

## 1. COMPLIANCE

**These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.**

- (1) Development consent is granted for demolition of existing structures and construction of the Wollondilly Performing Arts Centre and associated works at Lot A DP158722, Lot B DP158722 and Lot A DP153067 2-4 Colden Street & 66 Menangle Street, PICTON.
- (2) Development must take place in accordance with the following plans/documents submitted in respect of Development Application No. 2021/305/1, except where varied by any of the following conditions of this consent:

Plan Title	Drawn By	Plan Ref./Drawing Number	Dated
Demolition Plan	Williams Ross	03	February 2021
Proposed Site Plan	Williams Ross	04	September 2021
Ground Floor Plan (L1)	Williams Ross	05	February 2021
First Floor Plan (L2)	Williams Ross	06	February 2021
Technical Gallery Plan (L3)	Williams Ross	07	February 2021
Roof Plan	Williams Ross	08	February 2021
East and South Elevations	Williams Ross	09	February 2021
West and North Elevations	Williams Ross	10	February 2021
Sections	Williams Ross	11	February 2021
Construction Management Plan	Williams Ross	12	February 2021
Theatre & Function Layouts	Williams Ross	14	February 2021
Civil Drawings – General Notes	WSP	PS120505-WSP-CVL - 102	22/06/2021 - REV T3
Civil Drawings – Pavement Plan	WSP	PS120505-WSP-CVL - 120	22/06/2021 - REV T3

Civil Drawings – Stormwater Drainage Plan	WSP	PS120505-WSP-CVL – 130	22/06/2021 - REV T3
Civil Drawings – Erosion and Sediment Control Plan	WSP	PS120505-WSP-CVL - 160	22/06/2021 - REV T3
Civil Drawings – Erosion and Sediment Control Detail Plan	WSP	PS120505-WSP-CVL - 161	22/06/2021 - REV T3
Civil Drawings – Civil Details	WSP	PS120505-WSP-CVL – 162	21/09/2021 - REV T2
Civil Drawings – Civil Details	WSP	PS120505-WSP-CVL – 163	23/06/2021 - REV T1
Landscape Plans	Tract	DA-001, DA-100, DA-101, DA-102, DA-200, DA-201, DA-400	16/04/2021

(3) Development must take place in accordance with the recommendations of the following reports submitted in respect of Development Application No. 2021/305/1, except where varied by any of the following conditions of this consent.

- *Arboricultural Impact Assessment– Rev 1.1 – Quality Tree Services – 16 November 2020*
- *Picton Cultural, Community and Civic Precinct Stage 1 - Aboriginal Archaeological Due Diligence Assessment– Rev 02 – Ecological – 23 November 2020*
- *Access Report - Building E1 - New Performing Arts Centre - Rev A – Access Consulting – 29 March 2021*
- *New Performing Arts Centre– Rev A – Access Consulting – 29 March 2021*
- *Environmental Acoustic Assessment Building E1: Performing Arts Centre – Rev 01 – Marshall Day Acoustics – 13 April 2021*
- *Civil Design Report –Rev 03 - WSP – 20 September 2021*
- *Detailed Site Investigation –Rev 01 - SMEC – 29 September 2021*
- *Fire Safety Strategy Report – Omni Consulting Fire Engineers – 26 March 2020*
- *Geotechnical Investigation – Douglas Partners – Rev 01 – 12 November 2020*
- *Picton Cultural, Community and Civic Precinct Stage 1 Building E1 - Statement of Heritage Impact Rev 01 – Ecological – 25 February 2021*
- *Wollondilly Precinct Redevelopment Performing Arts Centre (PAC) - Social and Health Impact Comment (SHIC)– EMM – 26 March 2021*
- *Car Parking Assessment for Performing Arts Centre – Stage 1 – Cardno - 9 September 2021*
- *Statement of Environmental Effects – Rev 02 – Tract – 19 April 2021*

(4) The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

These are as follow:

- Endeavour Energy, 18 May 2021

- NSW Police Force, Reference Number D/2021/707457, 25 May 2021
- Subsidence Advisory NSW, reference number TBA21-00832, 23 April 2021
- Sydney Water, Reference 191496, 16 June 2021

A copy of the Requirements is attached to this determination notice.

#### **(5) Amended Plans**

Amended Plans are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate to include the following design amendment from Council's Heritage Officer:

- The wall footprint of the Masonic Hall proposed to be demolished is to be reproduced in the new centre in a public space.

Amended Plans are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate to include the following:

- The Masonic emblem is to be removed from the original building and displayed in a location to be agreed in consultation with the Picton Masonic Lodge. The previous Masonic Hall use is to be acknowledged is to be embellished with a plaque outside the building.

- (6) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

#### **(2) BUILDING AND FIRE SAFETY CONDITIONS**

- (1) Construction shall not commence on the site, including earthworks, site excavation, filling or other site preparation works (with the exception of site survey work, site clearing, site shedding, fencing and associated works as per the Construction Management Plan), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier for the relevant stage of works.
- (2) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc.) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act 1979.
- (3) The building shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of the relevant Construction

Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.

- (4) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (5) The buildings shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (6) Erection of signs

(a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the principal certifying authority for the work, and
- (ii) 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
- (iii) stating that unauthorised entry to the work site is prohibited.

(c) 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.

(d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

(f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

### **(3) BUILDING DESIGN**

**These conditions have been imposed to ensure that the appearance /construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**

- (1) The design details of the proposed building façade, including all external finishes, glazing and colours, must be strictly in accordance with the approved plans submitted and approved as part of this application.
- (2) **Graffiti Resistant Materials and Finishes** - Graffiti resistant materials and finishes must be used on retaining walls fronting a public place and wherever else possible

**(4) CONSTRUCTION GENERAL**

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

- (1) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) The provision for access and mobility in respect of accessibility for people with a disability. Prior to the issue of the relevant Construction Certificate, complete design, construction and fitout details shall be provided to the nominated Accredited Certifier.
- (3) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the Building Code of Australia.

- (6) A construction waste storage area (bins or bays) must be provided.
- (7) Construction Noise Management Plan – A construction noise management plan shall be provided to the principal certifier and include the following:
  - a) noise mitigation measures;
  - b) noise and/or vibration monitoring;
  - c) use of respite periods;
  - d) complaints handling; and
  - e) community liaison and consultation.

**(5) ENVIRONMENTAL HEALTH**

**(1) Prior to the Issue of an Occupation Certificate**

**Sydney Water Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing Section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for the development.

**(2) Prior to the Issue of an Occupation Certificate or Use of the Development**

Upon completion of the work and prior to operation or use, the premises must be inspected by Council’s Environmental Health Officer to ensure compliance with Australian Standard 4674 and relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate for the relevant stage.

Prior to the commencement of business operations the operator of the business is to complete and submit Council’s Food Business Notification Form to Wollondilly Shire Council.

**(3) Lighting**

Light spill and outdoor lighting shall not impact on neighbouring residences and shall comply with AS/NZS 4282:2109 Control of the obtrusive effects of outdoor lighting.

**(4) Water Recycling**

The reuse of rainwater shall be carried out in accordance with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Reuse, July 2009, *Environmental Protection and Heritage Council, the Natural Resource Management Ministerial Council and the Australian Health Minister's Conference*.

(5) **Compliance with the Food Act 2003**

The food premises shall be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674, Design, construction and fit-out of food premises.

(6) **Function Kitchen and Bar (Food Premises) Requirements**

- Floor plans, clearly showing all proposed fittings and surface finishes, for the Function kitchen and bar are to be submitted to and approved by Council or a nominated Accredited Certifier prior to the issue of a construction certificate. Where approved by an Accredited Certifier, a copy of all relevant documentation shall be provided to Council.

The food premises shall comply with the following requirements:

- Walls
  - a. The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- Floors
  - b. The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
  - c. The floor must be coved at the intersection with the walls.
- Ceiling
  - d. Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- Washing Facilities
  - e. Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be no further

than 5m travel distance from a place where a food handler is handling food.  
(Note: Hand basins are in addition to dishwashing facilities and shall be dedicated to the washing of face and hands only.)

- Temperature Control

- f. The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.

- Fixtures, Fittings and Equipment

- g. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
  - h. Service pipes, conduits and electrical wiring shall either be –
    - i. concealed in floors, plinths, walls or ceiling; or
    - ii. fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

- Mechanical Exhaust Ventilation System (if above 8kw or 29mj)

- i. The mechanical ventilation exhaust system hood is to be installed in accordance with Australian Standard AS 1668 Parts 1 & 2.
  - j. Details of the proposed mechanical ventilation system, including compliance with Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by Council or a nominated. Accredited Certifier prior to the issue of the construction certificate. Where approved by an Accredited Certifier a copy of all relevant documentation shall be provided to Council..

- Waste Management

- k. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
  - l. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.

- Pest Control



- m. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors.

(7) **Noise Control**

- Noise control shall be carried out in accordance with the recommendations of 'Wollondilly Cultural, Community & Civic Precinct Stage 1 (WCCCP) Environmental Acoustic Assessment Building E1: Performing Arts Centre', Rp 003 r01 20200296, prepared by Marshall Day Acoustics and dated 13 April 2021.
- Offensive noise POEO Act condition

The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

- An Operational Noise Management Plan shall be developed and adhered to, in accordance with the recommendations in the acoustic report, and is to also include: Patrons leaving the venue will be directed to use the route alongside the existing offices to access car parking areas, away from nearby residences in Colden Street and Menangle Street south-west. Adequate signage and lighting shall be provided to this route. The Operational Noise Management Plan will demonstrate how this requirement will be achieved.

- (9) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

(6) **CONTAMINATION**

- (1) **Hazardous Building Materials Assessment** – A Hazardous Building Materials Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on the site. A HBMA report shall be provided to the PCA and Council.

- (2) **Unexpected Finds (General)** – Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.
- (3) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
  - Is a chemical installation
  - Involves a tower crane on site
  - Involves a mobile crane with a rated capacity of more than 100 tonnes
  - Has structural components that are pre-tensioned or post-tensioned
  - Involved floor popping
  - Involves explosives
  - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
  - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors
- shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- (4) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (5) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (6) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (7) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (8) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.
- (9) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (11) **Detailed Site Investigation** - Compliance with the recommendations as outlined in the Detailed Site Investigation prepared by SMEC dated 29 September 2021 (Rev 1).
- (12) **Supplementary Detailed Site Investigation** – A supplementary Detailed Site Investigation is to be prepared and submitted to Council after demolition and prior to the commencement of building works. The supplementary Detailed Site Investigation is to be prepared by a suitably qualified Contaminated Land Consultant with reference to all previous investigations carried out at the site. The supplementary Detailed Site Investigation is to close all data gaps identified in the Detailed Site Investigation prepared by SMEC dated 29 September 2021 and is to include a thorough assessment of the existing Childcare centre site. Should the supplementary Detailed Site Investigation identify contamination that requires remediation then a separate Development Application for Remediation will be required.

## **(7) ENGINEERING & CONSTRUCTION SPECIFICATIONS**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.**

- (1) All civil and road works are to be designed and carried out in accordance with Wollondilly shire Council's adopted Design and Construction Specifications.
- (2) Prior to issue of Construction Certificate, a "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or nominated Certifier.

## **(8) PUBLIC ROADS**

**These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.**

- (1) Prior the commencement of works a traffic management plan shall be prepared to the satisfaction of the road authorities by the principal contractor undertaking the building works that outlines the management of traffic and pedestrians around the worksite, access for construction vehicles, parking for construction vehicles, management of complaints and other environmental considerations within the road reserve.
- (2) Provision of Vehicular Access to the site through the construction of commercial grade layback gutter crossing/concrete footpath crossing in accordance with Council's

Construction Specifications. Existing footpath grades and levels shall be maintained to ensure smooth transition between the new driveway and existing footpath.

- (3) Provision must be made for concrete footpath, along the full development frontage, from the back of kerb to the boundary line. Footpath crossfall should be approximately 2.5%.
- (4) To ensure unobstructed public footpath, all accessible ramps, landings or handrails must be provided within the development lot boundaries.
- (5) Any accessible parking spaces provided on the road reserve shall comply with the relevant sections of AS 2890.
- (6) Prior to any works within the road reserve, a Road Management Permit is to be obtained from Manager Assets, Transport and Engineering.

#### **(9) DRAINAGE/STORMWATER**

**These conditions have been imposed to ensure drainage/stormwater is appropriately managed.**

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during a storm.
- (2) Prior to the issue of Construction Certificate, stormwater discharge to the public drainage system must be approved by the Manager Assets, Transport and Engineering. This approval must be provided with any S138 permit application.
- (3) The stormwater discharge from the site shall have adequate control measures installed that limit the post-development discharge rate, at each discharge point, to no more than the pre-development condition, for all storm events up to and including the 1% AEP event.

*Note: While managing discharge rates may involve stormwater detention Council may consider compliance with the principles set out in Councils Water Sensitive Urban Design as partial / wholly compliant.*

- (4) Stormwater shall be managed generally in accordance with the submitted concept plans. Stormwater runoff shall be designed to cater for the 10% AEP critical storm event in accordance with the Wollondilly Shire Council Design Specification
- (5) The discharge of stormwater from the development shall be carried to a point suitable for integration to the constructed stormwater drainage system.
- (6) To ensure existing drainage infrastructure has sufficient capacity to receive stormwater discharge from the development, the person or entity having the benefit from this consent must
  - a. Engage a suitably qualified Engineer to conduct a hydraulic assessment of the existing drainage infrastructure to determine any upgrade requirements to ensure there is no adverse flooding impact on upstream and downstream drainage or infrastructure.
  - b. Provide any necessary amplification or upgrading of existing downstream drainage found not to have sufficient capacity for the development drainage.

- (7) The building shall be fitted with a rainwater reuse system as generally outlined in the submitted concept plans that is plumbed into the building for the use with toilet flushing, landscape and other non-potable use.

#### **(10) CAR PARKING/LOADING/ACCESS**

**These conditions have been imposed to:**

- (a) To ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
  - (b) To ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) Prior to the issue of the Occupation Certificate the development shall make adequate provision for parking, in accordance with the parking arrangement as outlined in the Technical Memorandum - Car Parking assessment submitted by Cardno, dated 9th September 2021.
- (2) The development shall provide accessible parking on or adjacent to site. Where parking is provided remote from the site, an assessment shall be undertaken by suitably qualified persons to show that access to the development can be provided in accordance with AS1428, Design for access and mobility or other relevant standards.
- (3) To ensure adequate management of parking and access to the development, prior to issue of occupation certificate the applicant must prepare a Traffic and Parking Management Plan which is to outline:
- a) How visitors are to be directed to parking areas, as outlined in the Technical Memorandum - Car Parking assessment submitted by Cardno, dated 9th September 2021. This may include the use of online maps and directions, signage etc.
  - b) How visitors are to be directed from parking areas to the development.
  - c) How visitors are to be directed to public transport access.
  - d) Available drop off areas for private bus, taxi and private vehicles adjacent to the development.
  - e) How events will be managed to avoid peak parking demand times
- (4) At the commencement or occupation of the development the Traffic and Parking Management Plan is to be implemented. The plan shall be reviewed at regular intervals to ensure updated information is provided to visitors.
- (5) Any service vehicles must be able to enter and exit or cross the road verge in a forward direction.

#### **(11) EARTHWORKS**

**These conditions have been imposed to ensure adequate management of fill on site:**

- (1) All filling on the site (where proposed), including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

#### **(12) EROSION AND SEDIMENT CONTROL**

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) 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.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to the issue of the relevant construction certificate. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

#### **(13) CULTURAL HERITAGE CONDITIONS**

- (1) All recommendations of the Aboriginal Archaeological Due Diligence Assessment prepared by Ecological dated 23 November 2020 must be followed throughout the construction and operational phase of the development.

#### **(14) WASTE MANAGEMENT**

- (1) A detailed Waste Management Plan to Council's satisfaction must be submitted and approved prior to the issue of a Construction Certificate. The waste management plan is to include the following details for waste management during both demolition and construction:
  - Estimated volume, collection arrangement and disposal location of each waste type;
  - Methodology for identification and management of asbestos and other hazardous substances (eg. PCBs, lead-based paint, etc) during demolition;
  - Demolition and construction site plans showing the locations of bins and accessibility to waste collection vehicles, and how the waste storage and collection area(s) will be kept separated from staff and visitor pedestrian traffic. The plan should also provide information regarding how the bin area will be secured from public access. This will be particularly important in relation to bins containing hazardous materials.
- (2) A Detailed Operational Waste Management Plan to Council's satisfaction must be submitted and approved prior to the issue of a Construction Certificate. The waste management plan is to include the following details for the management of waste during the occupation stage:
  - Anticipated volume and disposal location of each waste type;
  - Collection arrangements: Council staff or contractor, responsibility for transferring bins from the Refuse Enclosure to the Loading/Refuse Zone and return of emptied bins to the Refuse Enclosure, proposed collection frequency and times.
- (3) Prior to the issue of a Construction Certificate a swept path analysis for an 11-metre long x 2.4-metre wide heavy vehicle travelling from the Loading/Refuse Zone to the exit is to be submitted and approved.

## **(15) OCCUPATION & USE**

**These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.**

- (1) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of Council upon completion of the work.
- (2) The hours of operation for the centre are 7.30am – 12.00am Monday-Sunday.
- (3) The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (4) The premises shall be maintained in a clean and tidy state at all times.
- (5) All loading and unloading operations are to be carried out wholly within the building/site.
- (6) Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

- (7) The approved sign(s) shall be maintained in a presentable and satisfactory state of repair. Where illumination has been approved, the level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.
- (8) All access crossings and driveways shall be maintained in good order for the life of the development.
- (9) Parking Areas to be Kept Clear - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (10) Storage of goods - At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (11) No Waste to Be Stored Outside of the Site – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (12) Amenity - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (13) Offensive Noise and Noise Compliance - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (14) No Waste to Be Stored Outside of the Site – No waste is to be placed on any public land (e.g. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.

**(16) LANDSCAPE REQUIREMENTS**

- (1) Completion of Landscape Works - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.

**(17) PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

**(1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**

- (a) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part



6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (b) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (c) This clause does not apply:
  - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (ii) construction certificate, in every other case.

**Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.**

#### **(18) ERECTION OF SIGNS**

- (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (ii) 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
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) 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.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note:** Principal Certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

**(19) MINE SUBSIDENCE – SCHEDULE 2 CONDITIONS OF APPROVAL.**

- (1) Approval in accordance with stamped plans approved by Subsidence Advisory NSW and determination dated 23 April 2021 with attached Schedule 2 - Conditions of Approval.

**(20) ADVICES**

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. A builder's security deposit is to be lodged with Council prior to any work being undertaken on the property. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (3) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.