

# NOTICE OF DETERMINATION

Section 96 of Environmental Planning and Assessment Act, 1979

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Section 96	
Approval Date	
Authority	Joint Regional Planning Panel
Reference	DA-2014/255/A
Contact	Marta M Gonzalez-Valdes 9562 1743

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DRAFT

Rockdale City Council  
PO BOX 21  
ROCKDALE NSW 2216

**Property:** 98C Preddy's Road & 10 Rye Avenue, BEXLEY NSW 2207  
Lot 102 DP 1042328, Lot B DP 368323

**Proposal:** *Rockdale City Aquatic Centre - Demolition of existing pools and associated facilities and construction of a new outdoor 50 metre pool and an indoor aquatic centre including parking for 109 vehicles, site works, landscaping and signage*

*[Amendment A – S96(2) amended on xxxxx]*

Your application to modify Development Consent No. 2014/255 dated 28 May 2014 was considered under Section 96(2) of the Environmental Planning and Assessment Act 1979 and is approved subject to the following conditions:

## GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **five** (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as identified in a. and b. following and by the following conditions.
  - a. Drawings No. DA03-DA06 and the landscape plans shall be amended to reflect the parking layout and tree planting shown on approved plan Drawing No. AR-DA14, Revision A, dated 15.09.2015, prepared by Brewster Hjorth Architects; and
  - b. The only sign approved is the pole sign and the sign shown on the building in Signage 1 Plan and Signage 2 Plan, prepared by Brewster Hjorth Architects is not granted consent.

Title	Drawing number	Revision	Date	Received
<b><i>Plans and documents by Brewster Hjorth Architects</i></b>				
Demolition Plan	DA02	D	05.06.2015	15.06.2015
Site Plan/Roof Plan	DA03	D	05.06.2015	15.06.2015
Basement Floor Plan	DA04	D	05.06.2015	15.06.2015
Level 1 Floor Plan	DA05	D	05.06.2015	15.06.2015
Level 2 Floor Plan	DA06	D	05.06.2015	15.06.2015
Elevations	DA07	D	05.06.2015	15.06.2015
Sections 1-3	DA08	D	05.06.2015	15.06.2015
Sections 4+5	DA09	D	05.06.2015	15.06.2015
Perspective 1	DA11	D	05.06.2015	15.06.2015
Perspective 2	DA12	D	05.06.2015	15.06.2015
Materials palette	DA13	D	05.06.2015	15.06.2015
<i>S96 Carpark Details</i>	<i>DA14</i>	<i>A</i>	<i>15.09.2015</i>	<i>17.9.2015</i>
Signage 1 Plan				15.06.2015
Signage 2 Plan				15.06.2015
<b><i>Landscape Plans by Taylor Brammar</i></b>				
Landscape Concept Plan	LC01	H	05.06.2015	15.06.2015
Landscape Cross Section and Themes	LC02	H	05.06.2015	15.06.2015
<b><i>Plans and documentation by AECOM</i></b>				
General Arrangement Plan	60429445–SHT-CI-0010	B	11/6/2015	15.06.2015
Soil and Water Management Plan	60429445–SHT -CI-0020	B	11/6/2015	15.06.2015
Soil and Water Management Details	60429445–SHT -CI-0021	B	11/6/2015	15.06.2015
Drainage Plan	60429445–SHT -CI-0100	B	11/6/2015	15.06.2015

Drainage Details	60429445– SHT -CI- 0105	B	11/6/2015	15.06.2015
Finished Surface Plan Sheet 1	60429445– SHT -CI- 0030	B	11/6/2015	15.06.2015
Finished Surface Plan Sheet 2	60429445– SHT -CI- 0111	B	11/6/2015	15.06.2015
Control String Plan Sheet 1	60429445– SHT -CI- 0112	B	11/6/2015	15.06.2015
Control String Plan Sheet 2	60429445– SHT -CI- 0200	B	11/6/2015	15.06.2015
Typical Sections Sheet 1	60429445– SHT -CI- 0201	B	11/6/2015	15.06.2015
Typical Sections Sheet 2	60429445– SHT - CI- 0202	B	11/6/2015	15.06.2015
Typical Sections Sheet 3	60429445– SHT -CI- 0301	B	11/6/2015	15.06.2015
Longitudinal Sections Sheet 1	60429445– SHT -CI- 0301	B	11/6/2015	15.06.2015
Longitudinal Sections Sheet 2	60429445– SHT -CI- 0400	B	11/6/2015	15.06.2015
Longitudinal Sections Sheet 3	60429445– SHT -CI- 0500	B	11/6/2015	15.06.2015

*[Amendment A – S96(2) amended on xxxxxx]*

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**

## DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

5. Loading and unloading within the loading bay shall be restricted to vehicles not exceeding a length of 6.4m. Commercial vehicles with a length greater than 6.4m are not permitted to use the loading bay.  
  
Vehicles using the loading bay are permitted to use a reverse manoeuvre to either enter or exit the loading bay.
6. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
7. The overland flow path shall not be obstructed, restricted or altered without the approval of Rockdale City Council.
8. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act, 1997.
9. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
10. *Ground water shall only be pumped or drained to Council's or Sydney Water's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.*

*Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.*

*In addition to requiring development consent, parts of the development that intercept or extract groundwater are also required to be authorised under the Water Management Act 2000. The information requirements for such an authorisation are explicitly detailed in the NSW Aquifer Interference Policy—including the need for the applicant to provide calculations of the volumes likely to be extracted. As defined in that policy, such requirements apply to activities interfering with all aquifers, including low yielding and saline groundwater systems.*

*[Amendment A – S96(2) amended on xxxxxxx]*

11. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
12. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
13. *[Amendment A – S96(2) deleted on xxxxx]*

14. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
15. The following conditions apply to the design, provision and operation of the internal road and carparking area infrastructure works:
  - (i) Detailed design plans and works specifications shall be submitted to Council for approval prior to the commencement of road infrastructure works. The documentation required for approval shall include:
    - a. General arrangement plan(s);
    - b. Erosion and Sediment Control Plan(s);
    - c. Stormwater Management Plan(s);
    - d. Stormwater Management Detail(s);
    - e. Stormwater Management Profile(s);
    - f. Roadworks Plan(s);
    - g. Roadwork Vertical Alignment(s);
    - h. Roadwork Cross Sections;
    - i. Kerb Return Profiles;
    - j. Electrical Services Plan(s);
    - k. Street Lighting Plan(s) and Details;
    - l. Traffic Facilities Plan(s);
    - m. Landscaping and Landscape Finishes Plan(s);
  - (ii) The detailed design and specifications for the construction of the road infrastructure shall comply with all current Australian Standards and current AUSTROADS Guides.
  - (iii) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.
16. Fence / barriers shall be provided to retaining walls greater than 1000 mm high within the car parks and footpaths.
17. *The following conditions apply to the design and provision of off street parking and drop off zones.*
  1. *All passenger drop offs associated with the use of the development shall take place from designated drop off zones. The drop off zones shall not be used for storage, parking or any other purpose that would restrict their use for the purposes of passenger drop off.*
  2. *A traffic management plan (TMP) shall be in place for the on site traffic management during carnival events. The plan shall be prepared by a suitably qualified person and be submitted and approved by Council prior to the issue of the Final Occupation Certificate.*

*The Plan shall address, but not be limited to, the following matters:*

  - a. *ingress and egress of vehicles to the site;*
  - b. *drop off and pick up off passengers by bus, including measures proposed*

*to manage the buses such that no more than 2 buses are onsite at any one time and buses leave the site after drop off;*

- c. carpark management, including prevention of cars making right hand turns from the car park onto Preddys Road when traffic around the site is congested and preventing access to the car park when it is fully occupied;*
  - d. predicted traffic volumes, types and routes;*
  - e. any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW RMS guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various on-site activities; and*
  - f. pedestrian and traffic management methods.*
3. *Off street parking associated with the proposed development should be designed and constructed in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002 and AS 2890.6 – 2009.*

*[Amendment A – S96(2) amended on xxxx]*

18. *Parking spaces shall be allocated in the following manner:*

- a) 109 standard parking spaces (including 4 accessible and 4 pram parking spaces).*
- b) The accessible car spaces shall be identified and reserved at all times. The car spaces shall be in accordance with AS 2890.6*
- c) 5 motorcycle spaces.*
- d) 20 bicycle spaces.*

*Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.*

*[Amendment A – S96(2) amended on xxxxx]*

19. *The first floor level shall be constructed to the level no lower than the 1% Annual Exceedance Probability (A.E.P) flood. The floor level shall be certified by a registered surveyor prior to pouring of the floor slab or installation of flooring.*
20. *The following conditions relate to the operation of the swimming pools:*
- Suitable depth markers shall be provided at each end of the swimming pool.*
  - The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to the neighbours.*
  - A warning notice must be erected near swimming pools/spas. There shall be at all times maintained, in a prominent position in the immediate vicinity of the swimming pool, a sign erected and bearing the notice: "Young Children should be Supervised when using this Swimming Pool", together with details of resuscitation techniques (for adults, children and infants) in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australia Resuscitation Council. The warning notice may be purchased from Rockdale Council or the Royal Life Saving Society.*
21. *The proposed development shall be designed, constructed and operated in*

compliance with the requirements of Public Health Act 2010 and Public Health Regulation 2012.

22. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fit out of Food Premises”.

## PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be completed prior to the issue of the Construction Certificate.

23. A detailed acoustic assessment of all mechanical plant shall be conducted by a suitably qualified and experienced acoustic consultant. Certification shall be provided prior to the release of the Construction Certificate that the details of plant and sound attenuation measures submitted with the Construction Certificate Application satisfy the following:

The design and acoustic treatment of the plant (including, but not limited to, the mechanical services and the pool equipment) shall comply with the following noise emission objectives:

Day (7am to 6pm)	47 dB(A) $L_{eq}$
Evening (6pm to 10pm)	45 dB(A) $L_{eq}$
Night (10pm to 7am)	40 dB(A) $L_{eq}$ (Average)
	51 dB(A) $L_{1(1 min)}$ (Sleep Disturbance)

24. A Construction Environmental Management Plan shall be prepared prior for submission with the Construction Certificate Application which addressed the following:
- Measures to ensure that large machinery or other construction activities do not impact upon the retained heathland onsite or the adjoining Bardwell Creek Parklands.
  - Identification of proposed fencing to ensure machinery remains only in the designated work zones
  - Identification of fencing of trees within the heathland area to ensure machinery does not compact the root zone.
25. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$29,600.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
  - iii. A Soil and Water Management Sign (811) of \$16.
26. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
  27. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.  
A fee of \$185 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
  28. A rainwater tank shall be provided as determined by a water balance demand model in accordance with the Department of Environment and Conservations Managing Urban Stormwater, Harvesting and Re-use, April 2006.  
Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater and reuse tanks, including a schematic of the system, are to be submitted to Council for assessment and approval.
  29. A suitably qualified engineer is to certify that the building and all structures can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.
  30. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
  31. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate
  32. Any building proposed to be erected over or near the existing Sydney Water pipeline is to be approved by Sydney Water. A copy of Sydney Water's approval and requirements are to be submitted to Council prior to issuing a Construction Certificate.  
The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.  
The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.
  33. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first;



and the arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/ developer.

34. Details shall be submitted to Council for assessment and approval pursuant to Section 138 of the Roads Act 1993 in relation to the following:
- a) realign the kerbs, construct concrete dish drains, and construct road pavements in Preddy's Road to create indented school bus bays;
  - b) landscape the road reserve areas around the school bus bays in Preddy's Road;
  - c) installation of traffic control signs for the indented entry / exit.
  - d) no time limit shall be provided on the bus zone signs. The Road Rules (rule 183) only permits buses to stop for dropping off, or picking up passengers, or a stop of a regular bus service. Buses are not permitted to park in a bus zone;
  - e) the southern concrete median island shall be extended by 4m north of the original position to prevent vehicles and buses from making U-turns and a pedestrian refuge island for crossing;
  - f) the northern concrete median island shall be modified to accommodate a right turn bay and a central triangle in between;
  - g) pedestrian fencing shall be provided to prevent children or pedestrians from falling at the footpath drop near the new bus zone and the car park ramp;
  - h) construction of a new concrete vehicular entrance on Preddy's Road (for the lower level car park) to maximum width of 6.5m;
  - i) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - j) installation of a pedestrian refuge in the median strip on Preddy's Road between the entrance to Preddy's Lane and the exit to the school bus drop off zone
  - k) the detailed design of the vehicular access point to Preddy's Road shall address the following matters:
    - o Safety for vehicles, pedestrians and bicycles; and
    - o Measures to deter illegal movements of vehicles through school bus drop off zone.
    - o 'Carpark full' signage shall be erected at entry/exit points at the main entry of the lower carpark.

**Note:** Detailed plans for the works specified above are required to be submitted to Council for assessment and approval pursuant to *Section 138* of the *Roads Act 1993*. Please contact Council for further direction on the detailed design of the works.

The works listed in the above condition are required to be submitted to Council's Traffic Committee for consideration.

35. *[Amendment A – S96(2) deleted on xxxxx]*
36. Prior to the issue of the Construction Certificate, a Business Flood Risk Assessment Management Plan (BFRAMP) including an Economic Analysis of Flood Losses and a Flood Evacuation Plan shall be submitted to Council for assessment and approval. The plan shall determine how future occupants will be alerted to flooding around or in

the building to ensure that the occupants and property are protected.

The BFRAMP shall consider the following matters:

- a) Council's flood advice letter dated 11 December 2013.
  - b) identify how the operator will monitor the overland flow hazard, and in particular, how they will alert and evacuate the outdoor pool before there is a risk to the users.
  - c) determine the Flood Planning levels of the proposed building and all access points to the basement parking and storage area. Where there is an adverse impact, or the freeboard is not achieved, the report needs to clearly identify what needs to be done to rectify the deficiency.
  - d) procedures need to be embedded in the aquatic centre's business plan and operating procedures. To prepare this plan the applicant needs to model flood events smaller and larger (up to the PMF) than the 1% AEP to get a better indication of inundation of the site to be able to assess the flood hazard. The flood modelling of a range of flood events both smaller and larger than the 1% AEP event provide important information regarding flood RLs, potential flood damage and hazard to inform a Business Flood Risk Management Plan but would also provide a picture of potential inundation issues. Such modelling would also inform the process for assessing works options which might divert the substantial overland flows around the new complex and or mitigate risk through a Business Flood Risk Management Plan.
37. The plan showing the pool coping level and the pool surround level, as required shall be submitted to the PCA prior to issue of Construction Certificate. The plan shall also show the RL of pool surrounds in sections and elevations.
- Where a Private Certifier issues the Construction Certificate a copy of the above documentation must be provided to Council concurrently.
38. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water from the proposed kiosk to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
  39. A Waste Management Plan shall be prepared and implemented in accordance with Rockdale Technical Specification Waste Minimisation and Management
  40. A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h, or any deep fryer appliance.
  41. The Principal Certifying Authority shall not issue a Construction Certificate until all structural or equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fit out of Food Premises” have been incorporated in the plans and specifications for the Construction Certificate.
  42. *[Amendment A – S96(2) deleted on xxxxx]*
  43. Any part of the proposed building within 3m of any underground tanks or absorption trench shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. This requirement shall

be reflected on the Construction Certificate plans and supporting documentation.

44. Prior to the issue of the Construction Certificate, excavation/survey shall be undertaken to confirm the location of the Sydney Water drains / channels that traverses the property.
45. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Council for assessment and approval. Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The system may consist of a network or pits and pipes for road pavement drainage associated with new and existing car parks and swale drains to convey overland flow.

The roof water and runoff from any hard paving from the approved structure must be disposed of by discharge into the Sydney Water channel in accordance with Council's Technical Specification – Stormwater Management and AS3500.

The design is to achieve the following:

- a. All internal piped drainage shall be capable of accepting the 5% AEP flows, with all flows up to and including the 1% AEP flow being conveyed through the site by a fail safe overland flow path to Sydney Water channel
- b. All surface runoff from all driveway and parking areas is to be treated by a proprietary treatment system prior to discharge downstream of the system.
46. The design of stormwater drainage facilities shall be undertaken in accordance with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD).

Amended stormwater design and plans shall be submitted to Council for approval.

The amended design shall address the following:

- a) The system is to meet the targets as follows:

Stormwater Pollutants	Commercial re-development
Gross Pollutant	90%
Total suspended solids (TSS)	80%
Total Phosphorus (TP)	55%
Total Nitrogen (TN)	40%

- b) Conserve water by reducing demand on potable water supplies – rain water harvesting.
- c) Maintenance of WSUD structures for the life of the development and implementation of monitoring program to ensure WSUD continues to meet targets — reporting to be provided to Council on an annual basis.
- d) The upper carpark catchment and flows to Preddy's Road shall be treated via the proposed treatment devices system prior to discharge downstream of the

Council system. Positioning of a treatment device in the upstream is not acceptable.

- e) Integrate stormwater treatment into the landscape.
- f) Ongoing maintenance of the storm-water system such as the removal of accumulated rubbish around storm water pipes and monitoring and implementation of controls to stop erosion around storm water outlets.

47. The Construction Certificate shall be accompanied by certification that it is fully compliant with AS 1428.1-2009, and in particular is to address compliance with the requirements for:

- Appropriate grades for ramps
- Provision of handrails
- Installation of TGSi
- Design of door thresholds and clearances
- Design of door components
- Provision of audible and visual warning indications if any emergency warning system is proposed
- Slip resistance of surfaces
- Turning spaces for wheelchairs
- Accessible paths of travel
- Passenger lift requirements
- Fitout of WCs/showers
- Wheelchair seating areas
- Accessible parking
- Lighting
- signage

Further, the accessible toilet facilities throughout the complex shall be fitted with accessible showers, or separate accessible showers shall be provided, to ensure equity of access to facilities. Details shall be provided for approval prior to the release of the Construction Certificate.

48. A report shall be prepared by a specialist energy and resource efficiency consultant exploring options to better integrate energy/resource efficiency initiatives into building and site design, and materials. The report is to identify what necessary infrastructure needs to be integrated into design plans (eg subsurface requirements), to prepare the development site for the potential to install such initiatives and co-generation systems, with the development or after completion of the development when funds become available. The report shall be prepared prior to the release of the Construction Certificate and shall inform the plans to accompany the Construction Certificate Application.
49. Fully documented landscape plans and construction details in accordance with DCP 2011 and the Landscape Technical Specification shall be provided for the approval of

Council's landscape Architect prior to the release of the Construction Certificate. The plans shall be generally in accordance with the approved landscape concept plan and shall include the following:

- Documentation of the intended treatment of the wall adjoining the public pathway located to the north of the aquatic centre building, including wall and path treatments and finishes and details of how graffiti will be minimised.
  - Details of the restoration works required to ameliorate construction impacts, including that of the stormwater diversion bund, within and adjoining the heath land.
  - Use of plants native to the Rockdale local government area and reflective of the site's position in the environment with species composition reflective of the characteristic species of Sandstone Open Forest and Sandstone Heath.
  - Addressing all stratum of vegetation communities including groundcover, shrubs, mid-canopy and canopy trees.
  - Provision of plantings around the eastern and south-eastern boundary of the site to strengthen an eastern corridor link to offset disruption to the existing wildlife corridor.
  - Retention of the bouganvillia on the fence of No. 98 Preddys Road.
50. The lighting throughout the car parking areas of the site shall be provided in accordance with the External Lighting Report prepared by Erbas, dated 7/12/13 and shall ensure that lighting is designed and shielded such that no light spill occurs onto adjoining and nearby residential properties in excess of 5 lux. Details shall be provided with the Construction Certificate Application.

## PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

51. The contaminated site shall be remediated in accordance with the requirements of 'State Environmental Planning Policy No 55 Remediation of Land' (SEPP55). All remediation works shall be carried out in accordance with the Site Remedial Action Plan called Remedial Action Plan for Proposed Redevelopment at Bexley Swimming Centre, Preddys Road, Bexley, NSW Ref: E23776KPrpt-RAP prepared by Environmental Investigation Services dated 17 January 2014. At the completion of the remediation works, the works shall be subject of a validation process and an Environmental Management Plan shall be prepared. Certification that the remediation process has been completed and validated and a copy of the Environmental Management Plan shall be submitted prior to the commencement of any construction works (not including demolition and remediation works).
- 51A. *Prior to commencement of works, including remediation or demolition, a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority. The CTMP shall address, but not be limited to, the following matters:*
- a) *ingress and egress of vehicles to the site;*
  - b) *loading and unloading, including construction zones;*
  - c) *predicted traffic volumes, types and routes;*
  - d) *pedestrian and traffic management methods; and*
  - e) *maintenance of access to the garages accessed off Preddy's Lane*

*Access to the rear garages of the properties fronting Preddys Road from Preddys Lane shall be maintained at all times during construction, other than when the final surfacing of the lane is occurring. The adjoining residents are to be informed a minimum of 48 hours prior to Preddys Lane being closed for the resurfacing of the timeframe where access will not be possible.*

*Copies of the CTMP shall be submitted to Council.*

*[Amendment A – S96(2) inserted on xxxxx]*

**Reason for additional condition:**

- *To minimise impacts on surrounding properties during construction.*

*[Amendment A – S96(2) inserted on xxxx]*

52. *Prior to the commencement of works (other than demolition or remediation works) a detailed Geotechnical assessment of the site shall be conducted by a suitably qualified and experienced geotechnical consultant as recommended in the email from JK Geotechnics, Ref No: 23776Z email, dated 4 April 2014.*

*The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:*

- *All recommendations contained in the reports prepared by Jeffery and Katauskas Pty Ltd, dated 18 July 2011, Ref: 23776Zrpt2 and subsequent geotechnical investigation report Dated 17 February 2015, Ref: 23776ZH2rpt including the cover letter dated 5 June 2015, Ref: 23776ZH3 Let3 shall be implemented.*
- *Location & level of nearby foundations/footings and driveways (site and neighbouring)*
- *Proposed method of excavation*
- *Permanent and temporary support measures for excavation*
- *Method of protecting the amenity of adjoining properties. NB: The proposed construction of the basement carpark may be within the influence line of the boundary / neighboring building / foundation / utility services.*
- *Ground-water levels (if any)*
- *Batter slopes*
- *Potential vibration caused by method of excavation*
- *De-watering including seepage and off site disposal rate (if any)*

*If a Construction Certificate has been issued prior to this investigation work being carried out and if the work results in the need to amend the construction plans, a new Construction Certificate shall be obtained incorporating the identified design criteria prior to commencement of works (other than for the demolition or remediation).*

*Note:*

- (i). Basement pumped discharge drainage systems are permitted subject to complying with the design criteria listed in Rockdale DCP 2011.*
- (ii). The design of the basement structure will require consideration of the effects of the water table, both during and after construction (Tanking and waterproofing construction).*
- (iii). A Permit under the Water Management Act 2000 may be required.*

*[Amendment A – S96(2) amended on xxxxx]*

53. *A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater*

inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. The dilapidation survey shall include the condition of the fences and driveways of properties backing onto the portion of Preddys Lane within vicinity of the proposed works.

Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million. A copy of the relevant component of the dilapidation report shall be provided to any affected property owners.

54. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

55. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
56. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
  - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- iii) building work carried out inside an existing building or
  - iv) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
57. *Prior to the commencement of work, Tree Protection Zones shall be established in accordance with AS4970-2009 (Protection of trees on Development Sites) with tree protection measures, including protective fences at least 1.8 metres high erected as detailed in the Arboricultural Development Assessment Report by Moore Trees Arboricultural Services dated 21 February 2014 as amended in the Addendum dated 13.7.15. The protective fences shall consist of chain wire mesh temporary fence panels securely mounted and braced to prevent movement, shall be in place **prior to the commencement of any work on site** and shall remain until the completion of all building and hard landscape construction. Excavations for services, waste bins,*

*storage of materials and equipment, site residue, site sheds, vehicle access or cleaning of tools and equipment are **not** permitted with the Tree Protection Zones at any time.*

*[Amendment A – S96(2) amended on xxxxx]*

58. Prior to the commencement of any work on site, a sign as detailed in Appendix 6 of the Arboricultural Development Assessment Report by Moore Trees Arboricultural Services dated 21 February 2014 shall be placed in a prominent position on each protective fence identifying the area as a **Tree Protection Zone** and prohibiting vehicle access, waste bins, storage of materials and equipment, site residue and excavations within the fenced off area
59. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
  - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
  - ii) where the erection of gates or fences has restricted access to metering equipment.
60. The following is required to be carried out with respect to road and road related infrastructure.
  - The applicant shall design and construct the streetscaping of the entire Preddy's Lane frontage of the site, including all paving, footpaths, tree planting, landscaping, lighting, undergrounding of electricity and other services, and the provision of car parking bays, including any associated linemarking and signage. The work shall include provision of kerbing (or other method of physical barrier) to the southern side of Preddy's Lane adjoining the landscape area to the north of the boundary with No. 98 Preddy's Road. Such work is to be in designed and carried out in accordance with the specifications in Rockdale DCP 2011 to the satisfaction of Council's City Infrastructure section.

No works shall commence until approval has been obtained for the design of all road and streetscape works listed above under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

61. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction.  
A copy of the CMP shall be submitted to Council.
62. A hazardous building materials survey shall be undertaken prior to any demolition work.

## DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

63. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.



64. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
65. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
  - Sediment control measures
  - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
  - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
66. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan
67. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.  
 When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:
  - i) preserve and protect the building from damage and
  - ii) underpin and support the building in an approved manner, if necessary and
  - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

**Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this conditions **allotment of land** includes a public road and any other public place.

Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.
68. When soil conditions require it:
  - i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
  - ii) adequate provision shall be made for drainage.
69. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
70. All contractors shall comply with the following during all stages of demolition and

construction:

- A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
  - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
  - A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre
71. If groundwater is encountered during construction of the pool the pumped discharge from temporary dewatering shall be reinjected by either of the following methods:
- Discharge to the approved absorption system for the development site, or
  - Discharge to a temporary absorption system designed and certified by a qualified Engineer. The absorption system must comply with Rockdale Technical Specification Stormwater Management and be designed for rainfall over the excavated area and the expected pump rate for the dewatering operation.
72. The following conditions are necessary to ensure minimal impacts during construction:
- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
  - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
  - iii. All disturbed areas shall be stabilised against erosion within 14 days of

completion, and prior to removal of sediment controls.

- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - v. Stockpiles are not permitted to be stored on Council nature strip unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface
  - vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
    - a) spraying water in dry windy weather
    - b) cover stockpiles
    - c) fabric fences
  - vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.  
  
 An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.  
  
 In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.
  - viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
73. *The trees numbered 8-18, 30-60, 62-63, 81, 85, 86, 88-92, 94, 100-109 as detailed in Section 5.8 of the Arboricultural Development Assessment Report by Moore Trees Arboricultural Services dated 21 February 2014, as amended in the Addendum dated 13.7.15, may be removed.*  
*[Amendment A – S96(2) amended on xxxxx]*
74. *All recommendations contain the Arboricultural Development Assessment Report by Moore Trees Arboricultural Services dated 21 February 2014 as amended in the Addendum dated 13.7.15 shall be implemented and complied with.*  
*[Amendment A – S96(2) amended on xxxxx]*
75. All recommendations contain the Arboricultural Development Assessment Report by

Moore Trees Arboricultural Services dated 21 February 2014 shall be implemented and complied with.

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

76. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
77. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate
78. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.  
**Note:** Burning on site is prohibited.
79. Damage to brick kerb and/or gutter and any other damage in the road reserve shall be repaired using brick kerb and gutter of a similar type and equal dimensions. All works shall be to Council's satisfaction at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate
80. The approved recommendations from the Business Flood Risk Assessment Management Plan Report shall be implemented prior to occupation.  
A flood evacuation plan is to be prepared for the development. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
81. Trading shall not commence on the proposed kiosk until a final fit out inspection has been carried out by Council's Environmental Health Officer and all conditions of consent have been complied with. Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.
82. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
83. Where an electricity substation is required by Ausgrid, a final film survey plan shall be endorsed with an area having the required dimensions as agreed with Ausgrid over the location of the proposed electricity distribution substation site. The substation must be located within the boundary of the development site, or within the building, subject to compliance with the BCA. The substation site shall be dedicated to Council as public roadway, or as otherwise agreed with Ausgrid. Ausgrid's requirements shall be met prior to release of the issue of the Occupation Certificate.
84. Prior to the issue of the Occupation Certificate, all roadworks and streetscape works are to be completed, and all conditions associated with the approval of the design under the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999* shall be satisfied.
85. The vehicular entry in Preddy's Road to be clearly marked and signposted "entry"

from the street and "exit" internally.

86. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
87. *109 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Austroads Pavement Design – A Guide to the Structural Design of Road Pavements 2004.*

*[Amendment A – S96(2) amended on xxxxx]*

88. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

89. *[Amendment A – S96(2) deleted on xxxxx]*
90. Prior to issue of Occupation Certificate the applicant shall submit to the Principal Certifying Authority (PCA) certification that confirms the noise emitted from the plant and machinery has been suitably attenuated such that compliance has been achieved with condition 23 of this consent. The certification shall be prepared by a suitably qualified and experienced acoustic consultant.
91. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, *Consultants Reporting on Contaminated Sites*, and shall:
  - describe and document all works performed;
  - include results of validation testing and monitoring;
  - include validation results of any fill imported on to the site;
  - show how all agreed cleanup criteria and relevant regulations have been complied with; and
  - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
92. Prior to occupation, a Chartered Professional Engineer shall certify that the construction of the overland flow path, including construction of all channels, pipes,

- banks, levees, etc has been undertaken in accordance with the approved plans and flood assessment/flood management report. The Chartered Professional Engineer shall also certify that habitable floor levels and garage floor levels adjacent to the overland flow path have been constructed in accordance with the approved plans. The certificate must be based on inspection of the site and review of a works-as-executed plan of the overland flow path, which shall be prepared by a Registered.
93. A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority (PCA) certifying that the first floor level is constructed to the 1% Annual Exceedance Probability (A.E.P) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.
  94. *A certificate from a Registered Surveyor shall be provided to the Principal Certifying Authority certifying that the parking level is either constructed at or above 1% A.E.P Annual Exceedance Probability (AEP) Flood Level. A copy of the certificate shall be provided to Council where Council is not the Principal Certifying Authority.*  
*[Amendment A – S96(2) amended on xxxxx]*
  95. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
  96. A Noise Management Plan prepared by a suitably qualified and experienced acoustic consultant to control and minimization of noise emission from the squad, training and swimming carnival activities at the proposed development shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.
  97. Flow through fencing shall be provided along the bottom of the boundary fencing for the width and depth of overland flow. Details of approved types of flow through fencing can be obtained from Council.
  98. The pool pump/filter and all electrical connections are to be flood proofed and shall not be placed in the overland flow path.
  99. Materials which may be damaged by flood waters shall be stored 500mm above the 1% Annual Exceedance Probability (AEP) Flood.
  100. A benchmark shall be established adjacent to the site to Australian Height Datum to enable comparison to the flood standard.
  101. The basement floor shall be floodproofed to a minimum of 500mm above the 1% Annual Exceedance Probability flood level. The levels shall be certified by a registered surveyor prior to construction of the driveway or other openings.
  102. Prior to commencement of operations, an advisory plaque shall be fixed to a permanent structure in such a way that it cannot be removed, containing the wording "The area may be subject to overland flows in heavy storms. Keep clear of the area when flows occur". The owners shall preserve the plaque in good condition and keep it visible.

103. Flow through open form fencing is required for all new fencing and all internal fences and gates up to the 1% AEP flood level. Any new boundary fences adjoining private property shall have an 80mm gap at the bottom to allow flows through.

Details of approved types of flow through fencing can be obtained from Council.

104. There shall be no encroachment of paths, fencing or other improvements onto the drainage easements without Sydney Water approval.
105. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.

106. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

Drainage grates shall be provided at the carpark boundary. Width of the drainage grates shall be in accordance with Rockdale Technical Specification Stormwater Management.

A silt/litter arrestor pit as detailed in Rockdale Technical Specification Stormwater Management shall be provided prior to discharge of stormwater from the site.

107. Signs shall be displayed adjacent to all stormwater drains on the premises, clearly indicating "Clean water only - No waste".
108. A plan of management for the operation of the aquatic centre shall be prepared which addresses, but is not limited to, the following matters:
- The traffic management plan for events
  - the upper level car park (ie the two parking areas located off the eastern side of Preddys Lane) shall be closed prior to dusk and not opened prior to 7am on weekdays or 8am on weekends. When the car park is closed the entrance driveway off Preddys Lane to the two parking areas is to be secured by way of a gate to prevent access;
  - Detail the use and availability of a hoist (portable or fixed) to provide access to the 50m pool by persons with disabilities
  - Incorporate an emergency evacuation plan for flooding events
109. Illumination of all proposed signage shall be limited to the hours of operation of the premises. The lighting for the signage shall be fitted with time limiting devices.
110. In order to provide for improved safety and security. CCTV cameras are to be provided within the car park areas.
111. Signage shall be provided at the entrance to the upper level car park identifying that the car park will be closed at dusk and not be opened until 7am on weekdays and 8am on weekends.

## ROADS ACT

112. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

113. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
  - i) construction of a concrete footpath along the frontage of the development site;
  - ii) construction of a new fully constructed concrete vehicular entrance/s;
  - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
  - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
  - v) construction of paving between the boundary and the kerb;
  - vi) removal of redundant paving;
  - vii) construction of kerb and gutter.
114. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
115. All driveway, footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken in accordance with Council's Subdivision and Civil Works Construction Specification (AUS-SPEC 1). Amendment to the works specification shall only apply where approved by Council. Where a conflict exists between design documentation or design notes and AUS-SPEC 1, the provisions of AUS-SPEC 1 shall apply unless otherwise approved by Council.
116. Where public infrastructure works are undertaken in the public road reserve by a Private licensed Contractor, the contractor shall:
  - (i). Undertake testing as specified in Specification CQS or CQC of AUS-SPEC 1, as nominated by Council;
  - (ii). Provide Council with one (1) copy of works as executed drawings upon completion of the works. The works as executed drawings shall be based on a survey of the works by a registered surveyor;
  - (iii). Provide Council with 48 hours notice of the nominated inspections;



- (iv). Maintain the works for the duration of the nominated Defects Correction Period.
- 117. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
- 118. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an “Application for Consideration by a Private Contractor” to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 119. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.
- 120. Public infrastructure works in the public road reserve shall not commence without prior approval of the design in accordance with the *Roads Act 1993*, the *Transport Administration Act 1988* and the *Road Transport (Safety and Traffic Management) Act 1999*.

## OPERATIONAL CONDITIONS

- 121. The hours of operation of the aquatic centre shall be limited to between the hours of 5am-9pm Monday to Friday, 6am-8pm Saturdays and Sundays and 8am-6pm on public holidays. The upper car park shall not be opened prior to 7am on any weekday and 8am on weekends and public holidays. No deliveries to the site shall occur before 7am or after 6pm. The upper car park shall be locked by dusk on all days. Any lighting associated with the signage shall not be illuminated outside of the approved trading hours.
- 122. The proposed rehabilitation plantings within the heath land and for the proposed wildlife corridor shall be monitored, and subsequently managed, to ensure their survival and viability. Planting that has died or is not thriving shall be replaced as necessary.
- 123. Lighting for the car park areas of the complex shall be time limited and shall not turn on earlier than 15 minutes prior to the approved hours of operation and shall turn off no later than 30 minutes after the approved hours of operation.
- 124. The use of amplified music within the internal pool areas shall not occur before 7am. Management shall ensure that the use of the external pool prior to 7am is for lap swimming or the like and there is no shouting or excessive jumping into the pool.
- 125. The capped contamination onsite shall be managed on an ongoing basis in accordance with the Environmental Management Plan approved with the Construction Certificate.

## DEVELOPMENT CONSENT ADVICE

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.

b. *Telstra Advice – Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

c. *Telstra Advice - Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800810443.

d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.

e. Where Council is **not** engaged as the Principal Certifying Authority for the issue of the Subdivision Certificate (Strata), and the Section 88B Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.

f. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- g. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.
  - h. *A new Construction Certificate may be required to be submitted to and approved by your Principal Certifying Authority prior to carrying out works the subject of the proposed amendment/s.*  
*[Amendment A – S96(2) inserted on xxxxx]*
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## ADDITIONAL INFORMATION

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
  - To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
  - Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
  - Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
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Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1743.

Luis Melim  
**Manager Development Services**