the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.</p> <p>The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to an Authorised Officer of Inverell Shire Council under the <i>Food Act 2003</i>:</p> <ol style="list-style-type: none"> 1. Food Standards Code (Australia and Food Safety Standard 3.2.3 – Food Premises and Equipment. 2. <i>Food Act 2003</i> and <i>Food Regulation 2015</i>. 3. Australian Standard 4674:2004 :Design, Construction and Fit-out of Food Premises. 4. Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage. <p>Condition reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards</p>
6	<p>Utilities and services</p> <p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier:</p> <ol style="list-style-type: none"> 1. A letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. Written confirmation from Inverell Shire Council as to the point of connection and any additional requirements for water, sewer and stormwater. <p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
7	Hydraulic Design - Stormwater

	<p>Before the issue of a Construction Certificate, hydraulic engineering details of the proposed stormwater drainage for the development must be submitted to the Principal Certifier, demonstrating adequate and suitable infrastructure to ensure the peak discharge from the site is no greater than the pre-developed peak discharge.</p> <p>Condition reason: To ensure stormwater is appropriately disposed.</p>
8	<p>Hydraulic Design - Water and Sewer</p> <p>Before the issue of a Construction Certificate, a building hydraulic design for water and sewer is to be prepared by a suitably qualified hydraulic designer and submitted to the Principal Certifier. This design must be in accordance with Australian Standard 3500.1 Plumbing Drainage & Water Services and include fire-fighting provision, backflow prevention for water services and reflux valves on sewer connections for backflow prevention in a flood event.</p> <p>Condition reason: To ensure water and sewer services are compliant with Australian Standards.</p>
9	<p>Revised Landscaping Plan</p> <p>Before the issue of a Construction Certificate, a revised landscaping plan is to be submitted to and approved by Council. This landscaping plan must include additional shrub and tree plantings at the front of the new Aquatic Centre, between the new entry and adjoining heritage item (original pool building).</p> <p><i>Note: The revised landscaping plan will be referred to Council's Heritage Advisor for review and comment.</i></p> <p>Condition reason: To reduce the visual dominance of the new building in relation to the adjoining heritage item.</p>
10	<p>Construction Management Plan</p> <p>Before the issue of a Construction Certificate, a Construction Management Plan (CMP) prepared by a suitably qualified person must be submitted to and approved by Council. The CMP must address as a minimum, the following matters (in no particular order):</p> <ul style="list-style-type: none"> • Risk Matrix for the proposed works in particular with respect to heritage protection; • Erosion control measures in accordance with 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)'; • Remedial action plan in event of any issues with heritage items; • Dust and vibration protection/ management of the adjacent war memorials; • Crane locations and lift paths to minimise lifting; • Site storage and stockpile locations; • Protection of trees to be retained on-site; • Temporary servicing and service relocations; • Public safety in the use of roads and footpaths adjoining the development; • Construction traffic and vehicles; • Dust control; • Continued pedestrian and vehicle access for adjoining premises; • Waste management; • Noise and vibration; and • Sanitary amenities and ablutions.

	<p>Condition reason: To protect the amenity of the surrounding area during construction.</p>
11	<p>Unexpected Finds Protocol</p> <p>Before the issue of a Construction Certificate, an Unexpected Finds Protocol, inclusive of an 'Asbestos Handling and Disposal Procedure', must be submitted to and approved by Council.</p> <p>Condition reason: To ensure a suitable response in the event of unexpected finds.</p>
12	<p>Liquid Trade Waste Approval</p> <p>Before the issue of a Construction Certificate, approval under Section 68 of the <i>Local Government Act 1993</i> is to be obtained for the discharge of liquid trade waste to Council's sewer. The application for this approval must address discharges from all liquid trade waste sources including pool filter backwash, food preparation areas and any applicable store rooms.</p> <p>Condition reason: To ensure appropriate pre-treatment and management of liquid waste disposed to Council sewer.</p>
13	<p>Flood Certification</p> <p>Before issue of a Construction Certificate, certification is to be provided to the Principal Certifier by a practising structural engineer that the new aquatic centre building can withstand the conditions, which would have been experienced during the 1991 flood, without suffering significant damage.</p> <p>Condition reason: To comply with Chapter 6 of the <i>Inverell Development Control Plan 2013</i>.</p>

Before building work commences

14	<p>Dilapidation report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than two (2) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.</p>
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	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.
15	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
16	<p>Tree protection measures</p> <p>Before any site work commences, the Principal Certifier, must be satisfied the measures for tree protection detailed in the construction management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>
17	<p>Survey Report</p> <p>Before any site work commences, a survey report is to be provided to the Principal Certifier to ensure that the proposed development is located on the at the approved distance from the boundary and setbacks from existing heritage item. The survey report is to be verified by the pegging of the site.</p> <p>Condition reason: To ensure the development is located in accordance with the approved plans.</p>

During building work

18	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <ul style="list-style-type: none"> • 7.00am till 5.00pm Monday to Friday; • 8.00am to 1.00pm Saturdays; • 8.00am to 4.00pm on Saturdays if work is internal and inaudible (no power tools permitted); and • No work on Sundays or public holidays. <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
19	Survey Report for Finished Floor Level

	<p>A report by a registered surveyor is required to certify that the floor level of the building is at the required 585.15 metres AHD level. This report is to be submitted to the Principal Certifier prior to the work proceeding past floor level.</p> <p>Condition reason: To ensure that the finished floor level is constructed 500mm above the 1 in 100 (1991) flood level.</p>
20	<p>Construction Management Plan</p> <p>During construction, a copy of the approved Construction Management Plan (CMP) is to be maintained on-site and all commitments of the CMP implemented.</p> <p>Condition reason: To protect the amenity of the surrounding area during construction.</p>
21	<p>Disposal of Waste</p> <p>All waste must be contained and removed to the Inverell Waste Depot located at 55 Burtenshaw Road, Inverell.</p> <p>Condition reason: To ensure construction waste is disposed at a licensed waste facility.</p>
22	<p>Protection of Survey Monuments</p> <p>Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the <i>Surveying and Spatial Information Act 2002</i>. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.</p> <p>Condition reason: To protect survey monuments.</p>
23	<p>Import of Fill Material</p> <p>Any fill brought to the demolition site must be:</p> <ul style="list-style-type: none"> • Virgin excavated natural material as defined in the <i>Protection of the Environment Operations Act 1997</i>; and/or • Comprise materials covered by a resource recovery exemption under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>. <p>Condition reason: To require any fill imported to the site to be free of contaminants.</p>
24	<p>Flooding - sewer reflux valves</p> <p>All sewer connections to the building(s) are to be fitted with reflux valves to prevent backflow of sewage in a flood event.</p> <p>Condition reason: To comply with Chapter 6 of the <i>Inverell Development Control Plan 2013</i>.</p>
25	<p>Flooding - heating and cooling systems</p> <p>To the maximum extent possible, all heating and cooling systems are to be located 500m above the 1991 flood level.</p>

	Condition reason: To comply with Chapter 6 of the <i>Inverell Development Control Plan 2013</i> .

Before issue of an occupation certificate

26	Completion of landscape and tree works <p>Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
27	Food Premises Final Inspection <p>Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Inverell Shire Council under the <i>Food Act 2003</i>, to determine compliance with the <i>Food Act 2003</i>, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.</p> <p>Condition reason: To enable council to ensure compliance with the <i>Food Act 2003</i> before the business commences.</p>
28	Post-construction dilapidation report <p>Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:</p> <ol style="list-style-type: none"> after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier) and to the relevant adjoining property owner(s). <p>Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.</p>
29	Certification of acoustic measures <p>Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier that the installed mechanical plant does not exceed a cumulative sound power level of 78dB or is suitably attenuated, in accordance with the acoustic report approved under this consent</p> <p>Condition reason: To protect the amenity of the local area.</p>

30	<p>Liquid Trade Waste</p> <p>Before the issue of an Occupation Certificate, all pre-treatment devices are to be installed and operational in accordance with the approval under Section 68 of the <i>Local Government Act 1993</i>.</p> <p>Condition reason: To ensure appropriate pre-treatment and management of liquid waste disposed to Council sewer.</p>
31	<p>Water and Sewer Services</p> <p>Before the issue of an Occupation Certificate, the provision of water and sewer to the building, including fire-fighting provision, backflow prevention for water services and reflux valves on sewer connections for backflow prevention in a flood event is to be completed in accordance with the approved hydraulic designs.</p> <p>Condition reason: To require all water and sewer work to be completed in accordance with the approved designs.</p>
32	<p>Stormwater Drainage</p> <p>Before the issue of an Occupation Certificate, all stormwater is to be completed in accordance with the approved hydraulic design plans and <i>Australian Standard 3500.3 Plumbing and drainage</i>.</p> <p>Condition reason: To require stormwater to be discharged in accordance with the approved details.</p>
33	<p>Fire Safety Certificate</p> <p>Before the issue of an Occupation Certificate, the owner of the building must furnish to the Principal Certifier a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate must state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.</p> <p>Condition reason: To ensure all essential fire safety measures are installed within the development.</p>
34	<p>Disabled Parking Spaces in Evans Street</p> <p>Before issue of an Occupation Certificate, a total of five (5) additional accessible parking spaces, with pram ramps where necessary, are to be provided for the development. These spaces are to be located across the following locations:</p> <ul style="list-style-type: none"> • The southern side of Evans Street near Lawrence Street; • Lawrence Street fronting the development site; and/or • Within the Varley Oval Car Park. <p>Condition reason: To comply with recommendations of the Traffic and Parking Assessment Report.</p>
	Swimming Pool Registration

35	Before issue of an Occupation Certificate, the swimming pool is to be registered in Council's Swimming Pool Register and at www.swimmingpoolregister.nsw.gov.au , with evidence of this registration to be provided to the Principal Certifier.
	Condition reason: To require the swimming pool to be registered with relevant agencies.

Occupation and ongoing use

36	Acoustic constraints
	The noise level emanating from any air-conditioning systems, plant and/or equipment must not exceed the background level by more than 5dB(a) when measured at the worst affected residential property not associated with the development.
	Condition reason: To protect the amenity of the surrounding area.
37	External lighting
	External lighting must: <ul style="list-style-type: none"> • Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and • Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
	Condition reason: To protect the amenity of the surrounding area.
38	Public Health
	The public swimming pool shall be operated in accordance with the <i>Public Health Act 2010</i> , Part 3 of the <i>Public Health Regulation 2022</i> and the current NSW Health public Swimming Pool and Spa Pool advisory document.
	Condition reason: To comply with public health requirements.
39	Chemical Storage
	All chemical storage containers shall be contained in a bunded area and all precautions taken to protect the environment from spills and leaks. Spilled chemicals are not to be hosed down stormwater drains.
	Condition reason: To protect the environment from harmful chemicals.
40	Food Premises Registration
	Prior to the sale of any food or drink, the operator of the Aquatic Centre cafe/canteen must be registered as a food premises with Council.
	Condition reason: To comply with the <i>Food Act 2003</i> .

41	Community Relations Program
	A Community Relations Program is be prepared and maintained for the Inverell Aquatic Centre, with specific reference to the noise control provisions of with <i>Australian Standard 2346:2010 - Guide to noise and vibration control on construction, demolition and maintenance sites</i> (or any revision of this document).
	Condition reason: To comply with the recommendations of the approved Noise Impact Assessment.
42	Machinery Maintenance
	All mechanical plant must be maintained to ensure that fan balance and/or faulty bearings (or similar) do not lead to long term increase in noise levels.
	Condition reason: To comply with the recommendations of the Noise Impact Assessment.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.