

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT
Environmental Planning and Assessment Act, 1979
RA12/1000**

TO:

Shoalhaven City Council - Claire Scott
PO BOX 42
NOWRA NSW 2541

**being the applicant(s) for RA12/1000 relating to:
84 Cambewarra Rd, BOMADERRY - Lot 2 - DP 130891**

APPROVED USE AND OR DEVELOPMENT:

Demolition of existing Basketball Stadium and construction of proposed four court Basketball Stadium with associated amenities, car parking and landscaping

DETERMINATION DATE:

[#Determined#]

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

[#ConsentFrom#]

CONSENT TO LAPSE ON:

[#LapseDate#]

In accordance with Section 95 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to **Demolition of existing Basketball Stadium and construction of proposed four court Basketball Stadium with associated amenities, car parking and landscaping** as illustrated on the plans

Site Plan, Job No. W175, Drawing No. A.010, Revision A, dated 27/4/12, by Facility Design Group;

Floor Plan, Job No. W175, Drawing No. A.100, Revision A, dated 27/4/12, by Facility Design Group;

Landscape Plan, Job No. W175, Drawing No. A.030, Revision A, dated 27/4/12, by Facility Design Group;

Roof Plan, Job No. W175, Drawing No. A.101, dated 20/2/12, by Facility Design Group;

Elevations Plan, Job No. W175, Drawing No. A.500, dated 20/2/12, by Facility Design Group;

Sections Plan, Job No. W175, Drawing No. A.550, dated 20/2/12, by Facility Design Group;

Stormwater Drainage Plan, Project No. 7712, Drawing No. C03-C, Revision C, Sheet 1 of 2 and sheet 2 of 2, dated 27/4/12, by Eclipse Consulting Engineers;

specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The **Demolition of existing Basketball Stadium and construction of proposed four court Basketball Stadium with associated amenities, car parking and landscaping** shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Building

3. **Prior to the commencement of works:**

- (a) Notice must be given to Council at least two (2) days **prior to the commencement of construction work.**
- (b) A Principal Certifying Authority (PCA) must be appointed **before any building work can commence.**
- (c) A Construction Certificate must be obtained from either Council or an Accredited Certifier **before any building work can commence.**

Supervision of works

4. **Prior to the commencement of works**, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

Construction traffic plan

5. **Prior to civil works commencing** a construction traffic plan is to be submitted to Council. This plan is to minimise the use of any surrounding residential streets and limit the impact of construction traffic to the local residents.

Prior to demolition works commencing - Soil and Water Management

6. Prior to demolition works commencing a silt fence or equivalent must be provided downhill from the disturbed area. The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur.

All disturbed areas must be stabilised or revegetated as soon as possible after the completion of site earthworks.

All the above requirements must be to the satisfaction of the PCA. A copy of Council's Code "Guidelines for Stormwater Protection on Building Sites" is enclosed.

Engineering approval - works on-site

7. Engineering design plans for civil works within the property must be submitted to Council or an Accredited Certifier and approved **prior to the commencement of building works.** All design and construction shall be in accordance with DCP 100 – *Subdivision Code* and all work must be carried out in accordance with the approved plans.

Builders' toilet

8. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Damage to public assets

9. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

Water and/or sewer contributions

10. All conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

<p>Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.</p>
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For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Soil and Water Management Plan

11. A Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual - "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*", shall be lodged for approval with the application for a construction certificate. The SWMP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold.

Existing services

12. Due to the possibility of problems in crossing the services within the Cambewarra Road road reserve, full details of the alignment and levels of all services (Council, Integral Energy, telecommunications, gas or other services) shall be shown on the engineering plans. Any required alterations to services will be at the developer's expense.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

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

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Erection of signs

14. A sign must be erected in a prominent position on any site which building 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.
 - c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Tree removal and fauna protection

15. A suitably qualified and NSW National Parks & Wildlife Service licensed wildlife handler must be on site prior to, and during the removal of any trees or areas of potential habitat on the property, to rescue fauna.
16. The licensed wildlife handler must provide a written report to Shoalhaven City Council (email to Council's Threatened Species Officer acceptable) detailing any fauna detected as a result of the clearing works. The report is to be submitted within 2 weeks of hollow-bearing trees being removed.
17. Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.
18. Hollow-bearing trees must be felled carefully in sections utilising a "cherry picker" or crane if necessary to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
19. Trees to be retained are to be fenced off to prevent damage occurring during demolition and construction works.
20. The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees to be retained is prohibited.

Demolition

21. Demolition work shall be carried out in accordance with *Australian Standard AS2601: The Demolition of Structures*.

Asbestos – licensed contractors

22. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Notification of neighbours

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

Asbestos – tip receipts

24. Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts must be retained and provided to Council if requested.

Exterior materials

25. Exterior materials (excluding windows and other glazing) are to be non-reflective and metal roofing and wall cladding are to be pre-coloured at the manufacturing stage.

Landscaping

26. To maintain the amenity of the area, landscaping shall be implemented in accordance with the approved Landscape Plan.

Food premises

27. The construction and operation of the food premises shall comply with the Food Act 2003, Food Safety Standards and Council's Food Premises Policy. In particular the premises must meet the following requirements.
- a) Floors must be of a material that is impervious, non-slip and non-abrasive and capable of being easily cleaned. Coving must be provided at all wall/floor intersections. Painted concrete floors are not permitted. The floor must be graded and drained to a central floor waste that incorporates a basket trap in accordance with Shoalhaven Water requirements.
 - b) Walls must be tiled to a height of 2 metres and where not tiled must be finished off to provide a smooth impervious finish that is capable of being easily cleaned. Open or painted brickwork is not permitted in any food preparation area.
 - c) Ceilings are to be rigid, smooth faced and made of non-absorbent material finished in a washable, light coloured surface. Panel ceiling systems are not permitted above food areas.
 - d) All fittings are to be 150mm above floor level or located on plinths, wheels or castors. Where plinths are used they must be of solid construction.

- e) Equipment washing facilities must be provided that are sufficient for the intended use of the premises. A double bowl sink of a size large enough to accommodate the largest piece of equipment is a minimum requirement.
- f) A hand wash basin must be provided in each area that food is handled and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of soap and single use hand towels must be provided adjacent to all hand washing basins.
- g) A hand wash basin must be provided in each toilet/ amenities that food handlers use and must be provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of soap and single use hand towels must be provided adjacent to all hand washing basins.
- h) Hand wash basins must be located in a convenient position to enable easy unrestricted access by staff. The installation of hand basins behind doors, under benches or in other areas where access is not convenient is not permitted.
- i) Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with AS1668.2-2002 *The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control*.
- j) Provide a cleaner's sink with hot and cold water, in the food processing area to dispose of contaminated liquids and washing of cleansing equipment.
- k) All waste water from the shop and the kitchen sink shall be directed through a commercial grease arrestor that is installed in accordance with Shoalhaven Water requirements.
- l) A separate area that is not used for the handling or storage of food must be provided for the storage of personal items such as clothing and personal belongings.
- m) All walls around the kitchen must be of solid construction. Cavity timber walls will not be permitted. Examples of acceptable materials can be found in Council's Food Premises Policy or the Australian Standard AS4674-2004 *Design Construction and Fit-out of Food Premises*.

Note: The operator of the food premise must register the food premises with Council's Development & Environmental Services Group for regular inspection by Council's Environmental Health Officer.

Footpath construction on Cambewarra Road

28. A 1.8m wide concrete footpath is to be constructed within the Cambewarra Rd road reserve extending west from the eastern property boundary for a minimum distance of 270m. This is to facilitate safe pedestrian movement to and from vehicles parked in the car parking areas.

Pedestrian access from North Tarawal Street

29. A formalised shared footpath with a minimum width of 1.8m is to be constructed linking the signalised crossing located on Cambewarra Road with a new crossing point on North Tarawal Street located a minimum of 16.5m to the west of the existing point with a connecting path on the southern side of North Tarawal Street (1.8m minimum width) leading to the current connection to Birriley Street. This may necessitate the relocation of the proposed western (north/south) car park by approximately 5m further to the west to allow the path to run between the car park and the western wall of the facility.

30. The existing pedestrian crossing on West Birriley Street must be relocated a minimum of 16.5m to the west of the present location in order to achieve greater sight distance without being too far away from the current location which serves to facilitate movements between West Birriley Street and Birriley Street.

Engineering design plans for footpath works

31. Engineering design plans shall be submitted to and approved by Council prior to commencement of work and shall incorporate the following:
- (a) Typical cross section details to be shown at various locations around the development.
 - (b) Footpath levels shall comply with a 3% cross fall from the boundary to top of kerb;
 - (c) The level of the footpath shall match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be designed;
 - (d) Perambulator gutter crossing kerb ramps shall be provided where the footpath crosses the car park in accordance with Council Plan No. G202606A.

Ancillary works in nature strip / car park

32. The following works in the Nature Strip / car park area shall be undertaken as detailed below to match alignment and grades with adjoining infrastructure. The works include:
- a) Trim, fill, topsoil and turf beside the footpath
 - b) Adjustment of service pit lids of all services in the footpath adjacent to the property to be flush with the finished footpath or pavement surface levels. Works shall be to the requirements of the respective service authorities.
 - c) Raising/lowering of the existing constructed footpath, including tapers at maximum longitudinal grades of 1 in 14, to match the new vehicular footpath crossing.

Pedestrian fence

33. A pedestrian fence is to be provided on the northern boundary of the property between the main pedestrian access to the facility and the midpoint of the western end of the car park (at the proposed kerb extensions) to facilitate safe pedestrian access from the signalised crossing on Cambewarra Road to the formalised shared path connecting to North Tarawal Street.

Bike racks

34. A minimum of ten (10) bicycle racks must be provided at a location adjacent to the main entry that will not obstruct pedestrian movements. The number of bicycle racks must be reviewed from time to time and additional facilities provided if required.

Internal driveway and car park

35. The internal driveway and car park shall be:
- a) asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA's. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to

include a rubber base to improve durability and manufacturer's product details shall be submitted to Council for approval.

- b) designed, constructed, line marked and signposted in accordance with Council's Car Parking Code (Development Control Plan No 18).
- c) bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710.
- d) Illuminated in accordance with the requirements of AS1158.3.1.
- e) provided with traffic control devices (e.g. speed humps) at appropriate locations along the length of any parking aisle over 100m in length to restrict travel speeds in the aisle. The following locations would be suitable for such devices.
 - a. At the proposed pedestrian crossing point – provide a raised threshold incorporating the proposed marked footcrossing; and,
 - b. At the midpoint of the western end of the car park (at the proposed kerb extensions).

Unloading area

36. A dedicated unloading area for delivery vehicles is to be provided within the bus/coach (large vehicle) parking area.

Flood-lighting

37. In the interests of maintaining the existing amenity of adjacent residential areas and to minimise nuisance spill lighting onto nearby public roads, any flood-lighting used in conjunction with the approved development must be directed in a manner that will not interfere with passing traffic and will not adversely impact on adjacent residential properties in accordance with *AS4282 – Obtrusive Light in Residential Areas*.

Installation of root barriers

38. Root barriers shall be installed to manufacturer's specification to effectively deter root damage of any structural works, paving or service lines located in the vicinity of the proposed tree planting. The root barrier must be installed in a trench at a minimum of 500-1000mm deep dependant on the variety of tree specified and may be obtained from any manufacturer on the condition that the product is equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

Gutter layback and footpath crossing

39. A heavy duty concrete vehicular gutter layback and footpath crossings shall be constructed at the driveway entrances in accordance with Council's Plan Nos. G202603 and G202605. Council's Subdivision Manager or his nominee shall inspect and approve the kerb line, levels and formwork prior to pouring.

Gutter layback construction detail

40. Where kerb and gutter exists, concrete gutter laybacks (crossings) are to be constructed as follows:
- a) The road pavement is to be saw-cut parallel to the lip of the gutter;
 - b) The existing kerb **and** gutter is to be removed;

- c) New cast in-situ gutter layback and gutter is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.
- d) Kerb ramps are to be provided at all pedestrian access / crossing points and accessible car parking spaces.

Approval of regulatory signage and pavement markings

41. A comprehensive signage and linemarking plan is to be submitted for review and approval by Council's Traffic Unit in the first instance and then by the Shoalhaven Traffic Committee. This plan is to include all internal warning signs for traffic facilities (eg traffic calming, pedestrian), Give Way signs at intersecting travel aisles, directional arrows, bus and coach access and designated parking area, car park spaces (including accessible car parking spaces, centre linemarking and parking restrictions on Cambewarra Road, etc. Six to eight weeks should be allowed for this process. In this regard the plan is to show:

- a) How the proposed restriction requiring buses to enter the car park from the eastern end is to be enforced. This may be achieved by:
 - i. Signage strategy advising that buses/coaches are to only enter via the eastern driveway access – this would include the provision of pavement arrows directing all traffic to turn left upon entering via the western driveway with No Entry (R2-4) signs located at the western end of the proposed bus parking area facing southbound traffic: and,
 - ii. Physically restricting two-way traffic flow at the western end of the proposed bus area by extending the concrete median of the car parking area.
- b) Appropriate pedestrian warning signs (W6-1) are to be installed (both directions) at all marked pedestrian crossing points within the car parking area.
- c) Centre line marking on Cambewarra Road adjacent to the proposed western driveway entry / exit will require amendment. Double centre barrier lines (minimum 30m) with a 12m break at the driveway to permit vehicles to turn right into and out of the driveway entry / exit in accordance with the Australian Road Rules are to be provided.
- d) No Stopping restrictions are to be provided on the northern side of Cambewarra Road directly opposite both driveway entry / exits so as to allow east bound motorists sufficient room to safely pass any vehicle stopped by westbound vehicles when turning right into the car park. The length of the No Stopping zones is to be a minimum of 30m.
- e) No Stopping restrictions are to be provided adjacent to the entry/exit driveways on Cambewarra Road so as to ensure sight distances for drivers exiting the car parking areas in accordance with AS2890.1.
- f) To facilitate safe travel through the car parking areas traffic flow priority on internal travel aisles is to be provided through the installation of Give Way signs and hold lines at the following locations:
 - i. Facing north bound vehicles exiting the eastern (north/south) car park
 - ii. Facing north bound vehicles exiting the western (north/south) car park.
 - iii. Facing west bound vehicles exiting the main (east/west) car park (ie western end)
- g) The applicant is to ensure that headlight glare from vehicles exiting the western driveway at night intruding on residences located on the northern side of

Cambewarra Road is minimised. The applicant is to liaise with affected residents and provide an appropriate vegetation screen to limit any loss of amenity to the affected residents.

Pavement tests for all pavements including on-site

42. The design of road, driveway and car park pavements, both on site and on public land, shall be supported by test results for the in-situ subgrade material and approved by Council. These tests shall be carried out by a NATA approved laboratory, or may be carried out by Council at the applicant's expense.

Car park levels designed to prevent runoff from entering building

43. The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering the building.

Discharge of stormwater concentrated within the car park

44. Stormwater runoff concentrated within the car park and driveway shall be discharged by pipework to Council's stormwater system in accordance with DCP 100. Where there is no existing pit for this connection, a new pit shall be constructed.

Stormwater connections in road reserve to be approved by Council

45. Stormwater connections between the property boundary and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Subdivision Manager or their nominee and backfilled as soon as possible.

Stormwater drainage design – 10 year ARI

46. All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

On-site detention

47. The on-site detention storage for stormwater runoff from the development site must be:
- a) provided such that the discharge from the site for design storm events up to and including the 10 year average recurrence interval does not exceed the pre-developed conditions.
 - b) designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding.
 - c) designed to withstand a T44 load as defined in Austroad's Bridge Design Manual.

On-site detention – certification of construction

48. The developer must provide certification from a qualified civil and/or structural engineer with NPER-III registration that the on-site detention structure has been constructed in accordance with the approved plans.

Road reserve, footpath & gutters

49. The kerb, gutter and footpath adjoining the site shall be kept clear of soil and debris.

Construction hours

50. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Waste Minimisation and Management

51. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

PART E

CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Amenity - noise

52. To maintain the amenity of surrounding residential neighbourhoods and to minimise noise impacts, no offensive or unacceptable noise generally shall be audible at the boundary of the nearest affected residence at any time in accordance with the NSW Department of Environment and Conservation (DEC) - Noise Guide for Local Government, the NSW DEC Industrial Noise Policy 1999 and the relevant Noise Control provisions under the Protection of the Environment Operations Act 1997.

Hours of operation

53. All work associated with the approved use shall be restricted to the hours of 7.00am to 11.00pm Monday to Sunday.

Traffic Management Plan – regional or state basketball events

54. A separate traffic management plan must be prepared for any higher level event, such as a National Basketball League game, to be held at the facility as these events will likely generate traffic that exceeds the available on-site parking. The traffic management plan must be prepared by a person that has undertaken the appropriate Roads & Maritime Services (RMS) training in the preparation of Traffic Control Plans and the plan must clearly show the details of the person authorising the plan including RMS certification number and currency. The plan (which is to include traffic control and pedestrian management) is to be submitted to Council for approval prior to any implementation and is to be regularly updated. All traffic/pedestrian control measures contained in the plan(s) are to be in accordance with Australian Standard AS1742.3 and the current RMS Traffic Control at Worksites Manual.

Site management and maintenance

55. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) loading and unloading in relation to the use of the premises must occur in the designated loading areas;
 - b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or drive way areas;
 - c) activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise
 - d) maintenance and replacement (if necessary) of all landscaping (including the maintenance of grassed areas) in accordance with the approved Landscape Plan;
 - e) removal of graffiti from buildings, fencing and structures;
 - f) maintenance of all:
 - i) vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - ii) stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - iii) buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.

PART F

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF AN
OCCUPATION CERTIFICATE**

56. **Prior to the issue of an Occupation Certificate** conditions 26 (landscaping), 27 (food premises), 28 (footpath construction), 35 (driveway and car park), 41 (regulatory signage and linemarking) are to be complied with and completed.
57. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and **prior to the issue of an Occupation Certificate**.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

OTHER COUNCIL APPROVALS AND CONSENTS

Section 68 Local Government Act, Section 138 Roads Act

Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council for in order to obtain the s.138 approval:

- Pavement design
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.
- Insurance details

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).

Approval for Sewerage, Plumbing and Stormwater Drainage

Approval for Sewerage, Plumbing and Stormwater Drainage is granted subject to the following conditions:

General

1. This approval is granted on the condition that the attached *Application to Carry Out Plumbing and Drainage Works* under the Plumbing and Drainage Code of Practice is completed by the licensed contractor carrying out the work.

Such application is to be completed in full and returned to Council prior to the commencement of any work.

2. All plumbing and drainage shall comply with the requirements of Australian Standard AS 3500 "National Plumbing and Drainage Code", and the relevant NSW amendments.

Inspections

3. Council must be given at least 24 hour's notice to allow for the inspections of:

<i>Type of Inspection:</i>	<i>Stage of Construction:</i>
Internal drainage	All internal drainage pipework installed and under hydraulic test, including any required bedding material, and prior to backfilling.
Hot and cold water service	All pipework installed and under hydraulic test.
External drainage	Pipework installed and under hydraulic test, septic tank installed or sewer connected (which ever applicable)
Final inspection of drainage works	All drainage works including stormwater

Both the internal and external drainage lines are to be under Hydraulic test at the time of the inspection.

Before Commencing Construction

4. The builder should locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position.

Yard Gully

5. A minimum height of 150mm shall be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height shall be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in Table 4.3 of AS3500. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or a paved area where it shall be finished at a level so as to prevent the ponding and ingress of water into the drainage system.

Stormwater

6. Stormwater from the basketball stadium and car parking areas is to be conveyed to the street gutter via drainage designed and constructed in accordance with AS/NZS 3500.3.2 – Stormwater drainage and the Building Code of Australia.

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART J

GENERAL ADVICE TO APPLICANT

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

Trees Located on Public Land

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

Occupation Certificate

An **occupation certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Inspections

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

SIGNED on behalf of Shoalhaven City Council:

Signature

**Name James Bonner
Development Planner
Development & Environmental Services Group**