

**SECTION 4.55(2) MODIFICATION OF CONSENT  
NOTICE OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

(Section 4.55(2) Environmental Planning & Assessment Act, 1979)

**Development Application No.:** 244/2020(2)

**Applicant(s):** Griffith City Council  
PO Box 485  
GRIFFITH NSW 2680

**Description of Development:** Modification - Sport Precinct Redevelopment - Westend Oval

**Property Description:** Lot 1 Section 71 DP 758476  
85-119 Merrigal Street GRIFFITH

**Date of determination:** ???

**Development application has been:** granted consent *(subject to conditions in Attachment 'A')*

**Development consent operates from:** 23 December 2020

**Development consent lapses on:** 23 December 2025

**'General terms of approval' given by:** no other authorities

It is important that all conditions be carefully read and understood prior to the commencement of the development.

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

For further information regarding this matter please contact Council's Acting Development Assessment Coordinator, Kerry Rourke, 6962 8169, [kerry.rourke@griffith.nsw.gov.au](mailto:kerry.rourke@griffith.nsw.gov.au).

**PHIL HARDING**  
**DIRECTOR SUSTAINABLE DEVELOPMENT**

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## Attachment A - General Advice

This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.

### 1. Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

### 2. Review of Determination

If you are dissatisfied with this decision, the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the Determination. The request must be made and determined within six (6) months of the date of this determination. It is advisable to lodge the application for review under Section 8.3 as soon as possible to facilitate the statutory timeframes.

### 3. Compliance with Development Consent

The development and all associated works must be carried out in accordance with this development consent and subsequent construction approvals.

### 4. Unauthorised Development

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent. An offence under *Environmental Planning and Assessment Act 1979* and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent. On the spot penalties may be imposed for works which are carried out in breach of this consent, or without consent.

### 5. National Construction Code and Australian Standards

This determination does not include an assessment of the proposed works under the National Code of Australia (NCC) and other relevant Standards. All new building work (including alterations and additions) must comply with the NCC and relevant Standards.

## Attachment B – Conditions of Consent

### Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

#### 1. Approved Development

Development consent has been granted for Multi-purpose Sports Precinct Redevelopment – Westend Oval, in the road reserve and at Lot 1 Section 71 DP 758476, Nos. 85 - 119 Merrigal Street Griffith, comprising:

##### Stage 1:

- the demolition of the existing Parks and Gardens Depot and part wall of existing basketball stadium;
- construction of a new five (5) court basketball stadium, including a 500 seat retractable seating system, change rooms, offices, meeting rooms, canteen and public amenities, with roof mounted air conditioning units;
- minor alteration to existing stadium for accessibility upgrades;
- construction of seven (7) outdoor netball courts, outdoor half basketball court, synthetic athletics track and field infrastructure, a synthetic and a grass hockey field and Grandstand, with amenities, canteen and maintenance and storage areas;
- construction of an on-site car park for 52 light vehicles and new access to Merrigal Street;
- Line marking of existing parking spaces in Merrowie Street to include 25 parking spaces including two accessible parking spaces;
- Removal of 14 parking spaces in Merrowie Street to install a new bus zone;
- Installation of a stormwater management system;
- Site-wide landscaping, footpath connections and installation of trees;
- Removal of existing electrical infrastructure within the site and installation of a new substation and connections to electrical infrastructure;
- Construction of footpaths around the site.

##### Stage 2:

- Increased capacity of the existing stadium canteen and kitchen, addition of a function room and increased indoor and outdoor casual seating areas
- Refurbishment of existing stadium tiered seating
- Installation of additional athletics field events infrastructure for discus, hammer throw and javelin;
- Construction of a viewing mound;

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a recreation facility (major), which is defined as:

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The development must be implemented in accordance with Development Application No. 244/2020 received by Council on 09/09/2020 as modified by lodgement with Council on 29/09/2021 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

| <b>Drawing / Plan</b>  | <b>Date Received by Council</b> | <b>Prepared or Drawn By</b> |
|--|---------------------------------|-----------------------------|
| Site Plan – 190026 A-0-1100 Issue C as amended in RED                                | 29 September 2021               | Group GSA                   |
| Site Demolition Plan – 190026 – DA 105 Issue B                                       | 09 September 2020               | Group GSA                   |
| Floor Plan Stadium – 190026 – A-S-2001 Issue C                                       | 29 September 2021               | Group GSA                   |
| Roof Plan Stadium – 190026 – DA 205 Issue B  | 09 September 2020               | Group GSA                   |
| Floor Plan Grandstand – 190026 – DA 220 Issue B                                      | 09 September 2020               | Group GSA                   |
| Roof Plan Grandstand – 190026 – DA 225 Issue B                                       | 09 September 2020               | Group GSA                   |
| Elevations Stadium – 190026 – A-S-3001 & 3002 Issue B                                | 29 September 2021               | Group GSA                   |
| Elevation Grandstand – 190026 – A-G-3001 Issue C                                     | 29 September 2021               | Group GSA                   |
| Sections Stadium – 190026 – DA 400 & DA 401 Issue B                                  | 09 September 2020               | Group GSA                   |
| Sections Grandstand – 190026 – DA 420 Issue B  | 09 September 2020               | Group GSA                   |
| Perspectives Sheets 1 – 4 – 190026 – DA 601 Issue B, 602 – 603 Issue A & 650 Issue B | 09 September 2020               | Group GSA                   |
| Material & Finishes Schedule – 190026 DA 700 Issue A                                 | 09 September 2020               | Group GSA                   |
| Canteen & Kiosk Floor Plan – 190026 DA 270 Issue A                                   | 17 September 2020               | Group GSA                   |
| Landscape Master Plan Stage 01 + Stage 02 + Future Works - 190026-SK05 Issue B       | 09 September 2020               | Group GSA                   |
| Landscape Plan Stage 01 – 190026 SK07 Issue B  | 09 September 2020               | Group GSA                   |
| Plant Schedule – 190026 SK08 Issue B   | 09 September 2020               | Group GSA                   |
| General Site Plan - 204005 C200 Revision P4  | 02 December 2020                | TTW Taylor Thomson Whitting |
| Site Plan Sheet 1 of 5 – 204005 C201 Revision P5                                     | 02 December 2020                | TTW Taylor Thomson Whitting |
| Site Plan Sheet 2 of 5 – 204005 C202 Revision P5                                     | 02 December 2020                | TTW Taylor Thomson Whitting |
| Site Plan Sheet 3 of 5 – 204005 C203 Revision P4                                     | 02 December 2020                | TTW Taylor Thomson Whitting |
| Site Plan Sheet 4 of 5 – 204005 C294 Revision P5                                     | 02 December 2020                | TTW Taylor Thomson Whitting |
| Site Plan Sheet 5 of 5 – 204005 C205 Revision P4                                     | 02 December 2020                | TTW Taylor Thomson Whitting |

| Drawing / Plan   | Date Received by Council | Prepared or Drawn By        |
|--|--------------------------|-----------------------------|
| Pavement Plan Sheet 1 of 1 – 204005 C301 Revision P4             | 02 December 2020         | TTW Taylor Thomson Whitting |
| Sporting Field Concept Design – 10611-00 Sheet 1 of 2 Revision D | 09 September 2020        | Sporteng                    |
| Sporting Field Concept Design – 10611-00 Sheet 2 of 2 Revision B | 09 September 2020        | Sporteng                    |
| Shed Plans   | 29 September 2021        | The Shed Company Griffith   |
| Shed Elevations  | 29 September 2021        | The Shed Company Griffith   |

| Document                            | Date Received by Council | Prepared or Drawn By                 |
|-------------------------------------|--------------------------|--------------------------------------|
| Statement of Environmental Effects  | 07 October 2020          | SKM Planning                         |
| Traffic impact assessment           | 09 September 2020        | Griffith City Council                |
| Geotechnical Report Reg No GS20-120 | 02 December 2020         | Aitken Rowe Geotechnical Engineering |
| Capability Statement                | 09 September 2020        | Blackett Maguire + Goldsmith         |
| Access Report                       | 09 September 2020        | Architecture & Access                |
| Architecture & Urban Design Report  | 09 September 2020        | Group GSA                            |

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail. The ten (10) informal car spaces opposite Day Street are not approved.

**(modified on ???)**

## 2. Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the relevant building works. The Construction Certificate can be issued either by Council or a private certifier, including a construction certificate for the maintenance equipment storage shed.

**(modified on ???)**

## 3. Construction Approval (Civil Works) for Car Parking

Prior to construction of the approved on-site car park, it is necessary to obtain a Construction Approval (Civil Works). This approval can only be issued by Council. An Application for Construction Approval (Civil Works) form, complete with detailed plans and specifications, shall be submitted to Council for the Construction Approval (Civil Works).

#### 4. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

#### 5. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

#### 6. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

#### 7. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

#### 8. Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

#### 9. National Construction Code

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

#### 10. Aboriginal Heritage

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

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.

4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

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

#### 11. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

#### 12. Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the National Construction Code of Australia and *Australian Standard 1428.1 - Design for Access and Mobility* does not necessarily satisfy the objectives of the *Disability Discrimination Act 1992*. The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with *Australian Standard 1428* Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the *Disability Discrimination Act 1992*.

#### 13. Access for People with a Disability

The *Disability (Access to Premises – Building) Standards 2010* (Access Code) applies to this building. Plans detailing compliance with the Access Code must accompany the application for a construction certificate.

Note: The granting of development consent and any associated plans does not imply compliance with the Access Code.

### Prior to the issue of a Construction Certificate for Building Works

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

#### 14. Landscape Plan

**Prior to the issue of the Construction Certificate for Building Works** for the new stadium, a detailed landscaping plan shall be designed for the proposed Stage 1 works. An electronic copy is to be submitted to and approved by Council.

- (a) The landscaping plan shall be drawn to scale (minimum 1:200) by a suitably qualified person and include: Identification of all trees to be retained, removed or transplanted
- (b) The location of all existing and proposed tree and shrub species
- (c) Height and spread of selected species at maturity
- (d) Elevation of landscaped areas
- (e) Timing of landscape works associated with each element of the development, for stage 1
- (f) General irrigation measures (with detail provided prior to installation)
- (g) The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.
- (h) Trees are to be provided the road reserve adjacent to the new stadium building, are to attain a minimum mature height of 6 – 8 metres with the species selected to be advanced trees (minimum 75 litre) planted during works associated with the stadium building.

Landscaping to be provided within the site and along the boundary with the adjoining road reserve is to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site.

Shade trees are to be planted at a ratio of 1 tree for every 4 – 6 spaces in the on-site car park.

The purpose of the landscaping shall be to screen and soften the visual impact of the proposed development on the streetscape. The nature strip and the footpath areas of the development are to be incorporated into the overall landscaped area of the development.

15. Long Service Levy

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441

16. Turning path diagrams light vehicle accessway

**Prior to the issue of a Construction Certificate for Building Works**, an amended accessway plan with turning path diagrams is to be submitted to Council to justify suitable tapers connecting to the road carriageway to accommodate the two-way movement of the largest size vehicle for the light vehicle accessway off Merrigal Street. The accessway shall be constructed to ensure ingress and egress from the site (two-way movement) is possible at all times for the largest sized vehicle accessing the development. The accessway shall be designed so that any vehicles entering or exiting the development are not required to cross to the opposing travel lane in order to perform the ingress or egress manoeuvre to/from the proposed access road. This is to justify the width of the proposed access and the tapers at the connection point of the access to the Merrigal Street carriageway. Turning path diagrams are to be in accordance with Austroads Design Vehicles and Turning Path Templates Guide 2013.

17. Sight distance

Accessways are to be located to ensure conformity with sight distance requirements outlined in Austroads Guide Road Design Part 4: Intersections and Crossings: General 2017. Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve (including laneways) is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting



the site to minimise conflict.

A detailed design is to be submitted to Council for approval **prior to the issue of a Construction Certificate for Building Works.**

18. Outdoor Lighting

All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Council **prior to the issue of a Construction Certificate for Building Works.**

19. Footpaths – Stage 1

**Prior to the issue of a Construction Certificate for the stadium building,** the applicant shall submit detailed design plans for a 2.5-metre-wide, shared concrete footpath from the intersection of Merrigal Street and Merrowie Street to the car park entry and along Merrowie Street to the end of the 90 degree parking area.

The shared path is to be constructed along the Merrigal Street and Merrowie Street frontages to match and extend the existing path, and is to include appropriate infrastructure to ensure safe movements are available for pedestrians crossing the road. Detailed design drawings are to comply with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Pedestrian and Bicycle Strategy – May 2018*.

20. Additional Footpaths Stage 1

**Prior to the issue of a Construction for Stage 1,** Stage 1 works are to include the construction of a 2.5 metre wide, shared concrete footpath around the remaining frontages of the site. The shared path is to be constructed along Merrigal Street, Merrowie Street and Yarrabee Street for the full frontage of the subject allotment, or as otherwise agreed by Council, and is to include appropriate infrastructure to ensure safe movements are available for pedestrians crossing the road. Detailed design drawings are to be submitted as part of Stage 1 construction and comply with Council's *Engineering Guidelines – Subdivisions and Development Standards* and Council's *Pedestrian and Bicycle Strategy – May 2018*.

*Reason: This is required in order to connect the on-street parking areas around the perimeters of the site that have been relied upon to, in part, cater for the Stage 1 facility parking demands, to the facilities via formed footpaths.*

## Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

21. Protection of adjoining areas

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.

## 22. Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

- (a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
- (b) if not carrying out the work as an owner-builder, has:
  - i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii notified the principal certifying authority of any such appointment, and
  - iii unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

## 23. Erection of Signs

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:

- (a) showing the name, address and telephone number of the principal certifying authority 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.

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.

**Note.** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A).

## 24. Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

## 25. Accessway levels

Driveway construction is subject to Council's *Engineering Guidelines - Subdivisions and Development Standards*. The finished level of the driveway at the property boundary shall be 130mm above the top of kerb. Upon completion of the formwork and string lines for the driveway, the applicant shall arrange for Council's Surveyors to inspect these works **prior to the pouring of concrete for the driveway**. In the event that this level is unachievable, documentary evidence, including a detailed design is to be submitted to Council for approval **prior to the commencement of driveway construction**.

Failure to construct to the given levels or without Council approval will render the owner liable for any necessary reconstruction costs to alter work not in conformity with such levels.

26. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

- (a) the installation of a sediment fence with returned ends across the low side of the works; and
- (b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

27. Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall not be permitted to flow over the property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.

Detailed design drawings for the proposed stormwater drainage system are to be submitted to Council **prior to commencement of site works**, for approval in accordance with Council's Engineering Guidelines – Subdivision and Development Standards.

28. Disconnection of Water & Sewer Services

Prior to demolition work being commenced, the water and sewage services are to be disconnected by an appropriately qualified licensed plumber and drainer and to the satisfaction of Council's Utilities Department.

29. Waste Management Plan

A waste management plan for the work must be prepared before work commences on the site. The waste management plan must:

- (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
- (b) identify the quantity of waste material, in tonnes and cubic metres, to be:
  - i. reused on-site, and
  - ii. recycled on-site and off-site, and
  - iii. disposed of off-site, and
- (c) if waste material is to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site, and
- (d) if waste material is to be disposed of or recycled off-site - specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.

30. Demolition Management Plan

Demolition is to be carried out in accordance with a demolition management plan. This is to be submitted to the Principal Certifier prior to the commencement of works.

### 31. Notification of Neighbours

Fourteen (14) days **prior to the commencement of any demolition works involving asbestos**, all immediate neighbours shall be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

Where there is no asbestos, the person with the benefit of the development consent must give at least 2 days' notice in writing, of their intention to commence demolition work authorised by the consent, to the occupier of each dwelling that is on a lot with an adjoining boundary.

### 32. Asbestos – Statement

No later than seven (7) days **prior to the demolition of any building or structure**, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-2001; and

A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-2001.

## During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

### 33. No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

### 34. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

### 35. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

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

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must 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 must have their loads covered, and
- (b) all vehicles, before leaving the site, must 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 must be left clear of waste and debris.

### 36. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

**accredited sewage management facility** means a sewage management facility to which 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.

**public sewer** has the same meaning as it has in the Local Government (General) Regulation 2005.

**sewage management facility** has the same meaning as it has in the Local Government (General) Regulation 2005.

### 37. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

### 38. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

39. Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries.

40. Contaminated Land Unexpected Finds

In the instance that works cause the generation of odours or uncovering of unexpected contaminants, works are to immediately cease, Council is to be notified and a suitably qualified person appointed to further assess the site.

41. Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday to Saturday with no work to be undertaken on Sundays or Public Holidays.

Variation to these times may be permitted on submission of a written request to Council indicating the date/s and time/s of the proposed work. It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

42. Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

- (a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
- (b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting a Notice of Works form.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

**Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.**

**Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.**

43. Sediment and Erosion

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works to maintain public safety/amenity.

## Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

### 44. Stormwater Drainage

All works relating to the stormwater drainage system are to be completed and inspected by Council **prior to the issue of an Occupation Certificate for each issued Construction Certificate.**

### 45. Installation of Landscaping

The approved landscaping areas adjacent to the new stadium shall be installed to the satisfaction of Council **prior to the issue of the first Occupation Certificate for that building.** The maintenance of the landscaping areas within Council's road reserve shall be the responsibility of the person with the benefit of the development consent and to the satisfaction of Council.

All other approved landscaping for Stage 1 shall be installed **prior to the issue of the last Occupation Certificate for the works in Stage 1.**

All approved landscaping for Stage 2 shall be installed **prior to the issue of the last occupation certificate for the works in Stage 2.**

### 46. Liquid Trade Waste Agreements (Notification to Discharge)

**Prior to the issue of the first Occupation Certificate for a building including a kiosk, kitchen or canteen,** the person with the benefit of the development shall complete and submit a Notification to Discharge application to Council.

Upon review of the application and premises, the person with the benefit of the development consent may be required to complete and submit one of the following applications and enter into a Liquid Trade Waste Agreement with Council (application fees may apply):

- Application to Discharge Liquid Trade Waste (Cat. A)
- Application to Discharge Liquid Trade Waste (Cat. B or C)

### 47. Fire Safety Certificate

An occupation certificate authorising a person

- (a) to commence occupation or use of a new building, or
- (b) to commence a change of use for an existing building, must not be issued unless a final fire safety certificate has been issued for the building.

An occupation certificate authorising a person

- (a) to commence occupation or use of a partially completed new building, or
- (b) to commence a change of use for part of an existing building, must not be issued unless a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

#### 48. Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council **prior to the issue of the first Occupation Certificate for the building**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions, inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

#### 49. Prior to commencing operation – Food Premises

Prior to commencing operation, an inspection of the premises is to be undertaken by Council's Officers. The following matters are to be implemented **prior to the issue of an Occupation Certificate for a building including a kiosk, kitchen or canteen**, and complied with at all times throughout the use of the development.

##### (a) Food Premises – General

The construction and operation of the food premises must comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code

The construction, fit out and finishes of the food premises must comply with:

- Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and
- AS 4674 - Design, Construction and Fit out of Food Premises.

##### (b) Floor Surfaces

The floor of the food premises must be finished in an approved non-absorbent material, evenly laid and graded so that there is no ponding of water. The floor must be coved at the intersection with the walls.

##### (c) Walls and Ceilings

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.

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. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is prepared or served.

##### (d) Hand Washing Facilities

Hand wash facilities must be connected to hot and cold running water mixed through a common spout, soap and hand drying facilities. Hand washing facilities must be provided in all food preparation areas and must be no further than 5m travel distance from a place where a food handler is handling food.



**(e) Food Notification**

Food business must register their business details by completing the “Notification of Food Business” form to the Griffith City Council prior to the issue of the Occupation Certification application.

**(f) Entry of Pests**

The design and construction of the food premises must not permit the entry of pests and ensure pest exclusion measures are implemented through windows and/or other entrances e.g. fly screens on opening windows.

**(g) Fixtures, Fittings and Appliances**

- i. A single bowl sink and a dishwasher or a double bowl sink must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand washing facility.
- ii. 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  $\pm 1^\circ\text{C}$ .
- iii. All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- iv. All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- v. Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

**(h) Clearances and Supports of Equipment**

- i. All equipment, fixtures and fittings must be supported clear above the floor on legs, wheels or casters at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid floor plinth is to be a minimum of 75 mm high.
- ii. Where equipment is not fixed or too heavy, consideration being given to the fitting of wheels with safety locks to enable movement for cleaning and sanitising.
- iii. All shelving must be fixed or 25mm clear of the walls on solid metal brackets.

**(i) Mechanical Exhaust Ventilation System**

The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the National Construction Code. No approval is granted for the burning of wood fired fuel.

Food Business must provide adequate documentation from a suitably qualified person stating that the Mechanical Exhaust Ventilation System has been installed in accordance with the manufacturer's specifications.

**(j) Food Safety Supervisor Certificate**

Food Business must appoint a Food Safety Supervisor and notify Griffith City Council. The Food Safety Supervisor must be trained by a Registered Training organisation approved by the NSW Food Authority. A valid Food Safety Supervisors certificate must be available on the premises at all times.

**(k) Dishwashers**

So that eating and drinking utensils are properly sanitised between each use, the dishwasher must:

- i) have a supply of potable water at a minimum temperature of 60°C and 71°C for the wash cycle; and
- ii) wash cycle must operate for at least 60 seconds and the rinse at least 10 seconds; and
- iii) have a thermometer accurate to within 1°C is required to ensure that the temperature of water in the wash and rinse tanks meets minimum temperature requirements.

**(l) Temperature Measuring Devices**

All hot and cold holding facilities (e.g. Coolrooms, Bain Maries, under-bench fridges etc.) must be provided with either:

- i) a numerically scaled thermometer; or
- ii) a recording thermometer; or
- iii) an alarm system to continuously monitor the temperature of the appliance.

So that potentially hazardous foods are stored under temperature control a food business must have a temperature measuring device that is:

- i) is readily accessible at all times; and
- ii) can accurately measure the temperature of potentially hazardous food to  $\pm 1^{\circ}\text{C}$ .

**(m) Storage Facilities**

Food Business must have adequate storage facilities for the storage of items that are likely to be the source of contamination of food including chemicals, clothing and personal belongings.

Storage facilities must be located where there is no likelihood of stored items contaminating food or food contact surfaces.

**50. Engineering Inspections**

The applicant is required to pay for all inspections carried out by Council's Engineers as per Council's revenue policy prior to the issue of any Construction Approval (Civil Works). Any adjustments to the total amount must be paid in full **prior to the issue of an Occupation Certificate**.

**51. Works As Executed (WAE) Drawings**

Works As Executed plans for the approved civil works are to be submitted to Council upon completion of the development **prior to the issue of the last Occupation Certificate for Stage 1**. Works As Executed plans are to be in accordance with Council's Engineering Guidelines – Subdivisions and Development Standards.

**52. Redundant accessway**

**Prior to the issue of the first Occupation Certificate for the stadium building**, the existing access ways to the subject site which are no longer in use shall be made redundant and the road reserve is to be reinstated to match the surrounding streetscape. This shall include the existing concrete layback being reinstated with kerb and guttering at

the applicant's expense.

This will entail the removal of the current layback crossing inclusive of the gutter component with the replacement kerb and gutter poured as an integral unit over a prepared sub-base of 100mm thickness of compacted road building gravel or fine crushed rock and to suit the adjoining profile. The existing kerb and guttering is to be clean cut by a concrete saw. All works shall comply with the requirements specified in Council's Engineering Guidelines - Subdivisions and Development Standards.

53. Traffic Management Plan (TMP)

A Traffic Management Plan (TMP) is to be prepared by a suitably qualified professional detailing the proposed traffic control and management arrangements. The Traffic Management Plan shall be submitted to Council for approval and is to include, but not be limited to, the following:

- (a) management of the loading and unloading of vehicles (up to and including the largest size vehicle accessing the development);
- (b) parking;
- (c) internal vehicle manoeuvring;
- (d) pedestrian safety measures;
- (e) ingress and egress movements of vehicles accessing the development from the public road;
- (f) emergency service vehicle access; and
- (g) management of large sporting events.

All traffic control and management arrangements in the approved Traffic Management Plan is to be installed **prior to the issue of the first Occupation Certificate for the new stadium building.**

54. Off-Street Parking

**Prior to the issue of the first Occupation Certificate for the new stadium building,** 52 off-street parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's Development Control Plan No. 20 Off-street Parking Policy, including 2 on site car parking space in accordance with Australian Standard 2890.6:2009 for disabled persons, are to be provided on site to serve the development. Spaces adjacent to walls or other obstructions, which may affect door openings or vehicle manoeuvring, are to be widened by an additional 300mm on the side of the obstruction(s).

The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades and loading bays are to be in accordance with Council's Development Control Plan No. 20 Off-street Parking Policy, and Australian Standard 2890.6:2009.

NOTE: This consent does not guarantee compliance with the Disability Discrimination Act, 1992 and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

55. Delineation of Intersection Treatment, Accessways and Parking Bays

Delineation of accessways and parking bays are to be implemented in accordance with the approved construction plans and Australian Standard 2890.1:2004. Parking bay delineation and directional lines are to be installed **prior to the issue of the first Occupation Certificate for the new stadium building.**

## 56. Sealing of parking and manoeuvring areas

**Prior to the issue of the first Occupation Certificate for the new stadium building** all car parking areas off-street, and associated vehicular manoeuvring areas are to be constructed of a minimum 40mm thick Asphaltic Concrete in accordance with Council's Sealing of Parking and Manoeuvring Areas Policy (CS-CP-405) and Council's Engineering Guidelines - Subdivisions and Development Standards.

**(modified on ???)**

## 57. Bus Zone &amp; On-street Parking

**Prior to the issue of the first Occupation Certificate for the new stadium building** the proposed bus zone to be located within the Merrowie Street road reserve and the on-street parking spaces are to be delineated with linemarking and street signage to be approved by the road authority.

## 58. Footpath

**Prior to the issue of the first occupation Certificate for the new stadium building**, the footpaths required to be constructed for Stage 1 shall be completed.

## 59. CCTV Installation

**Prior to the issue of the last Occupation Certificate for the stadium building**, a Closed Circuit Television (CCTV) System must be installed in the premises which complies with Australian Standard – Closed Circuit Television System (CCTV) AS: 4806:2006 to receive, hold and process data. The CCTV system shall also meet the following standards:

- Cameras shall be strategically located in and around the premises to maximise surveillance opportunities, particularly in areas of concealment. One or more cameras shall be strategically mounted at entry/egress points to monitor activities around these areas. One or more cameras shall be mounted in the proposed office and internal corridors.
- A CCTV monitor shall be situated in the proposed office and a staff member shall be responsible for the operation of the system at all times.
- A CCTV monitor shall be situated in the employees dining and entertainment area to assist staff in assessing clients prior to them entering the establishment.
- Digital or analogue technology shall be used to receive, store and process data. This equipment shall be secured away from public access areas to restrict tampering with equipment and data.

## 60. Operational Plan of Management

An Operational Plan of Management shall be prepared and submitted to **Council prior to the issue of the first Occupation Certificate for the new stadium**. The plan shall detail measures to ensure the efficient function of the facility. In particular, the plan shall detail scheduling management practices to be implemented to prevent clashes between the various facilities within the development during major events and including on-going waste management for events held at the facility.

## 61. Event Traffic and Parking Management Plan

An event traffic and parking management plan shall be prepared and submitted to Council **prior to the issue of an Occupation Certificate** for the new stadium building. The plan

shall detail measures to be implemented during major events or when different uses within the facility are intended to be operated at or near capacity simultaneously to reduce demand of on-site car parking and ensure the safe and efficient function of the car park. The plans shall address:

- Estimated number of people attending major and/or simultaneous events;
- Length of events and operational hours;
- Triggers for the plan to be implemented;
- Car parking availability and location, both on and off-site;
- Alternative methods of transport to the site and how they are to be encouraged and facilitated;
- Parking and traffic management;
- Pedestrian management
- Any other measures deemed suitable for implementation to ensure impacts on the surrounding roads and residences are minimised.

## Demolition Management

Demolition of the existing stadium wall and Parks and Gardens Depot must be carried out in accordance with the following conditions.

### 62. Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*, and with the *Code of Practice: Demolition Work* by SafeWork NSW. The code is available for download from the SafeWork NSW website.

### 63. Impact on adjoining buildings

In consideration of the proximity of the site's adjoining buildings:

- (a) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
- (b) No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
- (c) The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

### 64. Demolition Waste

At the completion of the demolition of the buildings, all demolition waste is to be removed from the site and the site is to be rehabilitated and revegetated and/or erosion and sedimentation controls to be installed and maintained until vegetation is sufficiently established to reduce the risk of sediment leaving the site or the site is redeveloped.

### 65. Receipts

Copies of receipts stating the following must be given to the principal certifying authority:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

66. Completion of works

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

67. Asbestos Removal

All asbestos removal is to be carried out in accordance with the *How to Safely Remove Asbestos: Code of Practice*. The code is available for download from the SafeWork NSW website.

68. Development involving bonded asbestos material and friable asbestos material

Demolition work involving bonded asbestos removal work of an area of more than 10 square metres or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2017*.

The person having the benefit of the development consent must provide Council with a copy of a signed contract with such a person before any demolition commences,

- (a) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
- (b) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Council a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

69. Asbestos – Tip Receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council at the completion of demolition works and prior to any further works on the site.

70. Validation Statement

A Validation Statement for that area of the site where demolition works were undertaken (former Parks and Gardens depot) stating that the area is cleaned and cleared of contaminants, shall be furnished to the Principal Certifier from a suitably qualified professional, within 28 days of the completion of works.

## On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

71. Outdoor Advertising & Signage

No advertising matter or signage is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt Development". Council's road reserve and nature strip is to be clear of all advertising material at all times.

72. Outdoor lighting

Any outdoor display and/or security lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

73. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an annual fire safety statement for the building, which;

- (a) must deal with each essential fire safety measure in the building premises, and
- (b) must be given:
  - i within 12 months after the date on which an annual fire safety statement was previously given, or
  - ii if a fire safety certificate has been issued within the previous 12 months, within 12 months after the fire safety certificate was issued, whichever is the later.

74. Access maintenance

The property owner remains responsible for the upkeep and maintenance of the accessway and associated facilities for the lifetime of the proposed development.

75. Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

76. Screening of trade waste area

All trade waste containers are to be screened from view by way of landscaping, fencing or other screening material and are not to obstruct or interfere with the use of loading or parking areas and access ways.

77. Accessible water meter

The water meter servicing the subject allotment is to be kept free of any obstructions and is to be located outside any fenced area to ensure that the meter is accessible to Council officers at all times.

78. Sight Distance

Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance for pedestrians and motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

79. External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Any external lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.

## 80. Light Pollution

Spillage of light shall be controlled so as not to cause nuisance to the amenity of adjoining land or distract traffic on nearby roads.

## 81. Noise

The use of the premises shall comply with the requirements of the Environmental Protection Authority's Noise Policy for Industry 2017 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operations Act 1997 (NSW).

Any event must be organised and operated so as not to cause offensive noise. In this regard:

- Speakers must be oriented to direct noise away from neighbouring residential properties, where practicable;
- Bass from an amplified sound system must be minimised. In this regard, the persons responsible for amplified sound must ensure that the bass (low frequency) noise levels are adjusted so that they are set around 125Hz – 250Hz; and

The use of any public address system must be minimised and running commentaries after 6pm are not permitted by any persons other than the event organisers or performers.

The event organiser must prepare a Noise Management Plan that addresses the above requirements. The Noise Management Plan, including the name and contact number for the person responsible for the event must be submitted to Council at least two days prior to the event.

## 82. Compliance with Noise Control Legislation

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations; the Environmental Protection Authority's Noise Policy for Industry 2017 and relevant Australian Standards on Noise Control on Construction, Maintenance and Demolition Sites.

## 83. Hours of operation

The hours of operation are limited to the hours set out in the table below:

| <b>Days</b>  | <b>Time Period</b> |
|--|--------------------|
| <b>Mondays to Sunday</b>                               | 9:00am to 9:00pm   |
| <b>Special Events in the Stadium or in the grounds</b> | Finish by 10:00pm  |

Any alteration to these hours will require a modification to this consent or a separate development application.

## 84. Plan of Management

On-going operation of the development shall be in accordance with the provisions of the approved Operational Plan of Management and Event Traffic Management Plan.



## Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

### (1) Essential Energy

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to all proposed improvements, which will form part of the development.

The Applicant will need to submit a Design Information Request to Essential Energy for determination. Such application will:

- a. Determine whether the electrical requirements of the proposed development can be serviced via the existing electricity network; and
- b. Also consider whether further infrastructure, such as a dedicated padmount substation, is required for the proposed development.

Please note that there may be significant costs involved and these are payable by the Applicant – refer to Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au). Also, despite Essential Energy not having any safety concerns, there may be issues with respect to the development layout, which will require Essential Energy's approval.

4. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
5. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
6. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

## **Attachment D – Other Council Approvals and Consents**

### **Section 68 Local Government Act 1993 Approvals**

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993*.

nil

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## **Attachment 'A'**

### **Other Local Government Act Approvals**

In seeking development consent, the following other Local Government Act 1993 approvals have been granted under Section 68 with the attached conditions:

No other approvals sought.

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