

DATE OF DETERMINATION	1 July 2025
DATE OF PANEL DECISION	1 July 2025
DATE OF PANEL MEETING	11 June 2025
PANEL MEMBERS	Chris Wilson (Chair), Grant Christmas, Juliet Grant
APOLOGIES	None
DECLARATIONS OF INTEREST	Council nominated panel members did not participate due to Snowy Valley Council having an interest in the development

Public meeting held at the Valmar Support Services building, 63-35 Russell Street Tumut and by teleconference on 11 June 2025, opened at 9:00am and closed at 11:50am.

Papers circulated electronically on 2 June 2025 and 23 June 2025.

MATTER DETERMINED

PPSSTH-483 – SNOWY VALLEYS – DA2025/0026 - Russell Street and Richmond Street TUMUT - Multipurpose Indoor Recreation Facility & Evacuation 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 and the material presented at meetings and briefings, relevant matters raised during the public determination and matters observed at the site inspection (as listed at item 8 in Schedule 1).

A Public Determination Meeting was held on 11 June 2025 where members of the community, stakeholders and the applicant were given an opportunity to address the Panel.

On the 18th of June 2025 the Panel determined to defer its determination of the matter to allow for the following further information to be provided:

- 1. Consideration of late information including:**
 - a) Supplementary submissions provided to the panel and uploaded as “late information received” in the planning portal.
 - b) Amended Noise Impact Assessment uploaded on the planning portal on 9 June 2025.
- 2. Perspectives**
 - a) Provision of perspectives illustrating the built form within the existing residential context particularly from Nos. 2 and 4 Robertson Street, and Nos. 31-35 Richmond Street.
- 3. Shadow diagrams**
 - a) Consideration of the predicted impact of overshadowing on the residential properties at 2 and 4 Robertson Street having regard to applicable guidance on solar access.
- 4. Heritage impacts**
 - a) Consideration of any heritage impacts of the development as required under cl 5.10(5) of Tumut LEP on nearby local heritage items particularly Sefton House.
- 5. Categorisation of Crown Land under the Care, Control and Management of Council**
 - a) Explanation regarding the Plan of Management for the Crown Reserve, which is under the care and control of Council.
 - b) Clarification of the boundaries for each land use on the reserve and the categorisation of land across the reserve (e.g. community use, operational land).
- 6. Car parking**
 - a) Clarification and justification of adopted car parking rates having regard to Tumut DCP.

7. Emergency evacuation centre

- a) Function and adequacy of the emergency evacuation centre having regard to relevant guidelines including Guideline_Evacuation_Management_Dec_2023.pdf.
- b) Details of consultation and engagement with relevant emergency services in terms of the functionality of the facility should there be an emergency in the Snowy Valleys LGA.
- c) Confirmation that there are sufficient facilities and general compliance with any BCA requirements for the emergency evacuation centre.
- d) Consideration of the Transport Infrastructure SEPP and any implications for emergency services facilities and this DA.

8. Plan of Management

- a) The need to expand on the requirements contained with the POM to include proactive community liaison during its operation as a Multi-Purpose Facility.
- b) Consideration of the Land & Environment Court planning principle (Dayho v Rockdale City Council [2004] NSWLEC 184) regarding monitoring compliance with a condition of consent.

9. Redrafted conditions

- a) Should the Panel be of a mind to support the application, provide an updated instrument of consent with the supplementary report which has regard to the above matters.

On 20 June 2025 the applicant uploaded supporting information to the Portal responding to the matters raised in the Panel deferral. The Independent Assessment Planner uploaded a supplementary assessment report to the planning portal on 24 June 2025. All documents were published to the portal and the supplementary assessment report was circulated for consideration to the Panel electronically on 25 June 2025.

Conflicts of Interest

During the public determination meeting a member of the public raised concern regarding potential conflicts of interest for Council in the preparation of the assessment report noting the proposal constitutes a council interest DA. The Panel Chair has considered this matter and is satisfied that any risks associated with a potential conflict of interest have both been managed given Council's appointment of an independent assessment planner to consider the application, and further, by the fact the matter was determined by an independent planning panel.

Site Selection

The Panel notes that many submissions raised issue with the site selection process undertaken by Council. Whilst acknowledging these concerns, the Panel's role is to consider the merits of the application at hand and is not in a position to determine whether there may have been more appropriate sites.

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 and Addendum Reports. The Panel was satisfied that:

- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- The development would provide a multi-purpose facility for the broader community including much needed sporting facilities and an evacuation centre resulting in positive social outcomes
- The matters the subject of the deferral had been satisfactorily addressed. In particular, the panel was satisfied that:
 - All supplementary information and late submissions have been appropriately considered.

- The revised Acoustic Report confirms that during major events, the operation of the facility would meet applicable noise goals at sensitive receivers
- The perspectives demonstrate that the facility, subject to appropriate landscaping, would be compatible with its surrounding urban context
- Overshadowing impacts are minimal and well within accepted industry standards
- Heritage impacts including potential impacts on Sefton House have been considered in accordance with Clause 5.10 of Tumut LEP 2012 and found to be acceptable
- The Richmond Park and Stockwell Gardens Plan of Management which has been endorsed by Crown Lands clearly enables the use of the subject site for a multi-purpose facility
- The provision of 50 off-street parking spaces is consistent with Council's parking requirements and would comfortably accommodate parking during normal operations. Additional management measures would however be required during the 4 large events allowed per year. These measures are to be included in any final Plan of Management applicable to the operation of the facility.
- The functionality of the proposed emergency services component of the proposal had been adequately designed consistent with appropriate guidelines and expert advice. It is noted that during use of the facility for emergency reasons the centre would be managed by emergency services under their own operational management requirements.
- The Plan of Management required by the conditions of consent and applicable to the operation of the facility as a sporting facility has been strengthened as outlined in dot point 1 below.

Given the above, the Panel was satisfied that the development was in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Supplementary Assessment Report provided to the Panel on 25 June 2025. Key changes are as follows:

- Condition 3 relating to the preparation of an operational Plan of Management has been substantially strengthened particularly in relation to community liaison, use of external lighting, acoustic management, traffic and parking management, landscaping maintenance, and special event requirements.
- Condition 5 has been amended to ensure all external lighting is installed consistent with Australian Standards.
- Condition 6 has been included to ensure the appropriate treatment of signage and to ensure no illumination.
- Condition 8 (now 9) has been amended to include the need to comply with the BCA.
- Condition 20 (now 21) has been amended to ensure any asbestos found on site is removed consistent with SafeWork NSW's applicable codes of practice.
- Condition 31 (now 32) was amended to remove the note which is considered superfluous.
- Condition 37 (now 38) was amended to ensure the required verification report considers compliance with applicable noise goals and where necessary, the Plan of Management is updated to include additional mitigation measures if necessary.
- Condition 38 (now 39) was amended to ensure the centre ceases to operate by 10pm (6pm Sundays) with all persons to exit the facility by this time. It was also amended to include a definition of an 'emergency'.
- Condition 40 was included to limit the number of persons using the facility during special events. It also limits special events to 4 occasions per year.
- Condition 41 has been included to ensure landscaping is maintained for the life of the development.

The final conditions endorsed by the Panel, which include the above changes, are attached in Schedule 2.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic congestion and safety

- Inadequate parking for events
- Impact of traffic generated on residential amenity
- Noise Impact Assessment including the accuracy of submitted report
- Impact of car park noise on residential amenity
- Bulk and scale
- Compatibility of development with streetscape
- Visual impact
- Height
- Impact on War Memorial within Richmond Park
- Unacceptable lighting impacts
- Non-compliance with DCP
- Stormwater Management
- Lack of sustainability measures
- Geotechnical suitability for the proposed development
- Lack of operational management plan
- Lack of transparency and consultation
- Lack of future expansion capacity
- Site and location suitability
- Visual impact and lack of visual impact assessment.
- Impact on nearby heritage building
- Overshadowing impacts
- Adequacy of building for community evacuation needs

The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report. Additional issues raised during the public meeting requiring further consideration have adequately addressed in the Supplementary Assessment Report.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-483 – SNOWY VALLEYS – DA2025/0026 - Russell Street and Richmond Street Tumut
2	PROPOSED DEVELOPMENT	Demolition of existing structures including bowling green, relocation of existing playground and construction of a ‘multi-purpose & evacuation centre’ comprising of 2 x indoor multi court recreational facility/emergency evacuation centre and includes a storeroom, plant room, amenities, kitchen/kiosk, administration, meeting room, first aid room, waste room, off street parking and the provision of building identification signage.
3	STREET ADDRESS	Lots 701 DP 1059193, and Lot 1, Section 81 DP 759004, Russell Street and Richmond Street, Tumut, known as Richmond Par
4	APPLICANT/OWNER	Snowy Valleys Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Resilience and Hazard) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conversation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Tumut Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Snowy Valley Development Control Plan 2024 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 2 June 2025 Council Supplementary Assessment Report : 25 June 2025 Supplementary information provided by applicant: <ul style="list-style-type: none"> Plan of management – “<i>Richmond Park & Stockwell Gardens – Plan of Management – Final</i>” : 20 June 2025 “<i>W366 Tumut MEC – Planning Panel Deferral Response 250620</i>” : 20 June 2025 Late information: <ul style="list-style-type: none"> Consolidation of documents provided by registered speakers at public meeting: 11 June 2025

		<ul style="list-style-type: none"> ○ Supplementary submission to verbal submission – Grace Hooper :11 June 2025 ○ Noise Impact Assessment June 2025 – nss24414 Tumut Final Rev (Noise and Sound Services): 10 June 2025 • Written submissions during public exhibition: 168 • Verbal submissions at the public meeting: • Kristin Twomey (obo Tumut Basketball Association), Allan Tonkin (obo Richmond Park Action Group), Louise Halsey, Colin Locke, Dr Gabrielle Wallace, Barnett Sinclair Hyams, Richard Hargreaves, Jenny Oliver, Grace Hooper, Erika Harvey, Min Shu, Julia Ham. • Independent assessment planner – Jeremy Swan • On behalf of the applicant – Duncan Mitchell, Stephen Johansson, Ken Scannell, Dean Brodie, Adam Hunter • Total number of unique submissions received by way of objection: 68
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final Briefing: 10 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Independent Assessment Planner</u>: Jeremy Swan ○ <u>Council assessment staff</u>: Nick Wilton ○ <u>Applicant</u>: Phillip McMurray (SVC), Stephen Johansson (Facility Design Group Architect) ○ <u>Other</u>: Amanda Moylan, Nikita Lange • Site inspection: 10 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas ○ <u>Independent Assessment Planner</u>: Jeremy Swan ○ <u>Council assessment staff</u>: Nick Wilton
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

ATTACHMENT 1 – RECOMMENDED CONDITIONS OF CONSENT

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

The consent relates to **demolition and construction of a Multi-Purpose Centre and Evacuation Centre** as documented on the approved plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the approved plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Architectural Drawings			
A.000 Coversheet	-	Facility Design Group	28/2/25
A.050 Site Plan	-	Facility Design Group	28/2/25
A.051 Demolition Plan	-	Facility Design Group	28/2/25
A.052 Gross Floor Area	-	Facility Design Group	28/2/25
A.053 Shadow Diagrams	-	Facility Design Group	28/2/25
A.100 Floor Plan	-	Facility Design Group	28/2/25
A1.01 Roof Plan	-	Facility Design Group	28/2/25
A.300 Reflected Ceiling Plan	-	Facility Design Group	28/2/25
A.400 Section 1	-	Facility Design Group	28/2/25
A.401 Section 2	-	Facility Design Group	28/2/25
A.500 Elevation 1	-	Facility Design Group	28/2/25
A.501 Elevation 2	-	Facility Design Group	28/2/25
A.800 Colourboard	-	Facility Design Group	28/2/25
P1 Perspectives 1	-	Facility Design Group	28/2/25
Landscape Drawings			

3921.DA.00 Coversheet	4	Environmental Partnership	6/3/25
3921.DA.01 Landscape Plan	4	Environmental Partnership	6/3/25
3921.DA.02 Planting Plan	4	Environmental Partnership	6/3/25
3921.DA.03 Section	4	Environmental Partnership	6/3/25
3921.DA.04 Section 02	4	Environmental Partnership	6/3/25
3921.DA.05 Details 01	4	Environmental Partnership	6/3/25
Civil Works Drawings			
C000 Cover Sheet & Index	A	PM Design Group	28/2/25
C001 Civil Notes	A	PM Design Group	28/2/25
C400 Drainage Longitudinal Sections – Sheet 1 of 2	A	PM Design Group	28/2/25
C401 Drainage Longitudinal Sections – Sheet 2 of 2	A	PM Design Group	28/2/25
C500 Civil Details – Sheet 1 of 2	A	PM Design Group	28/2/25
C501 Civil Details – Sheet 2 of 2	A	PM Design Group	28/2/25
Traffic Impact Assessment	-	Positive Traffic	March 25
Noise Impact Assessment	B	Noise and Sound Services	June 25
Statement of Environmental Effects	-	Facility Design Group	Feb 25
Stormwater Management Plan	A	PM Design Group	26/2/24
PSI	-	McMahon Earth Science	10/10/24
Geotechnical Site Investigation	-	ASCT	20/9/22
Access Report	-	Accessible Building Solutions	24/2/25
BCA Report	-	Alpha Code Solutions	25/2/25
Energy Efficiency Assessment – Section J Report	-	Partners Energy	18/2/25
ESD Report	2	PM Design Group	6/3/25

3. Plan of Management

The Applicant is to prepare a Plan of Management for the approval of the Director Community, Corporate & Development or their delegate at Snowy Valleys Council that includes the following measures prior to the issue of an Occupation Certificate:

- Details who is responsible for the ongoing operation, bookings and maintenance of the facility.
- Details the operational uses, times and maximum number of people, that accord with the hours of operation approved as part of this DA.
- Include a proactive community liaison person that members of the public can contact when the Multi Purpose Facility is operational.
- Include a complaint management procedure that includes a contact person and records any incidents.
- Outlines how users leave the site ahead of 10pm close.
- Include a procedure for parking management, in particular on special event days.
- Include details of how external lighting is to be managed, in accordance with condition

5.
 - Include all recommendations of the Noise Impact Assessment referred to in Condition 2.
 - Include all recommendations of the Traffic Impact Assessment referred to in condition 2.
 - Include a procedure for the ongoing maintenance of the landscaping on the site for the life of the development.
 - Include a procedure for advising adjoining properties when special events occur.
 - Include a procedure for updating and changing the Plan of Management, including the advertising of any changes.
 - Include operational waste measures.
 - Clearly set out who is responsible for compliance with the Plan of Management, including a requirement that users of the facility are aware of the Plan of Management and the need to comply with the document.

4. Acoustic Impacts

All recommendations as outlined in the Noise Impact Assessment referred to in Condition 2 must be implemented for the development.

5. Lighting

All externally mounted artificial lighting, including security lighting, is to be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. The lighting must comply with AS 1158 and AS 4282.

6. Signage

The signage at the front of the building fronting Russell Street is to be “powder coat aluminium low relief signage” and not to be illuminated.

7. Inconsistency between documents

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

8. Prescribed Conditions

The development must comply with the Prescribed Conditions of Development Consent, *Environmental Planning and Assessment Regulation 2021*, as applicable.

9. Compliance with Building Code of Australia.

That the work must be carried out in accordance with the requirements of the Building Code of Australia / National Construction Code.

10. Erection of Signs

A sign must be erected in a prominent position on any site on which building work, is being carried out:

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) for the work, and

- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

11. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

12. Stormwater Drainage

The applicant shall provide stormwater drainage in accordance with Council's Planning and Design Manual, dated 27 September 2019 – AUSPEC.

13. Carparking

The on-site car parking shall be designed and constructed in accordance with AS 2890.1 and 2890.6.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

14. Engineering Plans

Detailed Engineering Plans and specifications relating to the work shall be submitted to the PCA. The plans must be approved prior to the issue of a Construction Certificate for any relevant works associated with this development.

As a minimum, the engineering documents submission must include all engineering drawings in DWG format, PDFs and hard copy formats. Design and Certification reports shall be submitted in PDF and hard copy formats.

15. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment. The Waste management plan shall also include operational waste requirements.

16. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed

specifications which can be referred to onsite by project management staff or project construction supervisor

17. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to mitigate construction risks in the protection of the environment as well as public health, safety and convenience. The CMP must address the following:

- (a) Details of site security;
- (b) Off-street parking for employees, contractors and sub-contractors.
- (c) Public safety.
- (d) Unexpected finds protocol (contamination).
- (e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (f) Provision for loading and unloading materials;
- (g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- (h) How materials are to be loaded/unloaded and potential impact on Council and road infrastructure;
- (i) Public risk policies and management for all contractors' employees using or gaining access over public roads.
- (j) Firefighting measures to be available on site during development and construction.
- (k) Sanitary amenities proposed on site during development and construction.
- (l) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- (m) Details of any air and dust management;
- (n) Details of noise and vibration controls;
- (o) Anticipated staging and duration of works
- (p) Provision of Construction Traffic Management Plan (CTMP) and Traffic Control Plans (TCP) addressing construction related traffic issues.

The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

18. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Snowy Valleys Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - ☐ Name
 - ☐ Builders Licence Number or Owner Builder Permit Number
 - ☐ Principal Contractor Company Name
 - ☐ Principal Contractor ABN
 - ☐ Address of Principal Contractor or Owner Builder

☐ Email Address

- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

19. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

20. Erosion and Sediment Control Plan

Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.

21. Asbestos Removal

Asbestos removal must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable, by a person holding the relevant licence issued by SafeWork NSW.

A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².

Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.

Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:

- a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the *Work, Health and Safety Regulation 2017* for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.
- b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.
- c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.

22. Asbestos – Notification of Neighbours

Seven (7) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to

23. Preliminary Site Investigation Findings

All recommendations contained within the Preliminary Site Investigation referred to in condition 2 are to be complied with prior to any works commencing.

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

24. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

25. Demolition

Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:

- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works.
- Induction training for onsite personnel
- Management of asbestos, contamination and other hazardous materials
- Dust control
- Disconnection of gas and electrical supply
- The demolition shall not hinder pedestrian or vehicle mobility in the locality
- Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

26. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

27. Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

28. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.
There shall be no encroachment onto adjoining lands by fill placed near boundaries.

29. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

30. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

31. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

32. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

33. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

34. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

35. Stormwater Drainage

Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATON CERTIFICATE

36. Disturbed Areas

The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifying Authority upon completion of the work.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

37. Plan of Management – Ongoing Use

The approved Plan of Management is required to be complied with at all times.

38. Acoustic Verification Report

Within 3 months of the Occupation Certificate being issued the Applicant is to engage a suitably qualified acoustic consultant to provide a written Acoustic Verification Report that certifies that the development and its operation complies with the Noise Impact Assessment provided at Condition 2. In the event that exceedances of applicable criteria are recorded, the applicant is to review the approved Plan of Management to include additional mitigation/management measures that ensure that the operation of the facility complies at all times.

Note – Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

39. Hours of Operation

The ongoing use are as follows:

- Weekdays 7am – 10pm;
- Saturday 8am – 10pm
- Sunday 8am – 6pm
- Public Holidays 8am – 10pm
- In emergency situations 24 hours / 7 days a week.

The use is to cease prior to 10pm Monday-Saturday and 6pm on Sunday to ensure that persons have time to leave prior to closing time.

Note – an emergency is defined as when an agency with legislated authority orders an evacuation.

40. Number of Persons

Only 4 special events can be held per calendar year during which the maximum number of persons is limited to 250.

The maximum number of persons does not apply in the event of an emergency.

Note – an emergency is defined as when an agency with legislated authority orders an evacuation.

41. Landscaping – Ongoing Use

The landscaping shown on the approved landscape plan is to be maintained for the life of the development.

The applicant is to proactively maintain the landscaping through a regular maintenance program and replace any dead or dying plants.

42. NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the Protection of the Environment Operations Act (POEO) 1997. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

43. Public Safety

- (a) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'. Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.
- (b) Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

- (c) Pollution Control - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the Protection of the Environment Operations Act 1997.

The use shall operate in accordance with the following:

- all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
- all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;
- all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill; and
- the emission of gases, vapours, dusts or other impurities which are in breach of the Protection of the Environment Operation Act 1997 is forbidden.

- (d) Compliance with POEO Regulations - The operation of the development shall comply with the minimum requirements contained within the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and the Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009.

REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021* and Council's Community Participation Plan.

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.