

MC:EL

Environmental Planning and Assessment Act, 1979

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

TO: Wingecarribee Shire Council
Attention: Robert Lewis
PO Box 141
Moss Vale NSW 2577

Date: TBA

PLEASE QUOTE THE DEVELOPMENT APPLICATION NUMBER IN ALL CORRESPONDENCE AND
UPON PAYMENT OF FEES, CHARGES & CONTRIBUTIONS

being the applicant in respect of Development Application No: LUA11/1092

Pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act 1979* notice is hereby given of the determination by the Council, as the consent authority, of the Development Application relating to the land described as follows:-

PROPERTY:	Part Lot 3 DP 1108992 - POOL DONKIN AVENUE MOSS VALE NSW 2577		
ASSESS NO:		BUILDING CLASSIFICATION:	
OWNER:	THE COUNCIL OF THE SHIRE OF WINGECARRIBEE		

Purpose of Development: **Moss Vale Indoor Aquatic Centre** - in accordance with plans prepared by Facility Design Group, Plan No's: A01-A, A01-B, A02- A09 Revised issue 17.1.12 and Stamped 'Amended Plan Rec'd 30.1.12'. and any supporting Statement of Environmental Effects or other studies submitted with the Development Application except where amended by any conditions below.

The Development Application has been:

Approved under the provision of Wingecarribee Local Environmental Plan 2010, subject to the conditions specified in this notice

The conditions of the consent and reasons for their imposition follow:

GENERAL – DEVELOPMENT CONSENT CONDITIONS

ADMINISTRATION AND COMPLIANCE

Deferred Commencement Condition 1

Stage 2 Car Parking plans and details catering to an additional 60 car parking spaces (totalling 100 spaces overall dedicated for the development) is to be submitted to Council for endorsement.

Deferred Commencement Condition 2

The submission of a detailed landscape plan is required to demonstrate the softening of the visual impact of hard surfacing associated with the "Stage 2" car park.

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1. Amended Plans

Amended Plans are to be submitted to demonstrate a dedicated bus pick up / drop off point, facilities for the safe parking / storage of pushbikes and details of pedestrian access to and from the facility.

2. Service Vehicles

Details of service vehicle collection of garbage from the facility are to be provided to Council prior to the issue of the Construction Certificate.

3. Safer by Design

The applicant is to submit information to demonstrate how the design of the facility incorporates "Safer by Design" principles with regard to crime prevention.

4. Signage

Signage for the proposed development is subject to a separate Land Use Application being lodged with Council.

5. Inspections by Council

24 hours prior to the covering of the following works, Council must be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

Compliance

6. Compliance

Development is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

7. Qualifications and Responsibility for Documentation

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Engineering Policies.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

8. Hours of Demolition and Construction Works

In order to minimise impacts upon the locality demolition and construction activities must be

limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

9. Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$20,000,000 cover.

10. Demolition

A separate application must be submitted pursuant to the *Environmental Planning and Assessment Act 1979* for approval of any demolition work. Council will require the demolition application to be accompanied by:-

- (a) A detailed proposed 'work plan' as mentioned in Clause 1.7.3 to Australian Standard 2601.
- (b) A site plan, including details of the surrounding public and private lands, showing the location and nature of proposed protection (people and property) measures and hazard warning measures (example - lights, signs etc).
- (c) A Waste Management Plan in accordance with Council's Development Control Plan No 49.
- (d) Water and Sewer Assets Identification and Location

The site plan mentioned in (b) above must include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

No demolition work will commence without the prior written approval of Council.

11. Construction Certificate

The building works are not to commence until a Construction Certificate has been issued in accordance with the *Environmental Planning and Assessment Act 1979*. A Building Code of Australia assessment has not been undertaken on the proposal. For further advice you may contact Council's Building Surveyors.

12. Management of Construction

A detailed Construction Management Plan is required to be **SUBMITTED TO COUNCIL WITH ANY APPLICATION FOR A CONSTRUCTION CERTIFICATE**. The required Construction Management Plan MUST indicate the measures to be implemented to protect the environment as well as public health, safety and convenience. The plans MUST detail provisions for:

- (a) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes.
- (c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Storage of ALL building materials and equipment wholly within the construction site.
- (f) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (j) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.

13. Compliance with Relevant Legislation

Compliance with the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993*. The Building Code of Australia, SAA Codes and adopted Local Policies shall be observed.

14. Ground Levels

Natural ground levels are not to be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

15. Survey

A set out survey by a Registered Surveyor of the building location, shall be commissioned and check survey submitted to Council upon completion of the following:-

16. Protection of Council's Road Reserve, Kerb and Gutter and Footpath

The building supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter are to be carried out by the builder to Council's specification and supervision prior to occupation of the development.

17. Occupation Certificate

The building, or part of the building, shall not be occupied or used until such time as an Occupation Certificate has been issued in respect of it.

Protection of Council Assets

18. Community Asset Bond

The Builder shall at no cost to Council enter into an agreement secured by cash or irrevocable bank guarantee for the sum of \$2000, to ensure that the community assets of Council are not

damaged during construction. Should any community assets be damaged, Council would have the right to carry out the work by day labour or contract and deduct the cost of work from the bond. The bond will then need to be renewed to the amount of \$2000.

19. Storage Materials

No storage or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site, without prior Council approval.

20. Pedestrian Safety

All care to be taken to safeguard both contractors and the public while the works are being carried out. The Contractor shall endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site. If required by Council a hoarding shall be erected after appropriate consents are issued by Council - see Council's Adopted Policy No 44.

21. Vehicular Access Point

A suitable entry point is to be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point is to be surfaced with all weather materials.

LAND AFFECTATION

Geotechnical

22. Geotechnical Risk Assessment Report Compliance

The proposed development shall be carried out in accordance with the recommendations set down in the Geotechnical Risk Assessment Report set out below.

The implementation of the recommendations of the Geotechnical Risk Assessment Report shall be carried out to the satisfaction of the Council's Building Surveyor and/or Development Control Engineer.

GEOTECHNICAL RISK ASSESSMENT REPORT:

Report Reference: **12/0042**
Prepared By: **SMEC Testing Services Pty Ltd**
Date of Report: **February 2012**

ENVIRONMENTAL MANAGEMENT

Sediment and Erosion Control

23. Erosion Control

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) Removal and/or disturbance of vegetation shall be confined to within two metres of the site of required works and the site(s) of permanent accessways.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Environment and Climate Change requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

24. Soil and Water Management – Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

25. Soil and Water Management – Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.

Reason: To ensure that building materials are not washed into stormwater drains.

26. Soil and Water Management – Temporary Stormwater Connections

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame is not to occur until this is completed.

Reason: To minimise erosion and sedimentation problems created from surface water runoff.

27. Soil and Water Management – Wheel Wash

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved site Soil & Water Management Plan before the commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. The device shall be maintained at all times to Council's satisfaction.

Reason: To minimise soil being trucked off site.

CIVIL ENGINEERING WORKS AND SERVICES

28. Provision of Works and Services

The provision, by the Developer, at their expense, of the following works and services to be documented and constructed in accordance with Council's Engineering Policies, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

(a) **Stormwater Drainage**

(i) Connection to Kerb

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Standard Drawing No SD102.

(ii) Construction of Stormwater

Provision of adequate stormwater drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of stormwater passing through the site from upstream, and sourced from the development.

(iii) Boundary Grated Catch Drains

Prevention of "sheet flows" over the public footpath by provision of a grated catch drain across or inlet pit adjacent to the driveway(s) at the property boundary, with piped water discharged to the satisfaction of the Development Control Engineer / Council's Building Surveyor.

(iv) Roof/Impervious/Stormwater

All stormwater runoff from the development shall be collected within the property and discharged in a manner approved by the Development Control Engineer and/or Council's Building Surveyor.

(v) Control of Peak Discharge

Adequate and suitable infrastructure is to be provided to ensure the peak

discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge **SHALL BE PROVIDED WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE.**

(b) Parking

(i) Driveways and Parking

Internal driveways, turning areas and off street vehicular parking spaces are to be constructed with an all-weather surface of asphaltic concrete

The parking spaces are to be line marked.

Parking spaces are to be made available to the public at all times.

Coach Parking

Drop off and pick up points for coaches shall be provided with details of safe pedestrian access for patrons from the coach parking area.

(ii) Construction of Footway Crossing

Commercial vehicular footway crossings in accordance with Standard Drawing Nos SD 108 and SD123, for access to the development.

(iii) Parking Space Near Wall

Parking spaces adjacent to walls or other obstructions which may affect door opening or vehicle manoeuvring to be widened by 300mm on the side of the obstruction(s) to facilitate safe use of these spaces.

(iv) Disabled Carparking

Carparking spaces shall be provided at the rate of not less than one disabled carparking space for each 100/50 spaces or part thereof in a carpark required to be *accessible*, and a carparking area on the same allotment as a building required to be accessible. The spaces are not required to be signposted where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with disabilities.

The spaces shall comply with the requirements for parking in the current version of AS 2890.1 for people with disabilities.

- (c) internal drainage under water test;
- (d) external drainage under water test;
- (e) water plumbing;
- (k) final inspection of water plumbing, sanitary drainage and stormwater drainage.

- (a) **Piers (if any) prior to pouring of concrete;**
- (d) **Concrete slab formwork with reinforcement prior to pouring of concrete;**
- (e) **Structural framework; including roof members. When completed prior to the fixing of any internal sheeting;**
- (g) **Swimming pool safety fence prior to filling the pool with water;**
- (l) **Final inspection prior to use of the building;**

29. Demolition Approval

The **existing swimming pools and associated buildings and structures** shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the Work Cover Authority of New South Wales and Council's Water and Sewer Asset Protection, including:-

30. Other Approvals

Prior to any work commencing, written approval under Section 68 of the *Local Government Act 1993* must be obtained for **plumbing and drainage works** from the Council as the appropriate Water Supply Authority.

Separate approval by the Roads Authority is required pursuant to Section 138 of the *Roads Act 1993* for any works within the road reserve.

31. Occupation Certificate

Prior to Occupation Certificate being issued, an inspection by the Principal Certifying Authority must be undertaken to ensure that all conditions of this development consent have been complied with.

32. Compliance with Building Code of Australia

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

33. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

34. Retaining Walls and Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and

- (b) adequate provision must be made for drainage.

35. Support for Neighbouring Buildings

- A. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- B. 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.
- C. In this case, allotment of land includes a public road and any other public place.

36. Erection of Signs

A sign shall be prominently displayed on any site on which building, subdivision or demolition work is being carried out by the builder / developer:

- (a) showing the name, address and telephone number of the principal certifying authority for the work;
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) stating that unauthorised entry to the work site is prohibited.

37. Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The eastern external wall of the existing building shall be upgraded in order to achieve compliance with section C of the Building Code of Australia.

38. Smoke Alarms

- (a) An automatic smoke detection and alarm system shall be installed in the building.

Prior to its installation details shall be forwarded to the Principal Certifying Authority and approved.

- (b) A smoke alarm system complying with Specification E2.2(a) of the Building Code of

Australia and Australian Standard AS3786 "Smoke Alarms" must be installed in a Class 2 or 3 building or Class 4 part:-

- (i) The smoke alarm system must -
 - (A) consist of smoke alarms complying with AS3786; and
 - (B) be powered from consumer mains source.
- (ii) In kitchens and other areas where the use of the area is likely to result in smoke alarms causing spurious signals, heat alarms may be installed in lieu of smoke alarms.
- (iii) Smoke alarms must be installed within each sole occupancy unit, located on or near the ceiling in any storey:-
 - (A) containing bedrooms:-
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
- (iv) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS1670 and connected to activate a building occupant warning system in accordance with Clause 6 of Specification E2.2(a) of the Building Code of Australia.

39. Fire Safety Schedule

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the event of a fire.

40. Final Fire Safety Certificate

A final fire safety certificate pursuant to Clause 172 of the *Environmental Planning & Assessment Regulations 2000* shall be submitted, to the principal certifying authority upon completion of the specified work in the Schedule of Fire Safety Measures. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

41. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable must cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:-

- (a) must deal with each essential fire safety measure in the building premises; and
- (b) must be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

42. Sydney Catchment Authority

WILL BE INCLUDED ONCE CONCURRENCE HAS BEEN RECEIVED.

Endorsement of Date of Consent:

NOTES:

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse five (5) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within six (6) months after receipt of this notice.

Date: TBA

Signed:

Delegate of Council

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