

<b>DATE OF DETERMINATION</b>	6 December 2024
<b>DATE OF PANEL DECISION</b>	5 December 2024
<b>DATE OF PANEL BRIEFING</b>	6 November 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Council interest DA

Papers circulated electronically on 25 October 2024.

#### **MATTER DETERMINED**

PPSSTH-429 – Queanbeyan-Palerang - DA.2024.0138 at 14 Heazlett Street Googong (Lot 1601 DP 1266000) - Demolition of existing bike track and construction of recreation facility (indoor) including 25m lap pool, children's wading pool, a two-court indoor sports hall, landscaping, signage and associated facilities (as described in Schedule 1).

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

The panel considered: the matters listed at item 6, the material listed at item 7 and 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, which the panel notes was prepared by an independent planning consultant. The panel was satisfied that:

- The prerequisites for the grant of consent had been met.
- The proposal was generally consistent with the Googong Masterplan as applicable to the precinct.
- The proposal is compliant with applicable LEP controls and consistent with the relevant zone objectives.
- A thorough assessment under section 4.15 of the *Environmental Planning and Assessment Act, 1979*, was undertaken.
- The development will not result in any unacceptable environmental, amenity or land use safety impacts.
- The site is suitable for the development as proposed.
- The development is in the public interest.

The panel was satisfied that the proposal would deliver a key recreation and leisure facility within the Googong recreation precinct anticipated under the *Googong Urban Development Planning Agreement* which was executed in 2012.

While the panel notes car parking is not proposed as part of the development consistent with the applicable controls, the panel concurred with the independent planning assessment that:

- 139 spaces are available for the development within the existing car parking arrangements which were approved with the subdivision of the site.
- there is sufficient car parking to cater for the car parking demand for the proposed development and the broader recreation area.
- the car parking arrangements are acceptable and appropriate.

Further, the panel agreed that there is no requirement for any changes to the existing road or parking infrastructure.

Prior to the final panel determination meeting, the applicant requested deferral of the decision. The request was to allow additional time to further negotiate advice and recommended conditions of consent provided by the NSW Rural Fire Service under s4.14 of the *Environmental Planning and Assessment Act 1979* regarding bush fire protection measures.

During the final briefing the applicant also requested the panel amend the conditions recommended by the NSW Rural Fire Service to reflect a low threat vegetation classification under *Planning for Bush Fire Protection 2019*. The panel considered these requests and was of the view that the conditions recommended by the NSW RFS were reasonable.

In summary, the panel was of the view that the development is a good design and addresses the key issues of traffic and carparking, acoustic, bushfire, waste management, safety, security and crime prevention and sustainability. Further, the proposal positively responds to the site and achieves a successful design outcome while delivering an important additional recreation facility for the growing Googong area.

## CONDITIONS

The Development Application was approved subject to the conditions contained in the Council's Independent Assessment Report, with the following amendments.



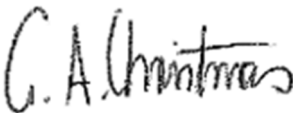
- Condition 2 was amended to include a requirement for the adoption of the sustainability requirements of the Northrop Consulting Engineers *5 Star Green Star Building Pathway* report.
- Condition 4 was amended to identify the Director, Development and Environment as the role within Council responsible for approval of signage.
- Condition 9 (new) was incorporated to require the preparation and submission for Council's approval of a revised landscape plan that takes into consideration the bushfire protection measures identified in Condition 5, and that all landscaping be maintained in perpetuity.
- Condition 9 (now Condition 10) was amended to correct a typographical error by changing rainwater *tanks* to *rainwater tank/s*.
- Condition 10 (now Condition 11) was redrafted to specify that the design of the onsite detention system should be aligned with Council's sustainable building strategy.
- Condition 13 (now 14) was amended to require the construction management plan to include details relating to traffic and heavy vehicle management, carparking and access, including consideration of events at adjoining facilities to ensure sufficient parking arrangements during construction.
- Conditions 15 and 16 (now Conditions 16 and 17) were amended to provide clarity by moving Condition 16(j) to sit with Condition 15.
- Condition 17 (now 18) was amended to include a requirement that evidence be provided to the Director, Development and Environment confirming through monitoring that plant and other equipment are operating to specification and acoustic limits at sensitive receivers are being achieved.
- Conditions 47, 48, 49 (now 48, 49, 50) were amended to ensure there would be no regulatory ambiguity regarding the approval authority by changing the approval entity from Council to the Director, Development and Environment.
- Condition 56 (now Condition 57) was amended to ensure that recommendations within the acoustic report relating to physical mitigation measures have been complied with prior to the issue of any relevant Occupation Certificate.

- Condition 67 (now Condition 58) was amended to correct a typographic error regarding the need for the Plan of Management report/s to read as plural.
- Condition 71 (now Condition 72) was amended to ensure consistency with condition 56 and require that all operational recommendations of the Acoustic Report are complied with in perpetuity.

The amended conditions endorsed by the Panel can be found in **Schedule 2**

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-429 – Queanbeyan-Palerang - DA.2024.0138
2	PROPOSED DEVELOPMENT	Demolition of existing bike track and construction of recreation facility (indoor) including 25m lap pool, children's wading pool, a two-court indoor sports hall, landscaping, signage and associated facilities
3	STREET ADDRESS	14 Heazlett Street Googong (Lot 1601 DP 1266000
4	APPLICANT/OWNER	The Trustee for The Eight Mile Planning Trust /Queanbeyan Palerang Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related 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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>State Environmental Planning Policy (Industry &amp; Employment) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Queanbeyan-Palerang Regional Local Environmental Plan 2022</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Googong Development Control Plan</li> <li>Queanbeyan Development Control Plan</li> </ul> </li> <li>Planning agreements: Googong Urban Development Planning Agreement</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: 25 October 2024</li> <li>Applicant request to defer determination received 4 November 2024</li> <li>Written submissions during public exhibition: 0</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 17 July 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li><u>Council assessment staff</u>: Tim Reich, Jacinta Tonner, Mary Kunang, Hamad Abro, Kylie Coe</li> <li><u>Council consultant assessment planner</u>: Kim Johnston</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Briefing: 7 August 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Tim Reich</li> <li>○ <u>Council consultant assessment planner</u>: Kim Johnston</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 6 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Tim Reich</li> <li>○ <u>Council consultant assessment planner</u>: Kim Johnston</li> <li>○ <u>Applicant representatives</u>: Liz Densley (8 Mile Planning), Ranga Fonseka (NBRS), Tim Corby</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council's Independent Assessment Report

## **Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

## **APPROVED DEVELOPMENT AND PLANS**

### **1. Plans and documents**

The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following except as modified by any of the following conditions of consent:

<b>DESCRIPTION</b>	<b>REF</b>	<b>DATE</b>	<b>REV</b>	<b>PREPARED BY</b>
<b>Architectural Plans</b>				
Cover	DA00	10/10/24	B	NBRS
Location Plan	DA01	11/4/24	A	NBRS
Site Plan	DA02	10/10/24	B	NBRS
Demolition Plan	DA10	11/4/24	A	
Ground Floor Plan	DA11	10/10/24	B	NBRS
Roof Plan	DA12	11/4/24	A	NBRS
Elevations Sheet 1	DA31	10/10/24	C	NBRS
Sections – Sheet 1	DA41	10/10/24	B	NBRS
Signage Sheet	DA55	10/10/24	C	NBRS
Materials Selections	DA80	11/4/24	A	NBRS
<b>Civil Plans</b>				
Cover Sheet – Sheet 1	CA001	9/4/24	G	spiire
General Arrangement Plan – Sheet 1	CA005	9/4/24	G	spiire
Pavement Plan – Sheet 1	CA040	3/4/24	D	spiire
Grading Plan – Sheet 1	CA200	9/4/24	G	spiire
Longitudinal Sections – Sheet 1	CA220	9/4/24	G	spiire
Intersection Turning Movement Plan – Sheet 1	CA320	22/3/24	F	spiire
Hydraulics Plan – Sheet 1	CA400	6/3/24	E	spiire
<b>Aquatics Plans</b>				
Cover sheet	AQ-00-00	29/2/24	A	SCP
Legends & Notes	AQ-00-01	29/2/24	A	SCP
General Arrangement	AQ-10-01	29/2/24	A	SCP
25m Pool Layout Plan	AQ-11-01	29/2/24	A	SCP
Splash Pad Layout Plan	AQ-12-01	29/2/24	A	SCP
Plant Room Plans	AQ-20-01	29/2/24	A	SCP
Plant Room Sections	AQ-20-02	29/2/24	A	SCP
<b>Services and Structural</b>				
Electrical Schematic Design Site Plan	ESK01	27 February 2024	F	Northrop
Electrical Schematic Design - Ground Floor	ESK02	27/2/24	F	Northrop

Electrical Schematic Design - Roof Plan	ESK03	23/2/24	F	Northrop
Hydraulic Services Drainage Services Ground Floor	H20.00	24/2/22	3	Northrop
Hydraulic Services Drainage Services Roof Plan	H20.01	24/2/20	3	Northrop
Hydraulic Services Pressure Services Ground Floor	H30.00	8/4/24	4	Northrop
Mechanical Design Roof Floor	M01	24/2/23	F	Northrop
Mechanical Design Plant Layout	M02	24/2/23	F	Northrop
Structural Concept Ground Floor Plan	SK01	23/2/24	5	Northrop
Structural Concept Roof Framing Plan	SK02	23/2/24	5	Northrop
Structural Concept Roof Framing Plan	SK02	21/2/24	5	Northrop
Structural Concept Section Details	SK06	23/2/24	3	Northrop
<b>Reports</b>				
Statement of Environmental Effects	-	17/4/24	V.1.1	Eight Mile Planning
Acoustic Report		22/3/24	2	Northrop
Traffic & Parking Impact Assessment	SCT_00518	10/4/24	2	SCT Consulting
Operational Waste Management Plan	5316	10/10/24	E	Elephants Foot
Construction & Demolition Waste Management Plan		11/4/24	D	Elephants Foot
Access Report	23000511	19/3/24	3	MBC Group
BCA Design Compliance Report	23000510	22 February 2024	2	MBC Group
Bushfire Assessment Report	JD.57.24	26 March 2024	1	Ember Bushfire Consulting
Crime Prevention Through Environmental Design Review	23026	11 April 2024	-	NBRS
Section J Report	SY230363-SER-01	8 March 2024	2	Northrop
5 Star Green Star Buildings Pathway	SY230363-00	19 February 2024		Northrop

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.*

## **GENERAL CONDITIONS**

### **2. Sustainable Design**

In accordance with the requirements of Council's Sustainable Design for Council Buildings Policy, the development is to implement the requirements of the "5 Star Green Star Buildings Pathway" report by Northrop consulting Engineers to achieve a 5 star Green Star rating.

*Reason: To ensure Council facilities comply with Council Policy.*

### 3. Canberra Airport Requirements

The development will be subject to the following permanent Civil Aviation Safety Authority (CASA) requirements at this location. There are no additional mitigations required for the installation of the solar panel array, but CASA requirements will apply to any future fixtures above the rooflines of the building e.g. aerials that affixed to the roof areas of the development or increased height of light poles:

CASA has assessed the maximum height of buildings and developments at this site to a maximum height of 757.88m AHD i.e. an intrusion of 37.88m into the Outer Horizontal Surface (OHS) for Canberra Airport which is at a height of 720m AHD. CASA notes that the elevation of the site is above the OHS. CASA has no objections to the structures that would intrude into the OHS at the site to a maximum height of 757.88m AHD provided they do not exceed a maximum height of 20m Above Ground Level (AGL). In this case, obstacle lighting / marking of such structures is not required.

Should any of the construction details of this consent change in height or location, full details are required to be submitted to Canberra Airport for reassessment.

If crane/s, EWPs, telehandlers any or other telescoping equipment is required for construction and works at the site, full details of any crane operations must be submitted to Canberra Airport for a further OLS assessment. The Obstacle Assessment Form (OAF) is located here: <https://www.datocms-assets.com/88007/1675723431-obstacle-application-form.pdf>

*Reason: To ensure the proposal complies with the requirements of Canberra Airport.*

### 4. Signage

The signage is approved under this consent, however, the wording/lettering is subject to further consultation with Council through the Director Development & Environment.

*Reason: To ensure the name of the facility is in accordance with the requirements of Council.*

### 5. RFS Requirements

The following requirements are imposed by the NSW Rural Fire Service:

- (a) **Asset Protection Zone** - From the commencement of building works and in perpetuity, the property around the proposed development must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- i. north, east, south and west for a distance of 36 metres.

When establishing and maintaining an inner protection area, the following requirements apply:



- ii. tree canopy cover should be less than 15% at maturity;
- iii. trees at maturity should not touch or overhang the building;
- iv. lower limbs should be removed up to a height of 2 m above the ground;
- v. tree canopies should be separated by 2 to 5 m;
- vi. preference should be given to smooth-barked and evergreen trees;
- vii. large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- viii. shrubs should not be located under trees;
- ix. shrubs should not form more than 10% ground cover;
- x. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- xi. grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- xii. leaves and vegetation debris should be removed regularly.

**(b) Construction Standards** - New construction must comply with section 3 and section 5 (BAL 12.5) *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

**(c) Landscaping** - Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- i. A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- ii. Planting is limited in the immediate vicinity of the building;
- iii. Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- iv. Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- v. Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- vi. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- vii. Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- viii. Avoid climbing species to walls and pergolas;
- ix. Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- x. Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- xi. Low flammability vegetation species are used.

**(d) Emergency Management** - A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:

- i. a mechanism for the relocation of occupants on days with an 'extreme' or catastrophic' fire danger rating or days declared as a total fire ban;
- ii. contact details for the local Rural Fire Service office;

- iii. procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

*Reason: To ensure the facility is constructed and operated in accordance with the requirements of the NSW Rural Fire Service and Planning for Bush Fire Protection 2019.*

## **6. Obtain Construction Certificate**

Obtain a construction certificate/subdivision works certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate/subdivision works certificate.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

## **7. Obtain Occupation Certificate**

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

*Reason: Ensure that the building complies with relevant standards.*

## **8. Comply with the Building Code of Australia**

All work is to comply with the current edition of the Building Code of Australia.

*Reason: All building work is carried out in accordance with relevant construction standards.*

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

## **9. Revised Landscape Plan to be Provided**

Prior to issue of a Construction Certificate, a revised landscape plan, consistent with the Bushfire Protection Measures, specified in Condition 5, is to be submitted to Council, through the Director Development & Environment, for approval.

*Reason: To comply with the Bushfire Protection Measures required by NSW RFS.*

## **10. Stormwater Disposal Requirements**

Rainwater tank/s are to be installed on the site to allow water reuse on the site. The overflow from the rainwater tank/s and all other stormwater generated within the property must be trapped and piped to the stormwater tie in the lot. An in-ground Gross Pollutant Trap (GPT) targeting litter is to be installed in accordance with Council's D7 *Erosion Control and Stormwater Management Specification*. Details are to be provided on the Construction Certificate plans.

*Reason: To provide a satisfactory standard of stormwater disposal.*

## **11. On-Site Detention System Design**

Prior to Construction Certificate being issued, an assessment of the need for an on-site detention system must be provided to Council's Development Engineering Section for consideration in accordance with the requirements of Council's Development Design Specification D5. Should an on-site detention system be required, a design conforming to Council's Development Design specification shall be submitted to Council. The design shall be accompanied by a certification from a suitably qualified hydraulics engineer.

*Reason: To ensure on site detention is designed in accordance with the Council's specification.*

## **12. Submit an Application for Trade Waste (C5)**

Prior to the issue of the Construction Certificate (Building) a Trade Waste Application (C5) to install a waste treatment device or devices must be submitted to, and approved by, Council. The waste treatment devices proposed must be able to cater for discharges from the following sources:

- (a) Kitchen
- (b) Café

The application must include the following details;

- (c) Details and location of all processes, tanks, pits and apparatus associated with the generation of trade waste and,
- (d) Specifications of the treatment system including capacity/dimensions, material of construction and lining of the proposed pre-treatment facilities and,
- (e) Details of pipes and floor drainage conveying the waste and,
- (f) A detailed sewage drainage plan.

*Reason: To ensure compliance with Section 68 of the Local Government Act 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.*

*Note: For further information regarding Trade Waste treatment and discharge please contact Council's Trade Waste Officer on (02) 6285 6000.*

### **13. Public Swimming Pools & Spas – Maintenance and Operation**

Swimming and Spa Pools must be maintained and operated:

- (a) in compliance with the NSW Health Public Swimming Pool and Spa Pool Advisory Document (April 2013) in force at that time;
- (b) in compliance with AS 1926.3-2010: *Swimming pool safety - Water recirculation systems*;
- (c) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2:2015 - *Plumbing and Drainage - Sanitary plumbing and drainage* (as amended); and
- (d) in compliance with the Public Health Act 2010;
- (e) in compliance with the Public Health Regulation 2012.

Details are to be provided with the Construction Certificate.

*Reason: To ensure compliance with legislative requirements and to protect public health.*

### **14. Submit a Construction Management Plan**

Prior to release of any Construction Certificate (Building), a Construction Management Plan for the management of soil, water, vegetation, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and approved by, the Principal Certifying Authority. The plan must:

- (a) describe the proposed construction works and construction program and,
- (b) set standards and performance criteria to be met by the construction works and,
- (c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- (d) identify procedures to receive, register, report and respond to complaints and,
- (e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans
- (f) include a vehicle management plan (VMP) detailing how heavy and light vehicles will access the site, avoid interaction and nominate parking and plant standdown areas.

*Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.*

### **15. Food Premises - Construction and Fit-out Requirements**

Food handling and storage areas must be constructed and fit out in accordance with:

- (a) AS 4674-2004 - *Construction and fit out of food premises*.
- (b) AS/NZS 1668.2-2012 - *The use of ventilation and air-conditioning in buildings - mechanical ventilation in buildings*.

Details are to be provided in the Construction Certificate plans.

*Reason: To ensure safe and hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2015, Food Standards Code and relevant Australian Standards.*

## **16. Develop Litter Management Plan**

The applicant shall develop a Litter Management Plan and submit the proposed plan to Council for approval prior to the issue of a Construction Certificate. The Litter Management Plan shall cover all external areas of the development site, including any parking areas or other public domain, and immediately adjacent public land where necessary.

The Litter Management Plan shall detail:

- (a) how litter will be managed
- (b) bin placement on the property – show on plans (recommend only using general waste bins as recycling bins are usually contaminated in public areas unless they only take bottles and cans)
- (c) the frequency of litter management activities, including triggers for ad-hoc collections
- (d) who will be responsible for funding, managing and implementing the Plan.
- (e) how this project is contributing to the NSW Litter Prevention Strategy 2022–30 (NSW EPA, November 2022) target to achieve “a 30% reduction in plastic litter items by 2025, and a 60% reduction in all litter items by 2030.

*Reason: To protect local amenity and prevent litter impacts on the environment.*

## **17. Provide a Construction and Demolition Waste Management Plan**

A Waste Management Plan, prepared by a suitably qualified or experienced professional, shall be submitted to Council for approval. The waste demolition and construction management plan shall include:

- (a) The presence, or otherwise, of asbestos containing material (ACM) in or on the site, the nature of the ACM, estimated quantities, and the approach to managing this ACM
- (b) Estimated quantities of demolition waste broken down into major waste streams
- (c) Description of how demolition waste will be reused, recycled or otherwise safely and legally diverted from landfill for the duration of the demolition works
- (d) Estimated quantities of demolition waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill
- (e) Estimated quantities of construction waste broken down into major waste streams
- (f) Description of how construction waste will be avoided, reused, recycled or otherwise safely and legally diverted from landfill for the duration of construction works
- (g) Estimated quantities of construction waste to be landfilled, reused, recycled, or otherwise safely and legally diverted from landfill
- (h) Estimated quantities of excavated natural material (ENM), the expected classification of ENM and how ENM will be managed and disposed
- (i) Generally addressing how this project is contributing to the *NSW Waste and Sustainable Materials Strategy 2041* (NSW DPIE, June 2021) target to achieve “80% average recovery rate from all waste streams by 2030”.

*Reason: To ensure that the waste management is appropriately considered and managed at the construction stage.*

## **18. Acoustic Report**

Prior to issue of the Construction Certificate, an acoustic report must be submitted to Council, through the Manager Environmental Health, that confirms the likely impacts of the plant equipment on neighbouring residential properties meets the requirements under the NSW EPA *Noise Policy for Industry 2017*.

All recommendations from this report must be implemented.

*Reason: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the Construction Certificate.*

## **19. Servicing**

All servicing arrangements for the facility are to be undertaken in accordance with the requirements of the relevant service providers. Details are to be provided with the Construction Certificate.

*Reason: To ensure all servicing arrangements are undertaken in accordance with the relevant service provider's requirements.*

## **20. Lighting In Car Parks and Public Spaces**

Lighting throughout the car parking area and in public spaces must comply with AS/NZS 2890.1:2004 - *Parking Facilities - Off-Street Car Parking* and AS/NZS 1158 Set:2010 - *Lighting for Roads and Public Spaces*. Details are to be provided with the Construction Certificate.

*Reason: To ensure the provision of adequate lighting within the development.*

## **21. Car Parking to Comply with AS/NZS 2890**

All car parks must comply with AS/NZS 2890.1 - 2004 *Parking Facilities Off-Street Car Parking*. Pavement line marking with bay dimensions to comply with AS/NZS 2890.1-2004, must be shown within the car parking areas to delineate parking bays. Details are to be provided with the Construction Certificate.

*Reason: To provide adequate off-street car parking.*

## **22. All Surfaces to Be Concrete or Asphalt Surfaced**

All parking spaces, loading bays, driveways and turning aisles must be either concrete or asphalt surfaced, with all parking spaces line marked. Details are to be provided with the Construction Certificate.

*Reason: To ensure car parking spaces are functional prior to use of the premises.*

## **CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS**

### **23. Appoint PCA (Building)**

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken

*Reason: To provide for supervision of the subdivision works.*

### **24. Site Identification**

The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- (a) the development application number,
- (b) name, address and telephone number of the principal certifying authority,
- (c) name of the principal contractor (if any) and 24 hour contact telephone number, and
- (d) a statement that "unauthorised entry to the work site is prohibited".

*Reason: To satisfy the provisions of Clause 70 of the Environmental Planning and Assessment Regulation 2021.*

### **25. Traffic Management and Section 138 Consent**

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved Road Occupancy Licence (ROL) from the Transport for NSW (TfNSW) for State Roads.

*Reason: To ensure that works carried out comply with the Roads Act.*

### **26. Sediment and Erosion Control**

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom

publication *Managing Urban Stormwater - Soils and Construction (4th Edition 2004 - "Blue Book")*.

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

## **27. Submit an Application for Trade Waste (C4)**

Prior to the commencement of any building work, a Trade Waste Application (C4) for disposal into sewer must be submitted to, and approved by, Council.

*Reason: To ensure compliance with Section 68 of the Local Government Act, 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.*

## **28. Protect Trees on Public Land**

All trees located on Council owned or managed lands, including the verge between the property boundary and the street kerb and gutter, must be protected in accordance with AS4970-2009: *Tree Protection on Development Sites* and the following measures:

- (a) During construction, ensure retained trees are protected by cyclone/chain mesh fencing

The fencing must:

- 1) extend around the drip line of the tree,
- 2) be a minimum of 1.8 metres high,
- 3) consist of a minimum of 4 panels,
- 4) be erected prior to commencement of any work; and
- 5) remain in place until all site works have been completed.

Please note that verge surfaces, including soft and hardscape areas, are subject to protection measures during construction according to other Council policies.



*Reason: To ensure that tree(s), including street trees, are protected from damage during construction.*

## **29. Establish Construction and Demolition Waste Areas**

Establish construction and demolition waste areas in accordance with the approved Construction and Demolition Waste Management Plans.

*Reason: To ensure that construction and demolition waste is effectively managed.*

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS**

### **30. Hours of Operation for Works**

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Weekdays: 7.00am to 6.00pm

Saturdays: 8.00am to 4.00pm

Sundays and Public Holidays: NIL

*Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.*

### **31. Approval Documents**

A copy of all stamped approved plans, specifications and documents shall be kept on site while work is being undertaken.

*Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

### **32. Construction Facilities**

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

*Reason: To provide adequate facilities to the work site.*

### **33. All Works to Be Confined to the Site**

All demolition, excavation, backfilling, construction and other activities associated with the development must:-

- (a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- (b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- (c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- (d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- (e) Any gates must be installed so they do not open onto any footpath or adjoining land.

*Reason: To ensure that all development activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired.*

#### **34. Unauthorised Use of Public Land**

No building materials are to be stored, or construction activities undertaken, on public or adjoining land without prior written approval from Council.

*Reason: To prevent unnecessary disturbance to public land.*

#### **35. Work on Adjoining Land Is Limited**

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by construction activities with the exception of:

- (a) Installation of a temporary, stabilised construction access across the verge,
- (b) Installation of services,
- (c) Construction of an approved permanent verge crossing.

*Reason: To minimise interference with the verge and its accessibility by pedestrians.*

#### **36. Work In Accordance with Engineering Specifications**

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Queanbeyan-Palerang Regional Council's current Design and Construction Specifications.

*Reason: To ensure design, construction and restoration work is in accordance with Council's standards and requirements.*

#### **37. Dust Management**

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to

abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.*

### **38. Works Sites to Be Fenced**

A fence must be erected between the development site and public places before commencement of any other work.

*Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.*

### **39. Fill Material**

All soil excavated during demolition or construction work that are to be disposed of must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Any soil to be removed from the site that is found to be contaminated must be disposed of to an EPA licensed landfill. Receipts from the disposal of the contaminated material must be provided upon request from the regulatory authority.

All fill delivered to site has to be certified Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM).

*Reason: Only clean and non-contaminated fill is used on site.*

### **40. Temporary Vehicle Access**

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

*Reason: To minimise transfer of soil from the site onto the road pavement.*

### **41. Construction Waste Management**

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

*Reason: To ensure adequate waste management practices are in place during the construction phase.*

#### **42. Manage Construction and Demolition Waste Areas**

Manage construction and demolition waste areas in accordance with the approved Plans for the duration of the works.

*Reason: To ensure that construction and demolition waste is effectively managed.*

#### **43. Keep Construction and Demolition Waste Records**

Record details of construction and demolition waste generated by the works, including the following information:

- (a) Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled).
- (b) Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site.

*Reason: To ensure an adequate level of public safety and convenience during construction.*

#### **44. Surface Water**

Surface water shall not be re-directed onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

*Reason: Stormwater disposal does not impact on the building or neighbouring properties.*

#### **45. Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- (a) the work in the area of the discovery must cease immediately; and
- (b) the following must be notified
  - i. for a relic – the Heritage Council; or
  - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- (a) for a relic – the Heritage Council; or

- (b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

*Reason: To ensure Aboriginal cultural heritage is protected.*

#### **46. Unexpected Contamination**

Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately.

All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

*Reason: To ensure any contamination discovered during construction is appropriately managed.*

### **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

#### **47. Occupation Certificate**

The Occupation Certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

*Reason: To ensure that the development is safe & appropriate for occupation, and is completed in accordance with the consent.*

#### **48. Plan of Management**

A Plan of Management for the operation of the facility is to be provided to Council, through the Director Development & Environment, prior to the issue of the Occupation Certificate. This Plan must

outline the operation of the facility, including but not limited to car parking, hours of operation and the recommendations of the Acoustic Reports.

*Reason: To ensure that the development is operated without significant impacts to the local area.*

#### **49. Safety and Security Measures**

Certification shall be provided to Council, through the Director Development & Environment, that the safety and security requirements of this consent have been implemented prior to the issue of the Occupation Certificate.

*Reason: To ensure that the development has adequate safety and security measures and is safe for the community to use.*

#### **50. Signage**

The wording/lettering on the approved signage is to be approved by Council, through the Director Development & Environment, prior to the issue of the Occupation Certificate.

*Reason: To ensure the name of the facility is in accordance with the requirements of Council.*

#### **51. Submit Survey Plan Showing Boundary Setbacks**

Certification from a Registered Surveyor that the building has been set out in accordance with the datum shown on the approved plans is required prior to the issue of the Occupation Certificate.

*Reason: To ensure building has been sited in accordance with the approved plans.*

#### **52. Sewage Connection**

Prior to the issue of the Occupation Certificate, the premises must be connected to Queanbeyan-Palerang Regional Council's sewerage infrastructure.

*Reason: Premises are connected to available domestic sewerage system.*

#### **53. Works as Executed - On-Site Detention System**

Prior to the issue of the Occupation Certificate, Work as Executed drawings of the constructed on site detention system certified by the designer are to be submitted to Council accompanied by evidence of restriction of land use of the land and positive covenant over the lot in favour of Council.

*Reason: To ensure on site detention is constructed in accordance with the designed system and that its ongoing maintenance is enforceable by law.*

#### **54. Stormwater Disposal Requirements**

Certification from an appropriately qualified engineer is to be provided that all stormwater infrastructure has been installed in accordance with Council's D5 Development Design Specification and D7 Erosion Control and Stormwater Management Specification and the requirements of this consent prior to the issue of the Occupation Certificate.

*Reason: To provide satisfactory stormwater disposal and water quality.*

#### **55. Water Service and Water Meter**

A new water meter and water service shall be installed by Council at no cost to the Council prior to the issue of the Occupation Certificate. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council. The meter shall be installed in an easily accessible position at the front of the site, or other accessible position approved by Council.

*Reason: To ensure that the development is appropriately water metered.*

#### **56. Lighting In Car Parks and Public Spaces**

Prior to the issue of the Occupation Certificate, certification from an appropriately qualified consultant is to be provided which certifies that the lighting installed for the facility complies with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking and AS/NZS 1158 Set:2010 - Lighting for Roads and Public Spaces.

*Reason: To ensure the provision of adequate lighting within the development.*

#### **57. Compliance with Acoustic Reports**

Prior to the issue of the Occupation Certificate, certification from an appropriately qualified consultant is to be provided certifying all recommendations and specifications, relating to physical works as, detailed in the acoustic report, Report No.SY230363-00-AU-RP01 Rev.2, by Northrop consulting Engineers, for Googong Indoor Sports and Aquatic Centre as well as the acoustic report for plant equipment, have been implemented.

*Reason: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the development consent.*

#### **58. Compliance of Car Parking**

Certification from an appropriately qualified engineer is to be provided that the car park complies with *AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking* prior to the issue of the Occupation Certificate.

*Reason: To provide adequate off-street car parking.*

#### **59. Install and Commission Waste Infrastructure**

The applicant shall install, and commission as necessary, all waste infrastructure required to service the development, including signage or line marking prior to the issue of the Occupation Certificate.

*Reason: To ensure that construction and demolition waste is effectively managed.*

#### **60. Submit Construction Waste Records**

Prior to the issue of an Occupation Certificate, the Proponent shall submit to Council the following information:

- (a) Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled).
- (b) Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site.
- (c) A signed declaration confirming that the information supplied is a true and accurate record.

*Reason: To ensure verification that waste has been legally managed.*

#### **61. Erosion and Sediment Control**

Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

*Reason: To ensure the environmental impact associated with any works is minimised and to prevent soil erosion/water pollution.*

#### **62. Repair Damaged Public and Private Property**

Any damage caused to public and private property during the construction of the development and any associated activities must be repaired or reinstated prior to the issue of the Occupation Certificate.

*Reason: To ensure that all public and neighbouring private property in the vicinity of the development is maintained in its pre-development condition.*



### **63. Fire Safety Certificate**

Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Queanbeyan-Palerang Regional Council (and to the principal certifying authority if not Queanbeyan-Palerang Regional Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued.

As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:

- (a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
- (b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.

*Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

### **64. Swimming Pools – Filling with water**

The swimming pool and spa shall not be filled until all of the required safety features have been completed in accordance with the approved plans and specifications and inspected by the PCA.

*Reason: To ensure compliance with the relevant legislative requirements.*

### **65. Public Swimming Pool/Spa – Registration**

Prior to the issue of any Occupation Certificate or occupation or use of any public pool / spa premises:

- (a) A satisfactory final inspection of the fit out of the public pool / spa premises must have been undertaken by Council's Environmental Health Officer; and
- (b) The public pool / spa premises must be registered with Council (as required under Part 3, Clause 19 of the *Public Health Regulation 2012* (as amended)).

Evidence demonstrating the above requirements have been satisfied is required to be provided to

the PCA.

*Reason: To ensure compliance with the relevant legislative requirements.*

## **66. Certification of Food premises**

Prior to the issue of any Occupation Certificate, certification that the food premises comply with the Food Act 2003 (as amended), Food Regulation 2015 (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)* is to be provided.

## **CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES**

### **67. Hours of operation**

The approved hours of operation shall be restricted to the following:

- (a) Monday to Friday - 5.30am to 7.30pm
- (b) Saturday and Sunday – 7.00am to 6.00pm

All deliveries and waste collection must also be undertaken within these operating hours.

*Reason: To ensure the amenity of the area is protected.*

### **68. Plan of Management**

The Facility must always be operated and managed in accordance with the provisions contained within the Plan of Management, required by this development consent. The Plan of Management must adopt the recommendations of the acoustic report, Report No.SY230363-00-AU-RP01 Rev.2, by Northrop consulting Engineers, for Googong Indoor Sports and Aquatic Centre as well as the acoustic report for plant equipment.

*Reason: To ensure the amenity of the area is protected.*

### **69. Sports Hall**

The doors to the sports hall are to remain closed during the operation of the facility.

*Reason: To ensure the amenity of the area is protected.*

## **70. Amenity of the neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

*Reason: To ensure the amenity of the area is protected.*

## **71. Noise Control**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the *Protection of the Environment Operations Act 1997* (as amended).

*Reason: To ensure the amenity of the area is protected.*

## **72. Compliance with Acoustic Report**

In relation to ongoing operations of the facility, all recommendations and specifications detailed in the *Acoustic Report* (Reference No.SY230363-00-AU-RP01 Rev.2), prepared by Northrop consulting Engineers, for Googong Indoor Sports and Aquatic Centre as well as the acoustic report for plant equipment must be implemented and adhered to.

*Reason: To ensure the amenity of the area is protected.*

## **73. Public Swimming Pools & Spas – Maintenance and Operation**

Swimming and Spa Pools must be maintained and operated:

- (a) in compliance with the NSW Health Public Swimming Pool and Spa Pool Advisory Document (April 2013) in force at that time;
- (b) in compliance with AS 1926.3-2010: *Swimming pool safety - Water recirculation systems*;
- (c) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2:2015 - *Plumbing and Drainage - Sanitary plumbing and drainage* (as amended); and
- (d) in compliance with the Public Health Act 2010;
- (e) in compliance with the Public Health Regulation 2012.

*Reason: To ensure compliance with legislative requirements and to protect public health.*

## **74. Food premises – Maintenance of Food Premises**

The food premises must be maintained in accordance with the Food Act 2003 (as amended), Food Regulation 2015 (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.

*Reason: To ensure compliance with legislative requirements and to protect public health.*

## **75. Outdoor Lighting**

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.

*Reason: To ensure the amenity of the area is protected.*

## **76. Compliance with Operational Waste Management Plan**

The applicant shall ensure that the requirements of the Indoor Sports and Aquatic Centre, Googong Sporting Facility Development Operational Waste Management Plan (Elephants Foot Consulting Pty Ltd, Revision C or later approved revision as appropriate) is complied with by all tenants or other occupants of the development.

*Reason: To ensure that waste is managed in accordance with the approved Waste Management Plan.*

## **77. Waste collection from within the Site**

Collection of waste generated in connection with the ongoing operation of the development must be carried out wholly within the site. All receptacles, storage areas and vehicles required for the collection of waste from development must be accommodated wholly within the site. Bins are not to be transferred to, collected from, or stored on, the public street at any time.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge and to protect local amenity.*

## **78. Waste collection vehicles to enter and exit the Site in a forward direction**

Waste collection vehicles entering or exiting the site shall only do so in a forward direction.

*Reason: To ensure the risks associated with reversing heavy vehicles onto a public road is eliminated.*

## **79. Maximum Vehicle Size**

The maximum size of truck using the proposed development shall be limited to Heavy Rigid Vehicle as denoted in AS2890.2-2002: *Parking Facilities – Off-street commercial vehicle facilities*.

*Reason: To ensure vehicles can enter and leave the site in a forward direction.*

#### **80. Maintain and Operate Litter Management Plan**

The applicant shall maintain and operate, for the life of the development, the approved Litter Management Plan.

*Reason: To ensure the approved Litter Management Plan is implemented.*

#### **81. Maintain Car Parking Areas and Driveway Seals**

All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition, including line/pavement marking.

*Reason: To ensure car park areas are useable.*

#### **82. Submit Annual Fire Safety Statement**

Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

*Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001.*

#### **83. Vehicle and Goods Storage Confined to the Site**

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.*

#### **84. Car Parking Spaces to Be Kept Free At All Times**

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times. The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.

*Reason: To ensure such areas are available for occupants and visitors of the site and parking on site is used for the development.*

#### **85. Essential Fire Safety**

The owner of the building must maintain each essential fire safety measure in the building premises to a standard no less than that specified in the legislation.

*Reason: To ensure compliance with Environmental Planning and Assessment Regulation 2021.*

#### **86. Management of Landscaping**

Landscaping for the development is to be maintained, in perpetuity, in accordance with the Bushfire Protection Measures outlined in Condition 5.

*Reason: To comply with the Bushfire Protection Measures required by NSW RFS.*

### **SECTION 68 LOCAL GOVERNMENT ACT 1993 PLUMBING AND DRAINAGE APPROVAL**

#### **87. Plumbing and Drainage Installation Regulations**

Plumbing and drainage work must be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005*, the *Plumbing and Drainage Act 2011* and Regulations under that Act and with the *Plumbing Code of Australia*. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

*Reason: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005.*

#### **88. Inspection of Plumbing and Drainage**

Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

*Reason: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2012 and Council's inspection schedule.*

## **89. Floor Level to Be 150mm Above Yard Gully**

The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

*Reason: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system.*

## **90. Insulate Heated and Cold Water Service Pipes**

Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: *Plumbing and Drainage*:

- (a) unheated roof spaces
- (b) locations near windows, ventilators and external doors where cold draughts are likely to occur
- (c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.

*Reason: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.*

## **91. Waterproofing of Wet Areas**

The bathroom is to be waterproofed in accordance with the Building Code of Australia Volume 2 Section 3 – Part 3.8.1. Waterproofing is to be inspected by Council prior to the installation of tiles or other wall/floor lining materials

*Reason: Works comply with the Building Code of Australia*

## **92. Heated Water Not To Exceed 50 Degrees C**

All new heated water installations must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius. All heated water installation for any accessible facility must deliver hot water at a temperature not exceeding 45° Celsius.

*Reason: To prevent accidental scalding.*

## **93. Required Council Inspections**

Council is the sole approval authority for water plumbing, sanitary plumbing and drainage and on-site sewerage management systems. Should a private sector accredited certifier be used for the building Council will require inspections in accordance with the schedule below:

- (a) External sanitary drainage lines prior to backfilling with bedding materials in place
- (b) Internal sanitary drainage prior to backfilling
- (c) Water plumbing prior to sheeting walls
- (d) Sanitary plumbing prior to sheeting walls
- (e) At the completion of works and prior to occupation of use of the building

Council requires a minimum of 48 hours' notice for inspections. To book inspections please contact the Council Office on 1300 735 025. When booking inspections please quote your address and application number.

### **General advisory notes**

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

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

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

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

### **Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

### ***Telecommunications Act 1997 (Commonwealth)***

Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.



## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means Queanbeyan-Palerang Regional Council

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** Nil for Queanbeyan-Palerang Regional Council

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Southern Regional Planning Panel (SRRP)