

<b>DATE OF DETERMINATION</b>	6 June 2024
<b>DATE OF PANEL DECISION</b>	5 June 2024
<b>DATE OF PANEL BRIEFING</b>	6 March 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Chris Hanna, David Hogan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 March 2024.

#### **MATTER DETERMINED**

PPSSTH-308 – Snowy Monaro – DA10.2023.327.1 at Lot 14 DP 250029 (9 Polo Flat Road, POLO FLAT) (Part of) – Emergency Service Facility – Cooma Fire Control Centre (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel noted that:

- The prerequisites for the grant of consent had been met.
- The proposal, where relevant, is consistent with the objectives of applicable planning legislation.
- The development will not result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent (as amended).
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.
- The subject site is suitable for the proposed development noting the development is located within an industrial area and adjacent to an airstrip.
- The proposed development will deliver an important community asset in the form of an Emergency Service Facility.
- Issues raised by the Panel during its deliberations were subsequently and adequately addressed by Council. These were as follows:
  - The need for the Panel to sight the Part 5 approval for the access road.
  - The need for Council to confirm that the 20KL bonded aviation fuel tank is below the thresholds outlined in the SEPP (Hazards and Resilience).
  - The need to include the Rotor Report in the Instrument of Consent including the requirement that the recommendations of the report are to be implemented.

- The need for the required eco system credit offsets to be specified in the consent.
- The need to remove the condition relating to traffic control as it would be redundant.
- The need to confirm CASA requirements and include reference in the Instrument of Consent.
- The need for the Applicant to prepare and implement a Plan of Management (POM) for the facility.

Given the above, and the Council's response to the matters raised, the Panel was satisfied that the development was in the public interest and should be approved.

## CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- For clarity, the conditions were renumbered and the words "will be" replaced throughout the document with the word "must".
- Condition 1 was amended to include reference to *"NSW RFS Monaro FCC Helipad – Rotor Downwash Review"*, prepared for NSW Public Works Advisory (dated 20 February 2024).
- Condition 6 (formerly Condition 2) was amended to specify the number of species credits that needed to be either retired or offset consistent with the findings in the BDAR.
- Condition SUB-15 – Traffic Control was deleted.
- Condition 21 (formerly condition DC\_01) was amended to include reference to the erosion and sediment control plan.
- Condition 62 (formerly condition OU\_52) was amended to reference CASA requirements.
- A new condition (Condition 63) was drafted requiring the preparation of a Plan of Management by the Applicant to be submitted to Council prior to occupation which includes but is not limited to:
  - General RFS aviation operational plan requirements including CASA guidance material.
  - Proposed flight paths.
  - How the recommendations of the *"NSW RFS Monaro FCC Helipad – Rotor Downwash Review"* will be addressed and implemented.
  - Management measures to mitigate any impact between operations and scheduled race day activities at the adjoining racetrack.
  - Management measures to ensure unobstructed tanker access to the bunded aviation fuel tank, particularly during emergencies.
  - Management of car and heavy vehicle parking during emergencies.

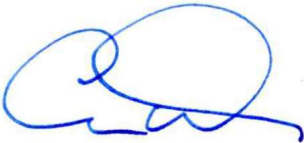




On review, the Panel required additional amendments to Conditions 62 and 63. The Panel notes that Condition 62 as drafted requires the Applicant to ensure compliance with several unspecified guidance documents published by CASA. This condition has been amended to specifically refer to the key guidance documents being **AC 139.R-01 - Guidelines for heliports - design and operation** and **AC 91-29 - Guidelines for helicopters – suitable places to take off and land**. It also now provides a link to other relevant documents. Both Conditions 62 and 63 have been amended accordingly.

The amended conditions contained in Schedule 2 were accepted by the Crown as the Applicant.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during public exhibition which raised issues of concern regarding the inability of the current site to manage car parking demand during periods of emergency and associated traffic hazards.

The Panel considers that concerns raised in the submission have been adequately addressed in the Assessment Report and Conditions of Consent as imposed.

PANEL MEMBERS		
 Chris Wilson (Chair)	 Juliet Grant	 David Hogan
 Grant Christmas	 Chris Hanna	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-308 – Snowy Monaro – DA10.2023.327.1
2	PROPOSED DEVELOPMENT	Emergency Service Facility – Cooma Fire Control Centre
3	STREET ADDRESS	at Lot 14 DP 250029 (9 Polo Flat Road, POLO FLAT) (Part of)
4	APPLICANT/OWNER	Snowy Hydro Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Cooma-Monaro Local Environmental Plan 2013;</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Cooma-Monaro Development Control Plan 2014.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 29 February 2024</li> <li>Endorsed Final Council Assessment Report: 7 March 2024</li> <li>“NSW RFS Monaro FCC Helipad – Rotor Downwash Review”, prepared for NSW Public Works Advisory (dated 20 February 2024)</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 31 January 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Hogan, Chris Hanna</li> <li><u>Council assessment staff</u>: Sorrell Rangiihu, Peter Smith</li> <li><u>Applicant representatives</u>: Wayne Bell (PWA), James Armstrong (PWA), Grant Barker (PWA), Mat Smith (RFS), Bernie O’Rourke (RFS), Darren Hession (RFS), Richie Cheah (RFS), Fiona Gainsford &amp; Stephen Rofail (NBRs)</li> <li><u>Other</u>: Tim Mahoney (DPHI)</li> </ul> </li> <li>Site inspection: 31 January 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Grant Christmas, David Hogan, Chris Hanna</li> <li><u>Council assessment staff</u>: Sorrell Rangiihu</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• Final briefing to discuss council’s recommendation: 6 March 2024<ul style="list-style-type: none"><li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Hogan, Chris Hanna</li><li>○ <u>Council assessment staff</u>: Sorrell Rangiihu, Peter Smith</li><li>○ <u>Applicant representatives</u>: Wayne Bell (PWA), James Armstrong (PWA)</li><li>○ DHPI: Amanda Moylan, Tracey Gillett</li></ul></li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

**Part A – Administrative Conditions**

**Reason for imposition of conditions:** Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

**01 - Endorsed plans and supporting documentation****Reason**

Development must be carried out in accordance with the following plans and documentation, except where amended by Council and/or the conditions of this development consent.

*To ensure all parties are aware of the approved plans and supporting documentation that applies to the development*

<b>Plan No.</b>	<b>Plan Title.</b>	<b>Drawn By.</b>	<b>Date</b>
0000 - P5	Cover Sheet	NBRS & Partners	04/10/2023
0001 – P3	Deliverables Matrix	NBRS & Partners	04/10/2023
0200 – P6	Site Plan - Proposed	NBRS & Partners	04/10/2023
0202 – P1	Ground Floor Plan - North	NBRS & Partners	04/10/2023
1110 - P5	Ground Floor Plan – Fire Control Centre	NBRS & Partners	04/10/2023
1120 - P5	Ground Floor Plan – Storage Shed	NBRS & Partners	04/10/2023
1140 – P3	Ground Floor Plan – Stage 1 Aircraft Hanger	NBRS & Partners	04/10/2023
1141 – P1	Ground Floor Plan – Stage 2 Aircraft Hanger	NBRS & Partners	04/10/2023
1210 – P5	Roof Plan – Fire Control Centre	NBRS & Partners	04/10/2023
1220 – P5	Roof Plan – Storage Shed – 7 Bays	NBRS & Partners	04/10/2023
1240 – P3	Roof Plan – Stage 1 Aircraft Hanger	NBRS & Partners	04/10/2023
1241 – P1	Roof Plan – Stage 2 Aircraft Hanger	NBRS & Partners	04/10/2023
1300 – P1	FF& E Plan Aircraft Hanger	NBRS & Partners	04/10/2023
1510– P5	RFF&E Fire Control Centre	NBRS & Partners	04/10/2023
2010 – P5	Ground Floor RCP	NBRS & Partners	04/10/2023
2020 – P5	Ground Floor RCP	NBRS & Partners	04/10/2023
2040 – P2	Ground Floor RCP – Stage 1 Hanger	NBRS & Partners	04/10/2023
2041 – P1	Ground Floor RCP – Stage 2 Hanger	NBRS & Partners	04/10/2023
3000 – P5	Site Elevations – sheet 1	NBRS & Partners	04/10/2023

3001 – P1	Site Elevations – sheet 2	NBRS & Partners	04/10/2023
3010 – P5	Elevations	NBRS & Partners	04/10/2023
3020 – P5	Elevations	NBRS & Partners	04/10/2023
3040 – P3	Elevations – Stage 1 Aircraft Hanger	NBRS & Partners	04/10/2023
3041 – P1	Elevations – Stage 2 Aircraft Hanger	NBRS & Partners	04/10/2023
4000 – P5	Site Section	NBRS & Partners	04/10/2023
4010 – P5	Site Section	NBRS & Partners	04/10/2023
4020 – P5	Site Section	NBRS & Partners	04/10/2023
4040 – P2	Sections – Stage 1 Aircraft Hanger	NBRS & Partners	04/10/2023

<b>Document Title.</b>	<b>Prepared By.</b>	<b>Date</b>
Statement of Environmental Effects	Andrew Martin Planning	22/09/2023
Operational Waste Management Plan	NBRS Architects	24/08/2023
Section J Report	NBRS Architects	14/07/2023
Biodiversity Development Assessment Report	EMM Consulting	October 2023
Bushfire Assessment Report	Peterson Bushfire	29/05/2023
Due Diligence Report	Land Insights	30/09/2022
BCA Design Compliance Report	MBC Group	17/03/2023
Civil Engineering Package	Northrop	28/09/2023
Geotechnical Report	Green Geotechnics	14/03/2023
Traffic Engineering	McLaren Traffic Engineering	22/08/2023
Rotor Downwash Review	ACG Engineering	20/02/2024

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Building work cannot be commenced unless the building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.

Requirement under clause 6.28 of the EP&A Act 1997.

## Part C – Requirements before certification

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### 04 Water and Sewer Contributions

#### Reason

The developer shall submit to Council a Section 305 Compliance application (Water and Sewer Contributions) under Section 305 of the Water Management Act 2000 prior to the commencement of works or certification by the Minister. The developer must obtain a Compliance Certificate under Section 307 of the Water Management Act 2000 prior to commencing work.

*To ensure contributions are captured to support the costs associated with development.*

### 06 Eco-system Offset Requirements

#### Reason

Prior to any works being conducted onsite, including any vegetation removal, a total of 29 Eco-system credits must be retired to offset the residual biodiversity impacts of the development on PCT 3414 – Monaro Snowgrass-Kangaroo Grass Grasslands.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits outlined in Table 6.2 of EMM Consulting Biodiversity Development Assessment Report dated 19 October 2023 (page 36) as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided prior to any works being conducted onsite.

*To ensure compliance with the provisions of the Biodiversity Conservation Act 2016.*

### 07 Long service levy

#### Reason

In accordance with Section 6.8(1)(b) of the Environmental Planning and Assessment Act 1979, any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid.

*To ensure legislative compliance.*

### 08 Compliance with Australian Standards and Building Code of Australia

#### Reason

The development must be carried out in accordance with all relevant Australian Standards and the requirements of the Building Code of Australia.

*To ensure legislative compliance.*

### 10 Bushfire

#### Reason

The building(s) must be designed and constructed so as to comply with Bush Fire Attack Level 12.5 (**BAL 12.5**), the requirements of Australian Standard AS 3959 and the specifications and requirements of Planning for Bush Fire Protection 2019.

*To ensure development complies with Section 7 (Table 7.4a), Appendix 1 of Planning for*

The building must comply with the requirements of the Peterson Bushfire Report dated 29 May 2023. Compliance with the requirements of Planning for Bush Fire Protection 2019 is to prevail in the extent of any inconsistency with the Building Code of Australia

*Bush Fire Protection 2019' and AS3959.*

## **11 Construction near easements**

### **Reason**

The developer must ensure that the footings of any structure are constructed so as not to bear within the “zone of influence” of soils around Council services or mains. The applicant must prepare structural engineering drawings for all structures to demonstrate that the footings do not impose a load within the “zone of influence” onto Council’s infrastructure.

*To protect the integrity of any assets within the easement.*

Should the applicant wish to excavate below the level of any Council service main or structure, the applicant must maintain a sufficient horizontal distance away from Council’s service main or structure so as not to affect the future maintenance or excavation of Council’s infrastructure.

## **12 Soil and Water Management**

### **Reason**

The developer shall prepare and implement an effective Soil and Water Management Plan in conformity with Council’s Development Design and Construction Specifications prior to the commencement of any works on site and shall maintain the control measures until after the effective stabilisation and revegetation of the site.

*To minimise impacts from sediment.*

## **13 Construction Environmental Management Plan (CEMP)**

### **Reason**

A Construction Environmental Management Plan must be developed and implemented prior to the commencement of any works, to the satisfaction of the Council. The construction environmental management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing to the perimeter site disturbance;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- location of stockpiles;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

*To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.*

The site management measures must be implemented prior to the commencement of any site works and must be in place throughout the works, to the satisfaction of Council.

A copy of the Construction Environmental Management Plan must be provided to Council prior to commencing site works.

## **Part D – Prior To the Commencement of Works**

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### **14 Prior to the commencement of works**

#### **Reason**

No construction works approved by this consent are to commence unless the following have been satisfied:

*To ensure development complies with the Building Code of Australia.*

- A. Certification by or on behalf of the Crown has been given indicating compliance with the Building Code of Australia.
- B. A notice of commencement of building or subdivision works are issued to Council at least 48 hours prior to the commencement of works.

### **15 Erection of signage**

#### **Reason**

A sign must be erected in a prominent position on any site on which any approved work is to be carried out:

*To ensure the development complies with prescribed conditions under the Environmental Planning and Assessment Regulations 2021.*

- showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- stating that unauthorised entry to the work site is prohibited.

The sign must be maintained while the approved work is being carried out and must be removed when the work has been completed.

### **16 Master Water Meter**

#### **Reason**

A master water meter and backflow prevention must be installed to the property prior to commencement of works on-site.

*To ensure an appropriate meter is installed.*

### **17 Temporary Sanitary Facilities**

#### **Reason**

Toilet facilities must 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 must be:

*To ensure workers are provided with facilities.*

- A. a standard flushing toilet; and
- B. connected to either: an accredited sewage management facility or an approved chemical closet.
- C. Located on the site so as to minimise the visual and sensory impacts to neighbouring properties.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

### **18 Termite Control**

#### **Reason**

The building must be protected from termite attack in accordance with the provisions of Australian Standard AS 3660.1.

*To protect the development from termite damage in the future.*

NOTE: Under slab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

## **19 Enclosure of the Site**

### **Reason**

The site must be enclosed with a suitable security fence to prohibit unauthorised access. No building work is to commence until the fence is erected.

*To ensure the protection of the public*

## **20 Before You Dig Australia**

### **Reason**

Prior to carrying out any works, a "Before You Dig Australia" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

*To protect electricity assets from damage during construction works.*

In addition the Before You Dig Australia enquiry must be current at the time of undertaking the construction activity in accordance with the requirements of the Infrastructure Asset Owner'.

## **Part E – During Construction**

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### **21 Erosion and drainage management**

#### **Reason**

Erosion and sediment control works must be implemented in accordance with the Civil Engineering Package by Northrop dated 28/09/2023 and maintained throughout the construction process.

*To minimize impacts to adjoining properties.*

### **22 Infrastructure and Public Road and Footpath Areas**

#### **Reason**

Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development must not be borne by Council. The owner, principal contractor or owner-builder must meet all costs associated with such works.

*To ensure no negative impact on public road and footpath areas.*

### **23 Use of Power Tools - Non-Residential Areas**

#### **Reason**

The developer is to ensure that work on the development site by all persons using power tools and equipment is limited to the following hours:

Monday to Friday:	7.00am to 8.00pm
Saturday:	7.00am to 8.00pm
Sunday:	8.00am to 8.00pm

*To ensure building works do not have adverse effects on the amenity of the area.*

## 26 Items not to be placed on roadway

### Reason

The following items must not be placed on the footpath, roadway or nature strip at any time throughout the construction process:

*To ensure no obstruction to the roadway.*

- building materials, sand, waste materials or construction equipment;
- bulk bins/waste skips/containers; or
- other items that may cause a hazard to pedestrians.

## 27 Site maintenance

### Reason

The principal contractor, owner-builder or any other person having benefit of the development consent must ensure that:

*It is in the public interest that the development works do not damage existing Council infrastructure or cause nuisance to the community.*

- approved sediment and erosion control measures are installed and maintained during the construction period;
- building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held; and
- the site is clear of waste and debris at the completion of works.

Such measures must in place throughout the construction process.

## 28 Archaeology – Unexpected Finds

### Reason

If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the applicant must:

*To ensure the protection of objects of potential significance during works.*

- Not further harm the object(s).
- Immediately cease all work at the particular location.
- Secure the area so as to avoid further harm to the Aboriginal object(s)
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

All Aboriginal cultural heritage items must be mapped as polygons on all subdivision and operational plans to ensure these areas are not inadvertently impacted.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

## 29 Cut and fill

### Reason

Soil removed from or imported to the site must be managed in accordance with the following principles:

*To ensure legislative compliance.*

- A. All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW's Waste Classification Guidelines prior to disposal to an approved waste management facility and reported to the Principal Certifier.
- B. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material approved under the Department of Environment and Climate Change's general resource recovery exemption.

### **30 Protecting Wastewater supply services**

#### **Reason**

Council's existing wastewater infrastructure including rising mains, trunk, drainage pipelines and access chambers (SMH) which are exposed, accidentally or deliberately during construction shall be protected from damage.

*It is in the public interest that the development works do not damage existing Council infrastructure.*

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

### **31 Encroachments of services - Sewer**

#### **Reason**

No sewer service shall traverse or encroach onto any lot to service another.

*Service to remain wholly within lot it services*

### **32 Protecting Water supply services**

#### **Reason**

Council's existing water supply infrastructure including rising mains, trunk and reticulation pipelines which are exposed, accidentally or deliberately during construction shall be protected from damage.

*It is in the public interest that the development works do not damage existing Council infrastructure.*

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

### **33 Encroachments of services – Water**

#### **Reason**

No Water supply service shall traverse or encroach onto any lot to service another.

*Service to remain wholly within lot it services*

### **34 Approved Plans on Site**

#### **Reason**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times during construction and must readily available for perusal by any officer of the Council.

*To the works are being completed in accordance with the approved plans.*

### 35 Public Access and Site Security

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

#### Reason

*The ensure community is safe from the construction works.*

### 36 Excavation

1. The developer must ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
2. The developer must ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.
3. The developer must ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a. preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
  - b. at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
4. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. An allotment of land includes a public road and any other public place.
5. The developer must ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less that 150mm below the top of the reinforced concrete floor slab.

#### Reason

*To ensure the development complies with the requirements of Clause 98E of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended*

### 37 Dust Control Measures

Adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- a) Physical barriers must be erected at right angles to the prevailing wind direction or be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- b) Earthworks and scheduling activities must be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed, All materials must be stored or stockpiled at the best locations,
- c) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,

#### Reason

*To reduce impact on surrounding properties during construction.*

- d) All vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other material,
- e) All equipment wheels must be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- f) Gates must be closed between vehicle movements and be fitted with shade cloth, and Cleaning of footpaths and roadways must be carried out regularly.

### 38 Revegetation Works

#### Reason

At the completion of site works the following landscaping works are to be carried out:

*To minimize infestation of weeds.*

- a) all disturbed areas are to be weed free hay mulched.
- b) topsoil is spread over all disturbed areas with priority given to cut and fill batters;
- c) All disturbed areas are re-vegetated using drylands grass mix with a complete fertiliser;

### 39 Erosion and sediment control - Road

#### Reason

Adequate measures must be taken to prevent dust and dirt from the construction site through vehicles or otherwise to coming on to Geebung Street or any other public road.

*To reduce the impact on the public road during construction and to ensure that the public road carriage way is safe for road users during construction.*

During construction Erosion and sediment control works must be implemented in accordance with the endorsed erosion and sediment control plan and maintained throughout the construction process in accordance with the following measures;

- All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material,
- All equipment wheels must be washed before exiting the site using manual or automated sprayers and drive-through washing bays.

### 41 Independent services

#### Reason

Each lot must be provided with independent services i.e. electricity, gas, telecommunications, sewer and water, and inter-allotment drainage, all in accordance with the requirements of the relevant authority.

*Service to remain wholly within lot it services*

## Part F – Prior To the Issue of a Completion Certificate

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### 43 Infrastructure repair

#### Reason

Any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired to the satisfaction of Council and at no cost to Council.

*To protect councils infrastructure.*

### 44 Services

#### Reason

Any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications required as a result of the development must be at no cost to Council.

*To ensure any require services are installed by the developer.*

#### **45 Waste management**

All refuse, spoil and/or material unsuitable for use must be removed from the site and lawfully disposed of upon completion of the building works.

#### **Reason**

*To ensure waste is disposed of lawfully.*

#### **46 Finished Drainage System**

The developer is to submit two copies of the finished internal storm water drainage system to Council. The developer must ensure that the internal stormwater drainage system plans details include: a silt arrestor / surcharge pit within and adjacent to the property boundary, details of the point of discharge and method of connection to Council's storm water drainage system.

#### **Reason**

*To ensure adequate records are made of systems installed.*

#### **48 Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, must be repaired to the satisfaction of Council and to be met in full by the applicant.

#### **Reason**

*To protect councils roads and infrastructure.*

#### **49 Vehicle Industrial**

The developer must construct 2 x concrete vehicular verge crossing between from the edge of the carriageway of proposed extended section of Geebung street and the property boundary in conformity with Council's standard drawing No. 0243 and 8163. Formwork and reinforcing for the vehicular footpath crossing shall be inspected by the Council's Development Engineer or his delegate prior to the pouring of concrete. Arrangements for inspections can be made by telephoning 1300 345 345 during office hours. Inspection fees are payable for these inspections.

#### **Reason**

*To ensure appropriate access is constructed in accordance with council's standards.*

Maximum width of the western vehicular entrance in the verge must be kept to 8.2m for a 2 way movement of 8.8m medium rigid vehicle as specified in the report prepared by McLaren Traffic Engineering.

Maximum width of the eastern vehicular entrance in the verge must be kept to 10m for an unobstructed movement of 20m long articulated vehicle.

Concrete vehicular entrance must be a minimum distance of 500mm from all service assess points, riser, meters, hydrant and pits.

Concrete vehicular entrance/driveway must be a minimum distance of 1m from the property boundary.

#### **50 Storm Water Detention**

#### **Reason**

An on-site storm water drainage detention system must be installed on site as part of the development in accordance with the approved storm water drainage plans, Council's Development Control Plan and Council's Development Design and Construction Specifications or Council's Specifications for Engineering Works.

The detention system must be designed and installed to limit storm water discharge to a rate no greater than the pre-development discharge rate.

*To prevent downstream storm water impacts on private property and Council's storm water system.*

## **51 Separate Water and Sewerage Connections**

### **Reason**

**Water** - The developer must provide all necessary water supply reticulation works, property connections and associated facilities to service every lot in conformity with Council's "Cooma Monaro" Development Design and Construction Specifications.

**Sewer** - The developer must provide all necessary sewerage reticulation works, property connections and associated facilities to service every lot in conformity with Council's "Cooma Monaro" Development Design and Construction Specifications.

**Easement to Drain Sewer** - The plan of subdivision and Section 88B instrument must establish suitable easements not less than 3.0 metres wide in favour of Council to contain all sewerage mains within lots in the subdivision.

*To ensure the appropriate services connections are provided in accordance with councils standards.*

## **52 Works as Executed Plans**

### **Reason**

The developer must provide Council with a complete set of plans of the works as constructed, detailing all variations from the approved plans and to the acceptance of the Council's Development Engineer.

The Works-As-Executed plans must be submitted to Council in electronic format (.pdf), must be prepared and certified by a Registered Surveyor or Chartered Professional Engineer and define the location of all water supply, sewerage and, storm water infrastructure to the acceptance of the Council's Development Engineer.

*To ensure adequate records are made of systems installed.*

## **Part G – On-going Use**

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### **55 External lighting**

#### **Reason**

At all times for the life of the approved development, all outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, AS1158.3-1999 Pedestrian Area Category PI Lighting, and AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

*To ensure legislative compliance.*

### **56 Air conditioning units**

#### **Reason**

Air conditioning units must not be visible from the street or public place and are not to obscure windows or window frames or architectural features of the building.

*To protect the visual amenity and streetscape.*

## **57 Bushfire Conditions – ongoing requirements**

### **Reason**

### **1. Asset Protection Zones**

At the commencement of building works and in perpetuity the property around the building within the entirety of the boundary must be maintained as an Asset Protection Zones (APZ) in accordance with Section 7 (Table 7.4a) and Appendix 4 of Planning for Bush Fire Protection 2019.

### **2. Water Supply**

The water supply is required to be installed in accordance with the provisions of Section 7 (Table 7.4a) Water Supplies, of Planning for Bush Fire Protection 2019.

### **3. Access Requirements**

Property Access Roads shall comply with Section 7 (Table 7.4a) and appendix 3 of Planning for Bush Fire Protection 2019.

### **4. Landscaping Requirements**

Landscaping to the site is to comply with Section 7 (Table 7.4a) and the NSW RFS 'Asset protection zone standards' (Appendix 4).

### **5. Utility Service Requirements**

Water, electricity and gas services for the dwelling are to comply with Section 7 (Table 7.4a) of Planning for Bush Fire Protection 2019.

*In accordance with the requirements of Section 4.14 of the Environmental Planning and Assessment Act, 1979 and to ensure the development complies with Planning for Bush Fire Protection 2019'.*

## **58 Fire Safety**

### **Reason**

Each year the owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

*To ensure the building complies with BCA requirements.*

## **59 Rainwater Tanks**

### **Reason**

1. All fixtures connected to the supply system are marked 'RAINWATER'.
2. Rainwater tanks are de-sludged every three years.
3. For Non-Charged Systems rainwater tanks are to be fitted with a first flush device and filter sock to prevent potential contaminants from entering the tank.
4. For Charged Systems the charged line must have a flush out drain point.
5. Rainwater tanks must be fitted with the following:
  - a) Impervious covers and all access points, except for inlet and overflow, are fitted with close fitting lids.
  - b) The inlet and overflow shall incorporate a mesh covering and/or strainer.
6. The tank is enclosed, and inlets screened, to prevent the entry of foreign matter and to prevent mosquito breeding.
7. The roof catchment area must be kept clear of overhanging vegetation.

*To ensure the tank rainwater is kept safe for domestic use.*

8. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.
9. All storm water that is not collected by the tank must be directed away from tank foundations, buildings or other structures onto gardens or into rubble pits or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.
10. Tank overflow must be connected to a retention/infiltration device, swale, appropriate landscaping or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

## 60 Rainwater Tanks - Mains Top Up

### Reason

Each rainwater tank must be fitted with:

*To ensure the levels are maintained.*

- a. An automatic mains water top up or bypass system via a float switch to ensure water supply during prolonged dry periods. Top up systems should not be triggered until the tank is at least 80% empty (ie to keep the tank water level at approximately 900 litres or less in a 4,500 litre tank).
- b. A backflow prevention device in accordance with Australian Standard AS 3500.1.2 (1998). A first flush device and filter sock to prevent potential contaminants from entering the tank.

## 61 Exclusion Zone – Telecommunications area

### Reason

The site must be enclosed with a suitable security fence to prohibit unauthorized access.

*To ensure the safety of the public.*

The fence must have sufficient warning signage in place to ensure anyone approaching the antenna installations must be made aware of the RF hazards along with contact details for arranging service outages when access into the hazard area is required.

## 62 CASA Requirements

### Reason

Helicopter operations must comply with all requirements of the Civil Aviation Safety Regulations (CASR) and comply with requirements outlined in the following advisory circulars:

*To ensure operations are in line with requirements of the civil aviation safety authority.*

- AC 139.R-01 - Guidelines for heliports - design and operation
- AC 91-29 - Guidelines for helicopters – suitable places to take off and land

Please Note: The advisory circulars above are two of many circulars that need to be reviewed for compliance. Please refer to the CASA website for a full list of all applicable advisory circulars <https://www.casa.gov.au/search-centre/advisory-circulars>

## 63 Plan of Management

### Reason

A Plan of Management must be prepared and a copy provided to council prior to occupation of the Fire Control Centre.

*To ensure on-going operations of the site are conducted in a safe manner*

The Plan of Management must include but is not limited to:

- General RFS and aviation operational plan requirements.
- Proposed flight paths.
- How the recommendations of the “NSW RFS Monaro FCC Helipad – Rotor Downwash Review’ must addressed.
- Management measures to mitigate any impact between operations and scheduled race day activities at the adjoining racetrack.
- Management measures to ensure unobstructed tanker access to the bunded aviation fuel tank, particularly during emergencies.
- Management of car and heavy vehicle parking during emergencies.
- Implementation or management of downwash protection zones.

*under a Plan of Management.*