

**ATTACHMENT A**

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION**

**DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979**

**DA09/1829**

***PART A***

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

***General***

1. This consent relates to the **refurbishment of the existing Basketball Stadium and the construction of a new three-court indoor sports stadium, together with the provision of ancillary amenities including public and management facilities, car parking and associated landscaping** as illustrated on the plans:

- SK001 Northern Shoalhaven Basketball Courts - Landscape Plan 1 by pdt architects Rev A;
- SK001 Northern Shoalhaven Basketball Courts - Landscape Plan 2 by pdt architects Rev A;
- SK001 Northern Shoalhaven Basketball Courts - Existing Conditions by pdt architects Rev A;
- SK002 Northern Shoalhaven Basketball Courts - Site Plans by pdt architects Rev A;
- SK003 Northern Shoalhaven Basketball Courts - Ground Floor Plan by pdt architects Rev A;
- SK004 Northern Shoalhaven Basketball Courts - First Floor Plan by pdt architects Rev A;
- SK006 Northern Shoalhaven Basketball Courts - Elevations by pdt architects Rev A;
- SK007 Northern Shoalhaven Basketball Courts - Sections by pdt architects Rev A;

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.*

***Occupation or Use***

2. The **refurbished Basketball Stadium and the new three-court indoor sports stadium** 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).

***Nature of this Consent - Staged Development***

3. To allow for the on-going availability of the existing basketball stadium sports facility, the development is approved for construction in the following stages:

Stage I: would entail the construction of the new courts area and the ground floor of the link amenities block and a reduced foyer area;

Stage II: comprises the construction of the car parking area;

Stage III: construction and fit-out of the first floor area above the link amenities block and the extension of the first floor forecourt and foyer areas;

Stage IV: refurbishment of the existing basketball stadium and the conversion to a combined stadium and gymnasium complex.

**Note:** Depending on the availability of future project funding, the order of Stages 3 and 4 may be reversed.

## **PART B**

### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE**

***Building***

4. 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.**

***Traffic Control Plan***

5. **Prior to commencement of civil works**, an appropriate Traffic Control Plan for area in the vicinity of the access into the Artie Smith Sports Complex shall be submitted to Council.

***Engineering Approval - Works on-site***

6. 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**. In this regard, 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.

***Supervision of Works***

7. **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.

**Approval REQUIRED for work within the Road Reserve – Section 138 Roads Act**

8. 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).

**Disposal of Excavated Material**

9. **Prior to the commencement of works**, details of fill storage and/or disposal and haulage routes must be submitted to Council or an Accredited Certifier for approval. Excavated surplus material shall be hauled to an approved landfill site.

**Existing Services - Details prior to CC**

10. Due to the possibility of problems in crossing the services within the 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 submitted for approval **prior to the commencement of work**. Any required alterations to services will be at the developer's expense.

**Water Harvesting and Reuse**

11. To minimise the use of water associated with the servicing of the existing football/cricket fields in accordance with Environmentally Sustainable Development (ESD) principles, the proposal shall incorporate the harvesting and reuse of the water used in watering the football/cricket field surfaces.

Full design and implementation details of the water harvesting and reuse option shall be submitted to Council or an Accredited Certifier for approval **prior to the commencement of work**.

**On-Site Detention – Design Flow rate**

12. On-site detention storage for stormwater run-off from the development site shall be 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. Details must be submitted to Council or an Accredited Certifier for approval **prior to the commencement of work**.

## **PART C**

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

#### ***Installation of Flood Light Poles***

13. **Prior to the issue of a Construction Certificate**, construction details are to be provided to Council or an Accredited Certifier regarding the installation of the lighting structures. Such details should also address the security of the structures during periods of high wind events.

#### ***Water and/or Sewer Contributions***

14. 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**, Subdivision Certificate or Caravan Park Approval, as the case may be.

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.

**Where a Construction Certificate is required 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.**

**Note:** Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

#### ***Landscape Plan***

15. The applicant shall lodge a detailed Landscape Plan **prior to the issue of a Construction Certificate**. The plan shall be prepared by a practicing, qualified landscape professional and may be approved by Council or an Accredited Certifier. The detail Landscape Plan shall include, but is not limited to, the following details:

(a) Inappropriate species. In this regard:

- (i) The planting of plant species listed on the Weeds Australia NSW weeds list ([www.weeds.org.au](http://www.weeds.org.au)) is prohibited.
- (ii) No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of native plant communities by exotic perennial grasses*, shall be sown within the outer protection area or the asset protection

zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.

- (b) Location and number of plantings of local endemic species;
- (c) The applicant must provide a common tap/taps/irrigation system to permit all landscape works to be adequately watered. Location of common taps must be indicated on the detailed landscape plan for the Construction Certificate; and
- (d) Any fencing details.

***Soil and Water Management Plan - (SWMP) for major works***

16. 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 4<sup>th</sup> 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. The SWMP shall include, but not be limited to:

- (a) Existing and final contours;
- (b) Identification of existing vegetation and current site drainage patterns;
- (c) Nature and extent of proposed clearing, excavation and filling;
- (d) Provision for the diversion of runoff around disturbed areas;
- (e) Location and type of proposed erosion and sediment control measures;
- (f) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas;
- (g) Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles;
- (h) Location of and proposed means of stabilisation of site access;
- (i) Proposed staging of construction and SWMP measures;
- (j) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turfing where erosion or scouring is likely to occur, and frequency of watering;
- (k) Maintenance program for all soil and water management measures;
- (l) Disposal site for silt removed from sediment traps;
- (m) All design criteria and calculations used to size erosion and sediment control measures;
- (n) Standard construction drawings for proposed soil and water management measures.

## ***PART D***

### **CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT**

**Building Code of Australia**

17. 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.*

**S68 Local Government Act 1993 - Plumbing Works**

18. Full hydraulics drawings must be submitted with an application pursuant to Section 68 of the Local Government Act 1993 for permission to carry out water, sewerage and stormwater drainage works on the site.

**Disability Discrimination Act 1992**

19. 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.

In the interests of persons with disabilities, the applicant/landowner is responsible to ensure compliance with the Disability Discrimination Act 1992 and other anti-discrimination legislation. In this regard:

**Disabled Access - General**

- (a) Access for disabled persons shall be provided to the building in conformity with Part D 3.2 of the Building Code of Australia and AS1428. Part 1 *"Design for access and mobility – General requirements for access in buildings"*.

**Disabled Toilet**

- (b) The toilet accommodation shall be designed to comply with the requirements of Australian Standard AS1428 Part 1 "Design for access and mobility - General requirements for access in buildings" as required by Part F2.4 of the Building Code of Australia for disabled persons.

**Disabled Exits**

- (c) All exits are to comply with Part D of the Building Code of Australia.

**Disabled Ramp**

- (d) The grades of the ramps intended for use by disabled people shall not exceed 1:14 in accordance with Australian Standard AS1428 Part 1 "Design for Access and Mobility – General Requirements for Access in Buildings."

**Builders' Toilet**

20. 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.

**Road Reserve, Footpath & Gutters**

21. The kerb, gutter and footpath adjoining and adjacent to the subject site shall be kept clear of soil, debris and any other building material(s).

***Soil and Water Management Plan - implementation***

22. The relevant sedimentation and erosion controls required by this consent must be implemented in accordance with the approved Soil and Water Management Plan (SWMP) **prior to commencement of any work** and must maintained in accordance with the SWMP requirements to the satisfaction of the PCA until the work is completed and the site stabilised.

***Construction Hours***

23. 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***

24. 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. In this regard:
- (a) 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; and,
  - (b) Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

***Hours of Operation***

25. To minimise the impact of noise in the interests of nearby residential amenity, basketball games shall not continue after 11:00pm.

***External Finishes***

26. The buildings must be constructed using appropriate and suitable external materials and finishes and finished in external colours that blend in with the existing surroundings/adjoining development.

***Landscaping***

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

***Engineering Works - construction to DCP100***

28. All engineering civil works both within and without the subject property must be carried out in accordance with the approved plans. In this regard, all design and construction shall be in accordance with DCP 100 - Subdivision Code.

***Footpath Construction***

29. A 2 metres wide concrete footpath shall be constructed as shown on the plan SK002 Rev A Job No 11491 dated 21-12-2006 for the development. 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 foot path crosses the car park in accordance with Council Plan No. G202606A.

***Ancillary works in Nature Strip / Car park***

30. 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.

***Installation of root barriers***

31. 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 street 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.

***Retention of Footpath Trees***

32. Any existing trees along the footpath shall be retained unless written approval for their removal is obtained from Council. Prior to construction commencing, protective fencing around any trees to be retained is to be installed and approved by Council's Subdivision Manager or his nominee. No excavation is to occur inside the drip line of the trees unless essential, in which case all excavation is to be by hand to protect and retain tree roots. The tree surrounds are to be maintained for the duration of the construction period.

***Gutter Layback and Footpath Crossing - combined heavy duty entry/exit***

33. A heavy duty concrete vehicular gutter layback and footpath crossing shall be constructed at the driveway entrance 7 metres wide at the property boundary splayed to 8 metres at the kerb line 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***

34. 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.



***Approval of Regulatory signage and pavement markings***

35. Details of proposed line markings (excluding car parking spaces) and regulatory signs within the road reserve and car park shall be submitted to Council for approval which will include referral to the Shoalhaven Traffic Committee, and subsequently the formal adoption by Council. Six to eight weeks should be allowed for this process.

***Internal Driveway and Car park - heavy duty sealed***

36. In the interests of traffic safety and management:

***asphaltic concrete seal***

- (a) the internal driveway and car park shall be sealed with asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of  $1 \times 10^6$  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;

***Car Park - to comply with DCP18***

- (b) The car park shall be designed, constructed, line marked and signposted in accordance with Council's Car Parking Code (Development Control Plan No 18);

***Car Park to be bordered with concrete kerbing***

- (c) The internal driveway and car park shall be 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.

***Car park-Number of spaces constructed***

- (d) A minimum of 360 new constructed car spaces must be provided on site as shown on plan no SK002 rev A Job No 11491 dated 21-12-2006.

***Pavement Tests - for all pavements including on-site***

37. 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 sub-grade 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.

***Disposal of Excavated Material***

38. All excavated surplus material shall be hauled to an approved landfill site in accordance with the approved details of fill storage and/or disposal and haulage routes.

***Damage to Public Assets - to be repaired by applicant***

39. Any damage to the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, that occurs during development works shall be repaired by the applicant. The developer or his agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense.

### ***Stormwater Management***

40. In the interests of appropriate storm water management and to minimise the impacts of stormwater on the adjoining and adjacent residential area:

#### ***Car park levels designed to prevent runoff from entering building***

- (a) 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***

- (b) Stormwater runoff concentrated within the car park and driveway shall be discharged by pipe-work 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***

- (c) 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 (within the site)***

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

#### ***On-Site Detention - Maintenance Access and Safety***

- (e) The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding.

#### ***On-Site Detention under driveway or road - Vehicle loads***

- (f) The on-site detention structure must be designed to withstand a T44 load as defined in Austroad's Bridge Design Manual.

#### ***On-Site Detention - Certification of Construction***

- (g) 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.

### ***Other Advertising Signs***

41. This consent does not imply approval for any other advertising sign located, or proposed to be located, on the property for which development consent is required. In this regard:

- (a) other than exempt awning signage, no other advertising sign shall be displayed on the land or the buildings without the prior consent of Council; and
- (b) No flashing, intermittent or moving light shall be displayed.

### ***Traffic Management***

42. In the interests of pedestrian and traffic safety, and to ensure appropriate traffic management generally, the following conditions are imposed following a review of the proposal and the Traffic report by GHD:

#### ***Roads and Traffic Authority Referral (Regional Development Committee)***

- (a) Given that regional basketball carnivals or National Basketball League events are likely exceed the traffic and parking requirements that would normally be generated, a Traffic Management Plan (TMP) must be prepared for such events. Such a TMP will require referral to RTA under SEPP (Infrastructure) 2007. A Traffic Management Plan (TMP) must address traffic control, additional overflow parking requirements and bus pick-up and drop-off and bus parking requirements.

***Overflow Access to Ovals***

- (b) Roll-top kerb at western boundary of main car park shall be provided in order to provide overflow access to ovals as part of TMP for larger events.

***Upgrade Overflow Car Park to the West of Amenities Block - not to proceed***

- (c) Upgrading works to the car park west of the amenities block, as shown on the submitted plans, shall be undertaken only after a Master Plan for the northern leisure centre site is approved following traffic modelling works to test that proposed access arrangements will be acceptable.

***Power Pole / Light Pole - offset any adverse impacts***

- (d) A power pole / light pole is located immediately opposite the western car park access that is proposed from main car park (i.e. immediately to east of existing amenities building). This power pole / light pole has minimal setback from the kerb at a location where the new access point will result in passing movements forcing vehicles very close to this pole.

In this regard, measures must be implemented to offset any adverse impacts of the presence of this power pole / light pole, including the use of signage on the pole (i.e. width marker, chevron, or similar) and delineation be provided for passing vehicles in the form of red Retro-Reflective Pavement Markers (RRPMs) being provided along the bitumen edge.

***Car Park Spaces***

- (e) The aisle widths and length of car park spaces proposed are acceptable. In this regard, car spaces must be of minimum 2.6m in width and 3.2m in width for disabled spaces. Pram ramps must be provided for disabled spaces consistent with relevant standards.

***Main Internal Car Park - relocation of marked foot crossing and internal Y driveway junction***

- (f) To provide for the relocation of marked foot crossing and the relocation of the internal Y driveway junction within the main car park area, and for the provision of standard bus shelters within the road reserve:
  - (i) To provide more direct access between the pedestrian signals and the main entry to the building and to the existing shared path that runs around the eastern side of the playing fields, the proposed marked foot crossing and internal Y junction must be relocated approximately 15m further to the west; and
  - (ii) Main internal car park – Car park aisle widths are to remain constant throughout car park with no internal deviations.

***Pick-up / Drop-off Area - relocation***

- (g) Following relocation of the marked foot crossing and internal Y junction, the proposed pick up / drop off area must be relocated further to west such that motorists do not pick up / drop off directly in front of main entrance.

***Bus Parking Facility – relocation and provision of shelter***

- (h) The bus parking facility immediately to the west of the relocated pick up / drop off area, must be relocated further to west and must provide a pick up / set down area for minimum of 2 buses.

Whilst coach parking is not supported, a bus pick-up and set-down area is supported. Bus shelters adjacent the bus facility must also be provided.

**Note: Ample Parking - following changes**

*Whilst the above changes may result in some loss of parking, overall this is considered to improve the transport arrangements and pedestrian / cyclist safety, and is considered that, following incorporation of the above changes, there will still be ample parking well in excess of DCP requirements.*

**Raised Marked Foot Crossing - on flat top hump**

- (i) Given the length of the east-west aisle in the car park, and in the interests of speed control within the car main park, the marked foot crossing facility at the relocated foot crossing must be converted into a raised marked foot crossing facility (i.e. on flat top hump).

**Pedestrian Access to Bike Track**

- (j) The "pedestrian access to bike track" facility proposed at western end of main car park must be deleted.

**Signs / Lines Standards**

- (k) The applicant must ensure that signs and line markings are provided in accordance with the relevant standards to clearly indicate the proposed path as a shared path. Signage may be required in the vicinity of the main entry to discourage use of bicycles in this area and to the immediate surrounding area.

**Lighting**

- (l) In the interests of traffic and pedestrian safety, appropriate lighting shall be provided to the relevant Australian Standards within the car park area, with particular emphasis on the crossing facility, bus facility, general pick up / drop off facility, southern side of car park (to ensure adequate lighting also provided along bike track), and at car park access points.

To maintain the amenity of the area in this regard:

- (i) external lighting must be designed to minimise light spill into neighbouring residential properties; and
- (ii) In the interests of driver safety, such external lighting must be directed so as not to interfere with the night-time driving vision of passing motorists.

**Light Poles and Trees - location**

- (m) It is noted that light poles are currently located in middle of bike track. In this regard, light poles must be offset from the path in accordance with relevant standards.

Similarly, some of the trees are shown growing in locations that are very close to the bike track. All trees planted along the bike track must have the appropriate offsets in accordance with relevant standards.

**Bike Racks**

- (n) An adequate number of bike racks must be provided at location adjacent the main entry that will not obstruct pedestrian movements. The number of bike racks must be reviewed from time to time and additional facilities provided if demand so requires.

**Swept Paths - buses**

- (o) Adequate swept paths must be provided to ensure 14.5m rigid buses can negotiate the car park area and access the bus facility and to ensure large rigid service vehicles (assume 8.8m rigid

service vehicle) can enter and exit the site in forward motion and can safely negotiate access to the proposed service bay.

***Shared Path – extension***

43. The development plans indicate a proposed shared pedestrian pathway stopping at the southern boundary of the proposed development. In the interests of pedestrian safety and improving access to the Basketball Stadium facility, this pathway is to be extended in conjunction with the proposal or as soon as practical after construction of the facility. In this regard, two primary pathway connections are required to the south as follows:

- one to the location of pedestrian crossing on West Birriley Street;
- the other to follow West Birriley Street on northern side - at least to the eastern side of intersection with Robey Street where Anglican college school students cross the road.
- pram ramps must be provided at this location.

***West Birriley Street Pedestrian Crossing - relocation***

44. In the interests of pedestrian safety within West Birriley Street:

***Relocation***

- (a) 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.

The relocation of the crossing to the west will require a switchback to be constructed in the path to achieve acceptable grades in accordance with AS1428.

***Pedestrian Refuge and Warning Signage Improvements***

- (b) A pedestrian refuge must be provided at the relocated crossing location on West Birriley Street to ensure both approach sight distance and crossing sight distance can be achieved. Given the location of the crossing facility in relation to horizontal curve, and the associated approach sight distance, this crossing facility must be raised (on flat top hump) to provide the best possible protection for pedestrians. Warning signage must also be improved (as recommended in the GHD report).

***Shoalhaven Traffic Committee – approval***

45. Details relating to Conditions 42, 43 and 44, including information associated with regulatory signage and line-markings, together with details of pedestrian crossing facilities proposed as part of this proposal must be submitted to the Shoalhaven Traffic Committee for approval and subsequent adoption by Council **prior to the commencement of construction works.**

***Flood-lighting***

46. In the interests of maintaining the existing amenity of the adjoining and 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 safety of passing traffic;
- must be directed in a manner that will not adversely impact on adjoining and adjacent residential properties;

- all exterior lighting must be installed in accordance with the manufacturer's specifications and with AS4282 – 1997 *Obtrusive Light in Residential Areas* and adjusted accordingly.
- the use of the flood lights is restricted to no later than 11.00pm.

***Conditions relating to Public Health - Food Premises***

47. In the interests of public health and safety, the construction and operation of the food premises must comply with the Food Act 2003, Food Safety Standards and Council's Food Premises Policy (a copy is included). In this regard:

**Note:** *There may be additional requirements in Council's Food Premises Policy or the Food Safety Standards that are relevant. Please refer to these documents and ensure compliance when setting up the kitchen.*

***Shoalhaven Water***

48. The following requirements of Shoalhaven Water shall be complied with:

***Backflow Prevention Device***

- (a) If required, an approved backflow prevention device (as approved by Shoalhaven Water) shall be fitted by the developer.

***Agreement with Shoalhaven Water***

- (b) The developer shall enter into an agreement with Shoalhaven Water and abide by all conditions that may be imposed of any trade waste approval granted in respect of the application.

***Water Service and Meter***

- (c) The water service and meter for the development shall be sized by a suitably qualified person in accordance with AS 3500 Plumbing & Drainage Standard and will be subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water at the time of application.

***Developer's Expense***

- (d) All works are to be at the developer's expense.

***Demolition and/or Renovations***

49. In the interests of public health and safety, the applicant must comply with the following condition relating to the demolition and/or renovations of the existing basketball stadium:

***Qualified Contractors***

- (a) 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.

***Asbestos Statement***

- (b) **Prior to the demolition** of any part of the existing Basketball Stadium building, a statement must be provided to Council from an appropriately qualified person that details where asbestos is known to be present in the building.

***Erection of Demolition Sign***

- (c) A sign must be erected in a prominent position on the subject site on which the demolition work is to be carried out. Such a sign shall:

- (i) show the name, address and telephone number of the principal certifying authority for the work, and,
- (ii) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and,
- (iii) state that unauthorised entry to the work site is prohibited; and,
- (iv) be maintained while the demolition work is being carried out, but must be removed when the work has been completed.

**Note:** *This condition is prescribed under Clause 98A of the Environmental Planning and Assessment Regulations 2000 for development that involves any building work, subdivision work or demolition work for the purposes of Section 80A (11) of the Environmental Planning and Assessment Act 1979.*

**Notification of Neighbours**

- (d) 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.

**Verification of Demolition Work**

- (e) Following the removal of all asbestos and prior to further works being carried out on the site, the applicant shall submit to Council a Verification Report from the Authorised/Licensed Contractor, that all asbestos, lead paint or any other toxic and/or hazardous material(s), where found within the demolished structure, was handled, removed and disposed of in accordance with WorkCover Authority regulation and AS2601-2001.

Such a Verification Report must also confirm that the subject land and adjoining/surrounding ground area(s) is considered safe and may be used for the intended use and for the future enjoyment of development.

**Occupation Certificate**

50. An **Occupation Certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied. In this regard:
- (a) If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.
  - (b) the applicant shall satisfy all conditions, complete the Shoalhaven Water Development Application Notice and make application (including lodgement of all documentation/receipts etc) for a Certificate of Compliance.

## **PART E**

### **POST DEVELOPMENT AND ON-GOING MAINTENANCE OF THE SITE**

**Certification of civil works for compliance with construction specifications**

51. Certification shall be submitted to verify that the following works (where applicable), have been completed in accordance with the approved construction specifications:

- All clearing works and bulk earth works
- Pipelines including inter-allotment
- Drainage pits, culverts, headwalls and bridges
- Detention basins, swales and open channels
- Permanent stormwater quality improvement devices
- Pavement sub-grade and base-course densities and thicknesses
- Pavement to underside of kerb sand gutter
- Pavement prior to bitumen or asphalt sealing
- Erosion and sediment control measures
- Final cut and trim, seeding and grassing
- Signage and other traffic control devices

***Waste Disposal – ongoing***

52. To provide for adequate on-going waste management, at least two (2) skip bins must be provided in accordance with Council's requirements. Such waste bins must be stored within the secured bin enclosure of the site, with access provided via the eastern side of the existing stadium as shown on the submitted First Floor Plans prepared by pdt, Job No.11491, Rev. A and dated issued 21-12-2006. Waste bins must be stored so as to be effectively screened from public view.

***Amenity – Noise***

53. To maintain the amenity of surrounding residential neighbourhoods and to minimise noise impacts:

- (a) The measured source noise level from the subject premises (measured using the  $L_{A10}$  noise level descriptor) from the proposed activity must not exceed the background noise level in any octave band (measured using the  $L_{A90}$  noise level descriptor) by more than 5 dB(A) when measured at the boundary of the closest residential premises;
- (b) Notwithstanding this criteria, no offensive noise generally shall be audible at the boundary of the nearest affected residence. In this regard, noise levels generated from activities on the subject site are not to exceed 5dBA above ambient background levels as measured at the property boundary of the nearest residential property;
- (c) Notwithstanding the above criteria, 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.
- (d) To minimise the impact of noise in the interests of nearby residential amenity, basketball games shall not proceed after 11:00pm.
- (e) With the exception of emergency situations, there must be no use of the public address system after 11:00pm.
- (f) A sound limiting circuit shall be incorporated into the amplifier to control the signal amplitude, regardless of the loudness of the operator's voice;
- (g) To minimise noise drift, speakers should be placed only in essential areas and, as far as possible, should be directed away from nearby residential areas;



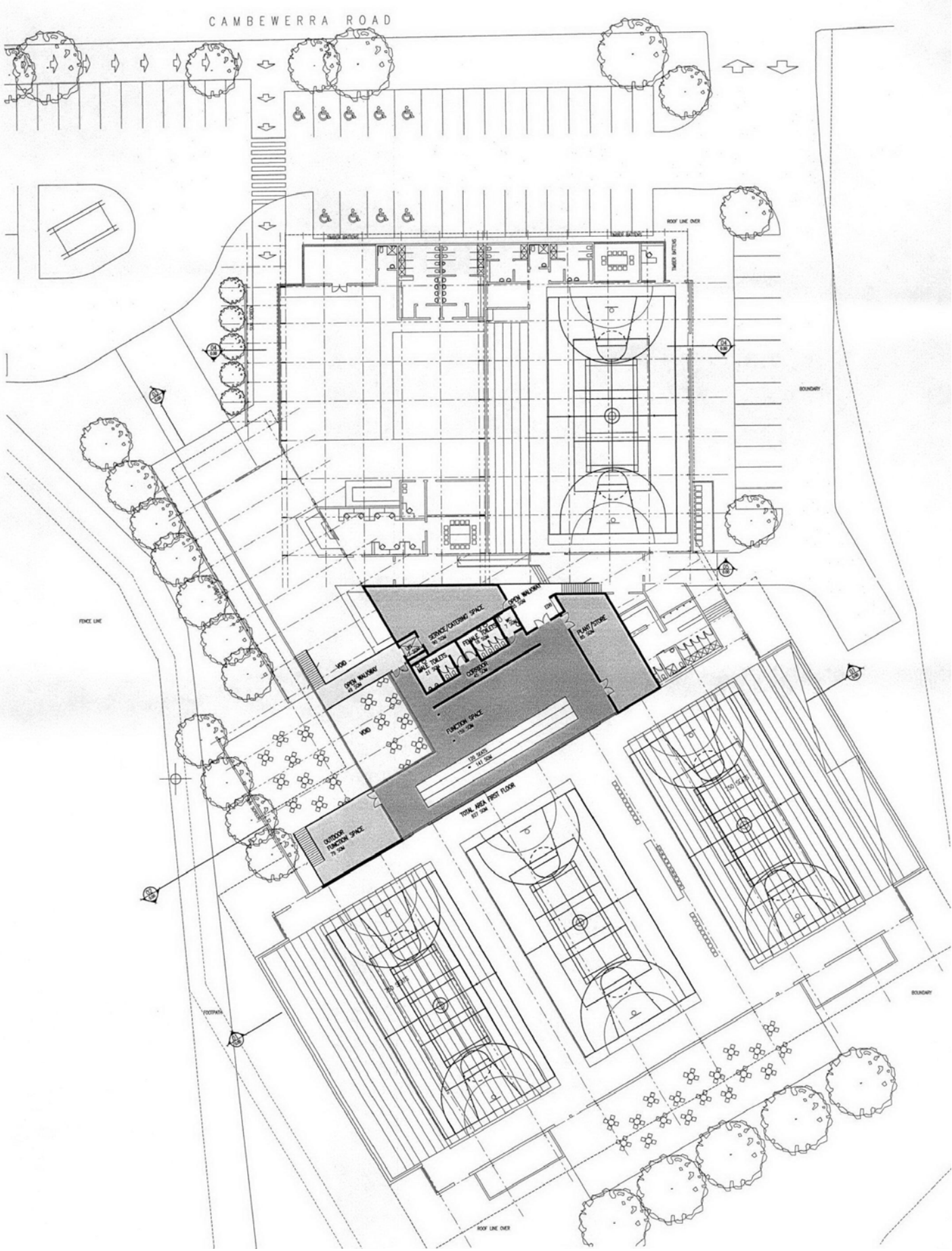
- (h) The public address systems should only be used for organisational and crowd control purposes and for emergency situations, and should not be used for general commentary.

***Landscaping Maintenance - for the life of the development***

54. To maintain the amenity of the area in the longer term:

- (a) landscaping must be maintained and, if necessary, plants must be replaced in accordance with the approved Landscape Plan for the life of the development;
- (b) The planting of plant species listed on the Weeds Australia NSW weeds list ([www.weeds.org.au](http://www.weeds.org.au)) is prohibited for the life of the development;
- (c) No known environmental weeds or known invasive plant species shall be brought onto the subject site; and
- (d) No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of Native Plant Communities by Exotic Perennial Grasses* (Appendix B), shall be sown within 10 metres of the remnant vegetation for the life of the development. In this regard, only native grasses are permitted to be sown in these areas as this is the interface between disturbed areas and the remaining native vegetation.

ATTACHMENT B – Floor Plan



ATTACHMENT 'C'





ATTACHMENT 'D'

