

DRAFT WITHOUT PREJUDICE CONDITIONS FOR DA 10.2021.19.1

ATTACHMENT A – CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

Draft Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

Reason for the Imposition of Conditions

The reason for the imposition of the following conditions shall ensure, to Oberon Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

To encourage:

- a) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment:
 - i. The promotion and co-ordination of the orderly and economic use of development of land.
 - ii. The protection, provision, and co-ordination of communication and utility services.
 - iii. The provision of land for public purposes.
 - iv. The provision and co-ordination of community services and facilities.
 - v. The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats.
 - vi. Ecologically Sustainable Development; and
 - vii. The provision and maintenance of affordable housing.
- b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

Part A - General Terms of Approval and Concurrence Requirements

1. Essential Energy

- a) Prior to the commencement of Stage One Plans are to be provided demonstrating a distance of a minimum clearance of 10.0 metres from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- b) Prior to any works (including construction works) commencing, the Applicant must provide to Essential Energy detailed plans, specifications and supporting documentation, including a report from a Level 3 Accredited Service Provider calculating the blowout distance of the powerline (if applicable). A list of Level 3 Accredited Service Providers is available at <https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service>. Applicants are advised that fees and charges will apply where Essential Energy provides this further service.
- c) It is also essential that all works comply with SafeWork NSW clearance requirements. In this regard, it is the responsibility of the person/s completing any works to understand their safety responsibilities. The Applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on Essential Energy's website [Development Applications \(essentialenergy.com.au\)](http://essentialenergy.com.au/development-applications).

Council's and the Applicant's attention is also drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy also makes the following general comments:

- a) If the proposed concept development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b) Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
- c) Any activities in proximity to electrical infrastructure 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](#).
- d) 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

2. Transport for NSW

- a) Prior to the commencement of construction works a Traffic Management Plan (TMP) is to be prepared in consultation with Oberon Shire Council. The TMP is to demonstrate that the construction works and delivery of construction materials to the site will not adversely impact the safety and efficiency of the O'Connell Road.

The TMP is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP is to be provided to contractors and employees as a part of the site induction and a copy made available to TfNSW on request.

- b) All activities including loading and unloading of goods associated with the development be carried out on site in the dedicated areas providing adequate manoeuvring area for the design vehicle.
- c) Landscaping, signage and fencing is not to impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) must be provided and maintained at the intersection of the driveway with Forest Road.
- d) All signage including any proposed internally lit signs is to be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.

The following conditions are required to manage future Roads Act approval processes.

- e) Prior to the issue of any Occupation Certificate for or the operation of the development the access driveway is to be constructed to provide a Basic Right Turn Treatment (BAR) in accordance with Figure A6 of Austroads Guide to Road Design Part 4: 4: Intersections and Crossings – General 2020 and RMS Supplements. The BAR treatment is to be sealed, designed and constructed for a 60km/h design speed.
- f) Prior to the issue of any Occupation Certificate for or the operation of the development the access driveway is to be constructed to provide a Basic Left turn treatment (BAL) in accordance with Figure 8.2 of Austroads Guide to Road Design Part 4A: Un-signalised and Signalised Intersections 2020 and RMS Supplements. The BAL facility is to be sealed designed and constructed for a 60km/h design speed.
- g) As road works are required on O'Connell Road, a classified (State) road, TfNSW will required the developer to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.
- h) Prior to the commencement of construction work impacting traffic on O'Connell Road, the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a road occupancy licence (ROL) is required. In the event an ROL is required provide the consent number in the road occupancy licence application. Please note that up to 10 working days is required for Road Occupancy Licence applications to be assessed and processed. <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.

3. NSW Police

Prior to the commencement of Stage One (1) Plans demonstrating the recommendations of the approved Crime Prevention Through Environmental Design (CPTED) report shall be submitted, certifying the development's compliance with the report and the comments of the NSW Police:

a. Lighting/Surveillance/Technical

Lighting must meet the minimum Australian Standards for public streets, car parks, and pedestrian access. There is proven correlation between poor lighting, fear of crime, the avoidance of public /private space and crime opportunity. No lighting plan has been submitted; however, it is noted that all sporting fields will have lights installed for night time sporting activities.

The following treatments are recommended in order to decrease the risk of antisocial behaviour and crime activity occurring at the complex.

- Lighting in all areas of the car park.
- Lighting around the perimeter of the Clubhouse.
- Lighting to all walkways/pedestrian access points.
- Lighting to all areas accessed by users of the facility.

b. Surveillance/Technical Supervision

Surveillance has not been addressed therefore the following treatments are recommended.

- Installation of CTV cameras in the clubhouse, carpark and at the rear of the premises as a minimum.
- Installation of back to base alarm system in clubhouse.
- Regular security patrols, after hours.

c. Territorial Reinforcement

Public areas that are well maintained take on semi-public spatial characteristics, in that people perceive that the space is cared for and controlled. There are no issues identified with clarity of ownership or formal guardians, however it is noted that a signage plan was not included in the application.

Access points should be clear, legible and useful. Signage is best located at (or prior to) junctions requiring people to make decisions. Creative markings in carparks aid wayfinding. The following treatments are recommended in order to alleviate any confusion over wayfinding throughout the complex.

- All ingress and egress points to be well defined and clearly marked with signage and traffic flow arrows.
- Clearly marked directional flow of traffic in car park.
- Clearly marked bays for buses.
- Clearly marked Bay for Emergency Services.
- Install speed limit signage in the driveway/carpark area. Max 10kph.
- Install clearly displayed "Trespassers will be Prosecuted" signage, visible around all ingress and egress areas.
- Install directional signage to the various activities and sporting fields.

- Include signage indicating CCTV in operation and security patrols on premises.
- Include all signage in the Clubhouse relevant to the operation of licensed premises.
- Include signage clarifying ownership and who is responsible for the premises.

d. Environmental Maintenance

Area image can impact feelings of safety and danger. Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can provide concealment and entrapment areas for people involved in criminal activities. Plants that block natural sightlines lessen natural surveillance. The only reference to the landscaping is the drawings depicting the hedging around the northern and western sides of the complex and the shrubs in the car park. The following recommendations will further decrease the risk of concealment.

- Shrubs on average should not be above 900mm in height.
- A safety convention is to have 3 – 5 meters of cleared space on either side of plants.
- Minimise the number of shrubs along all walkways, pedestrians will generally feel safer on wider pathways where there is less chance of concealment.
- Develop a maintenance plan, as clean well-maintained areas often exhibit strong territorial cues.

e. Access Control

Barriers help to restrict, channel and encourage the movement of people and vehicles into and out of designated areas. Recommend the following treatments to reduce access to the premises.

Club House:

- Polycarbonates and impact resistant glass/glazing to all windows.
- Key operated to all windows.
- Security doors to all entry/exit points.
- The main entry/exit doors to all buildings should be fitted with single cylinder locksets which comply with the building Code of Australia.
- Address building fire exits, stairways and doors.

Car Park:

- Speed bumps in car parks/access ways to help to reduce the likelihood of attracting bike riders and skateboarders. Perimeter of Complex:
- Install perimeter fencing around complex to decrease opportunity for unauthorised access, during after-hours.

Part B - General Conditions

Approved Documentation

4. The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

a) Plans Reference:

Name of Plan	Drawing Number	Issue	Date
Proposed Plans by Crawford Architects	-	B	18 September, 2021
Landscape Plan by Meraki Green Landscape Architecture	Project No.: 2170	A	13 September 2019
Site Survey by Bathurst Survey & Civil Design	Dwg No: 22031	-	-
Construction Staging Plans	Crawford Architects	Issue C	16 February 2023
Conceptual Access Plans	Lieschke Civil	Rev A	18 January 2023
Proposed BAL/BAR Intersection Treatment – O'Connell Road Oberon	Lieschke Civil	Rev A	-

b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	Version 2	Perception Planning Pty Ltd	23 February, 2023
Traffic and Parking Impact Assessment Report	Project number: 200367	Barker, Ryan, Stewart	23 June 2022
Flora and Fauna Assessment Report	Project Number: Spur1	Report prepared by Narla Environmental Pty Ltd	November, 2021
Accessibility report	Ref: C21503-Access-r1	Credwell Consulting	06/09/2021
CPTED Report	Project Number: 200367	Barker, Ryan, Stewart	July, 2022
Noise Impact Assessment	Project Number 201993R	Spectrum Acoustics	November 2020
Contamination Report	L10390c	Envirowest Consulting	26 July, 2021

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i. Any amendments made by Council on the approved plans or documents;
- ii. Any notes, markings, or stamps on approved plans or documents, and

iii Any conditions contained in this consent.

The development is proposed to be undertaken in Six (6) stages, of which further development consent is required to be obtained in accordance with 4.22(4) (a) of the *Environmental Planning and Assessment Act, 1979*. The proposed stages are:

- Stage 1 – construction of the sporting fields and lighting, site access road and associated intersection, earthworks (including site drainage and on-site detention), temporary car park (including 146 spaces), temporary amenities and change rooms, sewer, and pump room.
- Stage 2 – construction of the registered club.
- Stage 3 – construction of the permanent carpark (and overflow) and landscaping.
- Stage 4 – construction of netball courts.
- Stage 5 – construction of hockey fields and formalised field access.
- Stage 6 – construction of playground facilities, pathways, and fitness stations

Environmental Planning and Assessment Act 1979

5. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s). This consent does not permit the carrying out of any works.

6. The determination of future development application(s) is to be not inconsistent with the terms of development consent 10.2021.19.1.

Limits of Consent

7. This consent lapses five years after the date of consent unless works have physically commenced within the meaning of section 4.53(4) of the EP&A Act.

Obligation to Minimise Harm to the Environment

8. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Part C – Conditions to be satisfied in future development applications

Signage not approved

9. The development consent does not provide any approval for signage shown on the approved plans or described in any approved document.

This does not apply to any signage that is exempt development.

Sporting Club Operational Management Plan

10. An Operational Management Plan shall be provided to the consent authority with the development application for the Second Stage. The Sporting Club Management Plan shall detail, to the satisfaction of the consent authority, how the licensed club facilities will be provided and managed in conjunction with the operation of the recreation facility.

The operation of the Sporting Club is to be only utilised for the hosting and participating in sporting events and cannot be separately utilised as a function centre, restaurant, food and drink premises or other use prohibited in the zone. The Operational Management Plan is to address the following:

- Cessation of the ancillary use should the dominant use cease.
- Hours of operation of the ancillary use, to be consistent with or less than the dominant use.
- Limited use of the ancillary portion of the site, until such time the dominant use has been constructed in its entirety.

Parking Areas and Access Ways

11. A design plan shall be provided to the consent authority with the development application for the first stage for parking areas and access ways for review and approval. The design shall include pavement design, stormwater drainage, line marking and signage.

The design plan shall account for travel paths and swept paths for the largest service vehicle/bus proposed.

The design shall meet the *Engineering Guidelines* and *Australian Standard AS2890*. The design plan shall accommodate the required turning movements of the design service vehicles and buses.

Where the plan results in formed car parking spaces not being achieved in the same numerical value as shown on the approved plans, a formed parking area shall be constructed within the overflow car parking area to provide the same number of car parking spaces.

Erosion and sediment controls

12. An Erosion and Sediment Controls Plan must be provided to the consent authority with the development application for the first stage prepared in accordance with *Managing Urban Stormwater: Soils and Construction, Volume 1* (Landcom, 2004), as amended.

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of all the proposed stages of development and must not be removed until the site is fully stabilised.

Certification of acoustic measures

13. Certification of proposed acoustic measures shall be provided to the consent authority with the development Application for the first stage. A suitably qualified person must provide details demonstrating compliance to the consent authority that the acoustic measures proposed to be installed in accordance with the acoustic report approved under this consent.

Noise limiting equipment shall be installed in the development. Plans and details certified by the acoustic consultant demonstrating this shall be submitted.

Stormwater Disposal - Stormwater Detention and Harvesting

14. A Stormwater Management Plan shall be provided to the consent authority with the development Application for the first stage. The stormwater management plan shall comply with the following:

- a) Stormwater shall be disposed of through a piped system designed in accordance with *Australian Standard AS 3500* by a suitably qualified professional. The design shall be

undertaken by a practicing Civil Engineer deemed to be suitably experienced by Council and qualified so as to be accepted as a Member of the Institution of Engineers Australia or a Registered Surveyor deemed to be suitably experienced by Council shall be accepted as qualified to prepare plans for drainage works (excluding flood control structures and bridges). Qualifications demonstrating the above may be requested by Council. Stormwater detention measures shall be designed to ensure the development does not increase upstream or downstream flood levels for all recurrence intervals up to and including the 1% Annual Exceedance Probability.

- b) Detention storage shall be calculated and designed in accordance with *Australian Rainfall and Runoff 2019*.
- c) Stormwater harvesting measures shall be incorporated into the development, including rainwater tank details, pump details and reticulation diagrams.

Earthworks Management Plan

15. An Earthworks Management Plan shall be provided to the consent authority with the development Application for the first stage. The Earthworks Management Plan shall comply with the following:

- Method of compaction and degree of compaction;
- Method of excavation and drainage;
- proposed Haulage routes, destination of extracted material;
- Potential impacts on adjoining properties/the environment and proposed mitigation measures;
- A Virgin Excavated Natural Material (VENM) or appropriate Waste Classification (such as ENM), where required by Council, outlining the origin and classification of materials imported and exported from site.

The Development Application for the First Stage must also be accompanied by a survey plan and a site plan (at a 1:100 or 1:200 scale) which shows:

- Existing natural contour levels and proposed finished contour (shown in bold) levels at 2 metre intervals in Australian Height Datum (AHD);
- Cross section plans identifying the nature, extent and depth of excavation and/or land filling and associated works, batter slopes and any retaining structures;
- The location of cut, fill, batters, drainage and retaining structures as well as existing natural features, dams, watercourses, trees and especially any trees or other vegetation likely to be affected by works;
- Where development involves fill materials being temporarily stockpiled on any land, the site plan must show the location, quantity, height and configuration of proposed stockpiles.

Construction Management Plan/s for works within public road reserve and development site

16. A Construction Management Plan (CMP) shall be provided to the consent authority with the development application for the first stage. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

The CMP must address the following, where required:

Health and Safety

- a) Public safety, amenity and site security,
- b) Traffic control and management including a Construction Traffic Management Plan, Traffic Control Plans (TCPs), Vehicle Movement Plans and swept paths of construction vehicles,
- c) Pedestrian management,
- d) Construction hours,
- e) Noise and Vibration control,
- f) Contractor vehicle parking,
- g) Locating existing utilities and services,
- h) Health and Safety requirements.

Environment

- a) Air quality management,
- b) Erosion and sediment control- base information, monitoring and management,
- c) Waste management,
- d) Material stockpiling,
- e) Vegetation management,
- f) No-go zones,
- g) Heritage management (if applicable).

Quality

- a) Submission of current insurance certificates,
- b) Work method description,
- c) Construction equipment to be used,
- d) Inspection and testing requirements,
- e) CCTV survey of pipework,
- f) Earthworks methodologies,
- g) Haulage routes,
- h) Retaining structure construction methodologies,
- i) Concrete jointing methodologies,
- j) Subsoil drainage installation methodologies,
- k) Stormwater drainage infrastructure installation methodologies,
- l) Stormwater Quality Improvement Device installation methodologies,
- m) Road construction methodologies,
- n) Accessways and footway construction methodologies,
- o) Landscaping installation methodologies,
- p) Utility and services installation methodologies,
- q) Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP.

A copy of the approved CMP, and any conditions imposed on that plan, shall be kept on site at all times and made available to any officer of Council upon request.

Notification to Neighbours

17. Written notification shall be provided to landowners and residents who live adjacent to the proposed development or who may be impacted by the proposed works. The notification shall be provided a minimum of seven days prior to commencement of works relevant to each proposed stage. The notification shall include the expected date of commencement of works and a brief description of the works.

Unobstructed Footpath Access

18. The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted, and such signposting be maintained in a way that ensures public safety at all times.

Consolidation of Lots

19. Prior to the commencement of Stage One (1), lots subject to this development consent shall be consolidated and registered at the NSW Land Registry Services and a copy of the registered plan shall be provided to Council.

Event / Operational Management Plan

20. An Event Management Plan shall be provided to the consent authority with the development Application for the first stage.

The EMP shall consider at a minimum:

- Event Management Plan
- Communication Plan
- Traffic and Car Parking Management Plan, including on-site and off-site parking arrangements and any "Special Event" would require a specific Traffic Management Plan that would be tailored to the event and may require provision for increased public transport use, the use of the overflow parking area and ride shuttles and suitable accredited traffic controllers
- Pedestrian Management Plan, including wayfinding signage
- Traffic Control Plan
- Acoustic Management Plan
- Crime Risk Assessment

All EMPs shall be reviewed and updated after each event incorporating all lessons learnt and any agreed recommendations/ amendments.

Landscaping

21. All future development applications must include:

(a) detailed landscape plans identifying the vegetation to be removed or relocated, and the location of replacement plantings and additional landscaping. The plans must:

(i) be prepared in consultation with Council;

(ii) include relevant details of the species to be planted and the landscape treatments, including any pavement and seating areas.

Amenity

22. All future development applications must include an assessment of amenity impacts including solar access, visual privacy, view loss and light spill (including a lighting plan).

Ecologically Sustainable Development

23. All future development applications must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings.

Disability Access

24. All future development applications for any new built form must be accompanied by a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards).

Waste

25. Where relevant, all future development applications must be accompanied by a Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development.

Utilities

26. Where relevant, all future development applications must address the existing capacity and any augmentation requirements of the development on the provision of utilities, including staging of infrastructure through the preparation of an Infrastructure Management Plan in consultation with relevant agencies and service providers.

Air Quality

27. All future developments must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
 - (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

ADVISORY NOTES

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.