

# CONSENT CONDITIONS – Erection of an Educational Establishment - University of New England Campus

## NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-274 DA2024-0192 (PAN-392898)
<b>PROPOSAL</b>	Erection of an Educational Establishment - University Campus
<b>ADDRESS</b>	Part Lot 73 DP 1107041 Parks & Reserves inc. Bicentennial Park & Velodrome Kable Avenue TAMWORTH NSW 2340
<b>APPLICANT</b>	L Norton, Touchstone Partners C / - University of New England
<b>APPLICATION TYPE</b>	Crown Development Application

### SCHEDULE 1 – CONDITIONS OF CONSENT

#### General Conditions of Consent

- 1) Development shall take place in accordance with the following endorsed plans:

Plan / Report Title	Reference / Drawing No.	Rev	Drawn / Prepared by	Dated
Context Plan	DA0050		Architectus	27/07/2023
Proposed Site Plan	DA0150	A	Architectus	29/08/2024
GA – Ground Level	DA1001	-	Architectus	22/04/2024
GA-Level 01	DA1002		Architectus	20/09/2023
GA-Level 02	DA1003		Architectus	20/09/2023
GA-Level 03	DA1004		Architectus	20/09/2026
GA-Roof	DA1005		Architectus	20/09/2023
GFA Plans	DA1100		Architectus	27/07/2023
East + West Elevations	DA2001		Architectus	20/09/2023
North + South Elevations	DA2002		Architectus	20/09/2023
Street Elevations	DA2004	A	Architectus	29/08/2024
Peel Street Elevations 01	DA2010	-	Architectus	06/05/2024
Peel Street Elevations 02	DA2011		Architectus	06/05/2024
Building Sections	DA2501		Architectus	27/07/2023
Plant, Fire Pump, Refuse Enclosure	DA2502	A	Architectus	29/08/2024

External Finishes	DA9300		Architectus	31/07/2023
Interior Finishes	DA9301		Architectus	31/07/2023
ID1a – University Campus Identification sign	-	-	dotdash	21/07/2023
ID1b – Vehicular Entrance Sign	-	-	dotdash	21/07/2023
ID1c – Pedestrian Entrance Sign	-	-	dotdash	21/07/2023
IR1a – Pedestrian Directional Sign	-	-	dotdash	21/07/2023
Legend	TW-L002	02	Tyrrell Studio	24/11/2023
Tree Management Plan	TW-L103	02	Tyrrell Studio	24/11/2023
General Arrangement Plan	TW-L111	04	Tyrrell Studio	29/08/2024
Planting Plan	TW-L140	03	Tyrrell Studio	29/08/2024
Planting Schedule	TW-L143	02	Tyrrell Studio	24/11/2023
Sections	TW-L201	01	Tyrrell Studio	24/11/2023
Environmental Noise Impact Assessment	SYD2353	01	ADP Consulting	28/07/2023
Traffic Impact Assessment	221823	04	Taylor Thomson Whitting	06/05/2024
Bushfire Hazard Assessment	ARM 23/42	-	Stephen Cotter	12/07/2023
Aboriginal Cultural Heritage Assessment	E230186 RP1	02	EMM Consulting Pty Ltd	20/12/2023
Flood Concept Report	221823	-	Taylor Thomson Whitting	21/11/2023
Flora and Fauna Assessment	08/2023	0	Moss Environmental Pty Ltd	30/08/2023
Waste Management Statement	UNE Tamworth Waste Management Statement	-	MR Consulting Group	02/05/2024
Preliminary Site Investigation	E36020PDrpt	Final	JKEnvironments	31/07/2023
Statement of Environmental Effects	E-File 23050	1 Final	SixHills Group	20/11/2023
Applicant's Response to Request for Additional Information	-	-	SixHills Group	08/05/2024

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

- 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, where relevant, 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) This consent authorises a maximum 30 staff and 295 students to occupy the site at any one time. Any increase to student or staff numbers will require approval via a modification application to this consent, or a new Development Application.
- 7) 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**

- 8) Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the *Building Code of Australia* as in force as at –
  - a) the date of the invitation for tenders to carry out the Crown building work, or
  - b) in the absence of tenders, the date on which the Crown building work commences, except as provided by the *Environmental Planning and Assessment Act 1979*.

- 9) 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.

*Advisory Note: the above requirements do not apply in relation to Crown building work certified to comply with the Building Code of Australia under Part 6 of the Environmental Planning and Assessment Act 1979.*

- 10) 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;
  - 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 must be removed when the work has been completed.

*Advisory Note: the above requirements do not apply in relation to Crown building work certified to comply with the Building Code of Australia under Part 6 of the Environmental Planning and Assessment Act 1979.*

- 11) 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.
- 12) 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) shall 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.
- 13) 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.

- 14) A Section 138 approval shall be obtained from Council under the *Roads Act 1993* for construction of the vehicle crossing, shared path, stormwater and service connections and any other works within the road reserve associated with this development. Detailed construction plans shall be provided to Council for approval.

*Advisory Note: Any revisions to the existing regulatory line marking and signage required in order to facilitate parking, access and pedestrian movements (including the removal of existing parking bays to facilitate a left turn lane into the development off Peel Street) will need to be referred to the Local Traffic Committee for endorsement. Early submission of any associated documentation is recommended in order to avoid processing delays.*

- 15) Prior to the commencement of works, an approval shall be obtained from Council under Section 68 of the *Local Government Act 1993* to carry out water supply, sewer and stormwater works for this development. Detailed plans and calculations shall be provided to Council for approval.
- 16) Prior to the commencement of works involving car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
  - a) all vehicles can enter and leave the Site in a forward direction;
  - b) a minimum of fifty-three (53) on-site car parking spaces, including any required accessible spaces for the development, are included for use during operation of the development, and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - c) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as maneuverability through the Site, are in accordance with the latest version of AS 2890.2;
  - d) there is no conflict between swept paths and building features, including with respect to any boom gate or other gates, waste collection vehicle access and other service vehicle access;
  - e) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed; and
  - f) access driveways (including, but not limited to, ramp grades, ramp width and height clearances) incorporate suitable profile over the footway, and comply with Council's Engineering Design Minimum Standards and the requirements of AS2890.1.
- 17) The Applicant shall produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a private waste collection contractor for the collection of rubbish bins from private property prior to the commencement of works.

- 18) Where retaining walls are to be constructed as part of this development, certification of the design of the retaining wall(s) on affected lots by a suitably qualified Civil/Structural Engineer holding Chartered Professional Engineering status shall be submitted to the Certifier for approval prior to the commencement of works.
- 19) The finished floor level of any buildings for this development shall not be lower than the 1 in 100-year ARI overland flow level (Tamworth North and East Flood Study – Gates Closed) plus 0.5m. This level shall be determined by a suitably qualified and experienced Civil Engineer and be submitted to the Certifier for approval prior to the commencement of works.
- 20) Prior to the commencement of works, the Applicant must submit a construction site management plan for approval by the Certifier and a copy provided to Council. 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.

- 21) Pursuant to Section 306 of the *Water Management Act 2000*, Council (as the Local Water Supply Authority) requires the following payments to be made, and design plans and certification to be supplied for approval prior to the commencement of works.

Headworks (Additional)

- Water: \$22,815.00
- Sewer: \$13,564.20

*Advisory Note: The above headworks contributions have been adopted under the 2024/2025 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years.*

#### Water

- The existing water service may be utilised to service the proposed development;
- If the water service requires upsizing then the existing service shall be removed and disconnected from the water main;
- Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards; and,
- Work on live water mains shall be undertaken by Council at full cost to developer.

#### Sewer

- A new sewer junction shall be provided to service the new development;
- The new Sewer Junction shall be installed in accordance to Council's Engineering Design Minimum Standards; and,
- Work on live sewer mains shall be undertaken by Council at full cost to developer.

The proximity of the proposed structures to Council's sewer main raises "Zone of Influence" issues. Council's policy on Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains applies as follows:

For mains greater than 1.5m deep:

- a) Structures/foundations (including piers) and excavations are not to be located closer than two (2) metres to the centreline of Council's sewer main measured horizontally from the sewer main unless otherwise agreed by Council.
- b) Structures placed further than two (2) metres but within the Zone of Influence of Council's sewer main shall be the subject of an engineer's certificate specifying the following;
  - i) The foundation design must ensure that no loading from the structure shall be transmitted to the main.
  - ii) The structure will not suffer damage should the sewer trench subside or be re-excavated for maintenance.
  - iii) A statement signed by a suitably experienced qualified civil or structural engineer that the design satisfies these conditions shall be included.
  - iv) The above information is required prior to issue the commencement of works.
  - v) Where sewers are in excess of 2.5m deep, specific minimum offsets and structural support arrangements shall be determined and agreed in consultation with Council.

*Advisory Note: For additional information please refer to Council's Policy for "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains".*

22)

- a) In accordance with Section 4.17 of the *Environmental Planning and Assessment Act* 1979 and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013, \$291,665 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

*Advisory Note:* Please contact [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) to request a tax invoice for payment of the above fee.

- 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 commencement of works

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) <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

- 23) Prior to the commencement of works, a fire Safety Schedule should be issued in accordance with Clauses 78 and 79 of the *Environmental Planning & Assessment (Development*



*Certification and Fire Safety) Regulation 2021* and include the proposed fire safety measures pertaining to the entire building.

- 24) The Certifier should consider whether the proposal requires to be referred to the NSW Fire Commissioner for assessment under Clause 27 of the *Environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)*.
- 25) Prior to the commencement of works, an access Consultant should be engaged and their recommendations considered to ensure compliance with the Disability Discrimination Act and AS1428-Design for Access and Mobility.
- 26) Prior to the commencement of works, a detailed site investigation report must be prepared by a suitably qualified person. If the detailed site investigation report confirms that the site should be remediated, then a remediation action plan shall accompany the detailed site investigation and submitted to Council for approval prior to the remediation.
- 27) A validation report must be prepared by a suitably qualified consultant following the successful remediation/removal of contamination from the site and submitted to Council for approval prior to the commencement of works.
- 28) The Applicant shall submit a detailed mechanical noise emission assessment to Council's Senior Environmental Health Officer for approval prior to the commencement of works. The noise assessment report shall include appropriate acoustic treatments and mitigation measures during, construction and operations.
- 29) Prior to the commencement of works, a peg-out survey prepared by a Registered Surveyor shall be submitted to the Certifier to confirm that the development can be site in accordance with the approved plans.
- 30) Prior to the commencement of works, Civil engineering plans shall be prepared and submitted to Tamworth Regional Council or the Certifier that demonstrate the following:
  - a) The site earthworks and building foundations and structures do not affect the performance of the flood levee; and,
  - b) The building foundations and structure will not suffer damage should the levee require maintenance.

### **During Works**

#### *General*

- 31) 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.

- 32) The Developer shall be responsible to instruct and control all contractors regarding the hours of work. Council will exercise its powers under the *Protection of the Environment Operations Act 1997*, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 33) The Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times
- 34) The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
- 35) If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.
- 36) Any damage caused to Council infrastructure in, on or under the road reserve 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.
- 37) 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.
- 38) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with 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.

*Stormwater*

- 39) All roof runoff 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.
- 40) Runoff from all hardstand areas shall be captured on site and piped to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards .
- 41) Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-
- a) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage and the National construction code of Australia Volume 3 The Plumbing Code of Australia;
  - b) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
  - c) 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;
  - d) 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; and,
  - e) All overflow from rainwater tanks shall be collected and piped/ managed to the approved point of discharge.
- 42) The approved points of discharge for the development site are defined as;
- a) the kerb and gutter located on the Roderick Street adjacent to the development site, and / or;
  - b) the Piped Drainage system to the north-west of the site in Roderick Street together with the piped drainage system that traverses the south-eastern portion of the site.
- 43) All major flows shall be directed to the Roderick Street road reserve so as not to impact any adjoining properties.

#### *Parking*

- 44) All parking areas, shall be sealed and designed to comply with Australian Standard AS2890.1 'Off-Street Car Parking', and where appropriate, AS2890.2 'Off-street Commercial Vehicle Facilities' and AS2890.6 'Off-street Parking for People with Disabilities". A minimum of fifty-three (53) carparking spaces shall be provided on the site, including any required accessible spaces for the development.

### *Vehicular Access and Egress*

- 45) All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.
- 46) The new vehicle crossover on Peel Street shall be constructed in accordance with Council's Engineering Design Minimum Standards, generally at the location shown on the drawings provided with the Development Application.

*Advisory Note: The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.*

### *Pedestrian Access and Egress*

- 47) Pedestrian access generally in accordance with drawings provided with the Development Application shall be provided and shall comply with the requirements of AS1428.1-2009 Design for Access and Mobility.
- 48) A shared path linkage shall be constructed between the existing pathway on the Peel River levee and the proposed ramp that connects the Foundation Building to the on-site carpark.
- 49) A 2.5m wide shared path shall be provided within the verges of Peel Street and Roderick Street for the full frontage of the development site, with appropriate connections to the existing CBD path networks. The shared path shall be paved with reinforced concrete or an approved alternative in accordance with Council's Engineering Standard Drawings.

### *Lighting*

- 50) 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.
- 51) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Pedestrian Area (Category P) Lighting shall be provided to all off-street parking areas.

### *Heritage*

- 52) 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.

#### *Contamination*

- 53) In the event that any contamination (a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long-term risk to human health or environment) is discovered, work must immediately cease and Council’s Environmental Health Division must be contacted to arrange an inspection.

#### *Bushfire*

- 54) The provision of water, electricity and / or gas services to the development shall comply with Table 6.8c of *Planning for Bushfire Protection 2019*.

#### **Prior to Occupation**

- 55) Prior to Occupation, an Identification Survey prepared by a Registered Surveyor shall be provided to the Certifier to confirm the development is sited in accordance with the approval.
- 56) Prior to Occupation, the Applicant must complete the construction of all proposed driveways, car parking and service vehicle parking / loading / unloading areas, and shared paths as required by the conditions of this consent to the satisfaction of the Certifier.
- 57) A Certificate of Compliance under Section 307 of the *Water Management Act 2000* must be obtained from the Council (as the Local Water Supply Authority) prior to Occupation. All relevant payments and works required under Section 306 of the *Water Management Act 2000* must be completed prior to the issue of a Certificate of Compliance.

- 58) Work-As-Executed (WAE) Plans shall be prepared, submitted and approved by Council for all Council infrastructure works associated with this development. The plans shall be prepared in accordance with Council's Engineering Design Minimum Standards.
- 59) A Maintenance Bond in accordance with the current version of Council's Engineering Design Minimum Standards shall be paid to Council for all Council infrastructure works.
- 60) 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 Final or Interim fire safety certificate to be given to the person issuing the completion 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. The certificate must only be in the form specified by Clause 86 of the Regulation. A copy of the certificate must be given to the Commissioner of the New South Wales Fire Brigade and a copy must be prominently displayed in the building. Email address for lodgement of Fire Safety Certificate is - [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)
- 61) Prior to occupation, a Bushfire Emergency Management and Evacuation Plan shall be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bushfire Management and Evacuation Plan. Additionally, a copy of the Bushfire Emergency Management and Evacuation Plan shall be provided to the Local Emergency Management Committee for its information.
- 62) The occupation or use of the whole or any part of a new building must not commence unless a Section 68 of the *Local Government Act 1993* certificate of completion has been issued by Council. The certificate of completion must not be issued until such time as all relevant conditions of the Section 68 approval have been complied with and all applicable documents received by Council.
- 63) Prior to Occupation, any redundant laybacks to the site shall be removed and reinstated with kerb and guttering and concrete footpath. The verge behind the kerb and gutter shall be rehabilitated with grass cover established to the satisfaction of Council.
- 64) Prior to Occupation, the Applicant must submit evidence, from a suitably qualified practitioner, to the Certifier, which demonstrates that the installed lighting associated with the development complies with Conditions No. 50 and 51.
- 65) Prior to Occupation or commencement of use, landscaping on the site must be completed in accordance with the landscape plan(s). Additionally, any landscaping with the required Asset Protection Zone under Condition No. 66 shall comply with Appendix 4 of *Planning for Bushfire Protection 2019*.

### **Ongoing Requirements**

- 66) From the commencement of building works and in perpetuity, the entire development site shall be managed as an Inner Protection Area in accordance with Appendix 4 of *Planning for Bushfire Protection 2019*.
- 67) Property access shall exceed any provisions in *Planning for Bushfire Protection 2019* for property access roads. All egress paths should lead to the east and north, away from any bushfire hazard.
- 68) The sealing to all vehicular parking, manoeuvring and loading areas shall be maintained at all times.
- 69) Vehicles shall be loaded or unloaded, standing wholly within the development site to ensure that the proposed development does not give rise to street loading or unloading operations with consequential accident potential and reduction in road efficiency. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.
- 70) All vehicle movements into and out of the development site shall be in a forward direction.
- 71) The parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas on the site shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.
- 72) The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
- 73) The sealing of vehicle crossovers shall be maintained in a state of good repair at all times.
- 74) The landscaped area of the development shall be maintained at all times in accordance with the approved landscape plan.

### **Advisory Notes**

- i) 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 inclusive of the entire building.
- ii) 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 for the entire building. The

statement must only be in the form specified by Clause 92 of the Regulation. A copy of the statement must be given to the Commissioner of the New South Wales Fire Brigade. Email address for lodgement of Annual Fire Safety Statement - [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au) and a copy must also be sent to [Council.development@tamworth.nsw.gov.au](mailto:Council.development@tamworth.nsw.gov.au)

- iii) At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building.