

Relevant Town Planning Permit conditions

1. The Planning Permit issued in June, 2018 has a number of conditions that require amended plans to the satisfaction of the Council before works can commence. The key ones relating to this possible revision of the community facilities and school layout are:
 - (a) (aa) Floor to floor heights for the community facilities on Level 1 to be increased to a minimum of 3.9m;
 - (b) (mm) Deletion of the L-shape within the 1400sqm community facility area;
 - (c) (nn) Provision of a small canopy extending from the southern side of the sports pavilion over the multi-purpose court;
 - (d) (oo) Lift access to be provided directly to the court;
 - (e) (pp) Separate access to the court independent of the sports pavilion;
 - (f) (qq) A secondary entrance provided to the 1400sqm area to enable the potential division of the internal space;
 - (g) 11. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney Young Pty Ltd and dated 21 February 2018, but modified to include (or show, or address):
 - (h) 11(b) Noise from ball bouncing within the sport courts and measure to address potential impacts on nearby residential uses and the community space below the court;
 - (i) 11(c) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
 - (j) 11(f) Provide accurate acoustic treatment to the community spaces to enable live music/performance and protect the abutting residences.
 - (k) 12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 - (l) 15. Before the development commences, and Air Quality Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified person and must be submitted to and approved by the Responsible Authority. When approved, the Air Quality Report will be endorsed and will form part of this permit. The Air Quality Report must assess the following:
 - (m) 15(a) predicted air pollution levels within the first floor school playground;
 - (n) 15(b) acceptable air quality/pollutant levels for the school playground activities; and
 - (o) 15(c) suggestions/recommendations to achieve acceptable air quality levels.
 - (p) 16. The provisions, recommendations and requirements of the endorsed Air Quality Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 - (q) 27. Before the development commences, or by such a later date as approved by the Responsible Authority details of the sports court lights including:

- (r) 27(a) lux levels; and
- (s) 27(b) baffling details.
- (t) 30. Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:
 - (u) 30(a) the minimum:
 - (i) 300sqm community space located at level 1;
 - (ii) 1400sqm community centre Activity space including terrace area located at level 1;
 - (iii) 300sqm sports pavilion located at Level 2; and
 - (iv) Roof top outdoor sports court located at Level 2,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;
 - (v) 30(b) the owner will undertake the:
 - (i) fit out of the internal 300sqm community space (to include floor covering, ceiling, lighting and air conditioning);
 - (ii) Delivery of a "warm shell" of the 1,400sqm area; and
 - (iii) Delivery of the roof-top multi-purpose court to netball standard, including lighting with associated 300sqm sports pavilion and store,

before they are gifted to the Responsible Authority. All fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
 - (w) 30(c) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.
- (x) 34. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (y) 34(a) Monday to Sunday 6.00am to 10.00pm
- (z) 35. All outdoor court lighting to be baffled to prevent light spill to the apartments to the west
- (aa) 46. Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.
- (bb) 47. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (cc) 47(a) Monday to Sunday 6.00am to 10.00pm
 - (dd) 52. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.

- (ee) 53. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- (ff) 54. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).