

## **JOINT REGIONAL PLANNING PANEL (Southern Region)**

<b>JRPP No</b>	<b>2011STH001</b>
<b>DA Number</b>	<b>10.2011.2.1</b>
<b>Local Government Area</b>	<b>Kiama Municipal Council</b>
<b>Proposed Development</b>	<b>Expansion and Upgrade of Jamberoo Action Park</b>
<b>Street Address</b>	<b>1215 Jamberoo Road, Curramore</b>
<b>Applicant/Owner</b>	<b>George Eddy Holdings Pty Ltd</b>
<b>Number of Submissions</b>	<b>Fifty-two (52)</b>
<b>Recommendation</b>	<b>Approval with Deferred Commencement Conditions</b>
<b>Report by</b>	<b>Mr B Elliott – Development Planner</b>



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## Planning Report and Recommendation

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<b>APPLICATION NUMBER:</b>	10.2011.2.1
<b>APPLICANT:</b>	George Eddy Holdings Pty Ltd
<b>OWNER:</b>	George Eddy Holdings Pty Ltd
<b>PROPERTY DESCRIPTION:</b>	LOT: 3 DP: 258919, LOT: 1 DP: 1070506, Jamberoo Road CURRAMORE, 1215 Jamberoo Road CURRAMORE
<b>SITE ZONING:</b>	Part Rural 1(a) / part Rural Environmental Protection 7(e) Hinterland – Kiama LEP 1996; part RU2 Rural Landscape / part E3 Environmental Management – Draft Kiama LEP 2010
<b>DEVELOPMENT DESCRIPTION:</b>	EXPANSION & UPGRADE OF JAMBEROO ACTION PARK
<b>DATE:</b>	27 June 2011

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### Development Site

The property is described as LOT: 3 DP: 258919 and LOT: 1 DP: 1070506 which is located at Jamberoo Road CURRAMORE 2533. The overall site measures 63.1 Hectares in size (Lot 1: 42.61Ha, Lot 3 - 20.49Ha) and is irregular in shape.

The Jamberoo Action Park currently consists of the following rides and activities:-

- toboggan tracks
- the Taipan raft ride
- Surf Hill water slide
- Billabong Beach activities
- Splash Out water slides
- The Rock jumping platform
- Outback Bay wave pool
- go-kart circuit
- mini golf (putt-putt) course
- restaurant and reception centre
- entrance structures
- associated administrative and amenity areas
- car parking areas (including overflow parking)

Lot 1 currently contains all the water and amusement activities associated with the Jamberoo Action Park as described above. Lot 3 is predominantly cleared of vegetation and is generally flat rural land. It does not contain any of the activities of the Park, although a couple of dams, the effluent disposal pond and irrigation areas associated with the Park are located within Lot 3.

The land is undulating in topography, but generally inclines progressively steeply toward the north-west. With the exception of the north and west of the site that supports

remnant pockets of vegetation, as well as intermittent groups of trees and landscaping within the park, the site is generally cleared of vegetation.

The land is bound by Jamberoo Road along its eastern boundary and on other sides is bounded by rural land containing principally single detached dwellings and grazing land.

The site is zoned part Rural 1(a) / part Rural Environmental Protection 7(e) - Hinterland pursuant to Kiama Local Environmental Plan (LEP) 1996 and is proposed to be zoned part RU2 Rural Landscape / part E3 Environmental Management pursuant to Draft Kiama Local Environmental Plan 2010.

## **Background**

Jamberoo Action Park began as a grass ski park in 1979. The grass ski park included a chairlift, restaurant and amenities building. Since its inception the park has progressively expanded and evolved and this has seen it shift from a being grass ski park into the water theme park it is today. This has been accomplished through a series of development applications over the intervening years, with the most significant arguably being the 2001 application that included Master Plan approval for a staged development of the park that included water based rides, the wave pool, shade structures etc.

Development application 10.2009.126 was lodged with Council in 2009 seeking further extension of the park. It was Council's position that the development proposed was an "amusement park" and therefore prohibited development in the zone pursuant to Kiama LEP 1996.

In December 2009 the proponent lodged a Class 1 Merit Appeal in the Land & Environment Court against the 'Deemed Refusal' of the development application. Following the hearing in August 2010, the judgement of the Court (*George Eddy Holdings v The Council of the Municipality of Kiama* [2010] NSWLEC 1240) was that the *"characterisation of the purpose of the use of land should be as an "amusement park" and as such the proposed development is a prohibited use and the appeal must be dismissed."*

## **Planning Proposal**

As indicated above, pursuant to Kiama LEP 1996, *amusement parks* are prohibited development in the Rural 1(a) zone and the Rural Environmental Protection 7(e) – Hinterland zone. Whilst Lot 1 enjoys "existing use rights" for the purpose of an amusement park pursuant to the Environmental Planning & Assessment (EP&A) Act 1979, meaning the Park is thereby permissible on Lot 1, existing use is limited under the Environmental Planning and Assessment Regulation 2000. Furthermore, Lot 3 does not have the benefit of the same existing use rights as Lot 1 and, as such, development of this lot for the purpose of an amusement park is prohibited. The proposed development (expansion of the amusement park over Lots 1 & 3) is subsequently dependent upon amendment to LEP 1996 to specifically permit the development on part of Lot 3 and the expansion of the development on part of Lot 1.

In recognition of the land use prohibitions under Kiama LEP 1996 and the existing use limitations under the EP&A Regulation 2000, the owners of the Jamberoo Action Park have lodged a Planning Proposal to amend Kiama LEP 1996. The amendment seeks to specifically allow for amusement park development on the part of subject Lots 1 & 3 by amending Schedule 4 of LEP 1996 to permit specific additional uses (in this instance an "amusement park"). Amendment to Schedule 4 of LEP 1996, as detailed in the Planning Proposal, will thereby enable the upgrade and expansion of the Park.

Council, at its extra ordinary meeting in January 2011, resolved to support the Planning Proposal and to forward the matter to the NSW Minister for Planning under the Gateway determination process for finalisation and publication (generally referred to as gazettal).

The development application has been lodged for assessment concurrently with the Planning Proposal. The LEP amendment (Amendment No. 66) was published on Friday 17 June 2011.

### **Description of the Proposed Development**

The proposal involves the expansion & upgrade of Jamberoo Action Park. The following additional development is proposed as part of the "Kangaroo Island" expansion of the Park:

- Seven new rides including:
  - Tornado Ride
  - Behemoth Bowl Ride
  - Uphill Coaster Ride
  - Lazy River Ride (with Action Rapids)
  - Rain Fortress
  - Kids Themed Water Play Zone
  - Mammoth River/Tantrum Alley Ride
- Entrance building and ticket office additions
- Shade and Picnic shelters
- Water Cannon Boathouse
- Food and Beverage Outlets
- Observation Decks
- Suspension Bridge
- Change Rooms/Amenities
- Additional Car Parking Areas
- Landscaping
- Replacement Storage shed/Work shed (300m<sup>2</sup> in area)
- Plant room
- Amendments to the Water Supply and Effluent Management on the site
- Demolition of the existing go-kart track to accommodate some of the new rides

Access to the Park is obtained from Jamberoo Road via a proposed upgraded priority controlled T-intersection between the driveway entry and Jamberoo Road. The proposed access treatment involves the following works:-

- Widening of the existing access to provide twin entry and exit lanes, with one of the entry lanes being via a separate left turn lane from Jamberoo Road;
- Reconfiguration of the access road to provide two entry lanes between the site access and the southern service road separating the existing and proposed car parks; and
- Provision of a left turn deceleration lane at the main site access from Jamberoo Road into the site.

An additional 1,684 on-site car parking spaces are proposed as well as 42 staff parking spaces. The applicant also proposed 250 overflow car parking spaces on a grassed area to the north of the existing car park.

The new rides and most of the new structures will be accommodated within Lot 1 and within the existing physical boundaries of the Park. However, a significant extension to the existing car parking area, replacement storage shed/work shed and new and expanded water supply and effluent management systems are proposed within Lot 3.

Finish colours for the rides include dark grey and dark green for the Tornado raft ride and the Behemoth Bowl raft ride respectively. The Mammoth river/Tantrum alley raft ride complex has slides in blue and green and the Uphill Coaster raft ride is indicated as yellow with red tubular sections.

The proposed facilities including the food and beverage outlet and change rooms have colourbond roofs Shale Grey in colour and the picnic shelters and other proposed buildings will have colourbond roofs in colours including Sandbank, Paperbark, Shale Grey and Deep Ocean.

## **Section 79C Assessment**

The proposed development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant:-

### **Relevant Environmental Planning Instruments**

- State Environmental Planning Policy (*Rural Lands*) 2008

The aims of this Policy are as follows:

- to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- to implement measures designed to reduce land use conflicts,*
- to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

The subject land totals 63.1 Hectares in size (Lot 1: 42.61Ha, Lot 3 - 20.49Ha). Due to the established and dominant use of the land being the amusement park, in conjunction with the steep topography of the north, north-west sectors of the land and the remnant vegetation stands, the land in general is not considered to have any viable agricultural use or arguably the potential for any viable agricultural use.

The proposed development can create the potential for land use conflict, as the site and surrounding land is traversed by land mapped as being of prime crop and pasture potential. However, with the exception of a 49 Ha parcel of land adjoining the site to the west (which currently supports a dairying enterprise in conjunction with another 49 Ha rural allotment in turn to the west of it), there is no significant cropping, dairying or intensive agricultural use currently within the immediate vicinity of the site.

The adjoining dairying enterprise, while sharing a common boundary with the subject site, is essentially disconnected from it, from a land use point of view, on account of the topography of the land together with the location of existing remnant vegetation. The development proposed is therefore not considered to undermine or unreasonably disrupt the ongoing agricultural use of this neighbouring land.

In addition to this, the general pattern of rural subdivision surrounding the site is of relatively small rural allotments, hence the potential for land use conflict with

surrounding agricultural activities is not considered to be such that would warrant refusal of the development under the circumstances.

Clearly the proposed development will eliminate any agricultural use or potential agricultural use of the subject land. It is acknowledged however the site is not currently used for any worthwhile agricultural pursuit such as grazing, dairying or crops, nor is this likely to occur given the amusement park is the established and dominant use of the land.

- State Environmental Planning Policy (*Major Development*) 2005

The proposed development has a capital investment value of greater than 10 million dollars and is therefore a major regional development pursuant to the SEPP. In this respect the Council's consent functions are to be exercised by the regional panel.

- State Environmental Planning Policy (*Infrastructure*) 2007

Pursuant to Schedule 3 of the SEPP, traffic generating developments with a size or capacity for 200 or more motor vehicles are required to be referred to the NSW Roads & Traffic Authority (RTA). Pursuant to clause 104 of the SEPP, the consent authority must take into consideration any submission from the RTA, as well as any potential traffic safety, road congestion or parking implications of the development.

The proposed development was accordingly referred to the RTA and, on the 11 February 2011, Council received the RTA's response which stated that the RTA did not object to the proposed development subject to the inclusion of conditions of consent outlined in the RTA submission.

Should the development be approved, the RTA's conditions will be incorporated into the consent notice.

- State Environmental Planning Policy No. 55 (SEPP 55) – *Remediation of Land*

Clause 7 of the SEPP requires contamination and remediation to be considered in determining development applications. To this end it requires that:

*“(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.”*

Council is aware that the land has been used in past for agriculture (piggery, dairying), for horticulture ("cut flower" farm) and clearly for uses associated with the amusement park (go carts – fuel storage, mechanical works etc), pool chemicals, pesticide use etc. Given the sites land use history it is considered to be potentially contaminated. As such the requirement for a preliminary contamination assessment report is triggered.

The applicant has provided a preliminary site contamination report and has identified potential areas of contamination. The appointment of a qualified land contamination consultant to prepare a remediation plan and an appointment of an Accredited Site Auditor to carry out independent review of the consultants work is required so that a Clearance Certificate can be issued for the site. Should development consent be granted this matter will be addressed with conditions of consent.

- Illawarra Regional Environmental Plan No. 1

Clause 11 of the IREP identifies objectives relating to rural lands, being:

- "(a) to retain the productive capacity of prime crop and pasture lands,*
- (b) to protect valuable natural environments, as identified on sheets 1–10, 14, 15 and 17 of the map,*
- (c) to provide for wildlife movement between major protected wildlife habitats,*
- (d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,*
- (e) to allow for the development of small rural holdings in appropriate locations,*
- (f) to prevent uneconomic demand for State Government services,*
- (g) to allow for future urban expansion,*
- (h) to retain the scenic attributes of rural areas, and*
- (i) to provide for developments which by virtue of their character require siting away from urban areas."*

It is clear that the existing Park does not comply with the intent of the objectives of IREP No. 1 in terms of retaining the productive capacity of prime crop and pasture lands (of which the site is partially recognised to contain). The development application seeks to expand this established and already dominant use of the land.

To facilitate amusement park use as a permissible use on the land pursuant to the LEP, a Planning Proposal has been put forward to amend the LEP to specifically permit amusement park development. The provisions of IREP No. 2 were taken into account in the assessment of the Planning Proposal. Amongst the aims of IREP No. 2 is to *"to conserve the agricultural potential of the Jamberoo Valley"*, which clearly involves consideration of the proposed LEP amendment on agricultural use. Council has resolved to support the Planning Proposal. Had it been considered that amending the LEP to permit amusement park development on rural land would have an unacceptable impact in terms of loss of agricultural land and unacceptable impact on adjoining/adjacent agricultural pursuits, the planning proposal would not have been supported.

Under the circumstances it is reiterated that the proposed development seeks to expand established and already dominant use of the land as an amusement park. It is not considered that the existing land not already occupied by amusement parks activities or infrastructure, has limited agricultural use and, similarly, the proposed development is not considered to unreasonably or unacceptably impact the propensity for adjoining and adjacent land for agricultural use. This matter has been discussed under SEPP (Rural Lands) 2008.

Clause 139 of the REP imposes a maximum building height control of 11 metres measured vertically from any point on the ceiling of the top most floor of the building to the natural ground level immediately below that point. The proposed development, in

terms of height limit breaches, clearly does not involve buildings with a “*top most floor*” or a “*ceiling*” in the regular sense. Nonetheless the Tornado ride, Uphill coaster and Rain Fortress are “buildings” that each exceeds 11 metres in height.

The proposed Tornado ride has a nominated height of 22.5 metres, however it is noted that this measurement is incorrectly derived as it is not measured from the top most ceiling of the development to the natural ground level *immediately* below, in accordance with the definition. Application of the definition for height has the height of the Tornado ride technically in the order of 17 metres (not 22.5m).

The height of the proposed Uphill coaster ride is nominated at 13.21 metres, which is a height measurement that is consistent with the height definition. The nominated height of the Rain Fortress is 13.1 metres. This height measurement is taken from the top-most point of the building, in this instance being a water pipe that feeds a large bucket which tips water over the rain fortress. The top of the bucket reaches a height in the order of 12.3 metres.

The matter of height, and specifically the height control pursuant to the IREP, was discussed with the NSW Department of Planning who confirmed that Council has delegated authority to vary the height control standard. It is noted that, in terms of height and height breaches, the proposed development is consistent with the previous development proposal (under development application 10.2009.126 – see Background above). In that instance the Director-General of the Department of Planning granted concurrence to vary the height control under the IREP.

Pursuant to Clause 139(3) of the REP, when considering a variation to the building height the following factors are required to be taken into consideration:-

*(a) the height, scale, bulk and density of the proposed building,*

Comment – The proposed development includes three (3) rides (as identified above) that exceed the height control of the REP. The most significant of these in terms of height and bulk is the Tornado ride, which stands at a nominated 22.5 metres in height, although as discussed above, strict application of the definition for height has the height of the Tornado ride technically in the order of 17 metres (not 22.5m).

The height and bulk of the Tornado ride is attributable to the dominant funnel component of the ride. Whilst the overall form and scale of this funnel part of building is foreign for a rural environment, this building more-or-less forms the centrepiece of the proposed Kangaroo Island extension of the Park and as such is surrounded by the Park and its rides. When this building is considered within the context of the surrounding amusement park as well as with the backdrop of the hill, it's generally considered, on balance, to be acceptable despite it breaching the 11m height limit. This issue is discussed in greater detail below under Landscape/Visual Impact.

The other buildings that breach the 11m height limit include the Uphill Coaster, which has an elevated section of waterslide tube with a nominated height of 13.2 metres. This is not a solid or otherwise regular structure, but rather a mostly elevated and undulating waterslide. Consequently its bulk and scale is not considered to be excessive in the context of the surrounding proposed amusement park, despite its height at points.

Similarly the proposed Rain Fortress, with a nominated height of 13.1 metres, is for the most part less than 11 metres in height. The breach of the 11 metre height control is caused by a relatively narrow tower topped by a large bucket that spills water over the Rain Fortress. Despite the height of this component of the building, the bulk and scale of the building as a whole is not considered to be



unacceptable in the context of the surrounding existing and proposed amusement park.

*(b) the external appearance and materials used on the exterior of the proposed building,*

Comment – the most dominant of the buildings proposed in terms of height (as well as bulk and scale) is the Tornado ride. This building is constructed of lightweight materials with external steel framework reinforcing the funnel structure. The funnel structure appears externally as a solid form, particularly when viewed from the south. It is proposed to be finished externally in a dark grey, which has been selected by the applicant to match the dominant surrounding colours of the southern hillside backdrop to the Park, the vegetation and the escarpment and also because such a colour absorbs light rather than reflecting it.

It is not disputed that the height, bulk and scale of the Tornado ride is clearly foreign/unconventional in its appearance, particularly in a rural environment, but given the finish colour proposed, in conjunction with the context of the site and the proposed and existing amusement park, the building is generally considered to be acceptable, due in part to its proposed finish colour.

It is noted that the visual impact of the Tornado ride was given detailed consideration with the previous development application (10.2009.126). The joint experts agreed that, subject to suitable colours and finishes, the proposed Tornado ride would not have an unacceptable impact.

As previously indicated, the Uphill Coaster ride sits in front of the Tornado ride. The Uphill Coaster does not appear as a solid, bulky structure but rather an undulating elevated waterslide with short tubular sections. The colour of the ride is yellow with the tubular sections red. Whilst these are visually prominent colours, the structure itself is not bulky and so, despite the external colours, the structure does not appear as excessive.

The rain fortress presents as a network of elevated walkways and water slides around a central tower supporting a large bucket at its crown. This building does not present as being a bulky structure and, in effect, would be screened by landscaping and other structures within the amusement park. It is proposed to be finished in a variety of colours and the colour variations break down its visual mass by contributing to visual articulation of the building in association with its form.

*(c) the relationship of the proposed building to the streetscape or landscape,*

Comment – the relationship of the proposed building to the landscape is discussed in detail below under the heading Landscape/Visual Impact.

*(d) the effect of the proposed building on public amenity, including pedestrian amenity,*

Comment – There are no pedestrian walkways in the vicinity of the site and the site is not within an urban area. In terms of public amenity the buildings will be most visible from a 1.7 kilometre section of Jamberoo Road (in the immediate vicinity of the Park) and the northern section of Minnamurra Lane. The proposed buildings are, in themselves, not considered to have an unacceptable impact in terms of public amenity and pedestrian amenity i.e. these impacts are as a result of the overall amusement park development rather than the individual buildings that breach the 11m height limit.

- (e) *the effect of the proposed building on wind patterns and wind velocity in public places,*

Comment – no concern is raised in relation to this.

- (f) *the effect of the proposed building on overshadowing of public places,*

Comment – no overshadowing of public places will occur as a result of the proposed development.

- (g) *the effect of the proposed building on views from public places,*

Comment – The buildings in question are visible from sections of Jamberoo Road, and Minnamurra Lane in the near to medium range and, from a longer range, places such Wallaby Hill Road and, further still, Saddleback Mountain Lookout. It is not anticipated that the proposed development will have an unreasonable impact on views from public places, as discussed in greater detail below under Landscape/Visual Impact.

- (h) *the effect of the proposed building on any item of the environmental heritage in the vicinity, and*

Comment – there are no heritage listed items in the immediate vicinity of the site.

- (i) *the effect of reflections from the exterior of the proposed building on roads, public places and buildings in the vicinity.*

Comment – no concern is raised in relation to this.

In light of these considerations the height of the proposed Tornado ride, Uphill Coaster and Rain Fortress is not considered to be unacceptable under the circumstances.

- Kiama Local Environmental Plan 1996

The subject land is zoned part Rural 1(a) – Rural “A” / part Rural Environmental Protection 7(e) - Hinterland pursuant to Kiama Local Environmental Plan 1996 (KLEP 1996).

As discussed earlier, *amusement parks* are prohibited in both the 1(a) and 7(e) zones (the development is proposed within the 1(a) zoned land). As the proposed development is prohibited it is dependent upon amendment to LEP 1996 to permit the development on Lot 3 (the development is permissible on Lot 1 as it enjoys “existing use rights” pursuant to the EP&A Act 1979). This specific issue has been previously discussed.

The development is proposed to occur within the Rural 1(a) zone. The 1(a) zone objectives are:-

- (a) *to provide suitable land for agricultural use,*
- (b) *to protect the agricultural potential of rural land,*
- (c) *to prevent the fragmentation of rural land of prime crop and pasture potential,*
- (d) *to enable uses that are compatible with the rural use of the land,*
- (e) *to protect the landscape quality of the rural area,*
- (f) *to cater for small domestically-based enterprises that do not adversely affect the environment or the amenity of the neighbourhood and its residents, and*
- (g) *to ensure that development and land management practices do not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as streams, estuaries and wetlands.*

Zone objectives (d) and (e) were contended with the previous development application (10.2009.126) at the entailing Land & Environment Court hearing. The Court in that instance found, foremost, that the development was an amusement park and thereby prohibited development in the zone (pursuant to the LEP's land-use table). In association with this the court found that the proposed development was inconsistent with zone objectives (d) and (e).

On this point it is noted that permissible uses in zones are derived through what uses are considered to be consistent with the objectives of the zone. Since the Courts refusal of the previous development application, the proponents have submitted a Planning Proposal seeking to permit the use of the subject land for the purpose of an amusement park. The Planning Proposal has met with the support of Council. The Minister of the Department of Planning & Infrastructure published the amendment to Council's LEP on 17 June 2011.

In amending the LEP the zone objectives were taken into account by Council and the Minister. Notwithstanding the zone objectives, the LEP has been amended (Amendment No. 66) to make amusement park development permissible on the subject land.

Specific clauses requiring consideration:-

Clause 12 requires consideration to be given to the impact of the proposed development on the agricultural viability of the subject land and land within the vicinity. The proposed development will clearly have an impact on the future agricultural viability of the subject land, but it is considered it will not have any unacceptable impact on the current or future agricultural use of adjoining or nearby land (this matter has been discussed in greater detail under SEPP (Rural Lands) 2008).

Clause 12(2) of KLEP 1996 requires consideration to be given to numerous matters, being:-

- a) *The effect of the proposed development on agricultural and other land uses undertaken on adjacent and adjoining holdings and other holdings in the vicinity;*
- b) *The quality of the land and the potential agricultural productivity of the land;*
- c) *The likely impact of the proposed development on the landscape, vegetation, soil resources and stability and water resources (including the quality of water courses, ground water storage and riparian rights), and the cumulative impact of the development on surface and ground water quality and quantity and on the physical and biological functions of watercourses and riparian corridors;*
- d) *The effect of the proposed development on the structure and nature of agricultural industries in the area;*
- e) *The traffic generating effects of the development on access roads;*
- f) *The cumulative effect of similar proposals if consent is granted;*
- g) *The likelihood of the land remaining available for agriculture.*

Consideration has been given to these matters. The agricultural implications of the proposed development are discussed in greater detail under SEPP (Rural Lands) 2008 as well as IREP No. 1 and no concerns are raised under the circumstances, largely on account of the established and already dominant use of the land for the purpose of an amusement park. Visual impact and traffic matters are discussed at depth in other areas of the assessment.

Clause 13 requires consideration to be given to the environmental attributes of the land, being:-

- a) *The protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna; and*
- b) *The protection of wildlife corridors and vegetation links with other nearby bushland; and*
- c) *The protection of bushland as a natural stabiliser of the soil surface and the protection of existing landforms such as natural drainage lines, water courses and foreshores; and*
- d) *The protection of bushland for scenic values and the retention of the unique visual identity of the landscape; and*
- e) *The cumulative impact of a series of development proposals.*

Consideration has been given to these matters and no concerns are raised. The development application is supported with a Flora & Fauna Assessment pursuant to Section 5A of the Environmental Planning & Assessment Act 1979. The assessment concludes that the proposed development is unlikely to have a significant impact on any threatened flora or fauna or endangered ecological community. The report has been reviewed by Council's Landscape Officer and no concerns have been raised.

Clause 39 mirrors Clause 13 and requires consideration to be given to the effect of the proposed development on:-

- a) *The protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna; and*
- b) *The protection of wildlife corridors and vegetation links with other nearby bushland; and*
- c) *The protection of bushland as a natural stabiliser of the soil surface and the protection of existing landforms such as natural drainage lines, watercourses and foreshores; and*
- d) *The protection of bushland for scenic values and the retention of the unique visual identity of the landscape; and*
- e) *The cumulative impact of a series of development proposals.*

The above matters have been considered and no concerns are raised. Irrespective, the proposed development is not occurring on or within land that is zoned 7(e) - Hinterland.

Clause 37 relates to land that has been identified as being of high conservation value. Whilst the subject land includes areas that are mapped as being of high conservation value, the proposed development is not sited within, or does not encroach upon, the mapped area of high conservation value.

An environmental (flora and fauna) report has been submitted with the development application, which concludes that the development is unlikely to significantly affect any endangered flora and fauna.

In light of the environmental studies it is considered that the high conservation value of the land will not be unacceptably affected by the proposed development.

Clause 54 applies to development along arterial road (classified road) and states that the Council:

*“shall not consent to an application to carry out development on land which has frontage to an arterial road unless:*

- (a) access to that land is provided by a road other than the arterial road, wherever practicable, and*
- (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:*
  - (i) the design of the access to the proposed development, or*
  - (ii) the emission of smoke or dust from the proposed development, or*
  - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.”*

In this instance there is no practicable alternative access to the Park from a road that is not an arterial road. The proposed development was referred to the Roads and Traffic Authority (RTA) for comment. Council's Engineers, in consultation with the RTA, agree that the proposed development is acceptable subject to upgrade and treatment of the intersection of the Park access to Jamberoo Road.

Clause 55 requires consideration to be given to the traffic impacts of the proposal, especially the traffic impacts of the proposal on the road system and on the amenity of residents; the safety of traffic access and the adequacy of parking. Traffic and access issues have been considered by the RTA, the Regional Development Committee and Council's Development Engineers. Council's Development Engineers have made the following comments in relation to traffic, access and parking:-

- Council at its meeting held on 18 January 2011 recommended the provision by the applicant of a traffic management plan requiring the future ongoing monitoring and reporting of traffic impact particularly in relation to the impact on Jamberoo Road. The plan is to be prepared by the applicant in consultation with RTA and Council officers. The traffic management and operational plan prepared by the applicant has not clearly differentiated between the management issues and the future operational issues. The applicant will be required to clearly define site management issues and the proposed operational requirements in a further detailed report. A condition of development consent will be applied requiring the applicant to provide a further detailed traffic management and operational plan. The condition of consent will require the submission of the plan to Council prior to the issuing of any occupation certificate.
- The Operational Traffic Management Plans prepared for the applicant dated February 2011 (REF: 7304/4) and May 2011 (REF: 7304/5) have been designed around the forecast increase in patronage from 370,000 to 500,000 patrons per year. The Operational Traffic Management Plan prepared by the applicant is recommending the implementation of a number of measures to alleviate access and queuing issues on Jamberoo Road.
- The measures outlined in the Operational Traffic Management Plan have not considered additional management measures for higher than forecast daily and annual traffic volumes within the public road network. There is evidence that following previous expansions to the Jamberoo Action Park that traffic forecasts have been exceeded resulting in excess congestion on the public road network. This has resulted in Council and community concerns that the proposed expansion to Jamberoo Action Park could place further pressure on the public road network should anticipated traffic volumes be exceeded. There

are concerns that higher than anticipated traffic volumes could occur and that there is no action plan in place to deal with this issue.

- The Operational Traffic Management Plans prepared for the applicant dated February 2011 (REF: 7304/4) and May 2011 (REF: 7304/5) makes reference to a number of matters including the establishment of a review committee comprising of representatives from Jamberoo Action Park, the RTA and Council, and the use of the NSW Police Force to manage traffic flow during high patronage days. In regard to the proposed review committee Council officers are of the view that the Kiama Local Traffic Committee must take charge of any review. In regard to the use of the services of the NSW Police Force the applicant has provided correspondence from the Lake Illawarra Local Area Command indicating continuation of the utilisation under the NSW Police Force User Charges Scheme. The RTA in an email dated 24 March 2011 is generally supportive of the measures proposed in the Operational Traffic Management Plan.
- The supplementary Traffic Impact Study prepared for the applicant has provided details of the joint experts report for the Land and Environment Court proceedings No.10927 of 2009. The final matter in the expert witness report where it was agreed to provide overflow car parking of some 250 car parking spaces has been reflected in drawings prepared by consultant Jordan Mealey and Partners for this proposal.
- The availability of the proposed 250 space northern overflow car park and the relationship with the proposed irrigation area has not been clearly identified. The Operational Traffic Management Plan will be required to provide a clear advice as to the timing of the use of the irrigation area and the availability of that area to be used as overflow car parking should common or shared use be required for this site. (It should also be noted that the site of the proposed overflow car parking area is the subject of a development consent for a two (2) lot land subdivision which may have lapsed) Council's Environment and Health section will apply conditions of Development Consent requiring that prior to the use of the overflow car parking area it would need to be totally dry of either rainfall or effluent release for at least 24 hours prior to its use, and that no irrigation is to occur whilst the overflow grassed car parking area is in use.
- Details of the proposed flashing signals proposed north of the development site within the road reserve of Jamberoo Road to be located on the Croom side of the road crest has now been provided by the applicant to both Council and the RTA. The RTA requests that the proposed warning system shall include a queue detection system on Jamberoo Road to ensure that the signage is only active when the queue exists. A condition of consent will be prepared noting that the signage and associated queue detection system shall be provided to the satisfaction of the RTA and Council and shall be in place and activated prior to the issue of any occupation certificate for the site operation of the development proposal.
- The RTA in their written comments dated 10 February 2011 and again reiterated in an email dated 24 March 2011 require the circulation roadway from the intersection with Jamberoo Road to be a two lane internal access road for each of the site ingress and egress locations, which will remain access free, excepting the western access to the southern staff car park, for a distance of approximately 140 metres. The RTA advises that the requirement for the circulation roadway to remain access free is in order to eliminate possible dangerous weaving movements and reduce the risk of internal queuing at the junction with Jamberoo Road. It needs to be noted that this advice is contradictory to the supplementary Traffic Impact Study (dated

December 2010) prepared for the applicant which has provided details of the joint experts report for the Land and Environment Court proceedings No.10927 of 2009 which permitted a number of trial measures to be implemented including access to the existing northern staff car park and direct access to the existing main public car park within this 140 metre zone. The trial was to be implemented for 3 months over the summer holiday period with a review at the end of the period in consultation with Council and the RTA to determine whether the trial measures should be retained or permanently removed. Due to the fact that the RTA has now requested that the proposed circulation roadway remains access free as described above the applicant has prepared drawings that reflect this requirement. Further advice from the RTA dated 2 June 2011 reiterates the position.

- The Traffic Impact Study (dated December 2010) provided details of the joint experts report for the Land and Environment Court proceedings No.10927 of 2009 identifying and accepting a tidal flow arrangement during peak periods for the southern circulation roadway located between the south eastern edge and entry and the existing main car park, and the western end of the proposed southern circulation roadway. The expert witnesses at the time agreed that two entry lanes in the morning and an entry/exit lane in the afternoon be implemented for a 3 month trial over the Summer holiday period with a review in consultation with Council and the RTA to determine whether alternative circulation should be implemented. The review would consider whether the measures result in excessive delays, queuing or safety issues.
- The existing channelized right turn bay located within Jamberoo Road is to be extended from its current length of 65 metres to 92 metres. A redesign and realignment of the existing southbound travel lane and road shoulder will be required to accommodate this proposal. Conditions of Development Consent will be imposed.
- A dedicated left turn lane is to be provided northbound within Jamberoo Road. The left turn lane will continue into the southern circulation roadway. The design of the left turn treatment shall ensure that it is sufficiently separated from the right turn movement from Jamberoo Road to permit both movements to occur simultaneously.
- A Road Safety Audit shall be prepared by the applicant to review the design of all proposed traffic management treatments within Jamberoo Road. The Road Safety Audit shall be submitted to Council and the RTA for assessment prior to the issue of any construction certificates. A condition of development consent shall be applied to effect this requirement.
- The RTA in correspondence dated 10 February 2011 advises that it's involvement in road work and traffic management facilities on classified regional roads post Development Consent is limited. However given the extent of work and the potential for queuing of vehicles to the State Road network the RTA has requested that it be involved up until the acceptance of the concept design of both internal and external road work and traffic control facilities. Council is the Roads Authority and would maintain a close relationship with the RTA for all road and traffic management matters associated with the development proposal.
- In correspondence from the RTA to the applicant dated 2 June 2011 the RTA advises through its Traffic Operation Unit that it does use Variable Message Signs to warn of traffic congestion and in the event that queues did extend back to the State road network the RTA would probably use them to advise motorists of traffic congestion. However the RTA does not consider it

appropriate to utilise the signs to advise motorists that a private development is full or at capacity.

- The applicant has indicated that 1684 additional car parking spaces will be provided in a large car parking module located south of the proposed southern circulation roadway. In addition the applicant is proposing a further 42 formed staff car parking spaces south of the circulation roadway with access from the western end."

Council's Engineers have recommended conditions of consent in relation to access, parking and traffic management etc that will be included as conditions of development consent should the development be approved.

Clause 57 requires Council to be satisfied that, for tourist facility development in un-serviced areas within the Rural "A" zone, a reliable water supply capable of meeting the projected needs of the development is available and also a satisfactory sewerage treatment system capable of achieving standards of treatment and effluent discharge quality can be provided. The proposed development, whilst most accurately categorised as an "amusement park", also falls within the broader definition of a "tourist facility". The proposed development application is accompanied by Integrated Water and Sewage Management report and plans that have been assessed by Council's Environmental Health Officers, who provide the following comments:-

- Potable water - Operational monitoring of the drinking water parameters provides advance warning that systems may be deviating to a point where control will be lost.

An annual audit of the drinking water treatment system is required to ensure the system is operating effectively, complies with the *Australian Drinking Water Guideline* (NHMRC, 2004) and to identifies and rectifies any failures that could potentially occur or that may have occurred.

- Sewage Management - Operational monitoring of the effluent water parameters provides advance warning that systems may be deviating to a point where control will be lost.

An annual audit of the sewage management system is required to ensure the system is operating effectively, complies with the *Australian Guideline for Water Recycling: Managing Health and Environmental Risks 2006* and identifies and rectifies any failures that could potentially occur or may have occurred.

- Effluent Irrigation Areas - The removal of crop growth from the irrigation field off site, this is to be undertaken to reduce the risk of cross-infection from contaminated effluent to humans. Crop growth cannot be used as fodder for animals or for the growth of edible plant matter to reduce the risk of cross-infection to animals and humans.

Systems must be established and adhered to, to ensure hydraulic loading of the irrigation area is not exceeded.

A standby pump is required to overcome any failures that may occur in emergency situations or in the case of existing pump failure.

Council's Environmental Health Officer's have recommended conditions of consent in relation to effluent management and drinking water etc that will be included as conditions of development consent should the development be approved.



Clause 58A contains objectives pertaining to riparian corridors which are required to be considered in assessing development applications affecting riparian corridors. The objectives are as follows:

- (a) to protect streams, rivers, estuaries and wetlands and allow them to retain their natural hydrological and geomorphological regime and to continue to function as diverse natural ecosystems,*
- (b) to maintain stream and riverbank stability and protect land from erosion,*
- (c) to conserve and protect aquatic and remnant natural terrestrial habitats and vegetation communities within riparian corridors,*
- (d) to restore degraded habitats and maintain vegetation communities within riparian corridors,*
- (e) to restore and maintain the functioning of riparian corridors as refuge areas,*
- (f) to conserve and protect Aboriginal heritage.*

The south-east corner of Lot 3 supports a mapped riparian corridor. Consideration has been given to the above matters and no significant concerns are raised. The NSW Department of Environment, Climate Change and Water (DECCW) together with its subsidiary, the NSW Office of Water, have considered the proposal in terms of the watercourse/riparian corridor, water harvesting and the downstream implications of the proposed development and neither office has raised concerns with the proposal. Similarly, the flora and fauna assessment submitted with the development application has considered the potential impact of the development on the riparian corridor and has raised no concern.

Should development consent be granted conditions of consent will be applied in relation to the riparian corridor and management of the watercourse.

### **Any draft Environmental Planning Instruments**

The subject land is proposed to be zoned part RU2 Rural Landscape / part E3 Environmental Management pursuant to Draft Kiama Local Environmental Plan 2010. Amusement park is prohibited development in both proposed zones.

As identified earlier in the assessment under 'Planning Proposal', Lots 1 & 3 are subject to a Planning Proposal that involves amending Kiama LEP 1996 to specifically allow for amusement park development on part the subject land. The development application has been lodged concurrently with the Planning Proposal. The LEP amendment (Amendment No. 66) was published on Friday 17 June 2011, thereby enabling approval of the proposed development. Amendment No. 66 is as follows:

- “• Part of Lot 1, DP 1070506 and part of Lot 3, DP 258919, Jamberoo Road, Curramore, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 66)”—the following:*
  - (a) in Area A (being the area indicated on that map with vertical bars)—an amusement park, function centre and any other facilities associated with an amusement park, such as shops, refreshment rooms and amenities,*
  - (b) in Area B (being the area indicated on that map with cross hatching)—car park, water supply system and water recycling facility.”*

The proposed development is consistent with the LEP amendment.

Development for certain additional purposes identified under Schedule 4 of LEP 1996 will be carried through to the new LEP.

## **Development Control Plans (DCPs)**

- Development Control Plan No. 37 – *Contaminated Land* (KDCP 37)

Kiama DCP No. 37, Clause 6.3.1, requires submission of a preliminary site contamination (Stage 1) report for consideration prior to determination of the development application as Council, in this instance, had reasonable grounds to believe that the land is contaminated because of the land's history. In this respect Council is aware that the land has been used in the past for agriculture (piggery, dairying), horticulture and clearly for uses associated with the amusement park (go carts – mechanical works, fuel storage etc), pool chemicals, pesticide use etc. The DCP generally operates in parallel with SEPP 55, the provisions of which were discussed earlier.

In response to this a Stage 1 Preliminary Site Investigation report was submitted to Council on 16 March 2011, which was considered by Council's Environmental Health Officers and was found to adequately address the issues. Should development consent be granted, conditions of consent will be applied in relation to site contamination and remediation, as recommended by Council's Environmental Health Officer.

- Development Control Plan No. 36 – *Building Lines and Foreshore Building Lines* (KDCP 36)

The site is subject to a building line of 15 metres from the road (Jamberoo Road). The proposal provides for a compliant building line. All new carparking has been set back a minimum distance of 6.0 metres from the front property boundary in compliance with Clause 7.7 of KDCP 36.

- Development Control Plan No. 35 – *Rural Dwelling Design and Siting Guidelines* (KDCP 35)

This DCP applies to proposals for rural dwellings, building envelopes or outbuildings only. The proposed development is an "amusement park" and, as such, is not subject to the requirements and performance standards of this DCP.

- Development Control Plan No. 31 – *Landscaping Guidelines* (KDCP 31)

A landscape plan was lodged with the development application in accordance with the requirements of KDCP 31. This plan has been reviewed by Council's Landscape Technical Officer and was considered to be satisfactory.

- Development Control Plan No. 25 – *Planning for Less Waste* (KDCP 25)

A waste management plan was supplied with the application which deals with demolition and construction waste. Conditions will be imposed, should consent be given, requiring compliance with the waste management plan during both demolition and construction.

## **Any Matters Prescribed by the Regulations**

- NSW Coastal Policy

The subject land is not located within 1km of the coast and is therefore not subject to the provisions of the NSW Coastal Policy, 1997.

## **The Likely Impacts of the Proposed Development**

- **Landscape/Visual Impact**

As outlined in the development description, the proposed development includes seven (7) new rides together with other buildings and facilities (e.g. change rooms, picnic shelters etc) within the proposed Kangaroo Island precinct of the Park. This precinct is situated generally to the west of the existing Park amusements and north/north-east of the existing car parking area. The new rides proposed are compatible with the existing elements in the Park and continue the theme of water based amusements. An additional 1,684 car parking spaces are proposed on Lot 3 to the south of the existing car parking for the Park.

Clearly the proposed development will have a significant visual impact within the landscape, not only due to the scale of the development but also in part due to its uniqueness within the landscape. The cumulative impact of the proposed development with the existing development is obviously a key consideration.

Visually, the “Jamberoo Valley” is most notably defined by the escarpment that extends from the spur of the ridge in the north-east (on which the Jamberoo Action Park is situated), rising to the west to Stockyard Mountain, on toward Knights Hill and extending south and east towards Saddleback Mountain. In terms of the Jamberoo Valley the Jamberoo Action Park is situated on the southern side of the north-eastern most extreme of what is arguably recognisable as the Jamberoo Valley. The landscape north of the Park (i.e. on the north side of the ridge) is generally more exposed to Albion Park and tends therefore to be associated, in the visual sense at least, with Albion Park more so than Jamberoo.

The amusement park and proposed development is serviced by Jamberoo Road, which is a classified road linking Kiama and Jamberoo with Albion Park. When travelling from Albion Park along Jamberoo Road, the Park (being situated on the southern side of the spur of a ridgeline) is in no way visible until the traveller/observer reaches the relatively sharp crest of the ridge to the immediate north east of the Park. Travelling over this crest the expanse of the Jamberoo Valley is evident. The existing amusement park is currently well screened by vegetation and a screening wall along Jamberoo Road; however the proposed Kangaroo Island development is expected to be more visible as it is positioned on more elevated land. However once this section of road is travelled for another approximately 700m (passing the Park entrance and the proposed car park on Lot 3) the Park is effectively behind the traveller/observer and no longer readily visible. The visibility of the Park gives way to the broader expanse of the Jamberoo Valley and the escarpment.

Conversely, when travelling from Kiama/Jamberoo along Jamberoo Road, the Park is not visible until the traveller/observer reaches the property at 1071 Jamberoo Road. The Park (and proposed development) is then visible for approximately the next 1.7km of Jamberoo Road (to the crest of the road at the immediate north east of the Park, as identified above). The important point from this is that the Park is not visible for the preceding nearly 11 kilometre stretch of Jamberoo Road from Kiama (inclusive of the 1.7km of Jamberoo Road from Jamberoo’s northern outskirt (north of Tate Place). The visibility of the park for approximately a 1.7km stretch of Jamberoo Road, when travelling toward Albion Park, is relatively minor in terms of the path of Jamberoo Road through the valley.

The Park and the proposed development is visible from sections of other public roads in Jamberoo Valley, most notably a section of Minnamurra Lane (due largely to its close proximity and largely unimpeded view towards the Park from a section of the road), but also a small section of North Curramore Road and, significantly further afield, Wallaby Hill Road, for instance. These roads are all narrow, no-through rural roads that are not heavily trafficked. It is not considered that the visual impacts of the proposed development and, cumulatively, the visual impact of the Park are unacceptable from

these roads, given the nature of the roads and the relatively short lengths of these roads from which the Park and proposed development is visible.

The Park is (and the proposed development will be) also visible from a short section of Jamberoo Mountain Road to the immediate west of its intersection with Jamberoo Road. The Park is visible to the north when approaching this intersection. It is noted that only the proposed rides and existing upper car park will be visible from this point. The proposed car park on Lot 3 will not be visible and the existing lower car park (and much of the existing amusement park) is not visible. Given this, given the intermittent view of the park from Jamberoo Mountain Road as well as the distance the Park is from this road, it is not considered that the visual impact of the proposed development and Park is or will be unacceptable from Jamberoo Mountain Road.

The Jamberoo Action Park and proposed development is also visible from two scenic lookouts that take in the Jamberoo Valley, these being Saddleback Mountain Lookout and Jamberoo Lookout. Both lookouts collectively take in expansive views of the hinterland, ocean and coastline from beyond Wollongong in the north to beyond Kiama in the south. From Saddleback Mountain Lookout the Park and proposed development can be made out just short of nine (9) kilometres away. From this distance the park appears as a clustered built form, with the urban expanse of Albion Park beyond. From Jamberoo Lookout the Park is some eight (8) kilometres away and, similarly, appears as a clustered built form. At the elevation of both lookouts the views available are both expansive and diverse, taking in the substantial urban areas of Wollongong (and from Saddleback Mountain its steelworks), Shellharbour and Kiama, rural dwellings dotted throughout the landscape, cleared rural land, bushland/rainforest and the escarpment, as well as the ocean and coastline and all that is in between. The Jamberoo Action Park, as it exists and as it is proposed, is visible from these lookouts from a distance as a development cluster. It is considered to contribute to the diversity of the views from these lookouts, not necessarily detract from them. Had no urban areas been visible from these lookouts then it could justifiably be argued that the Park and proposed development would detract from the landscape and views, but given the diversity of the current views as described, this is simply not the case. The visual impact of the Park and its proposed additions is not considered to be unacceptable under the circumstances.

There are numerous rural dwellings dotted throughout the Jamberoo hinterland and the escarpment that the Park is visible from. These dwellings are primarily to the south of the Park, though few of these dwellings are considered to be within close proximity of the Park and its proposed development. Those that are, most notably, are at the northern end of Minnamurra Lane as well as dwellings in the immediate vicinity of the Park at 1071, 1091, 1183 and 1195 Jamberoo Road. There are some dwellings sited on higher ground along Curramore Road that the Park and its additions are visible from some 2 kilometres away. These dwellings are generally newer dwellings, which were erected with views taking in the Park. The Park additions will obviously intensify the visibility of the Park and the individual components, such as the Tornado ride, will be more clearly definable (as opposed to the clustered appearance of the Park from a distance). Nonetheless, the visual impact of the proposed development and overall Park is not considered to be such that warrants refusal of the proposal.

There are dwellings sited in other more elevated areas of the valley and toward the escarpment that have broader views of the valley that take in the Park and its additions. For the most part these surrounding rural dwellings overlook the Park from a distance and the Park forms part of a diverse view that takes in urban areas including Jamberoo, Kiama, Albion Park, Shellharbour and Wollongong. Given the diversity of the views available from the elevated areas of the Valley, it is not considered that the proposed development unacceptably impacts these views, particularly once landscaping within the proposed additions is established.

The additional car park proposed, and the cumulative visual impact of the overall car park (due to its expanse), is considered to be the most visually prominent component of the Park. The proposed car park is situated on Lot 3, which is the lowest land the subject of Park development and, because of this the visual impact of the proposed car park would be most prevalent when viewed from the more elevated positions within the Valley, which for the most part are also more distant locations. The visual impact of the car park will be most significant when the Park is in operation.

The visual impact of the car park will, in time, be ameliorated by landscaping, shading and screening vegetation. Clearly it will take some time for this vegetation to become established, however it is considered that once this vegetation is established reflection from car windscreens, roofs and bonnets will be filtered due both to shading from landscaping in conjunction with visual screening of the car park area. Council's Landscape Officer has evaluated this and is satisfied that, once established, landscaping will appropriately screen and reasonably shade the proposed car parking area.

In terms of the visual impact of the car park on immediate neighbours (the proposed car park is approximately 65m west of the nearest neighbour at 1195 Jamberoo Road (not associated with the development)), landscaping will be incorporated to screen the car park and its embankment from the dwelling. This landscaping is considered to be appropriate and acceptable.

Aside from the car park, arguably the most prominent individual components of the proposed development are the Tornado ride (due to its height, bulk and scale) and the Behemoth Bowl ride (due to its bulk and scale). In general terms the visual impact of Tornado ride and Behemoth Bowl, individually, would be exacerbated by the fact that they are unconventional, irregular built forms within the landscape and the observer's attention is likely to be drawn to them for this reason, as much as because of their size and bulk. However in the context of the surrounding existing and proposed amusement park, the buildings become absorbed within an overall built form that is recognisable (in the short to medium visual catchment principally) as an amusement park i.e. in the overall context the site is recognisable as an amusement park, not as rural land, and in the overall context of the amusement park these dominant buildings (despite their height, scale, bulk) would tend to become accepted as significant components that make up the Park.

The visual impact of the Tornado ride, in particular, was given detailed consideration with the previous development application. It is noted that the joint experts in the Court case agreed that, subject to suitable colours and finishes, the proposed Tornado ride would not have an unacceptable visual impact.

The colours selected for Tornado ride (dark grey) and Behemoth Bowl (dark green) are justified by the proponent as blending with the dominant colours of the hillside backdrop, the escarpment and the Illawarra sub tropical rainforest. This argument is considered to be valid. The Park is positioned on the southern side of the north-eastern most extreme of the Jamberoo Valley lower spur of the escarpment. As a consequence of shadowing (particularly during winter) the colours selected (dark green for the Behemoth Bowl and dark grey for the Tornado ride) are consistent with the dominant colours of the ridge and escarpment extending westwards from the Park. It is agreed that these colours are consistent with the landscape and will contribute valuably to reducing visual impact.

Amongst the visual impact concerns raised through exhibition of the proposed development was that building colours for the development are not earthy and recessive, unlike rural dwellings/outbuildings, as required under Kiama DCP No. 35 – *Rural Dwelling Design and Siting Guidelines*. In this regard one of the requirements of DCP No. 35 is for rural buildings to be finished in external materials and colours that

help the building to blend into the landscape. To this end earthy, recessive finish colours are required under the DCP.

Rural dwellings and outbuildings are dispersed throughout the Jamberoo Valley landscape and beyond. Individually and cumulatively such buildings have the potential to adversely impact the visual quality of rural areas and the escarpment and it is for this reason that DCP No. 35 aims to reduce the visual impact of rural dwellings and outbuildings by requiring them to be finished in earthy and recessive tones to blend into the landscape. The proposed development, however, is an amusement park and is thereby not subject to the requirements of DCP No. 35. The existing and proposed amusement park comprises a conglomeration/cluster of rides and buildings/structures and, by its very nature, has a very different visual impact than rural dwellings and outbuilding that are dotted throughout the landscape. As discussed, the two most visually prominent rides proposed at the Park, being the Tornado ride and the Behemoth Bowl ride, are proposed to be finished respectively in dark grey and dark green (plan Sheet DA-04 Amendment E). These colours have been selected by the applicant on the basis of *“the Illawarra sub-tropical rain forest, which forms the background of the Kangaroo Island development.”* These colours are recessive and respond appropriately to the surrounding environment in order to reduce the visual impact. They are also not reflective colours, which would otherwise exacerbate visual impact. As discussed, this is considered to be acceptable. Aside from these larger structures, it is also accepted that structures and equipment at ground level and the less bulky structures can be more brightly coloured and eye catching in keeping with the amusement and fun – seeking theme of the Park.

Overall, it is reinforced that the car park and the colours of the new structures will be softened, in time, by the extensive landscaping proposed. The landscaping incorporates three distinct landscape precincts; beach/coastal character, rainforest and Australia native parkland. Once this landscaping is established it is anticipated that the development will be more readily absorbed into the visual landscape, in much the same way that the existing park is. The proposed car parking area will be more intensively landscaped than the existing car park and this will soften the visual impact of the car park by providing shading and screening to reduce reflected glare from cars and windshields.

Another important point to make in relation to visual impact is that the rides are proposed to be located to sit against the hillside and not above it, in which case the visual impact would be significantly greater. The proposed rides fit with and sit against the hillside and, consequently, the proposed Park expansion is accepted to be sympathetic to the topographical characteristics of the area.

In summary, it is accepted that the Jamberoo Action Park and the proposed development is generally not highly visible from public roads or public vantage points (e.g. Saddleback Mountain lookout) due to the topography and distance as discussed above. The main exception to this would be the northern length of Minnamurra Lane; however this road is not a through road nor is it heavily trafficked.

There are numerous rural dwellings dotted throughout the Jamberoo hinterland and the escarpment that the Park is visible from to the north, however few of these are considered to be within close proximity (aside, arguably, from dwellings at the northern end of Minnamurra Lane). For the most part the surrounding rural dwellings overlook the Park from a distance and the Park is effectively part of an otherwise diverse landscape.

There is no doubt that the proposed expansion of the Park will alter the visual landscape in that area of Jamberoo Valley. There is also no doubt that the Jamberoo Valley is in area of great natural beauty, with the scenic attributes of the lush farming countryside and the densely vegetated upper reaches and escarpment. The proposed new rides and facilities are contiguous with the existing water based activities on the

site and are located in a relatively confined visual catchment in the short to medium visual range. It is considered that the scenic attributes of the Jamberoo Valley beyond the subject land will be retained. The proposal will result in an altered view from adjoining properties but will not result in view loss. It is overall considered that the visual impact of the proposed development and the resulting cumulative impact with the existing development would be such that does not warrant refusal of the development.

- **Noise**

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

In terms of on-going noise impact, a noise report compiled by Day Design "*Proposed expansion of Jamberoo Action Park*" report 4558 dated 7 March 2011 identified noise control measures that need to be undertaken in order that the works comply with the *Protection of the Environment Operations Act 1997* and the *NSW Industrial Noise Policy* (NSW Department of Environment Climate Change and Water, 2000). This report was assessed by Council's Environmental Health Officers.

Should the development be approved, condition of consent has been recommended requiring submission and approval of a noise report upon completion of each amusement feature, because the impact of the development cannot be properly assessed until certain sections are completed.

- **Privacy and Overlooking**

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- **Overshadowing**

N/A

- **Vehicular Access, Parking and Manoeuvring**

1,684 additional on-site car parking spaces are proposed, bringing the total on-site parking to 3,199 spaces (i.e. from 1485 to 3199 on-site). The applicant also proposes overflow parking for an additional 250 vehicles.

Council's Parking Code does not address parking requirements for amusement park development, or for that matter any use resembling amusement park development. Council's Engineers have considered in detail the traffic implications of the proposal, as have the Roads & Traffic Authority and Regional Development Committee, based on the reports and studies submitted for the development application in relation to traffic generation and parking. No objection has been made in relation to the amount of on-site car parking proposed.

Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the access roads will comply with required gradients.

- **Stormwater Management**

A satisfactory drainage design has been provided with the application. Council's Development Engineer has made the following comment in relation to the matter of Stormwater Management:

- The applicant has prepared a flood impact study for the western and eastern catchments. The western catchment has been reduced as elements of the

infrastructure items including existing and proposed car parks are piped and drain to the eastern catchment. The eastern catchment also has a rural element discharging via a culvert under Jamberoo Road through Dam 1.

- A statement on the drawings recently prepared by Jordan Mealey and Partners advising that the twin 900mm diameter pipes has no effect on the relationship with Dam 1. There were concerns that backflows could impact on the Jamberoo Road infrastructure possibly causing localised flooding. The applicant has provided sufficient information to show that the Dam 1 and the twin 900mm diameter pipes will not have a detrimental impact on the drainage infrastructure within Jamberoo Road.
- An earlier flood impact study incorporated the small rural dam located on the eastern side of Jamberoo Road as an informal detention basin. The small dam does not impact on the detention capacity of Dam 1.
- The south eastern section of the proposed southern car park is not captured and directed to the proposed gross pollutant trap and the open stormwater drainage channel delivering to the on-site stormwater detention basin Dam 1. The concern Council officers had, was that the environmental measures proposed may be insufficient to manage water quality prior to discharge to the water body. The applicant currently proposes a single Enviropod Oilsorb unit to be located at the point of discharge at the south eastern edge of the proposed car park. Following the meeting held on 14 April 2011 the applicant was reluctant to change from the Enviropod Oilsorb unit. However the applicant has acknowledged that units will be required at each of the stormwater drainage pits within this sub catchment. A condition of consent will be provided to enforce this requirement.

Council's Development Engineer has recommended conditions of consent in relation to Stormwater Management that will be applied should development consent be granted.

- **Environmental Impacts**

Both the subject Lot 1 and Lot 3 contain stands of dense remnant vegetation, much of which is on the higher slopes and mapped as an area of high conservation value pursuant to Kiama LEP 1996. The listed Endangered Ecological Community - Illawarra Subtropical Rainforest is mapped as occurring within Lot 1 and Lot 3.

The development application is supported with a Flora & Fauna Assessment pursuant to Section 5A of the Environmental Planning & Assessment Act 1979. The assessment concludes that the proposed development is unlikely to have a significant impact on any threatened flora or fauna or endangered ecological community. The report has been reviewed by Council's Landscape Officer and no concerns have been raised.

*Vegetation Removal* – It is proposed to remove approximately 60m<sup>2</sup> of Illawarra Subtropical Rainforest for the purpose of a new top dam (Dam No. 6 in the documentation supporting the development proposal). This is addressed in the Flora & Fauna Assessment and has been considered by Council's Landscape Officer, who comments that the *“rainforest to be removed is much degraded, isolated and is not a key threatening process (appendix 4)”*. The Landscape Officer concurs with the findings of the Flora & Fauna Assessment and raises no objection to the removal of this small island of remnant vegetation.

Two trees are also proposed to be removed adjacent to the proposed work shed/storage shed (replacing the existing shed) on Lot 3 (to the immediate west of the proposed car park). The proposed removal of these trees has been considered by the Landscape Officer and again no objection is raised to the removal of these trees.



Beyond that there is landscaping that has been introduced to the site above the existing go-kart track that will be removed in association with the Kangaroo Island expansion. No concern is raised to the removal of this introduced vegetation.

*Fauna Impacts* – It is accepted that it is unlikely that the proposal will affect any fauna or its habitat. This matter has been addressed in the Flora & Fauna report submitted with the development application, which was considered by Council's Landscape Officer and no concerns have been raised.

*Impact on Soil Resources* – Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed, if consent is granted, in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources.

*Impact on Water Resources* – Controls will be implemented during construction to minimise sedimentation.

- **Social and Economic Impacts**

A Statement of Economic Impact, dated January 2011 and prepared by Iris Research, was submitted in support of the proposed development. The Statement was based on figures supplied by the Park and addressed the economic implications of the existing and proposed development in terms of input, output and employment. It concluded that the proposed development had a significant impact in the Illawarra economy and that the *“proposed new development will deliver even more significant benefits to the region.”*

The key issue in the assessment of a development application in terms of economic impact is not necessarily that it has or may have economic benefits to the area but, more so, that it does not have significant adverse economic impacts.

If the development was to have adverse economic impact, in this instance impact on agricultural production would potentially be the biggest adverse impact. As discussed within this report, however, it is not anticipated that the proposed development will have any significant adverse impact on agricultural production in the area. It is acknowledged that the Park attracts visitors and tourists to the area and this, in turn, generates local employment and local spending (be that from guests of the Park or employees of the Park who live locally).

Whilst there is little doubt that the park attracts day trippers to the area, there is also no doubt that there will be guests, attracted to the area by the Park, who will also stay for the weekend or longer. Such economic benefits will be felt outside of the Park.

Ultimately it is considered that the economic benefits of the proposed development for the local area and region outweigh any potential adverse impact.

The proposed development is not expected to have unacceptable adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions are considered to warrant refusal of the application.

### **The Suitability of the Site for the Development**

- Classified road (Jamberoo Road) access – The proposed development (and the existing development) obtains access directly from Jamberoo Road, being a classified road. The development constitutes a traffic generating development pursuant to Schedule 3 of SEPP (Infrastructure) 2007. The development was

accordingly referred to the NSW Roads & Traffic Authority (RTA) as well as the RTA Regional Development Committee for comment. The RTA and the Regional Development Committee did not object to the proposed development subject to the inclusion of conditions of consent outlined in the RTA submission. Should the development be approved, the RTA's conditions will be incorporated into the consent notice.

- Bushfire risk – The subject land is mapped as being bushfire prone under Council's Bushfire Prone Land Planning Maps. The land mapped as bushfire prone encompasses the north-west/western section of lot 1 and the western portion of lot 3.

The proposal was referred to the NSW Rural Fire Service (RFS) for comment. On 17 February 2011 the RFS responded with recommended conditions of consent, which will be applied should development consent be granted.

- Flooding – A Flood Study was submitted with the development application that has been assessed by Council's Development Engineers, who make the following comments:-
  - The applicant has prepared a flood impact study for the western and eastern catchments. The western catchment has been reduced as elements of the infrastructure items including existing and proposed car parks are piped and drain to the eastern catchment. The eastern catchment also has a rural element discharging via a culvert under Jamberoo Road through Dam 1 (also known as Jim's Dam, adjacent to Jamberoo Road).
  - A statement on the drawings prepared by Jordan Mealey and Partners advises that the twin 900mm diameter pipes have no effect on the relationship with Dam 1. There were concerns that backflows could impact on the Jamberoo Road infrastructure possibly causing localised flooding. The applicant has provided sufficient information to show that the Dam 1 and the twin 900mm diameter pipes will not have a detrimental impact on the drainage infrastructure within Jamberoo Road.
  - An earlier flood impact study incorporated the small rural dam located on the eastern side of Jamberoo Road as an informal detention basin. The small dam does not impact on the detention capacity of Dam 1.

No significant concern is raised in relation to flooding.

- Geotechnical assessment – A geotechnical report (prepared by Coffey Geotechnics) was submitted in support of the development application. This report confirms that the site has a low to moderate risk of site instability. The geotechnical report has been reviewed by Council's Building Surveyor and no concern is raised in relation to this matter. It is recognised that the proposed development will require significant excavation of the site and consequently there are numerous geotechnical recommendations required, particularly in relation to controlling surface and sub-surface drainage. Conditions of consent will be applied in relation to this, should consent be granted.

The site attributes are generally considered to be conducive to development.

### **Submissions Received**

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, fifty-two (52) submissions were received that raised the following

(summarised) matters of concern. The items are listed in the general order of the frequency with which the concern was raised:-

Item 1:- Traffic impact

- development will compound an already unacceptable situation on Jamberoo Road
- emergency service vehicles will be adversely effected
- increased traffic is a hazard to cyclists/joggers
- additional lanes on Jamberoo Road are required

Response:- The issues surrounding the impact of the development in terms of traffic, traffic management, access to the amusement park and parking have been considered in detail by Council's Engineers in conjunction with the Roads and Traffic Authority (RTA) and the RTA's Regional Development Committee. The impacts of the development in terms of traffic generation and loading on Jamberoo Road is arguably the dominant issue in relation to the proposed development and this is reflected in the number of submissions that raised this as a concern.

As discussed within the body of this report, the RTA have advised that they do not object to the development proposed subject to the imposition of conditions of consent and, similarly, Council's Engineers have provided comments in this report and recommended conditions of consent to be imposed, should consent be granted, specifically in relation to traffic management, access, parking and the like.

Item 2:- Visual impact

- the development will detract from the visual quality of the area
- rural houses/sheds have to be coloured in earthy/recessive tones but this development isn't
- reflection from car windscreens of cars in the car park

Response:- The site is visible from a number of dwellings in the area to the south of the park and also, most notably, from Jamberoo Road, Curramore Road, Wallaby Hill Road and Minnamurra Lane and from further afar places like Saddleback Mountain Lookout. The landscape and visual impact of the proposed development is discussed in detail in the report under Landscape/Visual Impact.

There is no doubt that the proposed development is different to any other development within Jamberoo Valley and, by its very nature, will be distinguishable within the landscape. However on balance, and as discussed earlier, it is ultimately considered that the development is acceptable in terms of its overall visual impact under the circumstances, once landscaping is established.

Item 3:- The development is not consistent with Illawarra Regional Environmental Plan (IREP) No. 2 due to its agricultural, environmental and scenic impact

Response:- IREP No. 2 relates to the making of and amendments to LEP's, not the assessment of development applications. As such IREP No. 2 is directly relevant to the Planning Proposal, which has been considered by the Department of Planning & Infrastructure following Council's support for the LEP amendment. This development application is lodged concurrently with the Planning Proposal. The LEP amendment (Amendment No. 66) was published on Friday 17 June 2011, thereby making the proposed development permissible. IREP No. 1 is pertinent to the development application and this has been discussed earlier in the report.

Item 4:- Noise impact from the amusement park operation

Response:- A noise report compiled by Day Design "*Proposed expansion of Jamberoo Action Park*" report 4558 dated 7 March 2011 identified noise control measures that need to be undertaken in order that the development complies with the *Protection of the Environment Operations Act 1997* and the *NSW Industrial Noise Policy* (NSW Department of Environment Climate Change and Water, 2000). This report was assessed by Council's Environmental Health Officers.

Should the development be approved, conditions of consent have been recommended requiring submission and approval of a noise report upon completion of each amusement feature, because the impact of the development cannot be properly assessed until certain sections are completed.

Item 5:- The economic benefits for Jamberoo are questioned

Response:- A Statement of Economic Impact was submitted in support of the proposed development, which is discussed above under Social and Economic Impacts. The Statement of Economic Impact concluded that the proposed development had a significant impact in the Illawarra economy and that the "*proposed new development will deliver even more significant benefits to the region.*"

On balance it is considered that the likely economic benefits of the proposed development are expected to outweigh any potential adverse economic impact.

Item 6:- The development will detract from the lifestyle/ambiance enjoyed by residents

Response:- The Jamberoo Action Park has existed at the site for over 30 years, so it is acknowledged that it is a familiar and recognisable landmark and established activity within the Jamberoo Valley. Clearly the proposed additions intensify the amusement park activity. Reports in relation to traffic impact and management and noise have been submitted to Council for consideration. These matters are addressed in detail within this report and would be the subject of conditions of consent should the development be approved.

Item 7:- Concern about the loss of water quality and quantity downstream

- concern about the extent of water harvesting
- concern about the development's impact on groundwater

Response:- This matter has been considered by the Department of Environment, Climate Change and Water as well as by the NSW Office of Water. Neither of these Departments has raised any objection to the proposed development and the Office of Water have provided general terms of approval for the development and recommended conditions of consent that will be included in the consent notice should consent be granted.

Additionally, Council will require that a Construction Environmental Management Plan (CEMP) be prepared by the applicant. The CEMP will cover all internal and external civil engineering works associated with the development proposal. Conditions of Development Consent will be applied.

Item 8:- Concern about water use and treatment within the Park

Response:- Potable water, sewage management and irrigation matters have been considered in detail by Council's Environmental Health Officers and, subject to recommended conditions of consent there are no insurmountable concerns raised.

Item 9:- Property devaluation

Response:- Potential property devaluation as a result of a development is not a matter for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act.

### **The Public Interest**

The proposal is considered to be consistent with KLEP 1996 (and Amendment No. 66, published on Friday 17 June 2011) and relevant DCPs of Council.

As identified above the proposed development generated 52 submissions following its exhibition. The submissions raised a variety of concerns, with the majority relating to traffic impact and visual impact, which have been discussed at length within this assessment and are not considered to warrant refusal of the application.

The number of submissions received does not in itself render the development contrary to the public interest. In this instance the majority of the submissions are from residents of the Jamberoo Valley, but the public interest in the proposed development arguably extends well beyond Jamberoo. The Jamberoo Action Park draws visitors not just from the local area (e.g. Kiama, Albion Park etc) but also from the Illawarra and Shoalhaven regions as well as Sydney. In this respect there is likely to be significant public interest in seeing expansion of the Park as proposed.

In attracting visitors to the Park there will be positive spill offs for other tourist operators and local business and, importantly, local employment.

Overall the proposed development is generally considered to be consistent with the public interest.

### **External Referrals**

- NSW Department of Environment, Climate Change & Water (DECCW)

The proposed development seeks to harvest rain water and has the potential to pollute the downstream watercourse. The proposed development was consequently referred to the DECCW, who responded on 18 February 2011 by providing comments and recommended conditions of consent.

DECCW also outlined aspects of the development in relation to effluent irrigation and pollution for Council to consider in assessment of the proposal and Council's Environmental Health Officers are satisfied with the proposal subject to conditions of consent.

No significant concerns were raised by DECCW in relation to the proposed development.

- NSW Office of Water (DECCW)

The proposed development is within 40 metres of a defined watercourse and is therefore integrated development requiring a controlled activity approval under the Water Management Act 2000.

General terms of approval were issued by the NSW Office of Water on 7 March 2011. Should development consent be granted the general terms of approval will be incorporated as conditions of consent.

- NSW Roads & Traffic Authority (RTA)

The proposed development is accessed directly from a classified road (Jamberoo Road) and consequently the proposed development was referred to the RTA for comment.

On the 10 February 2011 the RTA advised that it had no objection to the proposed development subject to recommended conditions being included should development consent be granted. Should development consent be granted conditions of consent will be applied to cover the RTA's recommended conditions (i.e. some of the RTA's recommended conditions coincide with Council's standard engineering conditions that would ordinarily be applied to the consent).

- NSW Roads & Traffic Authority (RTA) – Regional Development Committee

The proposed development is accessed directly from a classified road (Jamberoo Road) and the proposed development was referred to the RTA's Regional Development Committee for comment.

The development application was referred to the Regional Development Committee for consideration and comment. Council was advised that, because the proposed development was the same in terms of traffic matters, as the previously proposed and refused development (DA 10.2009.126), Council was to rely upon advice provided in relation to that previous development application.

- NSW Rural Fire Service (RFS)

The subject land is mapped as bushfire prone under Council's bushfire planning maps and the proposed development was deemed to constitute a Special Fire Protection Purpose requiring a Bushfire Safety Authority pursuant to Rural Fires Act 1997.

On 17 February 2011 the NSW Rural Fire Service issued the recommended conditions of consent in relation to the proposed development. Should development consent be granted the recommended conditions will be incorporated as conditions of consent.

### **Internal Referrals**

- Building and Development

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Engineering and Works

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Environment & Health

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Parks and Environment

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

### **Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979.

The proposed development is permissible on the subject land as a result of Kiama LEP 1996 Amendment No. 66, which was published on Friday 17 June 2011. The LEP amendment specifically permits, subject to development consent, amusement park development on parts of the subject Lots 1 & 3 and the proposed development is consistent with this.

The proposed development has been considered by the NSW Roads & Traffic Authority, the RTA Regional Development Committee, NSW Office of Water, NSW Department of Environment, Climate Change & Water and the NSW Rural Fire Service and these bodies raise no objection to the proposed development subject to the imposition of recommended conditions of development consent.

Consideration has been given to the social, economic and environmental impacts of the proposed development and, on balance, the proposed development is considered to be acceptable. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

The proposal has been recommended for approval by deferred commencement for the following reasons:-

- The site has been the subject of a previous development application (DA 10.2004.78.1 for lot consolidation and boundary adjustment. The adjusted boundary would split the development site in such a manner that the effluent disposal areas would be alienated from the recreation park facilities. A subdivision certificate has not been issued as yet. The Development Approval will need to be surrendered in order that all of the facilities that make up the development of the Jamberoo Action Park are located on a single lot.
- The proposed development would, without consolidation, be located over two (2) separate parcels being Lot 1 DP 1070506 and Lot 3 DP 258919. This has the potential of compromising the effluent management and car parking availability to the development should either site come into different ownership.

### ***RECOMMENDATION***

That the Southern Region Joint Regional Planning Panel grant deferred commencement consent to Development Application number 10.2011.2.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions as annexed to this report.

## **NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**

Issued under the Environmental Planning and Assessment Act 1979 Section 81 (1) (a)

George Eddy Holdings Pty Ltd  
PO Box 197  
ALBION PARK NSW 2527

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**Development Description:** EXPANSION & UPGRADE OF JAMBEROO ACTION PARK  
**Development Application Number:** 10.2011.2.1

**Premises:** LOT: 3 DP: 258919, LOT: 1 DP: 1070506, Jamberoo Road  
CURRAMORE, 1215 Jamberoo Road CURRAMORE

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**Determination:** Section 80(3) deferred commencement consent  
granted subject to conditions described in  
"Schedule A" below

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**Date of Determination:** -

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**Consent Granted to Operate From:** Date deferred commencement conditions in  
"Schedule A" satisfied

**Consent to Lapse On:** -

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**Other Approvals:**

List Local Government Act 1993 approvals granted under Section 78A (5)

NONE APPLICABLE

**General terms of other approvals integrated as part of the consent:**

- **General Terms of Approval – Water Management Act, 2000**

**Plans, standards and guidelines**

(1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 10.2011.20.1 and provide by Council:

- i Site plan, map and/or surveys.
- ii Structural design and specifications.
- iii Drainage Plans.
- iv Bushfire Protection Assessment.



Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- (3) The consent holder must prepare or commission the preparation of:
  - i Soil and Water Management Plan.
- (4) All plans must be prepared by a suitably qualified person and submitted to the NSW Officer of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Officer of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)
  - i Vegetation Management Plans.
  - ii Laying pipes and cables in watercourses.
  - iii Riparian Corridors.
  - iv In-stream works.
  - v Outlet structures.
  - vi Watercourse crossings.
- (5) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

#### **Rehabilitation and maintenance**

- (6) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

#### **Disposal**

- (7) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

#### **Drainage and Stormwater**

- (8) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do

not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

- (9) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

#### **Erosion control**

- (10) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

#### **Excavation**

- (11) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (12) The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

#### **Maintaining river**

- (13) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.

### ***END OF INTEGRATED CONSENT CONDITIONS***

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## **Schedule A**

### **Deferred Commencement Conditions**

This deferred commencement consent is issued pursuant to s.80(3) of the Environmental Planning and Assessment Act, 1979. The consent is not operational until written notice is provided from Council, verifying the following matter has been satisfactorily addressed:

- A. The developer is to formally surrender to Council development consent no. 10.2004.78 for the two (2) lot subdivision involving the subject land.
- B. Evidence is to be submitted to Council that a plan of consolidation of subject Lot 1 DP 1070506 and Lot 3 DP 258919 has been registered by Land & Property Management Authority.

***END OF DEFERRED COMMENCEMENT CONDITIONS***

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**Conditions of Operational Development Consent (when all Deferred Commencement Conditions have been satisfied):**

**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2011.2.1 dated - and on the application form except as amended by the following conditions: (g005.doc)
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (4) The developer shall obtain a Controlled Activity Approval under the Water Management Act 2000. Written notification from the NSW Office of Water shall be submitted to Council prior to the issue of the Construction Certificate. (g045.doc)
- (5) In addition to the development consent, the developer shall, at all times throughout the construction phase, hold a valid Controlled Activity Approval under the provisions of the Water Management Act 2000. (g046.doc)
- (6) The developer shall comply at all times with the General Terms of Approval issued by the NSW Office of Water. (g047.doc)
- (7) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)
- (8) No construction certificate for any work shall be released unless the applicant has submitted evidence to the Principal Certifying Authority that a Controlled Activity Approval under the Water Management Act 2000 has been issued by the NSW Office of Water. This development consent does not permit any works required by the NSW Office of Water unless they are consistent with the approved plans.
- (9) The applicant shall provide line marking and regulatory signage within the proposed development's internal road and car parking network where required for the development and the public road Jamberoo Road in compliance with section 4 of the Roads and Traffic Authority *Road Design Guide* and the Standards Australia publication AS 1742.2 *Manual of Uniform Traffic Control Devices Part 2: Traffic Control Devices for General Use*.
- (10) The applicant shall prepare a traffic management plan detailing all regulatory line marking and signage required for the public road Jamberoo Road. The traffic management plan shall be designed by a chartered professional engineer and shall be submitted to the Principal Certifying Authority and shall be reported to the Kiama Local Traffic Committee for assessment prior to the release of any construction certificate.

- (11) The applicant shall provide a traffic management and traffic control plan complying with the design requirements of the Roads and Traffic Authority's *Traffic Control at Work sites* manual and the Standards Australia publication AS 1742.3 *Manual of Uniform Traffic Control Devices Part 3: Traffic Control Devices for Works on Roads*.

The traffic management and traffic control plan must be designed by a Roads and Traffic Authority accredited designer and shall be submitted to the Principal Certifying Authority prior to the release of any construction certificate.

- (12) The applicant shall under section 138 of the Roads Act 1993 make application to Council for permission and consent to access the public road reserve, Jamberoo Road for the purpose of carrying out construction work.
- (13) The applicant shall obtain acceptance from the RTA to the detailed design for proposed civil engineering work within the development site and within Jamberoo Road. Following acceptance, the RTA will issue its concurrence under Section 138 of the Road Act, 1993.
- (14) The applicant shall engage a suitably qualified professional person to provide in accordance with the "RTA Technical Direction for Road Safety Practitioners (TD2003/ RS03 Ver2) Policy for Road Safety Audits of construction and reconstruction projects" a stage 3 Detailed Design for the development project. The applicant shall forward a copy of the Road Safety Audit to the Principal Certifying Authority and Roads Authority prior to the issue of any construction certificates.
- (15) The applicant shall engage a suitably qualified professional person to provide in accordance with the "RTA Technical Direction for Road Safety Practitioners (TD2003/ RS03 Ver2) Policy for Road Safety Audits of construction and reconstruction projects" a stage 4 Pre-Opening Audit for the development project. The applicant shall forward a copy of the Road Safety Audit to the Principal Certifying Authority and Roads Authority prior to the issue of any occupation certificates.
- (16) The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within Jamberoo Road. The application will require a Traffic Control Management Plan (TCMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TCMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU.
- (17) The applicant shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- (a) the variation in hours required;
  - (b) the reason for that variation; and
  - (c) the type of work and machinery to be used.

- (18) Prior to the issue of any construction certificate the applicant shall lodge with Council a security bond for the development to ensure repair of any infrastructure damage occurring within Jamberoo Road during the course of construction of the development and to ensure compliance with the waste management plan for construction approved by Council.
- a The bond will be in the form of an unconditional bank guarantee or cash and will be valued at 10% of the proposed cost of civil engineering construction and remedial work to the public road.
  - b The applicant will be required through a quantity surveyor or chartered professional engineer to provide accurate costing for all civil engineering work associated with the public road infrastructure and a report shall be submitted to Council for assessment prior to Council advising the applicant of the bond value.
  - c Provided that there has been no damage to the public infrastructure within the road reserve due to works associated with the development, the bond shall be refunded in full upon the last to occur of twelve (12) months from the date of issue of the final occupation certificate of the development and submission of a waste compliance certificate (inclusive of supporting documentation) verifying compliance with the approved waste management plan.
- (19) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve of Jamberoo Road.
- (20) The applicant shall provide at his cost, all land within the development site required for road widening purposes and shall arrange for and pay for all costs associated with preparation and registration of any necessary plans of road dedication and widening.
- (21) Prior to the issue of any occupation certificate, the applicant shall provide written verification to the Roads Authority confirming that the works on Jamberoo Road were designed and constructed in accordance with the relevant design and construction standards. This shall be accompanied by photographs of the completed works and compliant certification.
- (22) A certified "Works-as-Executed" plan shall be prepared for the applicant by a Chartered Professional Engineer or registered surveyor. The certified "Works-as-Executed" plan shall:
- a be submitted to Council before the final inspection for the certificate of practical completion of the development or the issue of any Occupation Certificates.
  - b certify that the works have been constructed in accordance with the approved drawings and to the levels specified on both public and private land.
  - c be signed by a Chartered Professional Engineer or a registered surveyor and certified by the designer that all the work as completed, including variations, meets the original intent of the approved drawing and will have no adverse impact on adjacent properties.

## **Finish Colours**

- (1) The proposed Tornado ride and Behemoth Bowl ride are to be finished in external colours consistent with those indicated on Sheet DA-04 Amendment E.
- (2) The proposed replacement work shed/storage shed on Lot 3 is to be finished in earthy, recessive colours in the medium to dark solar absorptance range to blend with the rural environment to the west and partially screen the development from North Curramore Road.

## **Waste and Recycling Management**

- (1) Prior to the issuing of the Construction Certificate a waste and recycling management and operations plan for the existing park and park extension is to be submitted and is to include the following:
  - a Site plan identifying the location, number and type of bins (garbage or recycling) throughout the park, toilet/ change rooms and car-parking areas;
  - b Site plan identifying the location of the garbage and recycling storage area prior to collection and the identification of the service trucks collection route including turning circles and manoeuvring areas;
  - c Design detail of bins, enclosures and signage;
  - d Design details of the bin washing bay and the connection to an approved waste water treatment facility;
  - e Design details of the garbage and recycling storage enclosure/building (prior to collection) in a scale of 1:50 including: dimensions, location, vermin proofing, screening, schedule of construction materials and finishes.
  - f Operational waste and recycling servicing plan, including details of the waste and recycling contractor and service schedule (including time);
  - g Details of the methods and facilities to be used to separate and store garbage and recyclable materials generated from food and beverage outlets and picnic facilities;
  - h Details of procedures and facilities, containers to be provided for the storage and disposal of contaminated waste, including sharps (syringes), first aid (medical) waste, female sanitary waste, nappies;
  - i Operational contaminated waste servicing plan, including details of the licensed waste contractor and service schedule (including time);
  - j Details of the methods of collection, storage and processing of green waste from landscaping and maintenance;
  - k Details of any proposed methods for the collection, storage and processing of food waste generated from the food outlets;

- l Details of the method of storage, treatment, collection and disposal of the waste cooking oil including the waste contractors details and frequency of service from existing and new food outlets;
  - m Details of any policies to implemented to prohibit glass containers and the use of recyclable takeaway containers and other initiatives proposed to reduce the amount of waste generated from the park operations;
  - n Details of method of separation and storage of garbage and recycling generated from within each of the food outlets preparation areas (bin types, sizes, signage and location of storage area);
- (2) Prior to the issuing of the Construction Certificate a waste management, demolition and construction plan is to be submitted to Council and is to include the following:
- a the demolition of the car racing track ride (including disposal and recycling of concrete track, car tyres and any other structures);
  - b the disposal and/or reuse of excavation soil and construction waste generated from the park extensions (new rides and facilities).

The waste management plan is to be in accordance with Kiama Councils Waste Management Plan 1C as per DCP 25. The plan should identify the waste types, estimated quantities and the proposed approved waste management facility for the disposal of demolition, construction and excavation materials.

#### **Prior to Commencement of Works**

- (1) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You **must** notify the Council of the appointment; and
  - d You **must** give at least two (2) days notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.



Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

- (2) A separate application shall be submitted to Council for the septic tank installation prior to construction commencing. (pt040.doc)
- (3) 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;
  - 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.

**Note:** 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. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (4) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (5) Details of compliance with conditions of consent under the heading Bush Fire Hazard Management and AS3959 – Building in Bush Fire Prone Areas shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate. (pt065.doc)
- (6) The development shall be undertaken in strict accordance with the recommendations of Geotechnical report prepared by Coffey Geotechnics dated 16<sup>th</sup> December 2010.
- (7) The proposed development shall be constructed to comply with the Disability (Access to Premises – Buildings) Standards 2010. The developer shall submit to the accredited certifying authority, 1:50 scale details for disabled persons access from the principal pedestrian entrance of the site to and within the proposed development **prior to the release of the Construction Certificate.**
- (8) The Construction Certificate plans shall indicate the Section J commitments required under the Building Code of Australia for both the proposed office extension and construction of the proposed kiosk building **prior to the release of the Construction Certificate.**

### **Demolition Works**

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

- (2) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia). (dw040.doc)
- (3) Removal of asbestos, or of materials containing asbestos fibres, shall be in accordance with the National Occupational Health and Safety Commission code of practice. Arrangements are to be made with a qualified contractor prior to the disposal of asbestos. (dw045.doc)

### **Traffic Management**

- (1) The applicant shall prepare and submit to Council a detailed Operational Traffic Management Plan addressing the ongoing matters relating to the management of traffic within Jamberoo Action Park and the public road network. The Operational Traffic Management Plan shall include but shall not be limited to the following matters:
  - a The Operational Traffic Management Plan shall detail separately all traffic management issues and operational matters.
  - b The Operational Traffic Management Plan shall give consideration to management and operational measures for higher than forecast daily and annual traffic volumes within the development site and the public road network.
  - c The plan shall be submitted to Council for assessment and approval prior to the issue of any occupation certificates.
- (2) The Operational Traffic Management Plan shall be reviewed and audited by a consultant traffic engineer following the seasonal closure of Jamberoo Action Park. The independently audited report shall be submitted to the Kiama Local Traffic Committee for assessment within a period of three (3) months of the seasonal closure of Jamberoo Action Park operations.

### **Engineering and Construction Specifications**

- (1) Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works of the development; that is, a separate engineering construction certificate (for any on-site detention, stormwater drainage, public and private road works, etc) and a separate building construction certificate (for all works relating to the erection and fit-out of a structure). The construction certificate for the civil engineering works must be issued prior to the issue of a building construction certificate with the certified plans of the civil engineering works also incorporated into the building plans.
- (2) All flexible road pavements affecting internal circulation roadways, circulation aisles, car parking modules, manoeuvring areas and parking aisles shall be designed in compliance with the Austroads publication "*A Guide to the Design of New Pavements for Light Traffic – APRG Report No.21*".

- (3) Pavement design for all road work within the public road, Jamberoo Road shall be designed in accordance with the *AUSTROADS Pavement Design Guide*.
- (4) All geometric road design for the public road Jamberoo Road shall be in accordance with design requirements of the *RTA Road Design Guide*.
- (5) Cement concrete roads, access driveways, circulation roadways, circulation aisles, ramps, car parking modules, manoeuvring areas and parking aisles shall be designed and constructed in accordance with the principles of the Cement, Concrete and Aggregates Australia technical notes.
- (6) The proposed pavement treatment must be identified and the design detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of any construction certificate of the development.
- (7) The applicant shall submit details of all civil engineering works on engineering drawings for work within the development site to the Principal Certifying Authority for approval prior to the issue of any construction certificate of the development. The drawings shall include, but shall not be limited to, the following detailed information:
  - a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations and modelling shall be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, shall include a detailed contoured catchment diagram and shall delineate all flow paths for storms up to the 100 year average recurrence interval.
  - b Plan, longitudinal and cross sectional detail shall be provided for the proposed roads, access driveways, circulation roadways, circulation aisles, ramps, car parking modules, manoeuvring areas and parking aisles.
  - c Design swept paths shall be provided for all vehicle movements for the long rigid bus (14.5m) at internal access points to demonstrate compliance with the Austroads and Standards Australia *Design Vehicles and Turning Path Templates*.
  - d A raised traffic median over the length of the southern circulation roadway from the entry at the intersection of Jamberoo Road to the divergence of the proposed dual ingress and egress traffic lanes (a distance of approximately 140 metres) shall be provided in compliance with the Jordan Mealey and Partners Pty Ltd plan number 20050096.11-GME
  - e The existing staff car parking module located immediately on the left or southern side of the entry and circulation roadway shall have restricted access. Vehicular access shall be permitted only at the western entry and all vehicle movement shall be left turn in and left turn out only. A permanent access restriction in the form of an immovable barrier shall be provided at the existing eastern access point.
  - f The existing staff car parking module located immediately on the right or northern side of the entry and circulation roadway shall provide restricted access. Left turn in and left turn out only manoeuvres shall be accepted.

- g Internal pathway network, including the proposed raised threshold treatments.
  - h The proposed pavement treatment to the internal roads, access driveways, circulation roadways, circulation aisles, ramps, car parking modules, manoeuvring areas and parking aisles. The minimum design surface treatment shall be cement concrete, asphaltic concrete or segmental paving.
  - i The location and reduced level of all services under the control of public utilities or agencies that could be impacted by works associated with this development.
  - j A detailed construction schedule and Environmental Construction Management Plan; and
  - k All reduced levels shall relate to Australian Height Datum (AHD).
- (8) The applicant shall submit to the Roads Authority for assessment a detailed civil engineering design for all required work within the classified road, Jamberoo Road. The proposed design treatment shall comply with the design requirements of the *RTA Road Design Guide Section 4: Intersections at Grade*. The proposed design treatment shall be assessed and approved by the Roads Authority prior to the release of any construction certificate. The drawings shall include, but shall not be limited to, the following detailed information:
- a The proposed left turn from the development site access into Jamberoo Road shall be designed in accordance with a high angle entry layout, Figure 4.8.36 of Section 4 of the *RTA Road Design Guide*, unless vehicles are able to turn into their own full length acceleration lane.
  - b A separate right turn lane shall be provided from the development site into Jamberoo Road.
  - c The development shall provide for two entry lanes into the site and shall include the provision of a high vehicle angle entry layout for the left turn from Jamberoo Road in accordance with Figure 4.8.36 of the *RTA Road Design Guide*. The proposed design shall ensure that the maximum observation angle requirements are not exceeded. The design of the left turn treatment shall ensure that it is sufficiently separated from the right turn movement into Jamberoo Road to allow both movements to occur simultaneously without any misunderstanding of intersection priority.
  - d Design swept paths shall be provided for all vehicle movements for the long rigid bus (14.5m) at the intersection of the development access with Jamberoo Road to demonstrate compliance with the Austroads and Standards Australia *Design Vehicles and Turning Path Templates*.
  - e The applicant shall provide Approach Sight Distance in compliance with the *RTA Road Design Guide Section 4: Intersections at Grade* for all painted medians located on Jamberoo Road.
  - f All painted medians on Jamberoo Road shall be designed and constructed in accordance with Figure 4.8.25 of the *RTA Road Design Guide Section 4: Intersections at Grade*.

- g An extension of the southbound channelized right turn treatment on Jamberoo Road shall be provided, and where necessary, shall provide for the widening of the Jamberoo Road traffic lanes. The proposed right turn treatment shall provide a minimum 92 metres of storage capacity (i.e. not including the taper).
  - h Structural details shall be provided for any proposed retaining walls, embankment treatment, road shoulder and stormwater drainage infrastructure required to support the eastern embankment associated with the extended right turn lane and re-alignment of the south bound traffic lane on Jamberoo Road.
  - i All traffic medians to be located in Jamberoo Road, with the exception of painted medians, shall be raised medians.
- (9) A Chartered Professional Engineer shall provide details of any retaining wall or embankment exceeding 600mm in height or any retaining wall or embankment required to support proposed roads, access driveways, circulation roadways, circulation aisles, ramps, car parking modules, manoeuvring areas and parking aisles. The designing engineer shall certify that the proposed retaining wall or embankment can withstand the impact of a vehicle on the safety barrier in accordance with the Australian and New Zealand Standard AS/NZS2890.1. The details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the construction certificate for that structure and shall include but is not limited to, plans, sections, provision and method of attachment of safety barriers, method of sub-surface drainage and jointing.
- (10) The applicant shall provide automated electronic flashing advance warning signage including a queue detection system to warn southbound motorists of potential queuing on Jamberoo Road. The proposed queue detection system shall be designed to ensure that the signage is only active when the queue exists. The proposed system is to be located prior to the crest on the Croom or northern side of Jamberoo Road clearly detailing the purpose of the treatment including the Jamberoo Action Park intersection with Jamberoo Road. The proposed treatment shall be detailed on civil engineering drawings prepared by a Chartered Professional Engineer and shall be assessed by approved by the Roads Authority prior to the release of any construction certificates.
- (11) The proposed automated flashing advance warning signals and queue detection system shall be constructed and activated by the applicant to the satisfaction of the RTA prior to the issue of any occupation certificate for the site operation of the development proposal.
- (12) The traffic control facilities including works associated with this development, any property acquisitions required to ensure designs meet relevant standards and the ongoing operational and maintenance costs associated with the advanced warning system, shall be at no cost to the Roads Authority.
- (13) The applicant shall provide a traffic tidal or contra-flow arrangement for the afternoon period over the length of the southern circulation roadway from and adjacent to the existing bus parking entry and the western end of the proposed southern circulation roadway in compliance with the Jordan, Mealey and Partners Pty Ltd plan no 20050096.11-GME and the Traffic Operational Management Plan.

- (14) The applicant shall ensure that vehicular access to the proposed southern car parking module is available and is not fenced or gated off during the Jamberoo Action Park operating hours.
- (15) The applicant shall complete all civil engineering works in compliance with the approved design for all work within the public road, Jamberoo Road prior to the issue of any occupation certificates for the development.
- (16) A chartered professional engineer's compliance certification shall be provided to the Principal Certifying Authority for all civil engineering works carried out within the development site prior to the release of any occupation certificates.
- (17) All vehicles shall be able to enter, circulate and leave the development site in a forward direction.

### **Car Parking and Vehicular Access**

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 *Parking Facilities Part 1: Off Street Car Parking*.
- (2) All vehicles being loaded and/or unloaded shall stand within the curtilage of the development site.
- (3) The proposed car parking spaces to be provided for people with disabilities shall comply with the design requirements of the Australian and New Zealand Standard AS/NZS 2890.6, the access requirements of AS 1428.1 and shall have pavement markings and signposting in accordance with AS 1742.11.
- (4) All pedestrian crossings shall comply with AS 1742.10 Manual of Uniform Traffic Control Devices – pedestrian control + protection and the RTA Technical Direction TDT 2001/4a Use of traffic calming devices as pedestrian crossings.
- (5) Access and manoeuvring for all commercial vehicles shall comply with the requirements of the Standards Australia publication AS 2890.2 *Off-street Parking Part 2: Commercial Vehicle Facilities*.
- (6) The internal road network including access driveways, circulation roadway, parking aisles and car parking modules shall be designed to provide an integrated and coordinated design approach in compliance with Section 2.3 *Preliminary design considerations* of AS/NZS 2890.6 2009.
- (7) All parking signposting and pavement markings shall comply with Australian Standard AS 1742.11 *Manual of uniform traffic control devices - parking controls*.
- (8) The proposed southern car park shall be constructed, fully operational and available for use prior to the issue of any occupation certificates.

**Stormwater Management**

- (1) The applicant shall design and construct the development stormwater drainage network to reflect the flood impact study dated April 2011 prepared by consulting civil and structural engineers Jordan Mealey and Partners when considering stormwater management and water quality design outcomes for the development site.
- (2) The applicant shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network to limit post-development site runoff to pre-developed levels. The storage must be designed in accordance with *section D5 Stormwater Drainage* of Kiama Development Control Plan No 32 – *Kiama Development Code*. Structural details and detailed hydrological and hydraulic calculations prepared by a Chartered Professional Engineer shall be provided to the Principal Certifying Authority for assessment and approval prior to the issue of any construction certificate.
- (3) The applicant shall design and construct the major and minor stormwater drainage system in accordance with the design requirements of *section D5 Stormwater Drainage* of Kiama Development Control Plan No 32 – *Kiama Development Code*. Details of the proposed drainage system shall be submitted to the Principal Certifying Authority for assessment and approval prior to the issue of any construction certificate.
- (4) The applicant shall provide complied certification from a Chartered Professional Engineer verifying that the constructed stormwater drainage infrastructure and stormwater re-use system meets with the requirements of the approved design to the Principal Certifying Authority prior to the occupation of the development.
- (5) The applicant shall comply with the design requirements of Council's *Water Sensitive Urban Design* policy in conjunction with the design requirements of section D5 Stormwater Drainage of *Kiama Development Control Plan No 32 – Kiama Development Code* in regard to the proposed stormwater drainage network and water quality infrastructure.

Details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of any construction certificates.

- (6) Technical compliance with the *Water Sensitive Urban Design* policy shall be met prior to the issue of any occupation certificate. In this regard the applicant shall provide a Chartered Professional Engineer's compliant certification to the Principal Certifying Authority.
- (7) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events and comply with the NSW *Floodplain Development Manual* (2005) and the '*Australian Rainfall & Runoff*' by Engineers Australia.
- (8) An Operation and Maintenance Plan for the management of the constructed and natural water bodies associated with this development is to be approved by the Principal Certifying Authority prior to the issue of the occupation certificate for the proposed work.

- (9) The applicant shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatment detail shall comply with the requirements of NSW Office of Environment and Heritage/Sydney Metropolitan Catchment Management Authority's draft documents:

'Managing Urban Stormwater: An Integrated Approach',  
'Managing Urban Stormwater: Environmental Targets',  
'Managing Urban Stormwater: Treatment techniques',  
'Managing Urban Stormwater: Urban design',  
'Managing Urban Stormwater: Harvesting & re-use'.

and shall be submitted to the Principal Certifying Authority prior to the release of the construction certificate.

- (10) The applicant shall construct all tailout drains to the invert of the natural watercourse with grouted rock pitching in compliance with the NSW Landcom *Managing Urban Stormwater – Soil and Constructions* (2004), unless otherwise approved by the Principal Certifying Authority. The rock pitching shall be designed by a chartered professional engineer based on flow volumes and velocities at each discharge point. The minimum specifications for the rock pitching is as follows:-

Rock: 100mm - 200mm nominal size hard rock.  
Grout: 100mm thick concrete.  
Rock projection: 75mm above bed.  
Rock coverage: 90% in plan view.

- (11) The developer shall incorporate adequate dissolved pollutant as well as silt, grass and oil pollutant controls to the stormwater management system. The pollution control devices shall be located within the property and shall be regularly maintained at the developer's cost. Details of the stormwater pollution control system shall be shown on the engineering drawings.
- (12) The applicant shall provide *EnviroPod Oilsorb* units, or an equivalent product, to be located at each drainage pit for points of discharge at the south eastern sub-catchment of the proposed southern car park.
- (13) The applicant shall provide Chartered Professional Engineer's certification for the structural design and construction of on-site stormwater detention tanks and ponds to the Principal Certifying Authority prior to the release of any occupation certificates.

### **Environmental Management**

- (1) The applicant shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (2) The applicant shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The applicant must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.



- (3) The applicant shall submit to the Principal Certifying Authority for approval prior to the issue of any construction certificate a detailed Soil and Water Management Plan applying to the development site designed in accordance with the requirements of the NSW Office of Environment and Heritage, NSW Office of Water and in compliance with the manual 'NSW Landcom (2004) *Managing Urban Stormwater – Soils and Construction*' ('The Blue Book'). The Soil and Water Management Plan shall consider the following, but not be limited to: -
- a Minimise the extent of exposed areas at any time.
  - b Placement of temporary fill to fabric barriers down slope of exposed areas.
  - c Diverting surface run-off from upstream works as necessary to minimise to sediment pick-up.
  - d Provide temporary slope drainage as appropriate to avoid scour of embankments.
  - e Covering of stockpiles.
  - f Early installation of landscaping and water quality controls.
  - g Revegetation/reseeding of disturbed areas.
  - h Filtration of stormwater inlets and outlets.
  - i The soil and water management plan must provide a catchment/precinct wide detail and a site specific plan for each phase of the subdivision.

All works within the development site and Jamberoo Road shall be in accordance with the approved Soil and Water Management Plan for the full duration of construction works.

- (4) The applicant shall ensure that sediment-laden runoff from the development site and Jamberoo Road is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
- (5) The developer shall prepare a Construction Environmental Management Plan (CEMP) in accordance with Australian Standard AS/NZS ISO 14001:2004 for all civil engineering work associated with the development. No construction certificate in relation to the development may be released until the Principal Certifying Authority has approved the CEMP.
- (6) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) (and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (7) Erosion and sedimentation control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.

### **Engineering Inspections / Testing**

- (1) The applicant shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Control Plan No. 32 - *Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification* and civil engineering drawings approved by the Principal Certifying Authority.

### **Erosion and Sedimentation Controls / Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
  - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (e.g.; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)

### **Earthworks and Geotechnical Requirements**

- (1) The applicant shall engage a chartered professional engineer practising in the field of geoscience to prepare a report to be submitted to the Principal Certifying Authority for approval prior to the issue of any construction certificates for the development. The report shall cover, but not be limited to:
  - a The extent and stability of proposed embankments (particularly those acting as detention and retarding basins);
  - b recommended geotechnical testing requirements;
  - c required level of geotechnical supervision for each part of the works as defined under AS3798 - *Guidelines on Earthworks for Commercial and Residential Developments*;
  - d compaction specification for all fill within the development site;
  - e the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;

- f the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
  - g the preferred treatment of any unstable areas within the development site;
  - h requirements for sub-surface drainage lines;
  - i the overall suitability of the engineering drawings for the proposed development.
- (2) All filling on the site shall be compacted to not less than 95% standard compaction. A report on the site filling is to be submitted by a Chartered Professional Engineer practicing in the field of geoscience or an appropriately qualified soil scientist. The report shall be supported by a survey plan of the site prepared by registered surveyor indicating the areas filled and depth of fill.
- (3) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (4) Only clean fill (i.e. natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
- (5) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified NATA registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a Chartered Professional Engineer practising in the field of geoscience confirming the imported fill is suitable for use for the development. Any imported fill found to not be suitable for use shall be removed /remediated in accordance with the NSW Office of Environment and Heritage requirements.
- (6) A site investigation, analysis and report shall be prepared by a suitably qualified Chartered Professional Engineer practicing in the field of geoscience and NATA registered laboratory. A report shall be submitted demonstrating the soil classification, dispersibility, if any of the land is subject to subsidence/slip, slope failure and erosion where excavation and/or filling is to exceed 600 mm in depth or land that has been previously filled. The report shall recommend treatment methods for rectification/remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned and shall be approved by the Principal Certifying Authority prior to the issue of any construction certificate.
- (7) All earthworks associated with the development shall be completed in accordance with the Australian Standard AS3798-2007 *"Guidelines on earthworks for commercial and residential developments"*.

## **Construction**

- (1) The applicant shall provide and maintain temporary security fencing around the development site to prevent unauthorised entry into the site by persons and shall remove the temporary fencing upon completion of all work.

- (2) All new construction work shall make smooth junctions with existing work.
- (3) The applicant shall undertake civil engineering construction works in accordance with the requirements of the Kiama Development Control Plan No. 32 - *Kiama Development Code Section C101 General – Development Construction Specification* and civil engineering drawings approved by the Principal Certifying Authority.

### **Miscellaneous**

- (1) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
  - a motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
  - b workers compensation insurance; and
  - c ten million dollar public liability insurance.
- (2) The applicant shall submit to the Principal Certifying Authority written consent from affected property owners prior to any work being undertaken on adjoining land.
- (3) Any access driveway, circulation roadway, internal traffic management treatments, aisles, car parking and manoeuvring areas to be paved in a material other than cement or asphaltic concrete shall conform to the following specifications:
  - a Clay segmental pavers shall comply with design requirements of Part 1 – Specifying Clay Pavers Note 1 – 'Specifying and laying Pavers' and with the requirements of the Australian and New Zealand Standard AS/NZS4455.
  - b Interlocking concrete pavers shall be designed and constructed in accordance with the Principles of the Concrete Masonry Association of Australia publication "Interlocking Concrete Paving Design Manual".
- (4) The applicant shall provide RTA accredited traffic controllers at the nominated marshalling locations within the development site. All traffic controllers shall be fully trained with accreditation compliant with the RTA *Traffic Control at Work Sites* manual.

### **Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)

- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

### **Inspections**

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

### **Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for the retaining walls in excess of 1.0 metre high. (bu105.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday        - 7.00 am to 6.00 pm  
Saturdays                - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

- (9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)
- (10) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Occupation Certificate and release of any bond or security deposit paid in relation to this application.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (bu154.doc)

### **Bushfire Hazard Management**

- (1) At the commencement of building works and in perpetuity the property around the proposed machinery shed to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (2) At the commencement of building works and in perpetuity the property around the proposed pump house to a distance of 30 metres, shall be maintained as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (3) Water, electricity and gas are to comply with the following requirements of Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- (4) A minimum 5hp or 3kW petrol or diesel powered pump shall be made available from the proposed machinery shed to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- (5) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to a 20,000 litre water supply to enable RFS to access the water for fire fighting purposes.
- (6) Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- i        An Emergency/Evacuation Plan is to be prepared detailing the following:
- i        under what circumstances will the complex be evacuated;
- ii       where will occupants be evacuated to;

- iii roles and responsibilities of persons co-ordinating the evacuation;
  - iv roles and responsibilities of persons remaining with the complex after evacuation; and
  - v a procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.
- (7) New construction on the proposed pump house shall comply with Section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- (8) New construction on the proposed machinery shed shall comply with Section 9 (BAL FZ) Australian Standard AS3959-2009 'construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted.

### **Landscaping Works**

- (1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Kiama Development Control Plan 31 – Landscape Guidelines and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)

### **Vegetation Management**

- (1) This development consent includes consent to remove the following vegetation:
- Two *Eucalyptus tereticornis* near the proposed work/storage shed on Lot 3.
  - Trees in the footprint of the proposed new access drive way.
  - 60m<sup>2</sup> of Illawarra Subtropical Rainforest EEC for the proposed new dam on Lot 1.
- (2) Development shall comply with the recommendations of the Flora & Fauna Assessment (Version 2 dated 15 April 2011) prepared by Biosis Reserch, except as amended by other conditions of this development consent.
- (3) No tree(s) shall have backfill placed around its base or have the original ground level altered. (vm010.doc)
- (4) No machinery, builder's materials and/or waste shall be located in or near any forested area or any area mapped as High Conservation Value.

### **Utility Servicing**

- (1) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
- (2) The applicant shall bear the cost of relocation of any service utilities required in the provision of vehicular access for the development.
- (3) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alteration shall be altered at the applicant's expense and to the satisfaction of the Roads Authority and the service authority concerned.

### **Contaminated Land**

- (1) Prior to the issuing of the Construction Certificate the following information is to be submitted to Council relating to potential contaminated land as identified in the Stage 1 Preliminary Site Investigation Jamberoo Action Park March 2011 Precise Environmental Consulting Environmental Scientists.
  - (a) Appoint a qualified land contamination consultant to prepare and submit site remediation plans for any contaminated land as identified on the site.
  - (b) Appoint an Accredited Site Auditor (the Site Auditor must be accredited by the Office of Environment & Heritage) to review and submit a report and recommendations on proposed remediation plans and works for the sites as identified.
- (2) The Accredited Contaminated Land Site Auditor is to:
  - a Review all stages of the site investigation and remediation process and provide subsequent reports to Council at each stage prior to remediation works being undertaken.
  - b After remediation of each area identified as contaminated, the Site Auditor is to provide a Clearance Certificate to Council.
- (3) Prior to the issue of the Occupation Certificate all works of all areas of the site identified as contaminated, are to be completely remediated and a Clearance Certificate is to be issued to Council.

### **Noise Control**

- (1) Implement noise control measures outlined in page 14 and 15 of the Day Design Report dated 7 March 2011 "*Proposed Expansion of Jamberoo Action Park*" report 4558 and comply with the *Protection of the Environment Operations Act 1997* and the *NSW Industrial Noise Policy* (NSW Department of Environment Climate Change and Water, 2000).



- (2) Upon completion of each new amusement feature an updated noise report must be completed by a qualified acoustic engineer and be submitted to Council. The report is to certify compliance with the *Protection of the Environment Operations Act 1997*. The report is also to detail the background noise levels of the area, the noise levels generated from the feature and any attenuation recommendations.
- (3) Prior to the issuing of the Occupation Certificate all noise attenuation recommendations outlined by the qualified noise consultant reports must be completed and a Certificate of Compliance for these works and compliance with the *Protection of Environment Operation Act 1997* and *Regulations* and the *NSW Industrial Noise Policy (NSW Department of Environment Climate Change and Water, 2000)*.

### **Ground Water Bores and Monitoring**

- (1) Prior to the issuing of the Construction Certificate the following information is to be submitted to Council in relation to groundwater monitoring at the sites as identified in the plan prepared by Jordan Mealey & Partners Drawing 20050096 sheet 8 dated 5/5/2011.

Groundwater baseline data sampling and analysis of all of the monitoring bores on site shall be undertaken for the following parameters: salinity, total nitrogen, nitrate nitrogen, nitrite nitrogen, ammonia nitrogen, total phosphorous, E.coli, pH, major Cations and Anions, sodium adsorption, electro-conductivity.

- (2) Groundwater sampling and analysis must be conducted once every three (3) months for one (1) year prior to the use of the irrigation field and once every 6 months thereafter. A copy of the results is to be forwarded to Council.
- (3) The analysis results must be kept on site at all times and copies provided if requested and submitted as part of the Annual Audit Report for the Sewerage Management Facility by 1<sup>st</sup> August each year.

### **Design, Installation & Operational Requirements for the On-Site Sewerage Management Facility & Irrigation Areas**

- (1) Prior to construction work commencing on the effluent management system a separate "Application to Install a Sewerage Management Facility and Application to Operate a New Sewerage Management Facility" is to be submitted to and approved by Council. The application shall include all documents to accompany the application as indicated on the application form and the following additional information:
  - a The design and operation detail of the sewerage management facility. The sewerage management facility shall be designed to comply with the requirements as outlined in:
    - The Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW Dated May 2011 Version 5 as prepared by Precise Environmental Consulting Environmental Scientists.

This includes the sewerage system management, air quality, odour and noise management plans, waste management, and mitigation of land degradation, recycled water quality management, wet weather storage pond management, supply and overflow management meeting & training schedule requirements, system auditing, review and reporting schedule requirements, contingency plans and emergency response procedures,

- The Expert Conference Record (Dr Daniel Martens and Mr Chris Butler) George Eddy Holdings PTY Ltd ATS The Council of the Municipality of Kiama 18<sup>th</sup> August 2010.

b A plumbing and drainage layout and site plan 1:200 for all existing and new fixtures, fittings and drainage lines for:

- Amenities
- Change rooms/ toilets
- External taps
- External showers
- Backwash from pools
- Water rides
- Water features
- Food outlets
- Office areas.

The site plan shall also:

- Indicate the depth of the plumbing work.
- Location of back flow prevention devices;
- Type of back flow prevention devices;
- Location of inspection openings;
- Colour coding of all pipes;
- Indication of the depth of all plumbing drainage lines.

- (2) A sewage flow meter with data logging capacity and capable of measuring across a full range of flows, (i.e. less than 20L/minute, 20-140 L/minute, and > 140 L/minute) shall be installed and maintained at the inlet to the on-site sewerage management system to record sewage inflows.
- (3) A flow meter with data logging capacity shall be installed at outlet of the IDEAL STP and wet weather storage pond or on a nominated location on the irrigation pipe to record the effluent being irrigated on a daily basis.
- (4) The sewerage inlet and effluent irrigation flow meters shall be annually tested, calibrated and certified operational prior to the opening of each season commencing and a Certificate of Calibration is to be submitted to Council with the Annual Audit Report.
- (5) Daily records of the quantity (KL) of sewage treated by On-site Sewerage Management Facility and the quantity (KL) irrigated together with visitor and staff numbers shall be recorded and kept on site. This information is to be submitted in the Annual Audit Report to Council on the operations of the On-site Sewerage Management Facility.

- (6) Prior to the commencement of the opening of each season an inspection shall be undertaken by a registered practising hydraulic engineer (CPEng qualified) for the On-site Sewage Management Facility and irrigation system to ensure the system is fully operational and the recycled water quality complies with the relevant standards.

Annual Certification shall be undertaken to confirm that the On-site Sewage Management Facility and irrigation system component functionality is compliant and operational. A copy of the Annual Certification shall be submitted to Council prior to the opening of each season and as part of the Annual Audit Report of the On-site Sewage Management Facility.

- (7) An Annual Audit Report of the On-site Sewerage Management Facility shall be prepared by a registered practising hydraulic engineer (CPEng qualified) and submitted annually by 1 August and include the following:

- a Compliance or non-compliance with the requirements as outlined in Appendix D Operational Procedures in the Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW Dated May 2011 Version 5 as prepared by Precise Environmental Consulting Environmental Scientists;
- b Copies of the recycled water quality and groundwater sampling results undertaken as outlined in Appendix D 1.2 (Operational Monitoring Program-Sewerage System) of the "Integrated Water and Sewage Management Plan" May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists;
- c Assessment of compliance *with Australian Guideline for Water Recycling: Managing Health and Environmental Risks (2006)*;
- d Assessment of compliance of the groundwater and surface water monitoring results with the criteria as outlined *in Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)*;
- e Quarterly Environmental Performance Review reports of the Sewerage Management Facility;
- f Review of contingency plans and emergency procedures and any recommended changes;
- g Details of any pollution incidents, complaints and record of staff training provided;
- h Information relating to sewerage sludge management & disposal including:
  - i any dewatering undertaken and quantity of sludge produced for disposal;
  - ii details of the licensed contractor undertaking the work; and
  - iii copies of disposal dockets that identify the name and contact details of the licensed waste transport contractor, location of licensed disposal facility, date, time and quantity of sludge disposed.
- i Certificate of Testing & Calibration of the sewerage and irrigation flow meters;

- j Daily, weekly and monthly records of the total litres of sewerage treated and irrigated and visitor and staff numbers for these periods;
- k Daily, weekly and monthly records of rain levels as recorded on site;
- l Daily records of the 24 hour automatic monitoring of soil moisture levels in all of designated irrigation areas;
- m Records of the dates, times and name of staff undertaken the visual inspections of the effluent irrigation areas

### **Operation of Recycled Waste Water Irrigation Areas and Standards**

- (1) A minimum recycled waste water irrigation area of 3.35ha shall be provided and maintained on the site. No more than 20KL/ha/day shall be irrigated and this amount may be less and is subject to soil moisture levels and the capacity of the soil. Ensure maximum soil moisture levels are not to be exceeded.
- (2) Irrigation of recycled waste water shall only occur in the nominated areas as identified on the plan prepared by Jordan Mealey & Partners Drawing 20050096 Sheet 8 dated 5/5/2011.
- (3) All irrigation areas including the overflow car parking area are to be aerated and maintained at regular intervals. Where localized poor drainage is evident, these areas shall be remediated using standard agricultural methods prior to commissioning of the irrigation field.
- (4) Surface diversion bunded mounds shall be installed in the locations as identified in Jordan Mealey & Partners Drawing 20050096 Sheet 8 dated 5/5/2011.
- (5) The soil moisture levels in all of the designated irrigation areas (including area used for overflow car parking) shall be measured, and recorded continuously on a 24 hour basis using an automated moisture probe system and linked to an alarm system when maximum moisture levels are exceeded.  
Records of the 24 hour monitoring of soil moisture levels in all of the designated irrigation areas shall be permanently kept on site and details shall be submitted to Council as part of the Annual Audit Report of the On-site Sewerage Management Facility.
- (6) Visual inspections of the waste water irrigation areas shall be undertaken by designated staff at regular intervals throughout and at the end of the days operations to monitor and assess the capacity of irrigation areas to continue irrigation. Records of the dates, times and name of staff undertaken the visual inspections shall be permanently kept onsite and copies submitted to Council as part of Annual Audit Report of the On-site Sewerage Management Facility.
- (7) The irrigation area (overflow car parking area) must not be used for car parking until 48 hours has lapsed since the occurrence of any of the following:
  - the area was last used for irrigation; or
  - when the area is being used for car parking; or
  - when the maximum soil moisture levels have been exceeded; or
  - after period of intense rain.

- (8) Prior to the use of the grassed overflow car parking area for car parking purposes all irrigation nozzle heads are to be removed and any moisture recording probes are to be protected.
- (9) Additional operational backup irrigation pump/s shall be kept onsite at all times of sufficient capacity to rectify any pump failure of the irrigation system.
- (10) All crop growth when cut from irrigation area must be removed from the site and cannot be used as fodder for animals or used on edible plant matter.
- (11) The recycled waste water shall be treated prior to irrigation to comply with the following minimum performance standards:

	<b>Units</b>	<b>Median</b>	<b>Maximum</b>
BOD <sub>5</sub>	mg/L	20	50
Suspended Solids	mg/L	30	75
Total Nitrogen	mg/L	20	40
Total Phosphorus	mg/L	10	15
Faecal Coli forms	CFU/100mls	10	1000
Residual Chlorine	mg/L	0.2-2.0	2.0
Turbidity	NTU	5	20
pH	pH	6.5-8.5	8.5

Where the maximum performance standards are exceeded Council is to be notified immediately by phone and fax and information is to be provided outlining any action being taken to comply with the performance standards.

- (12) No reclaimed water shall be used for toilet flushing, landscape irrigation or for any other purpose within the amusement park footprint.

### **Contingency Plans and Emergency Response Procedures for the Sewerage System**

- (1) In the event of either the wet weather storage pond reaches between 80% to 90% capacity, or the sewerage system malfunctions, or the irrigations areas exceed maximum soil moisture levels due to wet weather conditions, then the following shall be undertaken:
  - a Council should be notified immediately if storage volumes in the dams reach or have the potential to reach 80% full and contact shall be made with a pump-out contractor to be on standby;
  - b Should volumes in the storage dams have the potential to reach 90% capacity or have the potential to overflow then a pump out service shall be arranged immediately;
  - c The effluent pump-out shall be undertaken by a licensed liquid waste contractor and disposed of at a licensed liquid waste disposal facility;
  - d Disposal dockets shall be kept on site and copies forward to Council;

- e If a discharge occurs creeks and drainage shall be sampled at specific locations (SW1, SW2, SW3, SW4, BD1 refer to Jordan Mealey & Partners Drawing 20050096 Sheet 8 dated 5/5/2011) upstream and downstream of the discharge or any other location as specified by Council. Sampling parameters and continued monitoring shall be undertaken in accordance with Appendix D 1.2 Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 as prepared by Precise Environmental Consulting Environmental Scientists.
- (2) Contingency plans and emergency response procedures specific to the operation of the On-site Sewerage Management Facility shall be implemented in accordance with Appendix E Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 as prepared by Precise Environmental Consulting Environmental Scientist or as directed by Council specific to spillage of chemical spillage, high levels in pumping station, odour detection, leakage or over flow, complete system failure, emergency services.

### **Certification of Plumbing and Drainage Works**

- (1) Prior to the issuing of the Occupation Certificate the following is to be submitted to Council:
- a A Certificate of Compliance ensuring that all plumbing and drainage works including all backflow prevention devices comply with NSW Code of Practice Plumbing and Drainage and Australian Standards AS/NZS 3500 (Set) Plumbing and Drainage. This is to be provided by both the installing plumber and the nominated and appointed independent qualified licensed plumber; and
  - b A set of “works as executed plans” for all new existing sewerage plumbing and drainage lines, fixtures and fitting;

### **Commissioning and Operation of Sewerage Management Facility**

- (1) Prior to the issuing of the Occupation Certificate and upon the commissioning of the new sewerage management facility the developer/operator shall provide Council with a design compliance certificate issued by a registered practising hydraulic engineer (CPEng qualified). The Certificate shall provide details on the following:
- Commissioning and testing of the sewerage treatment plant;
  - Commissioning and testing of the irrigation scheme;
  - Treatment plant performance;
  - Confirmation of treatment plant component functionality;
  - Confirmation of the irrigation scheme component functionality;
  - That the On-site Sewerage Management Facility has been designed commissioned and will operate in accordance with NSW DWE (2008) Interim NSW Guidelines for Management of Private Recycled Water Schemes and Australian Guideline for Water Recycling: Managing Health and Environmental Risks 2006.

- (2) Prior to the issuing of the Occupation Certificate a copy of a Service Agreement from a licensed liquid waste contractor shall be provided to Council. The Agreement shall certify that a 24 hour service is available to provide emergency pump-out services to the sewerage treatment plant, wet weather storage dam and grease traps. The Agreement shall also indicate that a site assessment has been conducted confirming that safe and adequate access is available and that the contractor has the required trucks, pumps and equipment to provide the service.

### **Drinking Water Treatment System and Potable Water Quality**

- (1) Prior to the issuing of the Construction Certificate the following information shall be submitted to Council relating to the proposed works required for the upgrading of the potable water treatment scheme;

- a) Design details, plans, specifications and engineering details, for the new potable water treatment scheme.

The design, installation and operation of the water supply treatment and distribution system shall:

- Comply with the specific requirements as outlined in the Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW Dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists This includes water supply operations, monitoring, auditing, review and reporting schedules, staff training, supply and overflow management, wet weather storage pond management, contingency plans and emergency response procedures.
- Comply with the applicable requirements as specified and in the Expert Conference Record & Agreement Made in Relation to Water Supply dated 18<sup>th</sup> August 2010 George Eddy Holdings Pty Ltd ATS The Council Of The Municipality of Kiama.

- b) Certification that water treatment scheme has been designed to ensure water supply when treated will comply with *Australian Drinking Water Guidelines* (NHMRC, 2004).

- c) Site plan identifying the locations of all portable water service lines

- d) Design plans and manufacturer specifications of the water clarifier and micro-filtration system capable of removing cryptosporidium Oocyst and disinfection.

- (2) All potable water supplied to hand basins, showers and food preparation areas and other designated areas shall be treated to a quality that complies with and in accordance with *Australian Drinking Water Guidelines* (NHMRC, 2004) and the *NSW Health Private Water Supply Guidelines*.

- (3) All potable water supplies shall be sourced on-site from roof water and catchment runoff of the Upper Dam (Dam 3) and Top Back Upper Dam (Dam 4) as identified on the plan prepared by Jordan Mealey & Partners Drawing 20050096 sheet 8 dated 5/5/2011. However during drought periods and where circumstances may require, potable water shall be brought onto site by a licensed Water Cater.

- (4) No livestock grazing shall be undertaken in the catchment areas of the Upper Dam (Dam 3) and Top Back Upper Dam (Dam 4) as identified on the plan prepared by Jordan Mealey & Partners Drawing 20050096.
- (5) No water from other onsite dams shall be is used as a potable water supply or discharge directly into Upper Dam (Dam 3) and Top Back Upper Dam (Dam 4) or catchment areas as identified on the plan prepared by Jordan Mealey & Partners Drawing 20050096.
- (6) Water sampling is to be undertaken in the locations and tested for the parameters and frequency as specified in Appendix D (D1.1) Operating Monitoring Program-Water Supply Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW Dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists. Sampling shall also be undertaken at all the food preparation sinks in all kitchen/kiosk outlets, the Loft Kitchen and any other sites that may be required as a result of recommendations from annual audits.
- (7) The potable water supply shall comply with *Australian Drinking Water Guidelines* (NHMRC, 2004) and tested by a NATA Accredited Laboratory for compliance with *Australian Drinking Water Guidelines* (NHMRC, 2004).
- (8) If any potable water results fail to comply with the *Australian Drinking Water Guideline* (NHMRC, 2004) Kiama Municipal Council and NSW Health must be immediately notified by phone and fax and information is to be provided outlining the parameters that are non compliant and the actions that are to be taken to ensure compliance.
- (9) Contingency plans and emergency response procedures (water supply) as outlined in Appendix E (E1) Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists shall be implemented immediately if the potable water supply and treatment facility breaks down or has complete system failure, or the water quality fails to comply with *Australian Drinking Water Guidelines* (NHMRC, 2004) or any other events as identified in Appendix E (E1) occurs.
- (10) Copies of all drinking water microbiological and chemical results are to be kept onsite at all times and submitted to Council monthly and annually as part of the Annual Audit Report Potable Water Supply and Treatment System.
- (11) Prior to the commencement of the opening of each season an inspection shall be undertaken by a registered practising hydraulic engineer (CPEng qualified) for the Potable Water Supply and Treatment System to ensure the system is fully operational and the water quality complies with the relevant standards.
- (12) An Annual Audit Report of the Potable Water Supply and Treatment System shall be prepared by a registered practising hydraulic engineer (CPEng qualified) and submitted to Council by 1 August each year and include the following:
  - a Compliance or non-compliance with the requirements as outlined in Appendix D Operational Procedures-Water Supply Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated



May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists;

- b Copies of water sampling undertaken in the locations and tested for the parameters and frequency as specified in Appendix D (D1.1) Operating Monitoring Program-Water Supply Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW Dated May 2011 Version 5 prepared by Precise Environmental. Including the results of water samples taken from the food preparation sinks in all kitchen/kiosk outlets, the Loft Kitchen and any other sites that may be required as a result of recommendations from annual audits;
- c Compliance or non compliance with *Australian Drinking Water Guideline* (NHMRC, 2004);
- d Review of contingency plans and emergency procedures and any recommended changes;
- e Annual Certification and confirmation that the Potable Water Supply and Treatment System component functionality was compliant and operational prior to the commencement of the opening of each season;
- f Certification and confirmation that the Potable Water Treatment System component functionality was compliant and operational prior to the commencement of the opening of each season.

### **Commissioning of New Water Treatment Facility**

- (1) Prior to the issuing of the Occupation Certificate and upon the commissioning of the new water treatment facility the developer/operator shall provide Council with a design compliance certificate issued by a registered practising hydraulic engineer (CPEng qualified).

The Certificate shall provide details on the following:

- Commissioning and testing on the water treatment plant;
- Water treatment plant performance specification;
- Confirmation of water treatment plant component functionality; and
- Copies of all water testing analysis results confirming compliance with water quality standards.

### **Recreation Water Supply**

- (1) Prior to the issuing of the Construction Certificate the following information shall be submitted to Council in relation to the upgrade works required for the recreation water scheme and treatment system:
  - a) Design details, plans, specifications and engineering details, for the recreational water treatment system, that meet all of the requirements as specified and outlined in the Expert Conference Record & Agreement Made in Relation to Water Supply dated 18<sup>th</sup> August 2010 George Eddy Holdings Pty Ltd ATS The Council Of The Municipality of Kiama;

- b) The design, installation and operation of the recreational water supply treatment and distribution system shall also comply with the specific requirements as outlined in the Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists;
  - c) Certification that recreational water treatment system has been designed to ensure water supply when treated will comply with the Public Health (Swimming Pool and Spa Pool) Regulation 2000 as amended and Public Swimming Pool and Spa Pool Guidelines (NSW Health, 1996) and as amended;
  - d) Site plan identifying the location of all recreational water service lines;
  - e) Design plans and manufacturer specifications of the water clarifier and micro-filtration and disinfection and backwash system and treatment.
- (2) Provide a cover over all existing recreational water storage tanks.
- (3) All recreational water supplies shall be sourced from the Main Dam (Jim's Dam-Dam1), Back Dam (Dam 2) and Top Dam (Dam 5.) as identified on the plan prepared by Jordan Mealey & Partners Drawing 20050096. However during drought periods and where circumstances may require recreational water shall be brought onto site by a licensed Water Cater.
- (4) All recreation water supplied to the pools and other water features and toilets shall be tested and treated to a quality that complies with the Public Health (Swimming Pool and Spa Pool) Regulation 2000 as amended and Public Swimming Pool and Spa Pool Guidelines (NSW Health, 1996) and as amended.
- (5) Routine daily, weekly and monthly microbiological and chemical sampling for all recreational waters (i.e. swimming and wading pools, and all water features) must *be* undertaken in accordance with *Public Swimming Pool and Spa Pool Guidelines NSW* Health 1996 and as amended and Appendix D (D 1.1) Operational Monitoring Program- Water Supply Integrated Water & Sewerage Report and Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists.
- (6) Monthly microbiological sampling and analysis (Heterotrophic Plate Count, Thermo tolerant Coli forms, *Pseudomonas aeruginosa*).The samples must be tested by a NATA Accredited Laboratory for compliance with the *Public Swimming Pool and Spa Pool Guidelines NSW* and as amended. These results must be kept on site at all times and must be provided to Council once a month and as part of the Annual Audit Report.
- (7) Contingency plans and emergency response procedures specific to the recreational water supply shall be implemented in accordance with Appendix E Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 as prepared by Precise Environmental Consulting or as directed by Council where microbiological and chemical results exceed the criteria as outlined in *Public Swimming Pool and Spa Pool Guidelines NSW* Health 1996 as amended and Appendix D (D1.1) Operational Monitoring Program- Water Supply Integrated Water & Sewerage Report and Management Plan Jamberoo

Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists.

Kiama Municipal Council and NSW Health must be immediately notified by phone and fax and information is to be provided outlining the parameters that are non compliant and what action is to be taken to ensure compliance.

- (8) A register or log shall be developed and maintained to record the results of every water test undertaken on the pools and other water features on a daily, weekly and monthly basis. The register is to be kept up to date and on site and made available when requested by Council and submitted as part of the Annual Audit Report for Recreational Water Supply.
- (9) The backwash supernatant from the recreational water filtration system shall be disposed of to the On-site Sewerage Treatment Facility.
- (10) Prior to the commencement of the opening of each season an inspection shall be undertaken by a qualified consultant for the Recreational Water Supply and Treatment Facility to ensure the system is fully operational and the water quality complies with the relevant standards.

Certification and confirmation that the Recreational Water Treatment System component functionality was compliant and operational shall be submitted to council prior to the opening of each season and as part of the Annual Audit Report for Recreational Water Supply.

- (11) An Annual Audit Report for Recreational Water Supply shall be undertaken by a qualified consultant and be submitted to Council by 1<sup>st</sup> August annually and the following information is to be submitted:
  - (a) Certification of compliance or non-compliance with the requirements as outlined in Appendix D Operational Procedures-Water Supply Integrated Water & Sewerage Management Plan Jamberoo Action Park Site Upgrade Jamberoo NSW dated May 2011 Version 5 prepared by Precise Environmental Consulting Environmental Scientists and the criteria as outlined in *Public Swimming Pool and Spa Pool Guidelines* NSW Health 1996 as amended;
  - (b) Copies of the register and record of the results of every water test undertaken on the pools and other water features on a daily, weekly and monthly basis;
  - (c) Review of contingency plans and emergency procedures and any recommended changes; and
  - (d) Certification and confirmation that the Recreational Water Treatment System component functionality was compliant and operational prior to the commencement of the opening of each season.
  - (e) The audit shall include assessment of compliance with Risk Assessment Report (Appendix C1- Water Supply Risk Assessment) in "*Integrated Water and Sewerage Report, Jamberoo Action Park Site Upgrade Jamberoo New South Wales May 2011 Version 5.0*" by Precise Environmental Consulting Environmental Scientists. The audit shall also include assessment of compliance with *Australian Drinking Water Guidelines* (NHMRC, 2004) particular attention shall be given to Chapter 10 Monitoring for Specific

Characteristics in Drinking Water. Any recommendations detailed by the annual drinking water treatment system report are to be completed prior to season opening and written confirmation of compliance shall be provided to Council.

- (12) Weekly drinking water microbiological sampling shall be undertaken in accordance with *Australian Drinking Water Guidelines* (NHMRC, 2004) and tested by a NATA Accredited Laboratory for compliance with *Australian Drinking Water Guidelines* (NHMRC, 2004) at the food preparation sinks in all kitchen/kiosk outlets, the Loft Kitchen and any other site that may be required as a result of recommendations from annual audits.
- (13) Routine microbiological sampling must be kept on site and provided to Council once a month. If any results fall outside those of the *Australian Drinking Water Guideline* (NHMRC, 2004) this must be immediately reported to Kiama Municipal Council and NSW Health.
- (14) Prior to the issuing of the Occupation Certificate and upon the commissioning of the recreational water treatment system the developer/operator shall provide Council with a design compliance certificate issued by a registered practising hydraulic engineer (CPEng qualified). The Certificate shall provide details on the following:
  - Commissioning and testing on the recreational water treatment system;
  - Water treatment system performance specification;
  - Confirmation of water treatment system component functionality; and
  - Copies of all water testing analysis results confirming compliance with water quality standards.

### **Complaints Management**

- (1) The operator of the facility shall develop a complaints register and log all complaints regarding the activities in the park. This register must remain on site at all times and must be made available to a Council Officer upon request.

### **Food Premises Construction and Standards**

- (1) Prior to the issuing of the Construction Certificate the following information is to be submitted to Council relating to food outlets or any food preparation areas:
  - (a) A 1:50 scale floor plan of any food premises, kiosk or area where food is prepared for the public. This floor plan is to indicate size and placement of sinks, benches and equipment and is to also indicate the finishes of surfaces.
  - (b) Sectional elevations, scale 1:50- through any building showing details of height of equipment and benches;
  - (c) Details of any proposed mechanical exhaust system and exhaust hoods including a sectional 1:50 elevation indicating location of extraction hood, duct work and exhaust duct on the roof of any buildings;
  - (d) Hydraulic plans- detailing plumbing connections, floor waste positions;
  - (e) Schedule of finishes;

- (f) Layout of all equipment;
  - (g) Door and window openings;
  - (h) Customer and staff toilet details.
- (2) All food outlets or any food preparation areas shall comply with the Food Act 2003 and Regulations, Food Standards Code and Australian Standard AS4674-2004 Construction and Fit Out of Food Premises, and Australian Standard AS1668.2-2002 The use of ventilation and air conditioning in buildings- ventilation design for indoor air contaminant control

### **Prior to Occupation**

- (1) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979. **NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)
- (2) The landscape designer/architect shall provide a written certification to Council and the Principal Certifying Authority to certify that the landscape works have been completed in accordance with the approved landscape plans and specification, prior to release of any Occupation Certificates and/or Subdivision Certificate, where relevant, for the development. (po015.doc)

### **Conveyancing Requirements**

- (1) Under the provisions of section 88B/88E of the Conveyancing Act 1919 the applicant shall provide a restriction on the use of land and a positive covenant in favour of Council detailing protection measures and long term maintenance requirements for riparian zones and floodways, effluent disposal systems, the on-site stormwater detention and water quality system, and associated stormwater drainage infrastructure constructed within the development site.

The document shall, at the cost of the applicant, be submitted to Council for assessment and approval and shall be registered with the NSW Land and Property Management Authority prior to the release of any occupation certificate.

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### **Reasons for the imposition of conditions**

- (1) Ensure the building/structure is completed in accordance with the requirements of the Building Code of Australia, applicable Australian Standards and the Environmental Planning and Assessment Act 1979 (as amended). (r001.doc)
- (2) Ensure effluent generated by the development is disposed of in a satisfactory manner having as little impact as possible on the environment. (r010.doc)

- (3) Ensure that adequate access to and throughout the premises is available for persons with a disability. (r020.doc)
- (4) Ensure that an appropriate landscape design is prepared to compliment the design of the proposed development and the character of the area. (r025.doc)
- (5) Ensure that the landscape works are completed established and maintained in accordance with the approved plans and conditions. (r060.doc)
- (6) Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies. (r095.doc)
- (7) Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development. (r100.doc)
- (8) Ensure the stormwater run-off from the site is disposed of in an orderly and satisfactory manner. (r105.doc)
- (9) Minimise any likely adverse environmental impact of the proposed development. (r110.doc)
- (10) Minimise any likely adverse impact on the landscape and visual quality of the area as a result of the development. (r115.doc)
- (11) Ensure that public authorities have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities. (r120.doc)
- (12) Provide for adequate on-site car parking commensurate with the traffic generation of the development. (r130.doc)

M Forsyth  
**General Manager**  
Per

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## Notes

- (1) To ascertain the date upon which this consent becomes effective refer to Section 83 of the Environmental Planning and Assessment Act 1979 (as amended). (nb010.doc)
- (2) In accordance with Sub-Section 95(2) of the Environmental Planning and Assessment Act 1979 (as amended) this consent will lapse on - unless otherwise provided for elsewhere in Sections 95 or 95A of the Act. (nb015.doc)
- (3) Section 97 of the Environmental Planning and Assessment Act 1979 (as amended) confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve (12) months after receipt of this notice. (nb020.doc)

- (4) The applicant shall note that the development consent in no way authorises commencement of construction work. The latter can only be obtained through submission and approval of a satisfactory Construction Certificate Application.  
(nb025.doc)
- (5) This consent does not guarantee compliance with the Disability Discrimination Act and you are advised to investigate your liability under the provisions of the Act. Your attention is drawn to Parts 2, 3 and 4 of Australian Standard AS1428 - Design for Access and Mobility.  
(nb035.doc)
- (6) The removal of any trees, clearing of any vegetation, or any site preparation works cannot commence until a valid Construction Certificate has been granted for the proposal.  
(nb045.doc)
- (7) In this consent the developer includes the applicant for development consent and any person(s) who carries out the development pursuant to that consent.  
(nb050.doc)
- (8) The on-going management of the property shall have regard to the “*Kiama-Shellharbour Bush Fire Risk Management Plan*”.  
(nb080.doc)















