

## ATTACHMENT A: RECOMMENDED CONDITIONS OF CONSENT

### GENERAL CONDITIONS

*Approved Plans, Documents and Standards*

- 1) The development shall take place in accordance with the following endorsed plans / documents:

Project Ref No.	Sheet No.	Description	Rev No.	Date	Author
<b>Architectural Plans</b>					
100358	DA000	Cover Sheet	C	18.02.2025	CO.OP Studio
100358	DA100	Site Analysis Plan	B	18.02.2025	CO.OP Studio
100358	DA101	Site Plan	D	18.02.2025	CO.OP Studio
100358	DA201	Ground Floor Plan	D	18.02.2025	CO.OP Studio
100358	DA202	Roof Plan	C	18.02.2025	CO.OP Studio
100358	DA401	Elevations	D	18.02.2025	CO.OP Studio
100358	DA501	Sections	D	18.02.2025	CO.OP Studio
100358	DA901	Building Signage	C	18.02.2025	CO.OP Studio
100358	DA961	Security Diagram	A	18.02.2025	CO.OP Studio
100358	DA971	Photomontages - Sheet 1	B	18.02.2025	CO.OP Studio
100358	DA972	Photomontages - Sheet 2	B	18.02.2025	CO.OP Studio
<b>Landscaping Plans</b>					

Project Ref No.	Sheet No.	Description	Rev No.	Date	Author
20250217	LA-04	General Plan USS - General Plan	07	18/02/2025	Urban Spark Studio
20250217	LA-18	Section USS - Section 01-02	07	18/02/2025	Urban Spark Studio
20250217	LA-19	Section USS - Section 03	07	18/02/2025	Urban Spark Studio
20250217	LA-20	Section USS - Section 04	07	18/02/2025	Urban Spark Studio
20250217	LA-21	Section USS - Section 05-06	07	18/02/2025	Urban Spark Studio
20250217	Tree 01	Planting Plan USS LA-Planting	07	18/02/2025	Urban Spark Studio
20250217	Tree 02	Planting Plan USS LA-Planting	07	18/02/2025	Urban Spark Studio

Document	Ref. / Rev.	Date	Author
Flood Impact Assessment Report– Tamworth Regional Aquatic Facility	504_01 v01	31/3/2025	Rain Consulting for Creo
Access Design Assessment Report – Tamworth Regional Aquatic Facility	P223_285- 6(Access DA) RE	17/03/2025	Design Confidence
Stormwater Management Strategy– Tamworth Regional Aquatic Facility	230459-008- SWMS-CL-NH Rev A	14/03/2025	Creo
Remediation Action Plan – Tamworth Regional Aquatic Facility	226965.01 Rev 0	04/03/2025	Douglas Partners
BCA Design Assessment Report– Tamworth Regional Aquatic Facility	P223_485-5 (BCA) IO	02/03/2025	DC Partnerships
Traffic Impact Assessment Report – Tamworth Regional Aquatic Facility	Ver 5.0	19/02/2025	Tamworth Regional Council

Document	Ref. / Rev.	Date	Author
Landscaping Design Report – Stage 3 Design Development – Tamworth Regional Aquatic Facility	Doc 01	Feb 2025	Urban Spark Studio
Report on Detailed Site Investigation – Tamworth Regional Aquatic Centre	226965.01 Rev 0	16/01/2025	Douglas Partners
Operational Waste Management Plan– Tamworth Regional Aquatic Facility	5605 Rev D	6/11/2024	Elephants Foot
Fire Engineering Brief Questionnaire– Tamworth Regional Aquatic Facility	P223_485	04/10/2024	NSW Fire and Rescue
Aquatic Facility Operational Plan 2024	Update October	Oct 2024	Tamworth Regional Council
Report on Geotechnical Investigation – Tamworth Regional Aquatic Facility	226965.00	01/07/2024	Douglas Partners
Report on Preliminary Site Investigation for Contamination – Tamworth Regional Aquatic Facility	226965.00	20/06/2024	Douglas Partners
Section J Report– Tamworth Regional Aquatic Facility	0010443.000	31/05/2024	Introba
Services Design Report – Tamworth Regional Aquatic Facility	0010443.00	31/05/2024	Introba
External Lighting Strategy Report – Tamworth Regional Aquatic Facility	0010443.00	31/05/2024	Introba
Acoustic Report– Tamworth Regional Aquatic Facility	AC485SB-01E02	22/05/2024	Octave Acoustic
Social Impact Assessment - Tamworth Aquatic and Sports Centre	2230920	22/05/2024	Ethos Urban
Embodied Emissions Materials	NABERS Assessor	-	Currie & Brown

Document	Ref. / Rev.	Date	Author
Aquatic Facilities Management Plan	-	-	Tamworth Regional Council

If there is any inconsistency between the Conditions of Consent and the documents listed above, the Conditions of Consent shall prevail to the extent of the inconsistency.

- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC), and where relevant, the provisions of the disability (Access to Premises - Buildings) Standards 2010.
- 4) The development is to comply with Council's Engineering Design Minimum Standards for Subdivisions and Developments.
- 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) The development shall be constructed wholly within the confines of the property boundary. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties or upon the road reserve area.
- 7) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

#### *Stormwater*

- 8) The stormwater drainage system must be constructed to comply with the following requirements as a minimum: -
  - a) Stormwater detention for the critical storm durations and frequencies in the range from the 20% AEP up to and including the 1% AEP events to maintain pre-developed flows;
  - b) Minimum freeboard in the Detention basin above the 1% AEP critical duration top water level shall be 500mm;
  - c) The conveying of pre-developed flows from upstream catchments through the development site
  - d) All plumbing within the site must be designed and constructed in accordance with the relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage and Council's current version of the Engineering Design Minimum Standards;

- e) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
  - f) 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;
  - g) 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
  - h) No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- 9) The approved point of discharge for the development is the Council Piped Stormwater Network at the intersection of Cartwheel Way and Greg Norman Drive.
- Note – in fulfilling this condition, all stormwater discharge must be detained prior to release to Council's piped stormwater network.*
- 10) All major flows shall be directed to the Longyard Drive road reserve so as to not impact any adjoining properties.

#### *Driveways and Crossovers*

- 11) The new vehicle crossovers on Longyard Drive and Jack Smyth Drive 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.*
- 12) All internal driveways, parking areas, loading bays, vehicle turning areas and barriers are to be designed and constructed to comply with Australian Standard (AS/NZS) 2890.1 Parking Facilities – Off-street parking and AS 2890.6 Parking Facilities – Off-street parking for people with disabilities.
- 13) All internal driveways, parking and loading areas to be constructed with a base course of adequate depth to accommodate the design vehicle loading, being sealed with either asphaltic concrete, concrete or interlocking pavers.

#### *Pedestrian Access and Egress*

- 14) 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.
- 15) The 2.5m wide shared path shall be provided within the verges of Longyard Drive and Jack Smyth Drive for the full frontage of the development site, with appropriate connections to the existing path networks. The shared path shall be paved with

reinforced concrete or an approved alternative in accordance with Council's Engineering Standard Drawings.

#### *Parking*

- 16) The vehicular entrance and exit driveways, and the direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings.
- 17) On-site parking shall be provided as follows, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.
  - a) Parking – a total of 187 on site car parking spaces.
  - b) Accessible Parking – not less than 6 accessible on-site car parking spaces.
  - c) EV Charge Parking – a total of no more than 40 on site car parking spaces within the 187 car spaces.

Such parking must be set out generally in accordance with the details indicated on the submitted plans, except as otherwise stated by the conditions of this consent.

#### *Food*

- 18) The construction and ongoing operation of the development must comply with the requirements of the *Food Act 2003*.

#### *Essential Services*

- 19) The Applicant shall consult with, as required:
  - a) Essential Energy
  - b) Natural Gas Company
  - c) A Telecommunications carrierRegarding 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).

#### *Embodied Emissions*

- 20) The development shall be designed and constructed to ensure the embodied emissions attributable to the project capture no less than 80% of material costs for the structure, envelope, and external works.

### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### *Construction Certificate*

- 21) The approved development which is the subject of this development consent must not be commenced until:
  - a) A Construction Certificate for either the whole development; or, by stage(s) has been issued by the consent authority, the Council (if the Council is not the consent authority) or a registered Certifier, and
  - b) The person having the benefit of the development consent has;
    - i) Appointed a Principal Certifier for the building work, and

- ii) Notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case, and;
- c) The Principal Certifier has, no later than 2 days before the building work commences;
  - i) Notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
  - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
  - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
  - ii) Notified the Principal Certifier of any such appointment, and
  - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - iv) Give at least 2 days' notice to the Council of the persons intention to commence the erection of the building.

#### Section 7.12 Contributions

- 22) In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, an amount of **\$450,000.00** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development.

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

The monetary contributions shall be paid to Council:

- a) Prior to the issue of the first Construction Certificate where the development is for building work.

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

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

### *Section 306 Contributions*

- 23) Pursuant to Section 306 of the *Water Management Act 2000*, Council (as the Local Water Supply Authority) requires the following contributions to be paid and sewer design plans provided to Council for approval prior to the release of a Construction Certificate:

#### Headworks:

- Water - \$83,356
- Sewer – \$106,531

*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.*

#### Sewer

Detailed engineering drawings and construction specifications, prepared in accordance with Council's Minimum Standards are required for works to relocate Council's Sewer main shall be presented to Council for approval. This is to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines.

*Note: The developer will be responsible for undertaking a sewer capacity assessment and network upgrade should the development trigger a requirement to do so.*

### *S. 68 Local Government Act Approval*

- 24) Pursuant to Section 68 of the *Local Government Act 1993*, the following works must be approved by Council in order to:
- a) Carry out water supply work;
  - b) Carry out sewer work;
  - c) Carry out stormwater work, and
  - d) Obtain a trade waste agreement (where relevant).

### *S.138 Roads Act Approval*

- 25) An approval pursuant to Section 138 of the *Roads Act 1993*, must be obtained from Council for all works associated with this development that will be undertaken in Longyard Drive, Jack Smyth Drive and Cartwheel Drive Road reserve.

Engineering design plans and construction reports, prepared in accordance with Council's current version of the Engineering Design Minimum Standards as required for roads and stormwater drainage, shall be provided to Council for approval.



### *Engineering Design and Certification*

- 26) Engineering design plans, reports and calculations for internal water, sewer, and stormwater shall be prepared in accordance with Council's current version of the Engineering Design Minimum Standards and submitted to Council for approval. All plans are to include details of the location of all existing utility services. All engineering drawings and the associated specifications are to be certified by a suitably qualified and experienced design practitioner.

### *Engineering Design Details*

- 27) Notwithstanding the requirements of the Engineering Design Minimum Standards, the following items shall be addressed as part of the submission, at a bare minimum: -
- a) Stormwater infrastructure for the development;
  - b) Road works on Longyard Drive
  - c) Driveway Accesses
  - d) Footpaths within the verge fronting the development site;
  - e) Wombat crossings in Jack Smyth Drive
  - f) A Safety in Design Report;
  - g) Certification being provided in accordance with Annexure A of Council's current version of the Engineering Design Minimum Standards, and
  - h) An Inspection Test Plan (ITP) for the construction of Council infrastructure required for the development shall be submitted to Council for approval. Inspections are required to be carried out by Council's Development Engineering Division for the following works:
    - (i) Stormwater infrastructure connecting development to Cartwheel Way Basin
    - (ii) Road construction on Longyard Drive frontage

*Advisory Note 1: The ongoing maintenance and/or repair of the vehicle crossing and associated infrastructure is the responsibility of the owner in accordance with Section 142 of the Roads Act 1993.*

*Advisory Note 2: Council requires works-as-executed (WAE) plans to be prepared and submitted in accordance with Council's Engineering Design Minimum Standards.*

*Advisory Note 3: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to approval of any plan(s).*

### *Waste Collection Agreements*

- 28) The developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins from private property prior to issue of any Construction Certificate.

### *Food*

- 29) Prior to the issue of a Construction Certificate, the following details for the proposed café shall be provided:
- a) A floor plan showing all equipment, fittings and fixtures, including benches, storage cupboards, sinks, hand wash basins, door/window openings, and storage areas for cleaning equipment/chemicals and staff personal items. Details are to include

- finishes to walls, floors and ceilings, heights, fittings and fixtures, junctions of walls and floors and lighting provisions.
- b) Sectional elevations of all benches, equipment and fixtures.
- c) Mechanical exhaust ventilation plans showing all dimensions, details and specifications of cooking equipment (i.e. gas, electricity) and external discharge points.

#### *Detailed Acoustic Design Review*

- 30) A detailed acoustic design and assessment must be undertaken when all mechanical equipment selections and layouts are finalised. The final acoustic report shall be provided to Council for review prior to the issue of a Construction Certificate.

### **BEFORE BUILDING WORK COMMENCES**

#### *Toilet facilities*

- 31) 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, and
  - 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, or

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

#### *Signs On-site*

- 32) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
- a) The name, address and telephone number of the Principal Certifier for the work, and
  - b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) A statement that unauthorised entry to the work site is prohibited.

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

#### *Public Liability Insurance*

- 33) The contractors engaged on the development 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.

#### *Erosion and sediment control*

- 34) 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 shall be submitted to Council for approval and implemented prior to the commencement of any construction works.

#### *Construction Environmental Management Plan*

- 35) A Construction Environmental Management Plan shall be prepared in consultation with, and submitted to, Council prior to the commencement of works. The plan shall include, but not be limited to, the following matters which are to be addressed by a suitably qualified person(s).
- a) Hours of work, which must be in accordance with the conditions of this approval;
  - b) Contact details of the site manager and all principal contractors;
  - c) Traffic Management Plan 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 Transport for New South Wales (TfNSW) in accordance with AS 1742.3 (as amended) and the TfNSW current version of the "Traffic Control at Worksites" manual.
  - d) Construction waste management.
  - e) Construction noise and vibration management, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436; and
  - f) Dust control measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physical barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

#### *Land Contamination*

- 36) All asbestos contaminated soils are to be removed from the site in accordance with the Remediation Action Plan prepared by Douglas Partners, reference number 226955.01, dated 4 March 2025.
- 37) Any soils contaminated with inert construction materials that are to remain in-situ must be managed through a Long-Term Environmental Management Plan (LTEMP). The Long-Term Environmental Management Plan (LTEMP) shall be prepared by a suitably qualified consultant and submitted to Council for approval.

## DURING WORKS

### *Land Remediation*

- 38) A Validation Report prepared by a suitability qualified person must be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
- a) compliance with the approved Remediation Action Plan (RAP) prepared by Douglas Partners *Project - Remediation Action Plan – Tamworth Regional Aquatic Facility 226965.01 Rev 0* dated 4 March 2025;
  - b) that the remediation acceptance criteria (in the approved RAP) have been fully complied with;
  - c) that all remediation works undertaken comply with the Contaminated Lands Planning Guidelines, Contaminated Lands Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's Managing Contaminated or Potentially Contaminated Land Policy 2019;
- and includes:
- i) Works As Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a Registered Surveyor;
  - ii) a "notice of completion of remediation work" as required under Clause 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*; and
  - iii) a statement confirming that the site following remediation of contamination is suitable for the intended use.
- 39) All remediation works and the Validation Report must be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.

The Site Auditor must provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, Contaminated Lands Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's Managing Contaminated or Potentially Contaminated Land Policy 2019, confirming the land is suitable for the intended use.

The SAS must be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.

### *Inspections*

- 40) It is required that a Principal Certifier be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021*. The owner may appoint either Council or an accredited certifier to be the Principal Certifier.

### *Hours Of Work*

- 41) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
- a) **Monday to Friday - 7.00am to 5.00pm;**

- b) 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.

- 42) The Developer shall be responsible to instruct and control their 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.

*Footpath, Road Reserve, & Council Infrastructure*

- 43) 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.
- 44) 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 Regional Services Directorate is required.

*Rectification of Damage*

- 45) Any damage caused to Council infrastructure shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.

*Spillage of Materials*

- 46) 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.

*Dust Suppression*

- 47) 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.

*Lighting*

- 48) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS 1158.3.1 (as amended) Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – performance and design requirements shall be provided to all off-street parking areas. The lighting installed must comply with AS 4282 Control of Obtrusive Effects of Outdoor Lighting.

### *Stormwater*

- 49) All stormwater discharging from the proposed development site, buildings and works must be conveyed to a single point of discharge complying with AS/NZS 3500.3 (as amended) to the satisfaction of Council.

### *Allotment Filling*

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

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS 3798 (as amended) - Guidelines on Earthworks for Commercial and Residential Developments.

### *Erosion and sediment control maintained*

- 51) Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.

### *Contamination*

- 52) If any unexpected contamination is discovered during construction works, the appropriate actions shall be taken in accordance with SEPP (Resilience & Hazards) 2021, work health and safety and environmental protocols to address any issues relating to human health and environmental protection. Council's Environmental Health Division must be notified and all work in the area of discovery is to be immediately ceased until clearance is obtained from Council.

### *Heritage*

- 53) 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, Housing and Infrastructure 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, Housing and Infrastructure.

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.

### *Waste Management – Site Work*

- 54) While site work is being carried out:
- a) all waste management must be undertaken in accordance with the waste management plan, and
  - b) upon disposal of waste, records of the disposal must be compiled and provided to the Principal Certifier, detailing the following:
    - i) The contact details of the person(s) who removed the waste
    - ii) The waste carrier vehicle registration
    - iii) The date and time of waste collection
    - iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
    - v) The address of the disposal location(s) where the waste was taken
    - vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste; and,
    - vii) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.

### *Noise - Acoustic screening*

- 55) Acoustic screening shall be installed around external mounted plant items and be constructed as follows:
- i) using any solid non-perforated cladding which has a surface mass of at least 12 kg/m<sup>2</sup>
  - ii) screens must extend at least 200mm above the top of the highest item of plant
  - iii) screens shall have no gaps, holes, or perforations allowing noise to pass through. Any gaps or penetrations shall be fully caulked with a flexible acoustic sealant
  - iv) screens shall extend down to the slab below such that noise will not pass underneath
  - v) The plant room shall be fitted with a 20m<sup>2</sup> acoustic louvre façade.
  - vi) Fresh air inlets and exhausts of the pool and gym PAC units shall be fitted with lined duct or lined duct bends.

## **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### *General*

- 56) The occupation or use of the whole or any part of a new building must not commence unless an Occupation Certificate has been issued in relation to the building or part.
- 57) Prior to the issue of an Occupation Certificate, all works relevant to the development and the conditions of consent shall be completed.

### *Fire Safety Measures*

- 58) 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 occupation certificate in accordance with Clause 84 of the *Environmental Planning and Assessment (Development Certification & Fire Safety)*



*Regulation 2021* for each measure listed in the fire safety schedule. The certificate must only be in the form specified by Clause 86 of the Regulation.

A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade, and a copy is to 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)

#### *Section 306 Compliance Certificate*

- 59) Pursuant to Section 306 of the *Water Management Act 2000*, Council requires the following works to be undertaken prior to the issue of a Compliance Certificate.

##### Water

- a) A single water service shall be provided to the lot.
- b) The developer will be responsible for engaging a hydraulic engineer to determine the fire fighting and domestic demands, and to determine an appropriate service size for the development.
- c) Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards.
- d) Work on live water mains is to be undertaken by Council at full cost to the developer.

##### Sewer

- a) A single sewer service shall be provided to the lot.
- b) The maximum allowable discharge to the sewer shall be 5L/s
- c) A three (3) metre wide sewer easement shall be created over the Council sewer within the proposed lot.
- d) Works shall be undertaken in accordance with the current version of Council's Engineering Design Minimum Standards, and
- e) Work on live sewer mains is to be undertaken by Council at full cost to the developer.

#### *Section 307 Compliance Certificate*

- 60) A Certificate of Compliance under Section 307 of the *Water Management Act 2000* shall be obtained from the Council (as the Local Water Supply Authority) prior to the provision of any Occupation Certificate. All payments and works required under Section 306 of the *Water Management Act 2000* must be completed prior to the release of a Certificate of Compliance.

#### *Work-as-Executed Plans*

- 61) One set of approved construction drawings shall be amended to show the "Work-as-Executed" and be certified by a Registered Surveyor or a Chartered Professional Civil Engineer, in accordance with Council's Engineering Design Minimum Standards. A scanned electronic 'PDF version and an AutoCAD 'dwg' version of the signed "Work-as-Executed" plans shall be submitted to Council to ensure that adequate records are maintained of community infrastructure.
- 62) All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted for the review of Council to verify the quality of the completed product.



#### *s.68 Works Completion Certificate*

- 63) The occupation or use of the whole or any part of a new building shall not commence unless a Section 68 certificate of completion has been issued by Council. The certificate of completion shall 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.

#### *Easements for utilities and services*

- 64) Easements for utilities and services, in favour of the Lot(s) benefiting and/or Council shall be provided where services are located on private properties and/or overland flow paths that traverse private property, in accordance with the current version of Council's Engineering Design Minimum Standards.

#### *Maintenance Bond*

- 65) A Maintenance Bond in accordance with the current version of Council's Engineering Design Minimum Standards shall be paid to Council for all infrastructure works.

#### *Geotechnical Testing of Fill*

- 66) Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS 3798 (as amended).

#### *CPTED*

- 67) The occupation or use of the whole or any part of a new building must not commence unless the crime prevention measures listed below have been installed and tested and are operational:
- i Prominent CCTV cameras surrounding the facility including monitoring of the building entry and exit points
  - ii Roller shutters within main hallway
  - iii Fencing around external rainwater tanks
  - iv 24-hour gym access lighting, and CCTV coverage.
  - v 24-hour gym to have provision for a duress system to be functional out of regular open hours. Duress to alert back to Council's security monitoring contractor or alternatively to the gym tenant's monitoring system.
  - vi Duress alarms located at critical locations throughout facility (office, change rooms, toilets etc) alerting back to the security system for facility staff action.
  - vii Two sets of entry controls to be adopted for the 24-hour gym access.

#### *Food*

- 68) An inspection must be completed by a Council's Environmental Health Officer prior to commencement of trade to confirm that the conditions of consent have been satisfied.

#### *Landscaping*

- 69) Evidence must be submitted to the Principal Certifier (PC) confirming that all landscaping required to be installed in accordance with the endorsed plans is complete.

## OCCUPATION AND ONGOING USE

### *Operational Waste Management*

- 70) During ongoing use of the premises:
- a) all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time;
  - b) arrangements must be implemented for the separation of recyclable materials from garbage;
  - c) any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests;
  - d) where Council does not provide commercial garbage and recyclable materials collection services:
    - i) a contract must be entered into with a licensed contractor to provide these services for the premises; and
    - ii) a copy of the contract must be kept on premises and provided to relevant authorities, including Council officers, on request.
  - e) all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by Council (as the Local Water Supply Authority); and,
  - f) all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by Council (as the Local Water Supply Authority).

### *Traffic and Parking*

- 71) The sealing and marking of crossovers and all vehicular parking, manoeuvring and loading areas, and landscaped areas on the site are to be maintained at all times.
- 72) All vehicle movements into and out of the development site shall be in a forward direction.
- 73) Vehicles shall be loaded or unloaded, standing wholly within the development site and within loading zones designated on the approved plans, to ensure that the proposed development does not give rise to street loading or unloading operations. Under no circumstances are vehicles to be loaded or unloaded at the kerb side or across the public footpath.
- 74) Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of vehicle parking loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

### *Stormwater Systems*

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

### *Offensive noise*

- 76) The development shall not cause offensive noise for nearby residential receivers, as defined by the *Protection of the Environment Operations Act 1997*. Offensive noise is noise:
- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
    - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
  - b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

### *Signage*

- 77) Signage shall be maintained in good structural condition, kept clean, neatly painted and be of a professional standard of design and appearance. Should any signage become redundant, such signage should be removed immediately.

### *CPTED*

- 78) The following crime prevention measures must be implemented in the development at all times:
- i Implementation of a Site-Specific Operational Plan that incorporates the objectives of Crime Prevention through Environmental Design.
  - ii Implementation of Council's Aquatic Operational Plan.
  - iii Implementation of Aquatic Facilities Management Plan.
  - iv External paths and carparks lit.
  - v Bollards with downlights utilised for paths to increase visibility of other path users.
  - vi Lighting to remain operational 24 hours per day due to 24-hour access to gym and program rooms.
  - vii Facial recognition software being trialled as current aquatic facilities for banned patrons and repeat offenders. CCTV to be compatible with this software (only if the trial is continued).

### *Public Health*

- 79) The swimming pool/s must comply with the requirements of the *Public Health Act 2010* and the *Public Health Regulation 2022*.

### *Land Contamination*

- 80) Ongoing reporting requirements within the Long-Term Environmental Management Plan (LTEMP) shall be submitted to Council for review. Reports are to be prepared by a suitably qualified consultant and must include details of completed site inspections of the encapsulated soils as required by the plan.

## *Food*

- 81) An annual inspection will be conducted each financial year by a Council Environmental Health Officer to confirm the ongoing compliance with the Food Act 2003. The inspection will be charged according to Council's schedule of fees and charges applicable at the time of inspection.