



# **Attachment 1 to Item 2.1.4.**

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## **Recommended Conditions of Consent**

Date of meeting: 17 October 2024  
Location: Council Chambers  
Time: 10am



# Development Assessment Report - Part 2

<b>Development Application No</b>	DA0293/24
<b>Proposal</b>	Installation of shade structures for an at-grade carpark ancillary to an indoor recreation facility
<b>Legal Description</b>	Lot 4 DP 816809
<b>Property Address</b>	[Hawkesbury Indoor Stadium, Sth Windsor Fam Ctr] 16 Stewart Street SOUTH WINDSOR NSW 2756

## Recommendation

That development application DA0293/24 at Lot 4 DP 816809, [Hawkesbury Indoor Stadium, Sth Windsor Fam Ctr] 16 Stewart Street SOUTH WINDSOR NSW 2756 for - Installation of shade structures for an at-grade carpark ancillary to an indoor recreation facility be approved subject to the following conditions:

### General Conditions

1	<p><b>Approved Plans and Supporting Documentation</b></p> <p>The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:</p> <p>a) Plans Reference:</p> <table border="1"> <thead> <tr> <th>Job No.</th> <th>Drawing Description</th> <th>Prepared by</th> <th>Revision</th> <th>Sheet</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>23083</td> <td>Location and Site Plan</td> <td>AJC Architects</td> <td>3</td> <td>DA0001</td> <td>17/05/2024</td> </tr> <tr> <td>23083</td> <td>Ground Floor Plan</td> <td>AJC Architects</td> <td>4</td> <td>DA1001</td> <td>17/05/2024</td> </tr> <tr> <td>23083</td> <td>Elevations Sheet 1</td> <td>AJC Architects</td> <td>4</td> <td>DA3101</td> <td>17/05/2024</td> </tr> </tbody> </table> <p>b) Document Reference:</p> <table border="1"> <thead> <tr> <th>Document Title</th> <th>Reference</th> <th>Prepared By</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td>-</td> <td>Stimson Urban and Regional Planning</td> <td>30/04/2024</td> </tr> <tr> <td>Waste Management Plan</td> <td>-</td> <td>Stimson Urban and Regional Planning</td> <td>31/05/2024</td> </tr> </tbody> </table> <p>No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.</p> <p><b>Note:</b> Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:</p> <p>(i) any amendments made by Council on the approved plans or documents;</p>	Job No.	Drawing Description	Prepared by	Revision	Sheet	Date	23083	Location and Site Plan	AJC Architects	3	DA0001	17/05/2024	23083	Ground Floor Plan	AJC Architects	4	DA1001	17/05/2024	23083	Elevations Sheet 1	AJC Architects	4	DA3101	17/05/2024	Document Title	Reference	Prepared By	Date	Statement of Environmental Effects	-	Stimson Urban and Regional Planning	30/04/2024	Waste Management Plan	-	Stimson Urban and Regional Planning	31/05/2024
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	<p>(ii) any notes, markings, or stamps on approved plans or documents; and (iii) any conditions contained in this consent.</p>
	<p><b>Condition reason:</b> To ensure the work is carried out in accordance with the approved plans.</p>
2	<p><b>Appointment of a Principal Certifier</b></p> <p>No work must commence until:</p> <p>a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:</p> <p>(i) name and licence number of the builder/contractor undertaking the construction works; or (ii) name and permit number of the owner-builder (if relevant);</p> <p>b) The Principal Certifier has:</p> <p>(i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination); (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work; (iii) notified Council of its appointment (not less than two days before commencement of building work);</p> <p>c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:</p> <p>(i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved; (ii) notified the Principal Certifier of the appointment of the principal contractor; (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and</p> <p>d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.</p>
	<p><b>Condition reason:</b> To comply with legislative requirements.</p>
3	<p><b>Archaeology - Discovered During Excavation</b></p> <p>As required by the <i>Heritage Act 1977</i>, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.</p> <p>In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the <i>Heritage Act 1977</i> to obtain the necessary approvals/permits from NSW Department of Planning and Environment - Environment and Heritage.</p> <p><b>Note:</b> The <i>Heritage Act 1977</i> imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.</p>
	<p><b>Condition reason:</b> To ensure that any Aboriginal and European archaeological items are appropriately managed and requirements of the NSW Department of Planning and Environment - Environment and Heritage are satisfied.</p>
4	<p><b>Excavation - Aboriginal Relics</b></p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:</p> <p>a) all excavation or disturbance of the area must stop immediately in that area; and</p>



	<p>b) NSW Department of Planning and Environment - Office of Environment and Heritage Group must be advised of the discovery.</p> <p>All necessary approvals from NSW Department of Planning and Environment - Office of Environment and Heritage Group must be obtained and a copy provided to Council prior to works recommencing.</p> <p><b>Note:</b> If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the <i>National Parks and Wildlife Act 1974</i>.</p> <p><b>Condition reason:</b> To ensure that any Aboriginal archaeological items are appropriately managed.</p>
5	<p><b>Excavation - No Material to be Removed</b></p> <p>No excavated material, including soil, is to be removed from the site.</p> <p><b>Condition reason:</b> To ensure compliance with the approval.</p>
6	<p><b>Limitation on Consent - Existing Buildings and Structures</b></p> <p>This development consent relates only to the new work nominated on the stamped approved plans and does not approve or regularise any existing buildings or structures located on the property.</p> <p><b>Condition reason:</b> To clarify the terms of the consent.</p>
7	<p><b>Occupation Certificate Required Prior to The Use Of The Building</b></p> <p>The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.</p> <p>A copy of any Occupation Certificate must be submitted to Council within two days of its issue.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
8	<p><b>Part 6 Certificates Required</b></p> <p>The accredited certifier must provide copies of all Part 6 Certificates issued under the <i>Environmental Planning and Assessment Act 1979</i> relevant to this development to Council within seven days of issuing the certificate.</p> <p><b>Note:</b> A registration fee applies.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
9	<p><b>Prescribed Conditions - Compliance with National Construction Code</b></p> <p>All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).</p> <p><b>Condition reason:</b> Statutory requirement.</p>
10	<p><b>Works Must Not Commence Until a Construction Certificate is Issued</b></p> <p>Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:</p> <ul style="list-style-type: none"> <li>a) a Construction Certificate is obtained from either Council or an Accredited Certifier;</li> <li>b) a Principal Certifier is appointed; and</li> <li>c) a Notice of Commencement is lodged with Council.</li> </ul> <p><b>Note:</b> If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).</p> <p><b>Condition reason:</b> To ensure compliance with the approval.</p>
11	<p><b>Works on Public Land - Not Permitted Without Approval</b></p> <p>No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.</p>



	The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.
	<b>Condition reason:</b> To ensure compliance with the approval.

## Building Work

### Before issue of a construction certificate

12	<b>Long Service Levy Payment</b> The payment of a long service levy as required under Part 5 of the <i>Building and Construction Industry Long Service Payments Act 1986</i> is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate. <b>Note:</b> The long service levy is applied to all NSW building and construction projects of \$250,000 or more (inc. GST). The current rate is 0.25% of the total cost of the work. Payments can be made at Long Service Payments Corporation offices or most councils. <b>Condition reason:</b> Statutory requirement.
13	<b>Structural Engineers Design - Concrete and Structural Steel</b> A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate. <b>Condition reason:</b> To ensure that the construction work is structurally sound.
14	<b>Waste Management Plan Required</b> A waste management plan is required to be prepared: a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site; b) identifying the quantity of waste material to be: (i) reused on-site; (ii) recycled on-site and off-site; (iii) disposed of off-site; c) if waste materials are to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site; and d) if waste materials are to be disposed of or recycled off-site - specify the name and contactfull details of the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.  A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.  The waste management plan is to be prepared and submitted to the Accredited Certifier prior to the issue of the Construction Certificate. The plan shall be made available to Council Officers upon request. <b>Condition reason:</b> To ensure that waste is appropriately managed.
15	<b>Solar Lighting Installation</b> To ensure that the integrated solar power lighting is appropriately provided, the design of the structures must be amended as follows:  1. a. The approved site plan (DA0001) is to be amended to show the location of the integrated solar panels for the lighting on the underside of the shade structures.



	<p>1.</p> <p style="padding-left: 20px;">a. The Section AA plan (DA3101) is to be amended to show the location of the underside lighting and integrated solar panel fixtures related to the lighting approved.</p> <p>1.</p> <p style="padding-left: 20px;">a. The Stewart Street Elevation (DA3101) is to show the location of the underside lighting and integrated solar panels.</p> <p style="text-align: center;">Details of the above design measures a) to c) are to be included on the architectural plans lodged with the application for the Construction Certificate and to the satisfaction of the principal certifying authority.</p>
	<p><b>Condition reason:</b> To ensure adequate lighting is provided in the existing car parking area.</p>

### **Before building work commences**

16	<p><b>Erosion and Sediment Control - Minor Development</b></p> <p>Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication Guidelines for Erosion and Sediment control on a building site (2017).</p> <p><b>Condition reason:</b> To ensure that construction works are managed so that contaminated runoff, siltation and degradation of waterways does not occur.</p>
17	<p><b>Notice of Commencement</b></p> <p>No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:</p> <p>a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and</p> <p>b) details of the name, address and licence details of the Builder.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
18	<p><b>Principal Certifier - Details</b></p> <p>The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the Environmental Planning and Assessment Act 1979.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
19	<p><b>Principal Certifier Site Sign</b></p> <p>A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:</p> <p>a) showing the name, address and telephone number of the Principal Certifier for the work;</p> <p>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <p>Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
20	<p><b>Site Safety Fencing</b></p>



	<p>The site is to be secured by a fence, in accordance with SafeWork NSW requirements, to prevent unauthorised access during the period of all works.</p> <p><b>Condition reason:</b> To ensure security and public safety.</p>
21	<p><b>Sydney Water - Endorsement of Approved Plans</b></p> <p>The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.</p> <p>Please refer to Sydney Water's website.</p> <p>Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.</p> <p><b>Condition reason:</b> To ensure the requirements of Sydney Water have been satisfied.</p>
22	<p><b>Toilet Facilities</b></p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.</p> <p>Each toilet must:</p> <ul style="list-style-type: none"><li>a) be a standard flushing toilet connected to a public sewer;</li><li>b) be attached to an approved on-site effluent disposal system;</li><li>c) be a temporary chemical closet that is regularly maintained; and</li><li>d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.</li></ul> <p><b>Condition reason:</b> To ensure that a satisfactory level of amenities are available for construction workers and that they are connected to services or regularly maintained.</p>

### During building work

23	<p><b>Approved Colours and Finishes</b></p> <p>The development must be completed generally in accordance with the approved colours and finishes.</p> <p><b>Condition reason:</b> To ensure compliance with the approval.</p>
24	<p><b>Approved Construction Hours</b></p> <p>Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:</p> <ul style="list-style-type: none"><li>a) between 7am and 6pm, Mondays to Fridays inclusive;</li><li>b) between 8am and 4pm, Saturdays;</li><li>c) no work on Sundays and public holidays;</li><li>d) works may be undertaken outside these hours where:<ul style="list-style-type: none"><li>(i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;</li><li>(ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and</li><li>(iii) a variation is approved in advance in writing by Council.</li></ul></li></ul> <p><b>Condition reason:</b> To protect the amenity of the area.</p>
25	<p><b>Critical Stage Inspections</b></p> <p>Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.</p> <p><b>Note:</b> Critical stage inspections are required to be carried out in accordance with Section 61 of the</p>





*Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

**Condition reason:** To ensure compliance with statutory requirements.

26

**Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

**Condition reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

27

**Site Management During Construction**

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

**Note:** In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

**Condition reason:** To ensure that construction works are appropriately managed to protect the environment and maintain public safety.

28

**Tree Removal - Not Permitted Without Separate Approval**

No trees are to be removed without Council approval.

**Condition reason:** To clarify the terms of the consent.

**Before issue of an occupation certificate**



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29	<b>Infrastructure Repair at Completion of Works</b>
	Prior to the issue of any Occupation Certificate:  a) all works in the road reserve must be fully completed; and b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.
	<b>Condition reason:</b> To ensure the maintenance of public safety.

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## Reasons for Decision

Council has determined that the application be approved on the following grounds:

1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* are maintained.
5. To ensure the development retains sufficient landscaping as approved by previous Development Application Consents.



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## Delegate's Determination

Pursuant to the Authority delegated under the Local Government Act 1993, the application is:

- Approved subject to the conditions attached to the report.
- Refused subject to the reasons attached to the report.

..... Date: [Click here to enter a date.](#)

..... Date: [Click here to enter a date.](#)

Steven Chong  
**Manager Development Assessment**

..... Date: [Click here to enter a date.](#) 6 August 2024

Matthew Golebiowski  
**Town Planning Coordinator**

..... Date: [Click here to enter a date.](#)

Greg Miles  
**Coordinator Building Surveyor**





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Signature

Date