

## PROPOSED CONDITIONS – Revision 1 – 17/10/2024

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2024/141**

### **PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 4 - Division 2 of the *Environmental Planning & Assessment Regulations 2021*.

### **PART A - GENERAL MATTERS**

**(1) Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects	Project No. 2200532, Version 2.0	Ethos Urban	8 March 2024
Architectural Plans	Project No. 100269 Plan References:  DA001 – Existing and Demolition Plan – Site Plan Revision C, dated 26/09/2023 DA101 – Site Plan, Revision H, dated 26/09/2023 DA161 Stage 1 Works, Revision E, 15/10/2024 DA162 Stage 2 Works, Revision D, 26/09/2023 DA201 – Ground Level Plan, Revision H, 22/08/2024 DA202 – Roof Plan, Revision G, 26/09/2023 DA401 – Elevations, Revision B, 26/09/2023	Co.Op Studio	Various – see Column 2

	DA501 – Sections, Revision E, 22/08/2024 DA900 – Signage Details, Revision A, 26/09/2023 DA960 – Materiality, Revision A, 26/09/2023.		
Landscape Concept Plan Report	Project No. S20-0065, Issue F	Clouston Associates	29/07/2024
CPTED Report	Project No. 2200532, Version 3.0	Ethos Urban	6 September 2024
Construction and Demolition Waste Management Plan	Report No. SO873, Revision B	Elephants Consulting	04/03/2024
Operational Waste Management Plan	Revision C	Elephants Consulting	24/10/2023
Stormwater Management Plan	Project No. 202382-01 Plan References:  DA-C05.01 – Siteworks and Stormwater Management Plan, Revision C, dated 19/09/2024 DA-C05.11 – Catchment Plan, Revision B DA-C09.01 - Stormwater Philosophy And Details, Revision A DA-C02.01 – Erosion and Sediment Control Plan, Revision B DA-C02.11 – Erosion and Sediment Control Details, Revision B	Northrop Engineers	22/09/2023
Bulk Earthworks	Project No. 202382-01 Plan References:  DA-C03.01 – Bulk Earthworks - Cut	Northrop Engineers	22/09/2023

	and Fill Plan, Revision B DA-C04.01 – Bulk Earthworks Site Sections – Sheet 1, Revision B DA-C04.02 – Bulk Earthworks Site Sections – Sheet 2, Revision B DA-C04.03. – Bulk Earthworks Site Sections – Sheet 3, Revision A		
Environmental Noise Assessment	Report No. S200568RP4, Revision D	Resonate	6 September 2024
Stage 2 Site Contamination Assessment	Report No. RGS21005.6-AG	Regional Geotechnical Solutions	22 September 2024
Acid Sulfate Soil Management Plan	Report No. RGS21005.6-AH Appendix C	Regional Geotechnical Solutions	13 September 2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail. 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.

(2) **Certificates**

The following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 shall be obtained at the respective stages:

- Construction Certificate;
- Occupation Certificate;

**Condition Reason:** To ensure that appropriate building certification is obtained.

(3) **Erection of signs**

This section applies to a development consent for development involving building work, subdivision work or demolition work.

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 -

- 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.

The sign must be -

- a. maintained while the building work, subdivision work or demolition work is being carried out, and
- b. removed when the work has been completed.

This section does not apply in relation to -

- 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
- b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition Reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

(4) **Staging**

The development must only proceed in accordance with the approved stages as set out below:

Stage 1A:

- Demolition of existing buildings and structures
- Removal of 5 trees
- Bulk earthworks
- An outdoor swimming pool (50m with 10 swimming lanes)
- An outdoor swimming pool (25m with 6 swimming lanes)
- Ancillary structures including a covered (with shade structures) grandstand, pool plant, delivery/collection/waste rooms, switch room, storage, and amenities/changerooms together with kiosk, multi-purpose room, and administrative offices
- Vehicle accesses, bus drop off bay, Drop Off/Emergency Bay and at-grade car parking for 112 vehicles, including 7 accessible parking spaces, 3 motorcycle parking spaces, and secure parking for 10 bicycles.
- Landscaping for areas shown on Staging Plan for Stage 1A
- Footpath connection to existing cycleway
- Security fencing
- Six (6) light poles and 12 floodlights
- Three (3) business identification signage zones.

Stage 1B:

- Shade structures over marshalling areas at each end of the 50m swimming pool
- An indoor swimming pool (20m program pool for children)
- Roof over outdoor 25m swimming pool and 20m program swimming pool
- A gymnasium with a GFA of 446.4m<sup>2</sup>, including gym foyer
- At-grade car parking for an additional 17 vehicles
- Amended landscaping and fencing to suit extended building and carparking.

Stage 2:

- Expansion of the gymnasium with an additional GFA of 332.5m<sup>2</sup>
- Structures associated with the aquatic facility comprising a waterslide tower, two (2) waterslides and a children's waterpark/splashpad
- Additional pool plant
- At-grade car parking for an additional 41 vehicles
- Amended landscaping and fencing to suit extended building and carparking, as shown on Staging Plan for Stage 2.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.

**Condition Reason:** To set out how the development can be staged.

**(5) Public works and utility services alterations**

The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage, public utility services, any easements and Council services at no cost of Council for the purposes of the development.

**Condition Reason:** To confirm that the developer is responsible for all public utility costs and alterations.

**(6) Construction site management**

The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control their sub-contractors regarding the hours of work.

**Condition Reason:** To ensure that construction site is appropriately managed to prevent impacts to adjoining properties, the public domain and to ensure waste is disposed of in a practical and sustainable manner.

**(7) AUSPEC Specifications**

The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.

**Condition Reason:** To ensure public infrastructure works meet appropriate industry standards.

**(8) Grease arrestor pit**

Commercial food preparation activities which generate greasy/oily types of liquid trade waste are required to install an approved grease arrestor pit. Installation is to be performed by a licenced plumber and drainer, at Council's direction and to Council's satisfaction. Further advice or assistance can be given by Council's Trade Waste Officer.

**Condition Reason:** To specify the grease arrestor pit requirements in order to protect public sewerage infrastructure.

**(9) Plumbing permit application for trade waste**

The submission to Port Macquarie-Hastings Council as sewerage authority plans for the management of trade waste including pre-treatment facilities for approval pursuant to Section 68 of the Local Government Act. Upon approval

the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.

**Condition Reason:** To specify the plumbing permit application requirements for installation of a trade waste management facility.

**(10) Tree retention and protection**

All existing trees to be retained within the site and adjoining riparian corridor are to be protected in accordance with Appendix 5 and Appendix 6 of the Arboricultural Impact Assessment Tree Protection Specification prepared by Tree iQ dated 25<sup>th</sup> October 2023.

All new trees are to be supplied in accordance with Australian Standard 2303 (2015) Tree Stock for Landscape Use.

New tree plantings should be supervised by Horticulturalists (AQF Level 3 or above in Horticulture) to ensure correct planting methods.

**Condition Reason:** To protect the landscape values of the site and to ensure that the development positively contributes to the landscaping of the public domain.

**(11) Hand washing facilities**

The premises are to be fitted with adequate hand washing facilities. Hand wash basins are required in addition to other basins on the premises and sinks in any amenities. The hand wash basin:

- Is to be fitted with a single spout that delivers warm potable water
- Is capable of having running water turned off automatically, or without touching with hands (such as knee/foot operation, motion sensor, or by using forearms/elbows)
- Is to be accessible and unobstructed for use at all times
- Is to be located in the same room where the food handling activity is being undertaken.

**Condition Reason:** To ensure adequate handwashing facilities are provided.

**(12) Restoration of redundant vehicle accesses**

The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.

**Condition Reason:** To ensure public infrastructure works meet appropriate industry standards and to ensure that the development positively contributes to the public domain.

**(13) Costs of alterations and extension of infrastructure**

The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.

**Condition Reason:** To ensure public infrastructure works meet appropriate industry standards

**(14) Plumbing fixtures for flood mitigation**

All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is RL 4.1m AHD. Details demonstrating compliance shall be clearly illustrated on plans accompanying the section 68 application.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

## **PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(1) Plumbing permit**

Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie- Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.

### **(2) Works in road reserve permit**

An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Provide one centrally located driveway crossing to enter new carpark and existing public carpark at the southern end of Munster Street.
- Any necessary changes to bus zones, parking restrictions and regulatory signage in any road reserve, including Gordon Street, will require prior consideration and approval by the Local Traffic Committee.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development and to protect public health and safety.

### **(3) Water authority infrastructure**

Before the issue of any Construction Certificate, written evidence of the following service provider requirements must be provided:

- A response from Council as a Water Authority as to whether plans accompanying the application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.

**Condition Reason:** To ensure relevant utility and service provider's requirements are provided to the certifier and Water Management Act requirements are met.

(4) **Section 7.12 contributions**

Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the *Environmental Planning and Assessment Act 1979* as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

The plan may be viewed on Council's website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development and to ensure that the development positively contributes to public infrastructure networks.

(5) **Food preparation areas**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", NSW Food Act 2003, the provisions of the Food Standards Code and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifier prior to release of the Construction Certificate.

**Condition Reason:** To protect public health.

(6) **Bush fire protection**

Landscaping is to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions by complying with the following requirements of Planning for Bush Fire Protection 2019:

- a) landscaping is in accordance with Appendix 4; and
- b) new fencing is constructed in accordance with section 7.6.

Details shall be submitted to the Principal Certifier with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.

**Condition Reason:** To protect public safety and building assets.

(7) **Designated garbage storage area**

The plans for the required Construction Certificate are to provide details of the waste storage area, including:

- a. Provide a hose tape connected to the water supply;
- b. Ground surface with impervious material;



- c. Grade and drain to the sewer system, and
- d. Weather protected to prevent the entry rainwater.

**Condition Reason:** To ensure appropriate management of waste and to prevent pollution.

(8) **Soil certification**

A report outlining the validation of all soil excavations (resulting from the removal of soils) and fill materials, carried out in accordance with the Environmental Protection Authority "Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites, November 1997", shall be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.

**Condition Reason:** To protect public health and safety.

(9) **Car parking and access certification**

The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.

**Condition Reason:** To ensure that safe and practical accessibility/functionality is provided.

(10) **Stormwater drainage design**

A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:

- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system. In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to service the development.
- b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No DA-C05.01 Revision C, dated 19/09/2024 prepared by Northrop Pty Ltd and dated 22/09/2023.
- c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- d) The design requires the provision of interallotment drainage in accordance with AUSPEC D5.
- e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7. MUSIC modelling shall be provided for the proposed development in regards to catchment types, areas, and pollutant loads, demonstrating adherence to water quality targets in D7 specification. Plans shall demonstrate how all discharge to Wrights Creek achieves water quality targets.
- f) Any stormwater afflux as a result of the development shall be negligible, refer to the PMHC Flood Policy regarding level increase and/or velocity changes. Detailed flood impact mapping, demonstrating how the development adheres to the above requirement for minor (20% AEP) to major storm events (1% AEP), shall be provided. Appropriate infrastructure and/or flow path systems shall be designed to ensure stormwater impacts to surrounding private properties are in accordance with Flood Policy requirements, or provide improvement to existing conditions.

- g) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- h) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- i) Confirm the existence of overland flow path via Lot 1 Plan No DP 0586039 as shown in post-development flood modelling. Modelling to be updated if required and design plans to be amended.
- j) Detailed long and cross sections shall be provided for major overland flow paths proposed through the site demonstrating adequate capacity and freeboard, and how flow paths are transitioned to downstream receiving areas safely.
- k) Works to existing stormwater infrastructure on Waterfront Land or with the Coastal Wetlands Proximity Buffer shall be in accordance with the Department of Planning and Environment Fact Sheet: *Controlled Activities 0 Guideline for Outlet Structures on Waterfront Land, 2022*.
- l) Hazard assessment (DxV) shall be undertaken for overland flow paths. Where hazard classification is unsafe for pedestrian and/or traffic relevant controls shall be provided and detailed in plans.
- m) Maintenance plans shall be provided for water quality systems, which shall consider potential increased maintenance needs for controls impacted by flood occurrences and/or overland flow paths.
- n) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- o) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

**(11) Landscaping plans**

Prior to release of the Construction Certificate for each stage, submission of a detailed landscape plan to the Principal Certifier for each stage of the development. The plan shall be prepared by a suitably qualified landscape architect and include as a minimum details of species, number of plants, garden bed and lawn preparation, mulching, maintenance periods, wayfinding signage, indigenous and landscape interpretations/public art/concrete inlays in the Gordon Street grandstand elevation, furniture, equipment, and irrigation.

**Condition Reason:** To positively contribute to the aesthetics and biodiversity of the area.

**(12) Dilapidation report existing public infrastructure**

A dilapidation report on the visible and structural condition of public stormwater infrastructure, within the proposed development footprint, that will remain at post-development must be provided to Council prior to the issue of a Construction Certificate. The dilapidation report is to be prepared by a professional registered engineer.

**Condition Reason:** To protect public infrastructure.

**(13) Minimum Floor levels for flooding**

Prior to the issue of a Construction Certificate, the following minimum finished floor levels shall be clearly illustrated on the plans:

- Commercial areas - 25% at or above 4.6m AHD and the remaining at or above 4.1m AHD;

**Condition Reason:** To protect public safety and building assets.

**(14) Structure certification works within flood prone area**

Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the Principal Certifier that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a flood level of RL 4.6m AHD and a velocity 1.8m/s - 3 times the FPL3 velocity.

**Condition Reason:** To protect public safety and building assets.

**(15) Flood compatible materials**

All parts of the structure below RL4.6m AHD shall be constructed from flood compatible materials compliant with the ABCB Standard for construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document *Reducing Vulnerability of Buildings to Flood Damage (2007)*.

**Condition Reason:** To protect public safety and building assets.

**(16) Plumbing fixtures for flood mitigation**

All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is RL 4.1m AHD. Details demonstrating compliance shall be clearly illustrated on plans accompanying the section 68 application.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

**PART C - BEFORE WORK COMMENCES ON SITE**

**(1) Notice of works commencement**

A minimum of one (1) week's notice in writing of the intention to commence works is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

**Condition Reason:** To ensure that the development commences in an orderly manner and to protect public safety and the integrity of public infrastructure.

**(2) Service provider arrangements**

Prior to works commencing, an application being made to the electricity and telecommunications service providers. Services are required to be underground. Any changes to infrastructure in order to accommodate compliant clearances will need to be done in accordance with the service provider requirements.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(3) **Acid sulfate soils management**

Compliance with the management, processing, and treatment procedures in the Acid Sulfate Soil Management Plan prepared by Regional Geotechnical Solutions Reference RGS1005.6-AH, dated 13 September 2024 during excavation/bulk earthworks. Only a suitably experienced consultant may vary these procedures. The project supervisor shall:

- Obtain a survey of existing ground levels and develop a model of the site that allows identification of areas where excavations will exceed 1m depth below the existing levels;
- Ensure that the procedures outlined in Acid Sulfate Soil Management Plan shall be applied to all soils excavated below existing ground level;
- Record a daily log showing the volume of material that has been excavated and treated;
- Ensure that verification testing is undertaken by an independent monitoring consultant on a regular basis prior to removal or re-use of treated soils.

**Condition Reason:** To ensure that acid sulfate soils are appropriately managed.

(4) **Unexpected Finds Procedure**

Additional testing is to be carried out during bulk earthworks in the areas of known fill. If any fill is found to be contaminated, work shall cease, a further Stage 2 Site Contamination Assessment shall be prepared and if necessary, a Remedial Action Plan shall be prepared and implemented.

**Condition Reason:** To protect public health and safety.

(5) **Construction hoarding fence**

Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon a road reserve, an application for approval under section 138 of the Roads Act 1993 is to be lodged with Council.

**Condition Reason:** To protect public safety and the integrity of public infrastructure.

## **PART D - DURING BUILDING WORK**

(1) **Copy of construction plans**

A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

**Condition Reason:** To ensure that the development proceeds in accordance with the approved plans.

(2) **Naturally occurring asbestos**

The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

**Condition Reason:** To protect public health and safety.

(3) **Demolition site and asbestos management**

The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: The Demolition of Structures. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos and Code of Practice for the Management and Control of Asbestos in Workplaces*.

**Condition Reason:** To protect public health and safety.

(4) **Classification of Soil**

Any soil removed from the site must meet the Excavated Natural Material (ENM) Order requirements to be used off-site or be taken to a licenced landfill for lawful disposal.

**Condition Reason:** To protect public health and safety.

(5) **Stockpiling of materials**

No stockpiling or storage of any materials shall occur within the Coastal Westland Proximity Buffer.

**Condition Reason:** To protect the natural environment.

(6) **Soils containing high levels of Copper, Nickel, and Chromium**

Soils containing high levels of Copper, Nickel, and Chromium may inhibit plant growth. Virgin soil may need to be imported for these areas if they are to be used for landscaping.

**Condition Reason:** To ensure the longevity of landscaping.

(7) **Damage to existing tree to be retained**

Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council.

**Condition Reason:** To protect public health and safety and the environment.

(8) **Tree protection fencing**

The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earthmoving works.

**Condition Reason:** To protect public health and safety and the environment.

(9) **Construction noise levels**

Noise from construction activities (measure as the LAeq,15 min noise level) shall not exceed the background noise level (measured as the LA90 noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.

**Condition Reason:** To protect public health from adverse noise.

**(10) Development inspections for public infrastructure works**

Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Development Application number and property description to ensure your inspection is confirmed:

- a. prior to commencement of tree removal and installation of erosion control facilities;
- b. at completion of installation of erosion control measures
- c. prior to installing traffic management works
- d. at completion of installation of traffic management works
- e. at the commencement of earthworks;
- f. before commencement of any filling works;
- g. when the sub-grade is exposed and prior to placing of pavement materials;
- h. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- i. at the completion of each pavement (sub base/base) layer;
- j. before pouring of kerb and gutter;
- l. on completion of road gravelling or pavement;
- o. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

**PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**(1) Acoustic measures**

Acoustic certification of the following shall be submitted to council:

- Rooftop plant installed above the enclosed pool plant room emits a maximum combined sound power level (SWL) of 95dB(A);
- External plant installed in other locations emit a maximum combined SWL of 85dB(A);
- A solid barrier with a minimum density of 12k/m<sup>2</sup> lined with weatherproof acoustic absorptive panel with a minimum NRC 0.65 with no penetrations, spaces or gaps has been installed around rooftop and external plant; and that the barrier height is sufficient to acoustically shield rooftop or external plant noise from residential receivers;
- All pumps and connecting pipework have been correctly vibration isolated, including spring connectors and flexible connections;
- The enclosed pool plant room walls and roof construction materials provide an acoustic performance of Rw55 (minimum);

- The enclosed pool plant room door is suitably located and is rated Rw32 (minimum);
- All ventilation penetrations in the enclosed plant room incorporate suitable acoustic louvres or silencers;
- All gaps in the enclosed plant room have been acoustically sealed including at partitions and roof junctions.

**Condition Reason:** To ensure that the development does not result in unacceptable noise impacts.

(2) **Drainage certification**

An appropriately qualified and practising consultant is required to certify the following:

- a. all drainage lines have been located within the respective easements, and
- b. any other drainage structures are located in accordance with the Construction Certificate.
- c. all stormwater has been directed to a Council approved drainage system
- d. all conditions of consent/ construction certificate approval have been complied with.
- e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- f. Any water quality controls will function in accordance with the approved Construction Certificate.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(3) **Certification of flood planning levels**

The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.

**Condition Reason:** To protect public health and safety and building assets.

(4) **Consolidation of lots**

Consolidation of the allotments comprising the site of the proposed development prior to issue of any Occupation Certificate for Stage 1A.

**Condition Reason:** To ensure that the development is completed in an orderly fashion.

(5) **Driveway and parking area construction standard**

Driveways, access aisles and parking areas shall be provided with an approved sealed surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

**Condition Reason:** To ensure that the development provides for practical and safe accessibility/functionality and to protect the environment.

(6) **Food premises registration**

Occupation of the food premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.

**Condition Reason:** To protect public health and safety.

**(7) Public health occupation form**

Occupation of the public pool premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.

**Condition Reason:** To protect public health and safety.

**(8) Final health inspection**

A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.

**Condition Reason:** To protect public health and safety.

**(9) Completion of parking area**

Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.

**Condition Reason:** To ensure that the development provides for practical and safe accessibility/functionality.

**(10) Completion of works within the road reserve**

Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

**(11) Certification of car parking areas**

Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.

**Condition Reason:** To ensure that the development provides for practical and safe accessibility/functionality.

**(12) Final dilapidation report**

A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to all affected property owners. A copy must be submitted to Council and the Principal Certifier prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

**Condition Reason:** To protect the structural integrity of nearby building assets and infrastructure.

**(13) Engineering certification of public infrastructure**

All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of



AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(14) **Section 307 certificate for building works**

A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any Occupation Certificate.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(15) **CCTV inspection of new stormwater infrastructure**

Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(16) **Completion of landscaped areas**

Landscaped areas relating to each stage of the development being completed prior to the issue of the Occupation Certificate for that stage and maintained at all times in accordance with the approved plans.

**Condition Reason:** To ensure that the development positively contributes to the aesthetics and biodiversity values of the area.

(17) **Private waste collection arrangements**

Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifier that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.

**Condition Reason:** To ensure waste is managed appropriately so as it does not adversely impact on public health and the environment.

(18) **Satisfactory services certification**

Prior to the issue of a Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(19) **Works as executed plans**

Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

**Condition Reason:** To ensure that appropriate infrastructure is provided to service the development.

(20) **Fencing**

Prior to release of the Occupation Certificate, security and pool fencing is to be completed onsite in accordance with the approved plans for each stage of the development. The fencing must then be maintained onsite at all times and adjusted to reflect the relevant stage of the development. Pool fencing must be in accordance with the Swimming Pools Act, 1992.

**Condition Reason:** To protect public health and safety.

(21) **Flood mitigation measures**

All electrical meter boxes shall be placed at 4.1m AHD. The positioning of meter boxes shall comply with the requirements of the relevant electricity authority.

A flood depth marker is to be installed at an appropriate location on the entry/exit of the carpark.

A “road subject to flooding” sign is to be installed at an appropriate location near the entry/exit of the carpark and Munster Street.

Certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.

**Condition Reason:** To protect public health and safety and building assets.

(22) **Operational Plan of Management**

The development shall be operated in accordance with a Plan of Management approved by Council prior to release of the Occupation Certificate. The Plan of Management is to incorporate the following matters:

- A Flood Emergency Response Plan (FERP). The FERP shall outline the flood behaviour of the site, warning notifications, and the evacuation limitations and emergency procedures to be followed having regard to the Flood Impact and Risk Assessment prepared by Northrop Reference SY202382, Revision C, dated 26 October 2023.
- Bush Fire Emergency Management and Evacuation Plan consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. A copy of the Bush Fire Emergency Management and Evacuation Plan shall be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.
- Traffic and Pedestrian Management Plan for Large Events and/or Carnivals (500+ attendees), including consideration of scheduling and coordination of competing events and activities at the facility and in Port Macquarie town centre, and parking of coaches during these events/carnivals.
- Crime Prevention Through Environmental Design measures incorporating the recommendations of the Crime Prevention Through Environmental Design Report prepared by Ethos Urban, Version 3.0, dated 06/09/2024.
- Hours of operation for each individual component of the facility, consistent with those specified in these conditions of consent.

**Condition Reason:** To provide suitable emergency and evacuation arrangements for occupants.

## **PART F - ONGOING USE**

### **(1) Flood Emergency Response Plan**

A copy of the stamped approved Flood Emergency Response Plan is to be kept on-site, laminated, and placed in a visible position at various entry/exit locations. Any roles and responsibilities in the plan are to be reviewed/updated annually.

**Condition Reason:** To protect public safety.

### **(2) Operation of the gymnasium**

The following restrictions apply to the operation of the gymnasium:

- The overall internal noise (within the gymnasium) level shall be a maximum of 75dB(A) during the evenings and night-time.
- Background music within the gymnasium shall be limited to 65dB(A) during the night (10pm to 7am).
- No amplified speech within the gymnasium during the night (10pm to 7am).
- The entrance door/s to the gymnasium shall be kept closed during operation and shall only be opened to allow patrons to enter or exit.

**Condition Reason:** To ensure that the development does not result in unacceptable noise impacts.

### **(3) Flood mitigation measures**

Chemicals and hazardous chemicals are to be stored above RL 4.1m AHD.

**Condition Reason:** To protect public health and safety.

### **(4) Bush fire mitigation measures**

#### Asset Protection Zones

From the commencement of building works and in perpetuity, land within 100m of the proposed buildings or to the property boundary, whichever is the lesser, shall be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- a) tree canopy cover should be less than 15% at maturity;
- b) trees at maturity should not touch or overhang the building;
- c) lower limbs should be removed up to a height of 2m above the ground;
- d) tree canopies should be separated by 2 to 5m;
- e) preference should be given to smooth-barked and evergreen trees;
- f) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- g) shrubs should not be located under trees;
- h) shrubs should not form more than 10% ground cover;
- i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- j) grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and
- k) leaves and vegetation debris should be removed.

**Condition Reason:** To provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

### Water and Utility Services

The provision of water, electricity and/or gas services shall comply with Table 6.8c of Planning for Bush Fire Protection 2019.

**Condition Reason:** To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

### Landscaping Assessment

Landscaping is to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions by complying with the following requirements of Planning for Bush Fire Protection 2019:

- a) landscaping is in accordance with Appendix 4; and
- b) new fencing is constructed in accordance with section 7.6.

**Condition Reason:** To provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

#### (5) **Acoustic measures**

Portable amplified PA systems shall face away from residences and shall be operated in a reasonable and responsible manner.

Children in the outdoor areas, on the splash pad and in the grandstands shall be properly supervised at all times.

The facility operator/manager shall ensure noise from swimmers, staff and spectators is kept to a reasonable level at all times.

Appropriate signage shall be placed in prominent and strategic locations in the changerooms and outdoor pool areas requesting people keep noise to low levels before 7am.

**Condition Reason:** To ensure that the development does not result in unacceptable noise impacts.

#### (6) **Stormwater overland flowpath management**

On completion of the construction of the stormwater overland flowpath, the owner of the property is responsible for:

- a. Maintaining the surface level and profile of the land containing the overland flowpath,
- b. Keeping the overland flowpath clear of debris, structures, vegetation or other mater which may cause blockage or diversion of flows.

The Council shall have the right to enter the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the overland flowpath.

**Condition Reason:** To ensure that appropriate infrastructure is provided and maintained to service the development.

#### (7) **Stormwater quality control maintenance**

On completion of the stormwater water quality control device (SQID), the owner of the property is responsible for:

- a. Maintaining and keeping clear all components of and structures associated with the SQID in accordance with the maintenance plan so as to ensure the system achieves the nominated performance targets.

- b. Having the SQID inspected annually by a competent person.

The Council shall have the right to enter upon the development lot, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID.

**Condition Reason:** To ensure that appropriate infrastructure is provided and maintained to service the development.

(8) **On-site carparking**

On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 112 spaces are to be provided onsite at the completion of Stage 1A. A total of 129 spaces (additional 17 spaces) are to be provided onsite at the completion of Stage 1B. A total of 170 spaces (additional 41 spaces) are to be provided onsite at the completion of Stage 2. Secure parking for a minimum of 10 bicycles is to be provided as part of Stage 1A.

**Condition Reason:** To ensure that the development provides for practical and safe accessibility/functionality.

(9) **Loading facilities on-site**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

**Condition Reason:** To protect public health and safety and to ensure that the development provides for practical and safe accessibility/functionality.

(10) **Exterior lighting installation**

All lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site. Illumination shall cease at 10pm each night.

**Condition Reason:** To ensure that the development does not result in unacceptable lighting impacts.

(11) **Maintenance of fire safety measures**

All new and existing essential fire safety measures shall be maintained in working condition at all times.

**Condition Reason:** To protect public health and safety.

(12) **Offensive noise management**

Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

**Condition Reason:** To ensure that the development does not result in unacceptable noise impacts.

(13) **Hours of operation**

Hours of operation of the development are restricted to the following hours:

- Pools and outdoor areas (general public use) – 5am to 10pm – Mondays to Sundays
- Large events/carnivals – 7am to 6pm – Mondays to Sundays
- Splashpad and water slides – 7am to 10pm – Mondays to Sundays

- Aerobic classes before 7am only in the indoor “Program Pool”.
- Gymnasium – Unrestricted.
- Truck deliveries and garbage collection - 7am to 6pm – Mondays to Sundays

**Condition Reason:** To ensure that the development does not result in unacceptable noise impacts.

(14) **Health requirements for public swimming pool/spa**

The operations of the public pool are to comply with the requirements of the:

- a. Public Health Act 2010,
- b. Public Health Regulation 2022, and
- c. NSW Ministry of Health Public Swimming Pool and Spa guidance.

**Condition Reason:** To protect public health and safety.