



Subject: Determination of Development Application
Ashfield Aquatic Centre

Address: 160-162 Elizabeth Street, Ashfield

DA No: 10.2016.86.1

JRPP ref: 2016SYE80 DA

Prepared by JBA

Prepared for: Sydney Central Planning Panel

Reason: Council Application with a Capital Investment Value greater than \$5 million

Date: 3 March 2017

INTRODUCTION AND BACKGROUND

1.0 Description of Proposal

The development application is for alterations and additions to the existing Ashfield Aquatic Centre comprising demolition and construction of new pools and ancillary buildings, including:

- Demolition of existing outdoor swimming pools and eastern grandstand;
- Replacement of 50m outdoor pool with a new 50m pool with accessible ramp;
- Replacement of 33m water polo pool with a new 33m x 20m pool;
- Replacement of plant and pipework for the new outdoor pools;
- Replacement of all outdoor pool concourses;
- Construction of a new indoor pool hall extension containing a new 25m x 12.5m lap/learn to swim pool with accessible ramp or water powered chair lift;
- Plant room with modern equipment;
- Additional swimming pool plant for the new indoor pool;
- New practice pool heating system;
- New practice indoor pool hall air handling system;
- New indoor and outdoor amenities and change areas;
- New landscape and paving areas;
- New indoor linking building which will connect the existing refurbished foyer, reception and entry control area;
- New kiosk and café/viewing area;
- Converted multipurpose meeting room; and
- Temporary use of lots 1 DP908917 and Lot 3 DP110544 (Council owned land) for storage of demountable amenity/change room facilities during construction.

- Creation of an additional 5 parking spaces on Lot 1 DP908917
- Future use of Lots 6, 7 & 8 in DP925 should the RMS land be acquired in the future for the purposes of car parking ancillary to the aquatic centre.

The application also seeks consent for the following hours of operation: 5.00am to 10.00pm Monday to Sunday.

The works are to be undertaken in four (4) stages to allow for the continuous operation of the facility. The stages include:

- Site preparation works;
- Works on the new outdoor pools;
- Works on the front entrance and additional indoor pool; and
- Conversion of Lots 6, 7 & 8 in DP925 for the purposes of car parking ancillary to the aquatic centre (Note that this stage will only occur if the land (parking) to the east of the site is acquired by the RMS for road widening purposes).

2.0 Summary Recommendation

The development is recommended for Deferred Commencement Approval and subject to conditions.

3.0 Application Details

Applicant	:	Cathy Edwards-Davis C/- Ashfield Council
Owner	:	Inner West Council - Ashfield
Value of work	:	\$19,600,000
Lot/DP	:	Lot 51A DP319123, Lot A and Lot B DP340358, Lot 1 DP83987, Lot 3 DP110544, Lot 1 DP908917 and Lots 6, 7 & 8 in DP925.
Date lodged	:	02/05/2016
Date of last amendment	:	02/03/2017
Building classification	:	10B
Application Type	:	Local
Construction Certificate	:	No
Section 94 Levy	:	N/A

4.0 Previous Discussions/Pre-lodgement

A pre-lodgement meeting was held on 9 March 2016 between the applicant (Ashfield Council) and JBA prior to the formal lodgement of the application. Advice was given to the applicant, which includes, but is not limited to, the following during the pre-lodgement meeting:

- Consideration of site definition and adjoining RMS land;
- The need for parking demand to be accommodated onsite or the provision of a long-term parking solution including the adjoining RMS site;
- Requirement for end of trip facilities;
- Referral of the DA to RMS;
- Consideration of Council's Stormwater Management Policy;
- Equitable access requirements;
- Requirement for a Stage 2 Environmental Site Assessment; and
- Requirement for a Plan of Management.

The DA was lodged with Council on 2 May 2016 and was publicly exhibited between 5 May 2016 and 3 June 2016. On 27 September 2016 JBA requested additional information in relation to:

- Missing referenced documentation, including:
 - Remediation Action Plan;
 - Mechanical Services Strategy;
 - Pool Water Chemical Strategy;
 - Pool Filtration Strategy;
 - Pool Water Heating Strategy;
 - Pool Water Treatment Plan General Strategy;
 - Construction Management Plan;
 - Electrolysis Report.
- Additional information in relation to:
 - Clarification of proposed temporary facilities on RMS land and/or RMS; landowners consent;
 - Proposed parking arrangements and how the application accommodates the required parking within the site in the long term;
 - The provision of mobility spaces;
 - Stormwater and flooding modelling and confirmation of finished floor levels;
 - Acoustic impacts including noise generated by patrons and events.

An updated DA including the above information was consequently provided to JBA on 11 January 2017.

Subsequent to this revised site plans were provided to JBA on 2 March 2017 to include the picnic area to the west of the Aquatic Centre within the site boundary.

5.0 Site and Surrounding Development

The subject site is located on the southern side of Elizabeth Street and is generally bound by an RMS car park to the east, with Frederick Street located further to the east. The north-eastern corner of the site also includes two small portions of the carpark. The Inner West & South Railway corridor forms the southern boundary of the site and Bastable Street to the west.

The site is occupied by the existing Ashfield Aquatic Centre and a small park which contains a few picnic tables and several palm trees. The existing Ashfield Aquatic Centre includes three outdoor and one indoor swimming pools and associated facilities. Refer to **Attachment 1** for a site locality plan.

The surrounding area is characterised by a mix of residential, educational and some commercial uses. The predominant built form consists of one and two storey detached, residential buildings and three storey walk-up residential flat buildings. A row of attached terrace dwellings is also located to the north west of the site.

6.0 Development History

Previous building and development applications submitted to Council for the subject site are listed at **Table 1**.

Table 1 – Summary of Development History

NO.	DATE	PROPOSAL	DECISION
DA2004/29.1	05/02/2004	Food Shop - Refurbishment of the existing kiosk at Ashfield Swimming Centre and undercover outdoor dining area facing Elizabeth Street.	Approved under delegation 08/03/2004
DA2002/400.2	13/10/2003	Other Special Uses Project Section 96 Amendment.	Approved under delegation 23/10/2003
DA2002/400.1	12/11/2002	Establishment of indoor swimming complex at Ashfield Swimming Pool Complex.	Deferred commencement approval 18/02/2003
DA2002/19.2	14/08/2002	Amendment to original approval alteration to hours of operation	Approved under delegation 11/10/2002
DA2002/19.1	21/01/2002	New (Building Work) Special Uses Project Installation of windows & doors to existing club rooms (Elizabeth Street) and change of use from a club room to a community room	Approved under delegation 03/06/2002
DA2001/246.1	02/08/2001	Conversion of the change shed at Ashfield Pool to provide club rooms. conversion of the change shed at Ashfield pool to provide club rooms	Approved 08/08/2001
DA2000/54.1	02/03/2000	Construction of Backwash Storage Tanks for Ashfield Swimming Pool.	Approved 04/04/2000

The previous consents are relevant to the proposal in that they set out the operating parameters of the approved aquatic centre. This application seeks to undertake alterations and additions to the existing centre.

It is noted that condition C(1) of Development consent DA2002/400.2 required the consolidation of the lots on which the aquatic centre is located. This has not occurred and consequently a condition requiring the lots to be consolidated is recommended as part of this assessment.

ASSESSMENT

7.0 Zoning/Permissibility

The site is zoned RE1 Public Recreation under the provisions of Ashfield LEP 2013 and indoor and outdoor recreation facilities are permissible with consent within this zone.

The development is permissible in the RE1 Public Recreation zone and meets the objects of the zone for the following reasons:

- The proposal maintains the recreational use of the land;
- The development will protect and enhance the environment through remediation of the land;
- The proposal will not result in any additional unreasonable impacts on the environment; and
- The continued aquatic centre use of the site is compatible with the recreational use for which the site is zoned.

8.0 Compliance Tables

Tables 2 and 3 provide an overview of the proposals compliance with the Ashfield Local Environmental Plan (LEP) 2013 and the Ashfield Interim Development Assessment Policy (AIDAP) 2013.

Table 2 – Ashfield Local Environmental Plan 2013

Planning Control	Requirement	Proposed	Compliance Yes/No
Zoning	RE1 Public Recreation	Aquatic Centre – Recreation Facility	Yes – the proposed use is permissible within the RE1 Public Recreation zone. Refer to Section 7 above.
Clause 4.3 Height	-	-	n/a
Clause 4.4 FSR	-	-	n/a
Clause 5.10 Heritage Conservation	Conserve significance of heritage items and heritage conservation areas.	The subject site is not listed as a heritage item or within a heritage conservation area. However, there are three heritage items and a heritage conservation area within the vicinity of the site.	Yes – Refer to Section 11

Table 3 – Ashfield Interim Development Assessment Policy (AIDAP) 2013

Section	Control	Compliance/Comment
B	Site Analysis Context	Complies. The proposal will renew a longstanding public pool that will contribute to the ongoing quality and identity of the area.
	Scale	Complies. The proposal is compatible with the scale of the site and in the context of surrounding development. The development is of a similar scale to the existing aquatic facility.
	Built Form	Complies. The built form of the development includes variety in the roof forms and materials to create articulation and visual interest. The structures are appropriate for the use of the facility and it is not out of character with its surroundings. Refer to Section 9 for further discussion.
	Resource, energy and water efficiency	Complies. Ecologically Sustainable Development initiatives have been incorporated into the development as described at Section 20.0 of this report.
	Landscape	Insufficient documentation was provided with the application to assess landscaping. Accordingly, Landscape Plans will be required as a condition of consent. Refer to Section 10.
	Amenity	Complies. The proposal involves the renewal of an existing aquatic facility that provides significant amenity to the community.
	Safety and Security	Complies. The development has been designed to include clearly identifiable and visible public spaces, onsite staff during operating hours and CCTV where necessary.
	Social Dimension	Complies. The development provides for the ongoing operation of a social facility. The decision to upgrade the facility was made in consultation with the community.

Section	Control	Compliance/Comment
	Aesthetics	Complies. The proposal has been designed to include quality materials and finishes that are consistent with the aquatic centre use of the site.
C1	Access and Mobility	Capable of complying. Refer to Section 14.
C10	Heritage Conservation	The proposal is consistent with the heritage objects of the DCP. Refer to Section 11.
C11	Parking	Refer to Section 12.
D1	Planning for Less Waste	A Waste Management Plan has been submitted with the DA. Conditions of consent are proposed in accordance with Council's Waste Management Policy. Refer to Section 17.
D2	Building Design and Sustainability	Capable of complying. Refer to Sections 15 and 20.
E8	Flood Development Control Policy	The application requires further information to assess the impact of flooding. This information will be required as a deferred commencement condition. Refer to Section 13.

It is considered the application complies with the relevant parts outlined above and ultimately achieves the aims and objectives of the Interim DCP.

COMMENT & DISCUSSION

9.0 Built Form and Urban Design

The site does not have a maximum height or floor space control under the Ashfield LEP 2013. The proposed additions are of a similar scale to the existing buildings on the site and are not out of character with the surrounding built form. There is no increase to the maximum height of the tallest structure on the site and the new roof of the indoor 25m pool is well below the existing indoor pool enclosure.

The proposal will renew run-down components of the aquatic centre and provide a new entrance to the facility from Elizabeth Street. The new entrance will be predominantly glazed improving visibility into the centre and surveillance of the street.

A written schedule of exterior finishes was provided with the application form. As this did not contain any images or physical samples of materials it is not possible to assess the appropriateness of the materials/colours chosen and whether or not they are suitable in the context of the sections of the existing development that are to be retained. Although the perspective images provided give some comfort that an effort is being made to integrate the new and the old buildings, it is recommended that a

coloured sample board or schedule of finishes providing images or actual samples of the finishes be provided to the satisfaction of Council.

It is also noted that limited details have been provided in relation to the upgrade of the public domain, particularly along Elizabeth Street. Council's Urban Design officer noted that the following are standard public domain improvements:

- New pavements;
- Tree planting;
- Night time lighting;
- Awning;
- Seating; and
- Improvements to the building façade and presentation to the street.

It is therefore recommended that a condition of consent be imposed requiring details of the proposed public domain improvements to be provided prior to the issue of a construction certificate.

Overall, the development will improve the built form of the site and how it is viewed from the surrounding public domain.

10.0 Landscaping

The proposal states that it includes new landscaped and paving areas, however detailed landscape plans have not been submitted with the application. Being an aquatic facility, the site is predominantly hard surfaces containing pool deck areas with some areas of open lawn.

Landscape plans will be required to show how these areas will be appropriately landscaped to enhance the visual amenity of the site and the quality of passive open space. The landscape design should also consider CPTED principles.

Council's Arts, Culture and Community Officer has recommended that the developers ensure contemporary, fit for purpose outdoor furniture and lighting, is embedded into the development by researching and seeking expert advice on the best approach to include the following ideas:

- Solar harvesting umbrellas;
- BBQ area; and
- Contemporary furniture and lighting solutions.

In light of the above a condition of consent is proposed which requires a landscape plan to be prepared and submitted to the satisfaction of Council. Supporting documentation will also be required demonstrating that modern features have been investigated and reasons why or why not the items identified by the Arts, Culture and Community Officer have or haven't been included in the design.

11.0 Heritage

The site is not an item of local heritage, however it is located within the vicinity of a number of heritage items, including:

- Item I394 House – 173 Elizabeth Street, Croydon;
- Item I395 House – 177 Elizabeth Street, Croydon; and
- Item I396 Fulham Terrace – 185-197 Elizabeth Street, Ashfield.

The Eccles Estate Conservation Area is also located adjacent the site, to the north east.

A Statement of Heritage Impact prepared by NBRSPartners was submitted with the DA. The assessment found that the proposed works will have no physical or visual impact on the heritage items or conservation areas nearby the site, and that the ability of these items to be interpreted from the public domain will be retained.

Council's Heritage Advisor has no objections to the proposed works as:

- The new pool enclosure sits well within the site behind the existing entrance building and is kept low;
- The main entry works are mostly internal with the external works mostly cosmetic;
- The existing building form, massing and scale will remain unaltered;
- The urban context, setting and view corridors to and from the heritage items will remain unaffected; and
- The proposal will have no adverse impacts on the heritage items within the vicinity of the site.

In accordance with the conclusions of the NBRSPartners Statement of Heritage Impact and the comments from Council's Heritage Advisor, the proposal the proposal is not expected to have any adverse heritage impacts and is therefore consistent with Clause 5.10 of the LEP and the DAP 2013.

12.0 Transport and Accessibility

Parking

The site is flanked by two car parks. The car park to the east contains 76 off-street parking spaces, is predominantly owned by the RMS and is identified for road widening purposes. Council has secured a licence with the RMS to use the land for car parking purposes. The carpark to the west is owned by Council and contains 63 parking spaces which are not time restricted. The applicant's traffic report nominates that there are an additional 92 on-street parking spaces available in the immediate vicinity of the aquatic centre.

The application states that the RMS has advised that there are no plans to widen Frederick Street in the next five years. The applicant has also provided a copy of the licence Council has over the RMS land adjacent to the swimming pool which provides for the use of that land for carparking. However, it is noted that the licensor (RMS) may revoke the licence at any time by giving one weeks' notice, consequently this does not give any guarantee in terms of the use of that land for ongoing car parking purposes.

A peak parking demand of 105 spaces generated by the aquatic centre was recorded by TDG when occupancy surveys were undertaken in February 2016.

The applicant's traffic consultant, TDG, estimates that the peak parking demand (2019-2020) will increase to 118 spaces following the proposed upgrade works. The increased patronage numbers were calculated using the following two methods:

- Parking demand based on patronage levels for 2019-2020 provided by the Centre Manager; and
- Parking demand based on the increase in pool areas as proposed and assuming the new indoor pool is open all year around. The largest proportional increases (24%) are predicted to occur in the autumn and winter months when only the indoor pools are currently available; smaller proportional increases are expected in summer (12%).

The increase resulting from the additional hours of operation were not considered as it is not expected to affect peak parking requirements.

In terms of existing parking provision it is noted that the existing Council carpark combined with the RMS car park provide sufficient parking spaces to accommodate the increased demand. If however the RMS carpark were to be used for road widening purposes then there would be a shortfall of 50 off-street parking spaces (assuming 63 spaces are provided in the existing council car park to the west and 5 accessible spaces are provided to the east of the aquatic centre on Council land).

The applicant relies on Section 3.3 of Part C11 Ashfield Interim Development Assessment Policy which provides for parking credits where an existing property is operating legally but has insufficient parking relative to the requirements of the DCP. The applicant provides the following justification/calculation:

'The current parking demand for the Ashfields Aquatic Centre has been established at 105 spaces. The redevelopment of the centre is expected to require 118 parking spaces. The application of the parking credit scheme would result in a requirement of 13 additional spaces as follows:

- 1. Credit = existing parking requirement of 105 spaces less available parking supply on Council land 63 spaces = 42 spaces; RMS land should be included in this assessment as it may be lost in the future;*
- 2. Requirement after redevelopment taking credit into account = 118 spaces – 42 spaces = 76 spaces; and*
- 3. Thus additional required spaces = 76 spaces – 63 spaces = 13 spaces.'*

However, the notes contained within the same section of the DCP outline the following:

'Except in unusual circumstances, credits will not apply where a site is being fully or significantly redeveloped. As a guide, if more than 50% of the building fabric is being demolished, parking credits will not apply. In these circumstances, the proposal will need to provide parking in accordance with the relevant requirements of Section 4 of this Part'.

In this instance, more than 50% of the existing facility is to be demolished. Whilst it is noted that it is not possible to provide basement parking as part of the redevelopment, due to the nature of the development proposed (inground swimming pools) and also the flood affectations of the site, the applicant does own land to the west of the swimming pool which could be utilised to provide additional parking.

The applicant has nominated three different options to provide additional parking (above the 63 spaces in the existing car park) in the event the RMS land is acquired. These are:

1. Provision of 5 mobility spaces, as shown on the architectural plan 15518-DA 100-D = total of 68 spaces. This would cater for the during July and August but would rely on on-street parking to cater for 5 additional spaces in April and 50 additional spaces in February.
2. Use the residual land that would result from the widening of Fredrick Road to provide an additional 22 parking spaces = total of 85 spaces (see **Figure 1**). This would require a land swap with the RMS or an agreement with the RMS that the residual land can be used for car parking purposes as is the current situation. Under this scenario the demand for parking would be met for 8 months of the year. A maximum shortfall of 33 spaces would occur during February.

3. This option involves use of the picnic area to the south of the existing council car park (see **Figure 2** and drawing 15518-DA 700). This option would provide an additional 48 parking spaces = total of 111 spaces. This option would meet the parking demands for the aquatic centre throughout the year except for February where a shortfall of 7 spaces would occur.



Figure 1 – Option Two

Source: TDG



Figure 2 – Option Three

Source: TDG Report

In terms of the options proposed, Option One is not acceptable due to the impacts this would have on on-street parking. Option Two, would still result in a significant reliance on on-street parking and is not located on land which Council owns and therefore cannot be the subject of a condition of consent.

The third option proposed would result in a satisfactory outcome in that most of the parking demand would be met with the exception of the month of February where only a minor reliance on on-street parking would occur. However, we note that this land is zoned RE1 Public Recreation where parking is not a permissible use, consequently it will need to be demonstrated that the parking is ancillary to the primary leisure/public recreation use of the site. To assist with this the following conditions of consent are proposed:

- A condition requiring the car parking to operate solely for the use of patrons of the swimming pool (refer to condition H 6(b)).
- A condition requiring lot consolidation so that the aquatic centre and car parking are contained on the same lot (refer to condition G 2).

We concur with the applicant that it is not necessary to implement this outcome until the RMS land becomes unavailable for parking purposes and that it would be preferable in the meantime to retain the open space. It is therefore proposed to impose a condition of consent that requires Option Three to be implemented in the instance that the RMS revokes the licence which allows for the operation of public car parking on the RMS land (refer to condition H 6(b)).

In addition to the above carparking spaces Council's controls require the provision of six (6) motorcycle spaces. The plans nor traffic report detail where these will be provided so a condition of consent is proposed which requires amended plans showing the location of these spaces.

In order to reduce demand for parking and to reduce the number of vehicular trips to the Aquatic Centre a condition is proposed which requires the preparation of a Travel Management Plan (TMP). The TMP will be required to propose measures to:

- Reduce the level of private motor vehicle travel to the centre
- Reduce single occupant motor vehicle travel to the centre
- Increase the mode share of travel to the centre by walking, cycling and public transport
- Manage parking demand particularly for special events at the pool such as school swimming carnivals (measures may include the following – the requiring of buses and/or trains for student transport, imposing limits on spectator numbers at carnivals (max one parent/carer per family represented), only multiple occupant cars to be permitted to use car park facilities, car park attendants to be used to manage car park arrivals and departures at carnivals, possible paid parking in the carparks for durations exceeding 2 -3 hours, shuttle bus between Croydon Station and the pool on carnival days).
- The Travel Management Plan is to set travel mode share targets which are to be monitored on an annual basis.

Traffic Impacts

All vehicular access to and from the complex is via Elizabeth Street. TDG have assessed the existing traffic generation during the Friday afternoon (4.30pm – 5.30pm) and Saturday morning (11.45am to 12.45pm) peak periods to be 135 and 180 vehicles per hour respectively. This would increase to 140 and 200 vehicles per hour with the proposed upgrades to the facility. This represents an increase of 5 and 20 additional car trips during the Friday and Saturday peak periods respectively.

TDG assessed the impact of the additional vehicular trips of the existing approach roads and the operation of the Frederick Street/Elizabeth Street intersection. The

assessments shows that the additional traffic will have little effect on the current levels of service of all approach routes. With respect to the operation of the Frederick Street/Elizabeth Street intersection TDG found that delays through the intersection would marginally increase but that it would continue to operate at its current level of service.

13.0 Water Cycle Management

The site is located within an area identified on Council's Flood Control Lot Map as being subject to mainstream/overland flow and mainstream flooding. A Flood Impact Assessment prepared by ABC Consultants (based on a flood study by WMAwater) was consequently submitted with the application.

The Flood Impact Assessment report outlines that the finished floor levels of the new additions will be 0.5m above the 1 in 100-year flood level which is RL13 given that the 1 in 100-year flood level affecting the aquatic centre has been identified at RL 12.5. However, the submitted architectural plans show that some of the proposed floor levels are below RL13, including; the female change rooms (situated at RL12.6) and the lobby (at RL12.55).

The application was referred to Council's Engineering Design and Development Officer who requested that a Deferred Commencement Condition be imposed. The conditions proposed require the submission of the following documents for Council approval prior to the consent becoming operable:

- A detailed drainage study prepared by a qualified hydraulic consultant consisting of flooding and stormwater runoff calculations shall be submitted and shall be based on the effects of a 1 hour 1 in 100 ARI storm.
- Water Sensitive Urban Design (WSUD) report

A deferred commencement condition to satisfy the above matters have been proposed. Subject to the satisfaction of this condition, the development is not expected to have any significant adverse impact on stormwater flows and the required areas of the development will be above the freeboard height.

14.0 Equitable Access

A preliminary access review prepared by NBRS Architecture was submitted with the development application. The report confirms that equitable access is provided as per the following:

- From the Elizabeth Street frontage through the main entry at ground floor level to all the indoor and outdoor pools.
- To all public areas within the site.
- From the new accessible parking spaces to the main Aquatic Centre entry.

It is noted that two of the four pools proposed will have ramp access into the pool and new accessible amenities are also proposed. To further increase accessibility to the pool facilities Council's Arts, Culture and Community Officer has requested that the following additional facilities be investigated:

- A hoist into at least one of the new/upgraded pools; and
- A full-size change table and hoist in one of the accessible bathrooms.

A condition requiring further investigation of this is proposed.

Five new accessible parking spaces are proposed on Lot 1 DP908917. These will be accessible from Elizabeth Street and will be linked with an accessible path of travel to

the main entrance of the pool. However due to the location of these spaces, the line markings on the RMS land will require amendments to enable access to all the spaces provided on that land. Given that Council has an agreement with the RMS over that land amendments to the line markings can be undertaken by Council.

Council's traffic officer has requested that seven (7) accessible spaces be provided in accordance with Council's parking rates. A condition has been proposed which requires the applicant to provide the two additional accessible spaces.

15.0 Building Code of Australia (BCA)

The application does not provide sufficient technical detail to verify compliance with the relevant Australian Standards and the National Construction Code 2016. Council's Construction Assessment Team Leader did however raise concern as to the methodology used to undertake the BCA audit for the project and therefore the ability of the proposal to comply with the requirements of the BCA.

Notwithstanding the above it is noted that pursuant to clause 79C(4) of the Environmental Planning and Assessment Act, 1979, an application cannot be refused on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

In addition to the above it is noted that, under clause 54(4) of the Environmental Planning and Assessment Regulation 2000, a consent authority does not have any authority to request additional information in relation to building work, the information is required to be attached to an application for a subdivision certificate and is the responsibility of the Certifier to assess.

The officer has recommended that standard conditions of consent be imposed which are provided in the attachment to this report.

16.0 Noise

An Acoustic Assessment was undertaken by JHA and submitted with the application. The assessment addressed the operation of the site post development, including the operation of new plant and noise from patrons and public address systems.

The report finds that the demolition of the existing training pool and replacement with a new 25m indoor pool should not increase the overall noise level at the nearest affected residence (being 2 Frederick Street). A number of mitigation measures have been recommended to limit the potential acoustic impacts. These include:

- The ceiling of the new pool hall should be lined with a ceiling lining system with a minimum noise reduction coefficient of 0.8;
- The AHU Plant Room should be enclosed with a minimum of 140mm thick blockwork and/or 100mm thick concrete;
- All external doors should face westwards and be a minimum of 40mm solid core doors;
- Where the AHU plant is likely to operate between the hours of 10pm to 7am (8am Sundays), 300mm deep acoustic louvres should be installed for all openings;
- The heat pumps should meet the required acoustic specifications;
- The use of P.A systems should be prohibited between 10pm to 7am except during an emergency.

- Events should not be scheduled between 10pm to 7am except on special occasions (such as New Year's Eve) or as approved by Council; and
- A calibrated sound limiter should be inserted into the public address system for evenings.

Council's Engineer raised no objections in relation to noise subject to a condition requiring compliance with the above acoustic recommendations as contained within the JHA Services report. Conditions to this effect have been imposed.

17.0 Waste Management

A Waste Management Plan was submitted with the application, however further information is required to satisfy the requirements of Council's Waste Management Policy. Council's Sustainability Team have reviewed the application and provided details of their requirements and it is considered that these matters can be addressed prior to Construction Certificate. A condition to this effect has therefore been imposed.

18.0 Construction Management

A Construction Management Plan (including a Construction Traffic Management Plan) will be required to be submitted for Council's approval prior to the commencement of any work on site. Relevant conditions of consent are included requiring the applicant to comply with Council requirements in respect to demolition and construction works.

19.0 Safety and Security

The development has been designed to include clearly identifiable and visible public spaces that are permeable and free from obstructions. Additional lighting is included as part of the development and CCTV will operate where necessary. New openings within the external façade of the development will also increase permeability and surveillance to and from the facility.

Landscape plans are to be provided as a condition of consent to the satisfaction of Council and will need to further consider how the design can enhance the safety of visitors and staff.

20.0 Ecologically Sustainable Development

The development has been designed to incorporate principles of Ecologically Sustainable Development to make efficient use of natural resources, energy and water. Key ESD features proposed include:

- New energy efficient plan and equipment to replace old equipment as required;
- The use of heat pumps to heat water efficiently;
- Pool blankets to minimise water heating;
- Insulation under pool and supply air slabs;
- High efficiency LED lighting;
- The use of skylights and natural ventilation of buildings;
- Rainwater harvesting for reuse on site; and
- MBS controls for close monitoring of pool water and hall conditions.

The BCA report submitted with the application includes a high level assessment of the energy efficiency of the development and the new buildings are to comply with Section J of the BCA. Overall, it is considered that the development will represent an improvement to ESD at the site.

21.0 Social and Economic

The development provides for the ongoing operation of the aquatic centre and the decision to upgrade rather than rebuild the facility was made in consultation with the community. The proposal will improve disabled access of the centre's facilities and ensure the continued safe and functional operation of the centre for all.

The proposal is not likely to cause any adverse economic impacts and can reasonably be expected to increase visitors to the centre and therefore the amount of revenue that is available for reinvestment into local facilities.

22.0 Public Art

Public Art was not proposed as part of this application. In accordance with Council's Public Art Policy (October 2015) and Council's Arts, Culture and Community Officer's request, a Public Art Strategy to identify opportunities for the inclusion of public art in the development will be required to be prepared for the site as a condition of consent prior to the issue of a construction certificate.

23.0 Electrolysis

The site is located approximately 30m from the Main South (Inner West and South) railway line which runs along the southern boundary of the site. Accordingly, the applicant was requested to provide an Electrolysis Study during the assessment of the DA.

NPC Engineering undertook the Electrolysis Study which assessed the potential impact of damaging stray DC current originating from the electrified railway. The study found that the existing complex has been operating for over 50 years without noticeable deterioration due to stray DC current electrolysis and that with construction mitigation measures the centre will not be subject to damaging stray DC current in the future.

As such, a condition of consent will be imposed that requires the reconstruction to be constructed to the standards and mitigation techniques included within the Electrolysis Study Report dated 26 September 2016.

SECTION 79C ASSESSMENT

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

24.0 The provisions of any Environmental Planning Instrument

25.0 Local Environmental Plans

Ashfield Local Environmental Plan 2013

It is considered that the proposal complies with the provisions of the Ashfield LEP 2013. Refer to Section 8 above.

26.0 State Environmental Planning Policies

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

A Risk Screening Report (RSR) was prepared by JEB Creative Solutions and submitted as part of the application. The RSR confirms that the proposed land use

does not exceed the threshold criteria for dangerous goods storage or transport and that the proposal is therefore unlikely to be considered 'potentially hazardous' or 'potentially offensive' under SEPP 33.

State Environmental Planning Policy No. 55 - Remediation of land

The application included a Stage 1 Environmental Site Assessment (ESA), prepared by EIS, that identified a number of contaminants at the site, including:

- Polycyclic aromatic hydrocarbon (PAH);
- Total recoverable hydrocarbon (TRH); and
- Heavy metal contamination within near surface fill.

The Stage 1 ESA found that the site contains the above contaminants and the risk to site receptors is moderate and requires remediation. The report concluded that the site can be made suitable for the proposed development subject to a Stage 2 ESA to address the data gaps of the Stage 1 ESA and the preparation of a Remediation Action Plan (RAP).

ESG Environmental completed a peer review of the Stage 1 ESA which suggested no Stage 2 ESA is required to determine the application due to the following reasons:

- Areas requiring further assessment relate to portions of the site that are currently under buildings and concrete;
- The current soil analysis is representative of the available areas at the site and is generally consistent with the level and type of contamination that would be anticipated from its historical uses;
- There are no significant risks associated with the site as the elevated metal and PAH concentrations are non-leachable;
- There are currently no linkages between the soil and people and therefore the contamination does not pose a risk to the employees or patrons; and
- SEPP 55 does not require a Stage 2 assessment prior to development consent if it is established that an appropriate statement of remediation 'options available for proposed use' or 'a remediation proposal' is provided.

ESG Environmental instead recommended that a RAP be prepared to set out appropriate remediation strategy and that the detailed site investigation be undertaken post site demolition. The RAP would need to be closed out by the completion of Validation Reporting to confirm that the site contamination status is fit for intended use or has been remediated.

Accordingly, a Remediation Action Plan (RAP), prepared by ESG Environmental, was also submitted with the application which provides a review of the extent of contamination at the site and methodology to ensure the contaminants are dealt with appropriately as part of the demolition and excavation process. The RAP confirms that contaminated material can either be retained on site using the cap and contain methodology or disposed of off-site to a suitable licenced facility.

The RAP requires a Site Management Plan and Site Validation Certificate to be completed and recommends a condition of consent requiring these to be provided to Council prior to the issue of an Occupation Certificate is imposed. The RAP also requires a number of actions such as additional sampling to be undertaken post demolition phase and which can also be conditioned.

The application provides the necessary information to satisfy the requirements of SEPP 55. It is considered that the site can be made suitable for its intended use subject to the

proposed conditions of consent. The recommended conditions of consent by Council's Environment Health Officer have been adopted.

State Environmental Planning Policy (Infrastructure) 2007

Concurrence from Transport NSW was sought on 7 October 2016 in accordance with Subdivision 2 of Division 15 of the Infrastructure SEPP as the site is located adjacent the Inner West & South Railway corridor.

The Manager for Development Services, Atalay Bas, then followed up on the referral via phone calls and an email sent on 10 February 2017. The email outlined that if no response was received by 21 February 2017 then Council would assume that there were no concerns with the application and would proceed towards determination of the application.

No response has been received from Transport NSW to date. In accordance with clause 86(5) of the Infrastructure SEPP, the application may be determined as 21 days has passed since the notice was given and the Chief Executive Officer has not granted or refused to grant concurrence.

The application was referred to Roads and Maritime Services in accordance with Clause 101 of the SEPP (development with frontage to classified road). The RMS responded on 31 October 2016 and raised no objection to the proposal subject to a condition requiring a Road Occupancy Licence to be obtained for any construction works that may impact on Frederick Street traffic flows.

State Environmental Planning Policy (State and Regional Development) 2011

The estimated cost of development was stated as \$19,600,000. As the proposal is a class of development described in Schedule 4A of the EP&A Act, being a development that has a capital investment value of more than \$5 million and to which Council is the application, Part 4 of the State and Regional Development SEPP applies to the DA. Under Part 4 of the SEPP the Council's consent function is exercised by the Central Sydney Planning Panel.

As a deferred commencement condition is proposed, it is noted that the regional panel is taken to be satisfied as to a matter specified in the condition if the council for the area in which the land on which the development is to be carried out notifies the chairperson of the panel in writing that the matter specified in the condition has been satisfied.

State Environmental Planning Policy No 64 – Advertising and Signage

The application proposes a new building identification sign on the Elizabeth Street elevation of the building. The plans detail that the sign is to comprise individual letters which are 600mm tall and externally illuminated. No details have been provided as to the materials of the proposed sign.

The application has not provided any details as to what lighting is to be used to externally illuminate the sign and has not provided any assessment of the proposed signage in accordance with the requirements of SEPP 64 or Council's signage controls contained within Part C2 of Ashfield Interim Development Assessment Policy 2013.

Notwithstanding the above we have considered the objectives of SEPP 64 as set out in clause 3(1)(a) and the assessment criteria as set out in Schedule 1 of SEPP 64 and are satisfied that:

- The proposed sign is compatible with the desired amenity and visual character of the area.
- Provides effective communication in a suitable location, and
- Is of a high quality design and finish.

Only one sign is proposed which is consistent with the scale of the building and located in a position that will assist in identifying the use and entrance of the aquatic centre. The sign appears to be of a high-quality design that will complement the design of the facility.

The signage is not expected to have any safety impacts or adverse impact on neighbouring properties by way of visual impacts or lighting impacts. In order to ensure this is the case a condition of consent is proposed which requires the applicant to provide further information in relation to the proposed material and lighting of the signs.

27.0 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the plan.

28.0 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

There are no draft Environmental Planning Instruments currently applicable to the site.

29.0 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy (AIDAP) 2013. The application generally complies with the parts, as indicated at Section 9 above, and ultimately achieves the aims and objectives of the Ashfield AIDAP 2013.

30.0 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered in the assessment of this application.

Clause 7 of the Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Conditions of consent are imposed in this regard.

Clause 92 of the Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider relevant Australian Standards relating to the demolition of structures. Appropriate conditions of consent are imposed in this regard.

31.0 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the development will not have any significant adverse environmental, social or economic impacts upon the locality.

32.0 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. The proposal involves the renewal of an existing aquatic facility and there are no natural hazards or other site constraints that cannot be mitigated and that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

33.0 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants in accordance with Council's notification policy (Section C12 of the DCP). The public exhibition period extended from 5 May 2016 to 3 June 2016. Council have advised that no public submissions were received during this exhibition period.

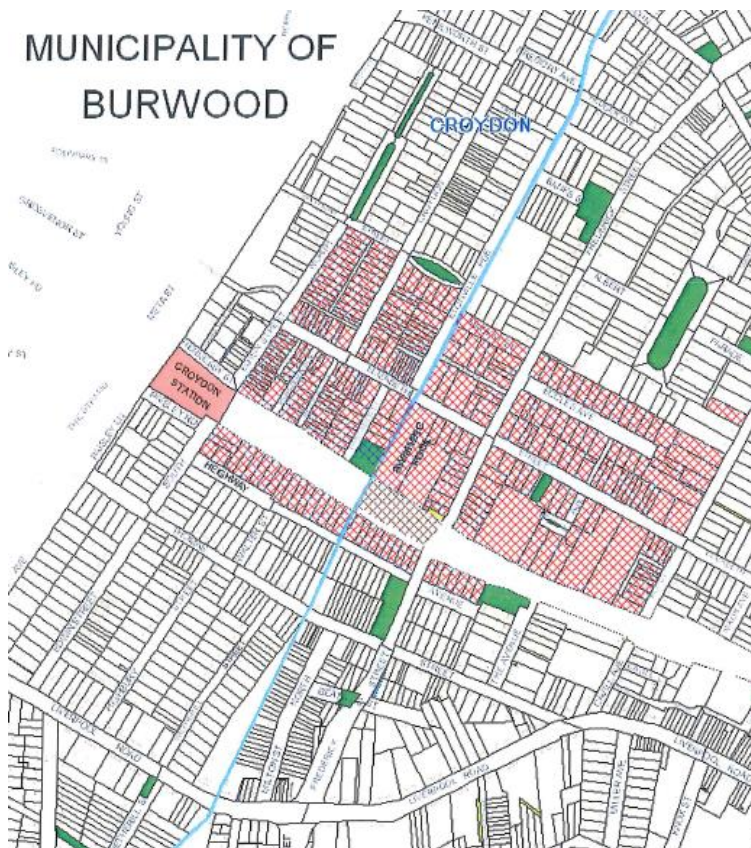


Figure 3 – Notification Map

Source: *Inner West Council*

34.0 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The proposal is considered to be in the public interest as it will provide the community with upgraded aquatic facilities to replace the aged facilities currently at the site. It is considered that any adverse impacts of the proposal can be mitigated by conditions of consent.

REFERRALS

35.0 Internal Referrals

Comments received are summarised in **Table 4** below. These comments have been considered in the assessment of the application and recommended conditions have been adopted where appropriate.

Table 4 – Summary of Internal Referral Comments

Department	Comments
Council Heritage Adviser	<p>No objections were raised and the following comments were provided:</p> <ul style="list-style-type: none"> ▪ The new pool enclosure sits well within the site behind the existing entrance building and is kept low; ▪ The main entry works are mostly internal with the external works mostly cosmetic; ▪ The existing building form, massing and scale will remain unaltered; ▪ The urban context, setting and view corridors to and from the heritage items will remain unaffected; ▪ The proposal will have no adverse impacts on the heritage items within the vicinity of the site.
Council Arts Culture and Community Officer	<p>No objections were raised and it was suggested that the development include the following:</p> <ul style="list-style-type: none"> ▪ A hoist into at least one of the new/upgraded pools; ▪ Accessible toilets within the facility to include full sized change tables and hoists; ▪ Unisex parent room; ▪ A crèche; ▪ Contemporary, fit for purpose outdoor furniture and lighting, including: <ul style="list-style-type: none"> – Solar harvesting umbrellas that provide shade and smartphone charging facilities; – BBQ area; and – Contemporary furniture and lighting solutions; ▪ Adequate outdoor power sources, shade and lighting to support events; ▪ A Public Art Strategy.
Council Urban Designer	<p>No objections were raised to the proposal. It was noted that the following are standard public domain improvements for future work to the front verge along Elizabeth Street:</p> <ul style="list-style-type: none"> ▪ New pavements; ▪ Tree planting; ▪ Night time lighting; ▪ Awning; ▪ Seating; ▪ Improvements to the building façade.
Council Engineer	<p>No objections were raised subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ Compliance with the acoustic recommendation by JHA Services;

Department	Comments
	<ul style="list-style-type: none"> Compliance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012 regarding control of public swimming pools and spa pools; Compliance with the recommendations of the Environmental Investigation Services report dated 12/2/2016; A report being prepared to investigate the likely impacts and recommended prevention strategies for a 1:100 year flood from the adjoining stormwater drainage canal.
Council Sustainability Officer	No objections were raised and a series of conditions were recommended in relation to the disposal of waste generated by the development.
Council Accessibility Officer	<p>The application does not provide sufficient technical detail to verify compliance with the relevant Australian Standards and the National Construction Code 2016.</p> <p>The following matters were raised as concerns with the BCA audit:</p> <ul style="list-style-type: none"> Methodology used for the assessment of loads and exit widths; The number of exits provided and the widths from the new 25m lap pool appear to be inadequate to satisfy the provisions of the NCC 2016. <p>It was noted that any technical aspect of compliance for determination with the BCA is the responsibility of the PCA at the Construction Certificate stage. It was advised that should Council receive a Construction Certificate, that a full assessment be undertaken at the time of submission.</p> <p>No objections were raised on NCC grounds and merits under the EP&A Regulations 2000, and a list of standard conditions to be imposed was provided.</p>
Council Traffic Engineer	<p>Concerns were raised with the following aspects of the submitted Traffic and Parking Report:</p> <ul style="list-style-type: none"> Omission of parking demand occurring at peak times when a school swimming carnival is operating; Significant pressure would be placed on the parking during peak times if the RMS car park was no longer available; Discussion should be provided in relation to the extra demand caused by swimming carnivals and proposed mitigation measures Parking spaces for 6 motorcycles should be provided; The number of disabled parking spaces should be increased to 7 spaces. <p>The following conditions were recommended:</p>

Department	Comments
	<ul style="list-style-type: none"> ▪ A Construction Traffic Management Plan be submitted to Council for consideration prior to commencement of construction; ▪ A Travel Management Plan be prepared for the aquatic centre; ▪ The Travel Management Plan should set travel mode share targets that can be monitored; ▪ 6 motorcycle spaces be provided; ▪ 7 disabled spaces be provided within the two off street car parks.

36.0 External Referrals

Comments received are summarised in **Table 5** below.

Table 5 – Summary of External Referral Comments

Department	Comments
Ausgrid	No objection was raised. It was noted that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine electrical supply requirements.
Roads and Maritime Services	No objections were raised subject to a condition requiring a Road Occupancy Licence to be obtained for any construction works that may impact on Frederick Street traffic flows.
Sydney Trains	No response was received. Refer to Section 26.

CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

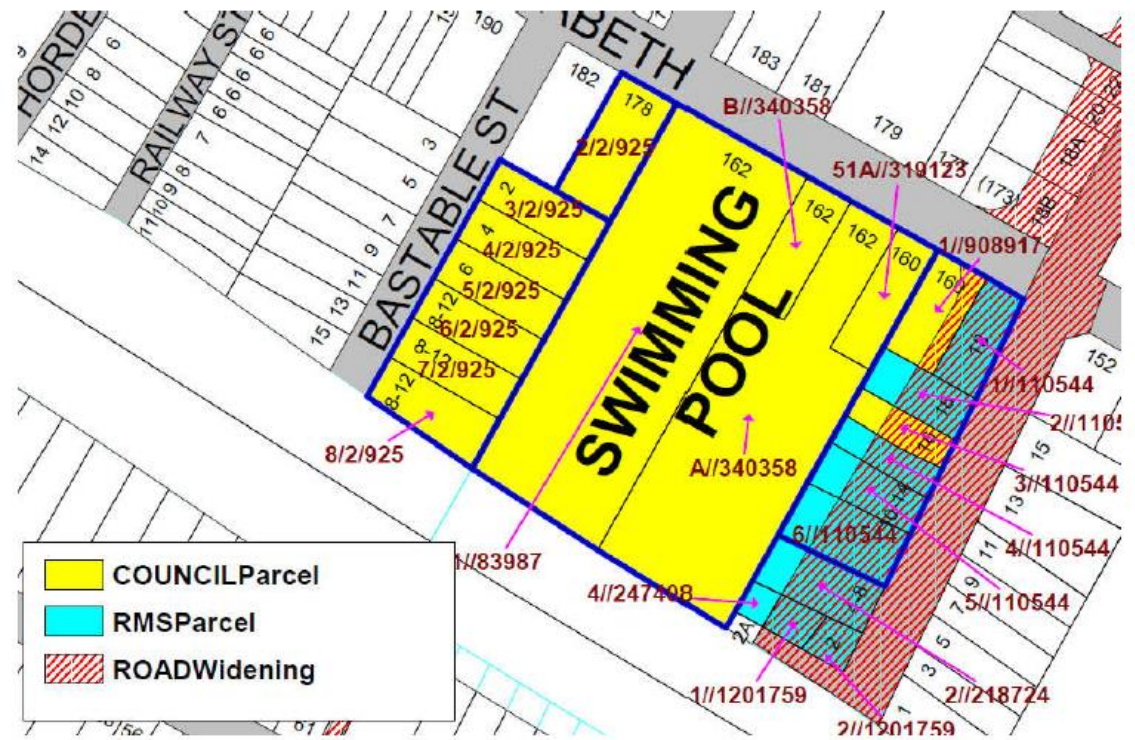
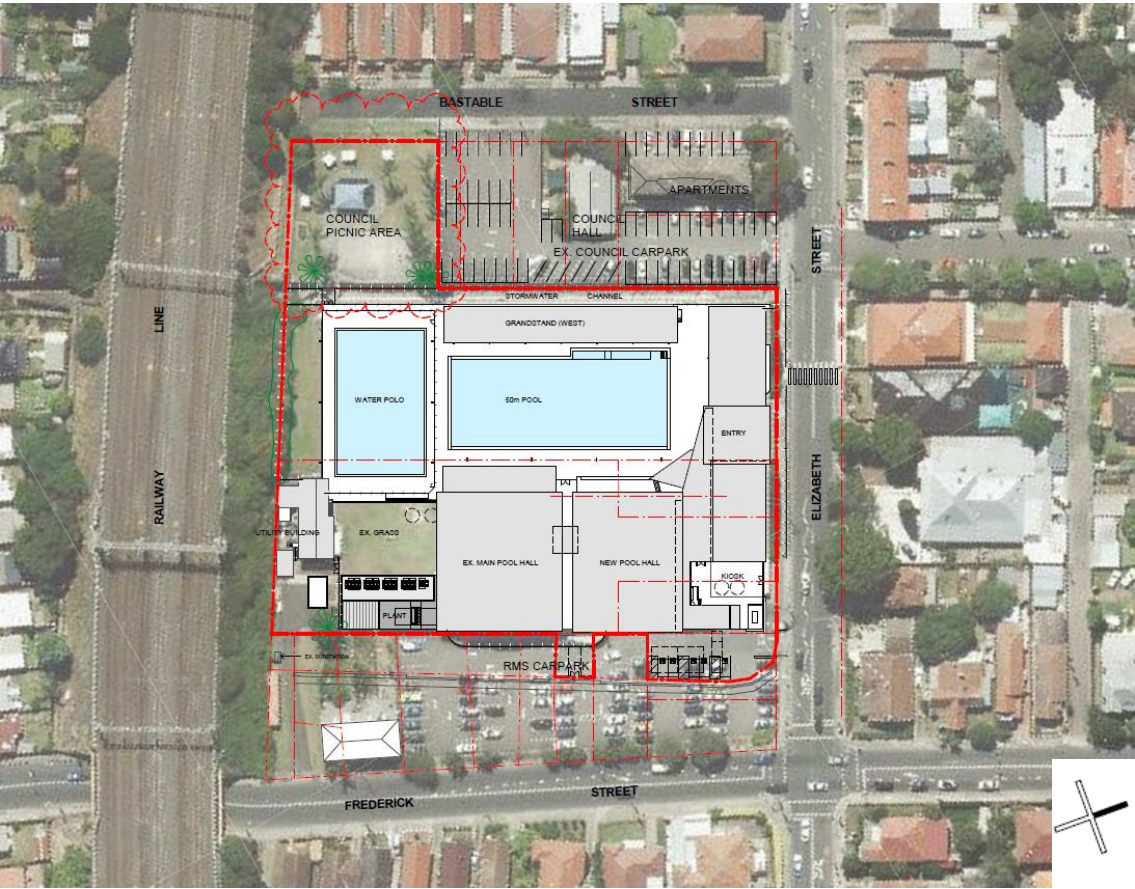
The proposal is acceptable and is recommended for deferred commencement approval and subject to conditions.

RECOMMENDATION

It is resolved that:

- A Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. 10.2016.86.4, subject to the conditions as detailed in Part A of **Attachment 2** of this report.
- B Subject to all matters under Part A of **Attachment 2** being satisfied, a development consent and approved plans be issued, subject to the conditions at Part B of **Attachment 2**.

Attachment 1 – Site Locality Plan



Attachment 2 - CONDITIONS

DA 2016.86.1

162 Elizabeth Street ASHFIELD 2131

Description of Work as it is to appear on the determination: Alterations and additions to existing aquatic centre

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

1. A detailed drainage study prepared by a qualified hydraulic consultant consisting of flooding and stormwater runoff calculations shall be submitted and shall be based on the effects of a 1 hour 1 in 100 ARI storm. This study shall be prepared by a suitably qualified engineer and submitted to Council for approval and shall include the following details:
 - a) amended stormwater concept design and a signed letter from the hydraulic consultant demonstrating that the development has no adverse effects:
 - I. on adjoining properties as a result of flooding and stormwater runoff from the subject property
 - II. from adjoining properties onto the subject property
 - III. and that there is an adequate protection proposed within the design for development against the ingress of surface runoff
 - b) amended stormwater concept design shall include proposed rainwater tanks on submitted "Site Plan" (15518-DA 100/C, dated 29.09.2016)
 - c) implementation of OSD system is required for stormwater disposal. The system must be design in accordance with Council's Stormwater Management Code. The OSD system must be regularly maintained and serviced.
 - d) floor levels adjacent to overland flow path, are to be a minimum of 500 mm above the 1 in 100 year flood level.
 - e) a report for Water Sensitive Urban Design (WSUD) is required. The report must demonstrate that the development will achieve the post-development pollutant standards indicated as:
 - i. Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load.
 - ii. Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load.
 - iii. Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load.
 - iv. Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.
 - f) Submitted report for WSUD must promotes the integration of stormwater, groundwater, water supply and wastewater management and shall be supported by the following principles:

1. To reduce both the peak flow and total volume of stormwater runoff.
2. To control pollution and minimise effect on downstream waterways and the environment.
3. To collect stormwater and reuse (stormwater harvesting).
4. Treat urban stormwater to meet water quality objectives prior reuse and/or discharge to a public infrastructure and / or natural waterways.
5. Match the natural water runoff regime as closely as possible (where appropriate).
6. Reduce potable water demand through water efficient fittings and appliances, rainwater harvesting and wastewater reuse.
7. Minimise wastewater generation and treat wastewater to a standard suitable for effluent reuse opportunities.
8. Integrate stormwater management into the landscape, creating multiple use corridors that maximise the visual and recreational amenity of urban development.

The above reports and studies shall be based on the use of Council's picnic area for the purposes of car parking with hardstand (impermeable surface) – refer drawing 15518-DA 700.

Council may require additional restrictions on stormwater quantity discharge, including reducing peak flows to the developed state from a catchment.

This information is required to be provided and approved by Council within 12 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B

A General Conditions

- a. Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
15518-DA 000	E	Location Plan/Cover Sheet	NBRS + Partners	27/01/2017
15518-DA 100	E	Site Plan	NBRS + Partners	27/01/2017

15518-DA 101	C	Existing Site Analysis Plan		
15518-DA 102	C	Demolition Plan	NBRS + Partners	05/10/2016
15518-DA 103	C	Roof Plan	NBRS + Partners	05/10/2016
15518-DA 104	C	No Public Access Areas	NBRS + Partners	05/10/2016
15518-DA 105	C	Property Security & CCTV Coverage	NBRS + Partners	05/10/2016
15518-DA 300	C	Elevations	NBRS + Partners	05/10/2016
15518-DA 400	C	Sections	NBRS + Partners	05/10/2016
15518-DA 500	C	Perspectives – Sheet 1	NBRS + Partners	05/10/2016
15518-DA 501	C	Perspectives – Sheet 2	NBRS + Partners	05/10/2016
15518-DA 700	A	Post-Acquisition Car Parking in Western Picnic Area	NBRS + Partners	03/03/2017

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

B Design Changes

(1) Car Park Design

The car park is to be redesigned to accommodate the following:

- 6 motorcycle parking spaces (2.5m x 1.3m in dimension)
- 7 disabled parking spaces located, graded, marked and signposted and graded in accordance with the requirements of AS2890.6

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Acoustic

The final design of aquatic facility, including selection of mechanical plant, shall be designed to comply with the recommendations contained in the JHA Services Report dated 30 September 2016.

(2) Electrolysis

The final design of the aquatic facility shall be designed to comply with the recommendations made in the NPC Engineering Electrolysis Report dated 26 September 2016.

(3) Materials and Finishes

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a materials and finishes schedule to the satisfaction of Council. The schedule should provide physical samples or a photo of physical samples.

(4) Signage

Further details of the proposed building identification signage, including details of materials and lighting, are to be provided to the satisfaction of Council prior to issuing a Construction Certificate.

(5) Public Domain Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Public Domain Plan to the satisfaction of Council. The plan shall detail the following as a minimum:

- New pavements;
- Tree planting;
- Night time lighting;
- Awnings;
- Seating; and
- Improvements to the building façade and presentation to the street.

(6) Travel Management Plan

That a Travel Management Plan be prepared for the Aquatic Centre proposing measures to:

- Reduce the level of private motor vehicle travel to the centre
- Reduce single occupant motor vehicle travel to the centre
- Increase the mode share of travel to the centre by walking, cycling and public transport
- Propose measures to manage parking demand particularly for special events at the pool such as school swimming carnivals (measures may include the following – the requiring of buses and/or trains for student transport, imposing limits on spectator numbers at carnivals (max one parent/carer per family represented), only multiple occupant cars to be permitted to use car park facilities, car park attendants to be used to manage car park arrivals and departures at carnivals, possible paid parking in the carparks for duration s exceeding 2 -3 hours, shuttle bus between Croydon Station and the pool on carnival days).
- Outlining additional measures which could be considered to manage parking demand should the RMS carpark no longer be available for use by pool patrons.
- The Travel Management Plan is to set travel mode share targets which are to be monitored on an annual basis.

(7) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on-site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

The Waste Management Plan must also include the following information:

1. A breakdown of the number of bins required for the daily operations of the Kiosk, Café, Meeting and Community Rooms, as well as cater for the daily visitation of staff and pool users. The Waste Management Plan should provide calculations of the estimated daily waste generation.
2. The location of public place recycling and waste stations.
3. Full disclosure of any asbestos-contaminated material known to be at the site, and details of quantities, the licence details of any asbestos removalist, and the designated disposal site licensed to accept as asbestos-related waste;
4. Details regarding the types of waste and likely quantities of waste to be produced;
5. Details regarding how all other waste is to be minimised within a development; and estimations of quantities and types of materials to be re-used or left over for removal from the site;
6. A site plan showing storage areas away from public access for re-usable materials and recyclables during demolition and construction;
7. Details of re-using or recycling methods for waste either on site or off site;
8. Nomination of the person responsible for implementing the waste management plan on site and the person responsible for retaining waste dockets from facilities;
9. Designation of appropriately licensed facilities to receive the development's construction and demolition waste;
10. Confirmation that all waste going to landfill is not recyclable or hazardous; and
11. The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Waste Plans must indicate a level of reuse and recycling either on site or diverted with receipts sufficient to demonstrate consistency with that target.

(8) Access and services for people with a disability

Detailed plans drawn to scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS1428 Part 1 and the provisions of the Ashfield Interim Development Assessment Policy 2013.

Further investigation shall also be undertaken to determine the feasibility of providing the following facilities within the aquatic centre:

- A hoist into at least one of the new/upgraded pools; and
- A full size change table and hoist in one of the accessible bathrooms.

(9) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(10) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(11) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(12) Landscaping plan

- (a) Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the

approved development plans including any approved *Landscape Concept Plan* and include -

- (b) **Site information** – show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.
- (c) **Landscape Design** - proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.
- (d) **Planting Schedules** - detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

- (e) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (f) The plans are to also demonstrate how CPTED principles have been incorporated into the proposed design.
- (g) Investigations shall also be undertaken to determine the feasibility of including some or all of the following ideas:
 - Solar harvesting umbrellas;
 - BBQ area; and
 - Contemporary furniture and lighting solutions.
- (h) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

Note: Please refer to Council's *development application form submission requirements* for more information.

(13) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(14) Food Premises - plans

Two (2) copies of details of all kitchen fittings and fitments in food preparation and/or food storage areas, including the design and location of stoves, sinks, wash hand basins, benches, refrigerators and counters prepared in accordance with Ashfield Council's "Guidelines for Food Premises".

Details must be submitted to Council or the accredited certifier and approval obtained prior to the release of a Construction Certificate.

(15) Food Premises—compliance with Ashfield Council's "Guidelines for Food Premises"

Plans and specifications showing details of all food preparation and storage areas, layout disposition, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes must be in accordance with Ashfield Council's "Guidelines for Food Premises".

Details are to be provided with the Construction Certificate.

(16) Engineering, sediment control, stormwater and covenants bond

A Damage Deposit of **\$40,000.00** in the form of cash or bank guarantee shall be lodged prior to the release of the Construction Certificate. This bond covers:

- (a) road and stormwater drainage works in roadways and public areas.
- (b) connection to Council's stormwater drainage.
- (c) the installation and maintenance of sediment control measures for the duration of construction/demolition activities.
- (d) the final Work-As-Executed Plans complies with Council's *Stormwater Management Code*, all relevant Australian Standards and all DA Consent conditions.
- (e) the creation of the Positive Covenant - Restriction-As-To-User on the title.
- (f) all necessary Council inspections in regards to stormwater and roadworks are undertaken.
- (g) the release to Council of the approved Stormwater Construction Certificate plan.

(17) Damage deposit/footpath, road, kerb and gutter

The Damage Deposit of **\$40,000.00** is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(18) Stormwater disposal – calculations and details

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with Ashfield Council's Stormwater Management Code and submitted to, and approved by, Council prior to the issue of the Construction Certificate.

The Construction Certificate plans to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas.
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flow paths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan.
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and

including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to the 100 year ARI.

- (e) Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.
- (f) The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc.) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.
- (g) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (h) Prior to the issue of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the matters that will need to be addressed are:
 - ♦ where the storage and silt arrestor pits are located
 - ♦ which parts of the system need to be accessed for cleaning and how access is obtained
 - ♦ description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - ♦ the location of screens and how they can be removed for cleaning
 - ♦ who should do the maintenance (i.e. commercial cleaning company)
 - ♦ how often should it be done.

(19) Stormwater detention storage facility

On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the issue of the Construction Certificate.

(20) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

(21) Provision of public art

A public art feature shall be designed and constructed/installed at the applicants cost. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details

shall be approved by Ashfield Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during design stages.

(22) Stormwater runoff – collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system via an infiltration storage on site to Sydney water canal.

(23) Construction And Traffic Management Plan

Prior to issue of Any Construction Certificate, a Construction and Traffic Management Plan must be submitted and approved in writing from Council. The following matters must be specifically addressed in the Plan:

1. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - b) RMS approved signage type and location to manage pedestrian in the vicinity,
 - c) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - d) The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's),
 - e) Locations and type of hoardings proposed,
 - f) Area of site sheds and the like,
 - g) Location of any proposed crane standing areas,
 - h) Proposed maximum size for construction vehicles/trucks,
 - i) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - j) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - k) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - l) The residents/occupiers are to be updated on a monthly basis and at key construction stages and be provided with a phone number to contact the site manager.
2. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floorage must be provided:
 - a) Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - b) Once approved from Council, a copy of the route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
3. Traffic Control Plan(s) for the site incorporating following:

- a) All Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
 - b) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
4. A Waste Management Plan must be in accordance with the Council documentation. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.
 5. Evidence of RMS concurrence where construction access is provided directly or within 20 m of an Arterial and/or Classified Road;
 6. A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
 7. For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant shall prepare the Construction and Traffic Management Plan. The construction management measures contained in the approved plan must be implemented in accordance with the plan prior to the commencement of, and during, works on-site. As the plan has a direct impact on the local road network and public amenity, the plan must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

- 1) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 2) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible.
- 3) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) AT LEAST TWO DAYS NOTICE, IN WRITING, HAS BEEN GIVEN TO COUNCIL OF THE INTENTION TO COMMENCE WORK.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

NOTE: IF THE PRINCIPAL CERTIFYING AUTHORITY IS THE COUNCIL, THE APPOINTMENT WILL BE SUBJECT TO THE PAYMENT OF A FEE FOR THE SERVICE TO COVER THE COST OF UNDERTAKING BUILDING WORK AND / OR CIVIL ENGINEERING INSPECTIONS.

WARNING: FAILURE TO OBTAIN A CONSTRUCTION CERTIFICATE PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK IS A SERIOUS BREACH OF SECTION 81A(2) OF THE *ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979*. IT IS A CRIMINAL OFFENCE THAT ATTRACTS SUBSTANTIAL PENALTIES AND MAY ALSO RESULT IN ACTION IN THE LAND AND ENVIRONMENT COURT AND ORDERS FOR DEMOLITION.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(5) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

(6) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(7) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(8) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(9) Sanitary facilities - demolition/construction sites

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 provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(10) Haulage route information

Full details of proposed haulage routes, estimated number of vehicle movements and trip locations related to demolition/construction activities are to be submitted to Ashfield Council prior to work commencing.

(11) Works on public land

Where works are carried out on Council or public lands (i.e. roads, parks etc.) by or on behalf of the applicant the following conditions shall be satisfied the person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. Proof of the policy is to be provided to Council prior to work commencing.

(12) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction e.g. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council/ Certifier and approved prior to the release of the Construction Certificate.

(13) On site detention system - check survey

Prior to the construction of an on-site detention system involving permanent construction work (e.g. construction of concrete slabs, walls, pipe-systems or pits etc., and prior to the placement of any concrete for ground floor, car park or garages), a check survey from a registered surveyor must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(14) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval with the Construction Certificate.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Remedial Action Plan

All construction and demolition works shall be carried out in accordance with the requirements of the Remedial Action Plan prepared by ESG Environmental dated 9 September 2016.

(3) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(4) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(5) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(6) Demolition requirements/standards

Demolition of is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.

- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
 - (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (e.g.; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(7) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(8) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(9) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(10) Inspection of premises – health standards

Council shall inspect the premises. An application for inspection shall be made on the appropriate form together with payment of the prescribed fee.

(11) Wash basin

The wash hand basin shall be provided with an adequate supply of hot and cold water through an approved mixing device.

(12) Soap/towel dispenser

A liquid soap dispenser and paper towel dispenser shall be provided above or adjacent to the wash hand basin.

(13) Sink - hot water supply

The double sink shall be provided with an adequate supply of hot water at a temperature of not less than 77 degrees Celsius.

(14) Floor surface - grading/connection to drainage system

The floor of the shall be finished to a smooth even surface and graded to a floor waste connected to the drainage system.

(15) Floor covering

The vinyl floor covering shall be laid over a solid impervious base and shall be provided with welded joints.

(16) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(17) Pedestrian way to remain accessible

The public pedestrian way must be freely accessible at all times. The minimum width of unobstructed footpath shall be 1.5 metres.

(18) Vehicle crossing - Council Approval

An appropriate application is to be made to Council for the reconstruction of redundant driveway crossing on Elizabeth Street. The crossing must be reinstated as upright kerb, gutter and concrete footpath in accordance with Council's standard drawing and specifications.

(19) Road and footpath – safety and access requirements

The contractor is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Heavy vehicles entering and leaving the site must only cross the footpath and kerb and gutter where a temporary driveway is approved by Council. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

(20) Engineering staff to inspect roadworks/drainage (Non Standard Condition)

An inspection by Council's staff will be required for kerb, gutter, crossing details at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete
- (iii) after placement of road base course
- (iv) on completion of the works

Work is not to proceed until the works or activity covered by the inspection is approved. A minimum of 24 hours' notice is required to be given to Council to obtain an inspection.

(21) Driveways areas – reconstruction/construction to Council standards

The redundant driveway, footpath, kerb, gutter and road are to be constructed to Council standards. Detail design, ready for construction, must be approved from Council prior to issue of Construction Certificate.

(22) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

(23) Finished ground levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(24) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc. for the construction of services, stormwater pipes, kerb works, bitumen works,

footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(25) Driveway design - vehicle direction

The driveway system to the property is to be designed such that all vehicles shall enter and leave the premises in a forward direction and in accordance with the latest AS 2890.1.

F Conditions that must be complied with prior to installation of services

nil

G Conditions that must be complied with before the building is occupied

(1) Remediation Validation

Prior to the issue of an Occupation Certificate a copy of the Validation Report, prepared by a suitably qualified Environmental Consultant, shall be provided to Council confirming successful remediation and validation of the site. If a long-term Environmental Management Plan is required, this shall be provided to Council at the same time as the Validation Report.

(2) Lot Consolidation

The site shall be consolidated into one allotment. A plan of consolidation prepared by a registered surveyor shall be submitted to Land and Property Information (LPI) for registration. Evidence of lodgement of the plan for consideration with LPI shall be submitted to Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(3) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation certificate.

(4) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(5) Engineering conditions to be satisfied prior to issue of occupation certificate

When the on-site building works are completed there are three (3) conditions that must be satisfied before Council's Engineering Department will recommend that an Occupation Certificate be issued:

They are:

(a) *Work-As-Executed Plans*

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc.
- orifice size (if used)
- trash screen at orifice

(b) *Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- * the soundness of the storage structure;
- * capacity of the detention storage;
- * the emergency overflow system being in place;
- * works being constructed in accordance with the Council approved plans; and
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's *Stormwater Management Code*.

(c) *Restriction-As-To-User*

Prior to the release of the Occupation Certificate for the development a "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that any works which could affect the function of the stormwater detention system shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(6) Driveways, parking and service areas - PCA

A qualified practicing Civil or Structural engineer shall certify to the Principal Certifying Authority that driveways, parking and services areas have been constructed in accordance with approved specifications. Such certification shall be submitted prior to occupation of the building.

H Conditions that are ongoing requirements of development consents

(1) Hours of operation

The hours of operation are limited to Monday to Sunday between 5:00am and 10:00pm

(2) Acoustic Operation

The Aquatic Centre is to operate in accordance with the recommendations of the JHA Services Acoustic Report dated 30/9/2016. In this regard

- The use of PA Systems is only permitted between 7am and 10pm except during an emergency.
- Events should not be schedule between 10am and 7am; and
- A calibrated sound limiter should be inserted into the public address system for evenings.

(3) Operation

Operation is to satisfy the requirements of the Public Health Act 2010 and Public Health Regulation 2012 regarding control of public swimming pools & spa pools.

(4) Bin collection

Bins are to be presented for collection on Elizabeth Street and must not be serviced prior to 6am or after 8pm.

(5) Waste management

The bins and bin storage area should have clear signage indicating what type of bin it is (i.e. garbage or plastic recycling etc.) and what is permitted to be put in the bin.

(6) Post-Acquisition Car Parking in Western Picnic Area

- a) The layout and quantum of carparking as illustrated in drawing 15518-DA 700 Post Acquisition Car Parking in Western Picnic Area is approved by this development consent subject to revocation of the licence between the Roads and Traffic Authority of New South Wales and Ashfield Municipal Council dated 1 September 2003 (File No. 02M5098) applying to Lots 1, 2, 4, 5 & 6 in DP 110544 being land adjacent to Ashfield Swimming Centre, Frederick Street, Ashfield.
- b) Upon receipt of a written notice of the RMS's intention to revoke the licence between the Roads and Traffic Authority of New South Wales and Ashfield Municipal Council dated 1 September 2003 (File No. 02M5098) applying to Lots 1, 2, 4, 5 & 6 in DP 110544 being land adjacent to Ashfield Swimming Centre, Frederick Street, Ashfield, Council must:
 - Immediately commence preparatory works to convert the Council Picnic area (lots 6, 7 & 8 DP925) into carparking generally in accordance with the design illustrated on plan 15518-DA 700 for the sole use by patrons of the Ashfield Aquatic Centre.
 - The works must be completed within 6 months of receipt of the written notice from the RMS.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(5) Disability Discrimination Act

Standard Council advisory note.