

**MODIFICATION OF DEVELOPMENT APPLICATION /
CONSTRUCTION CERTIFICATE - DACC 046/11 (S96 040/12)
NEW INDOOR AQUATIC CENTRE AND POOL - TONY
LUCHETTI SPORTS CENTRE GEORDIE STREET LITHGOW
NSW 2790**

1. PROPOSAL

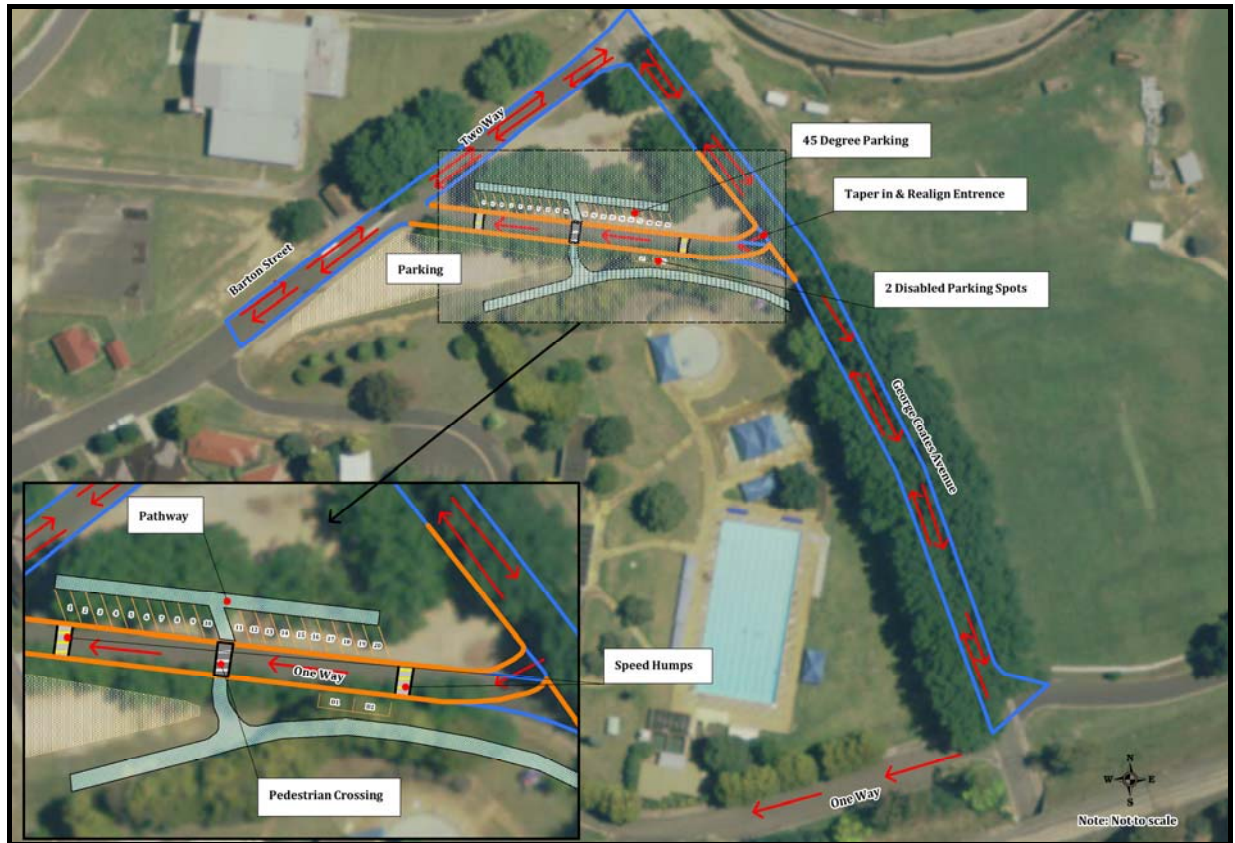
Council is in receipt of a modification of development consent application from Lithgow City Council's Operations Division. The modification seeks to delete Conditions 44, 47, 50 and amend Condition 46 and 49 on the original Consent.

These Conditions originally state:

44. Appropriate signage is to be erected in George Coates Avenue and Barton Street clearly highlighting to traffic the changed traffic conditions. Such signage is to be erected in conjunction with the closure of part of Barton Street.
46. Fifty (50) new ninety (90) degree car parking spaces are to be constructed prior to the Occupation Certificate being issued for Stage 1, along the closed section Barton Street (including 2 disabled spaces). These car spaces are to be clearly signposted and line-marked, and are to be constructed in accordance with Council's Off Street Parking Development Control Plan and AS 2890.6.
47. Barton Street is to be permanently closed off to all through traffic by constructing a permanent barrier at the western end, in conjunction with the construction of the new car park.
49. The eastern end of Barton Street that is currently signposted as "one-way", accommodating only for eastern travelling vehicles is to be converted to "two-way" to accommodate for vehicles travelling in either direction, in conjunction with the closure of Barton Street.
50. The intersection of George Coates Avenue and Barton Street adjacent to the showground is to be widened to accommodate increased traffic movements, and the turning movements of vehicles turning left from George Coates Avenue into Barton Street. This is to be in accordance with specifications provided in the RTA Road Design Guide. Appropriate line marking and signposting is to be installed at the intersection where necessary. These works are to be undertaken in conjunction with the closure of Barton Street.

The reasoning for the amended condition and deletions is that Barton Street would remain open for vehicles to exit the carpark. This would create a better traffic flow than the original traffic layout plan and would increase the safety in the area by providing better site vision for vehicles.

The north eastern side of Barton Street (near the show ground entry) would be constructed to two ways (currently 2 lanes for a one way direction). This would provide road access for vehicles that are not using the pool facilities and would provide a safer access for pedestrians between the carpark and the pool entry.



Map 1: showing carparking and road design

An additional condition is also proposed which includes two disabled car spaces to be constructed adjacent to the northern edge of the new administration building to meet the requirements for accessibility for persons with disabilities.

The originally consent was approved by the elected Councillors, for a new indoor Aquatic Centre & Pools'.

The application will be assessed under Section 96 1(A) of the *Environmental Planning and Assessment Act 1979*.

2. SUMMARY

To assess and recommend determination of Section 96 Modification of Consent S96 040/12 of DACC 046/11. Recommendation will be for approval subject to conditions

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 1123449
 Property Address : TONY LUCHETTI SPORTS CENTRE GEORDIE STREET
 LITHGOW NSW 2790

The site is relatively flat in character.

4. DETAILS OF CURRENT APPROVAL

046/11DACC was originally approved by the elected Councillors on 01 August 2011 and permitted 'Proposed Sports Aquatic Centre & Pools'.

A Section 96 Application was further approved by the elected Councillors on 4 June 2012 and permitted alterations and additions to the 'Proposed Sports Aquatic Centre & Pools'.

5. PERMISSIBILITY: The development was originally permissible in the zone under Clause 9 of Council's current LEP which indicates that a dwelling is permissible in the zoning. This permissibility is not proposed to change as part of this modification.

It is considered that the proposal is consistent with the aims and objectives of 6 Open Space.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's Policy 7.6 – Development Applications by Councillors and Staff and Relatives or on Council Owned Land is applicable to the site. The policy indicates that "where the development application is on Council owned land, that such an application be referred to Council for consideration and determination and that no aspect of the application be dealt with under delegated authority."

The site is technically owned by the Crown who gave their consent for the originally application. However, in the interest of transparency given the site is managed by Council the application is to be referred to the elected Council for its determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

The financial implications of the development such as the costs of construction must be considered completely independently of Council's assessment of the application.

There are no other financial implications of the development.

5.3 LEGAL IMPLICATIONS

5.3.1 Environmental Planning and Assessment Act 1979- Section 96 (1)

- (1) ***Modifications involving minor error, misdescription or miscalculation***
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5), (6) and (7) do not apply to such a modification.

Comment: The proposed modification does not come under the following category which is identified as minor error, misdescription or miscalculation. Therefore the application would be assessed under Section 96(1A) in the following section.

5.3.2 Environmental Planning and Assessment Act 1979- Section 96 (1A)

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

Comment:

Council is satisfied that the modification, is of a minimal environmental impact. The development is similar to what was previously approved as the modification only relates to an amendment to the carparking layout and deletion of consent conditions which related to traffic movement and the carparking layout.

The Regulations do not require the notification of the modification. The Traffic Authority Local Committee and the elected Councillors commented on the proposed modification prior to the submission of the application. Their comments are found later in this report. Further the modification is considered to be of a minor nature and will not impact on any nearby residents.

Accordingly, no public submissions have been sought or received.

5.3.3 Environmental Planning and Assessment Act 1979- Section 96 (2)

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or**

- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.
- Subsections (1) and (1A) do not apply to such a modification.

Comment:

The proposed modification development is substantially the same development as the development for which consent was originally granted and would remain same environmental impact.

5.3.4 Environmental Planning and Assessment Act 1979- Section 96 (3)

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

The original application was assessed in accordance with the provisions of Lithgow’s Local Environmental Plan 1994, and was found to be compliant. The modification does not require any further assessment under the LEP.

LEP 1994 – Compliance Check		
	Clause	Compliance
9	6 Open Space zoning	Yes

Planning Comment: The proposed modification of the development is consistent with the above zone objectives.

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

Nil.

Any Development Control Plan

Lithgow City Council’s Off Street Car Parking Development Control Plan

	Requirement	Compliance
Refreshment Rooms	1 space per 6.5m ²	Yes

Comment: Council’s Off Street Car Parking Development Control Plan contains provisions for refreshments rooms only and has no specific provisions that relate to swimming pools.

The plans indicate that 257.08m² is dedicated to café seating, which would equate to at least 40 parking spaces being provided for the development.

A new parking area is proposed along the northern edge and western side of Barton Street. This modification proposes to provide 50 parking spaces to be 45° to the existing road pavement. This will enable the car park to be created on level with the new entry to the site.

The existing parking area west of the site can still be utilised for overflow parking which would continue to provide 71 spaces to the site. A footpath exists linking the existing parking area to the new proposed parking area.

It is considered that the development complies with the provisions of the DCP.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

Any matters prescribed by the regulations that apply to the land

Nil.

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

Access and Parking:

A new access is proposed to the site from George Coates Avenue. Given the current change in levels from the existing car park to the pools, disabled access has been limited to the site. However, the amended access arrangements from George Coates Avenue will improve accessibility.

A new parking area is proposed between the aquatic centre and the Tony Luchetti Sports Ground.

The original proposal included the section of road where the parking area is to be located to be closed. This modification involves the road to remain open as it is currently. It will further provide a more suitable traffic flow to and from the carpark as well as traffic entering and exiting the show ground.

It is further proposed that there would be two raised traffic calming devices (speed humps) installed at either end of Barton Street as well as realignment works at the intersection with George Coates Avenue to inhibit speeding through this area and increase safety. There will be no stopping zones implemented along both sides of George Coates Avenue. Two disabled parking spaces and a drop off/pick up parking space would be provided near the entrance.

It is expected that 50 car spaces at 45° would be approximately provided. The existing parking area west of the site can still be utilised for overflow parking which would continue to provide 71 spaces to the site.

A footpath is proposed linking the new car park to the entry of the new centre and the existing car park that will be used as overflow parking.

It is considered appropriate to require this new footpath to extend to the south to meet with the existing footpath at the intersection of George Coates Avenue and Wylde Street.

The north eastern side of Barton Street (near the show ground entry) would be constructed to two ways (currently 2 lanes for a one way direction). This would provide road access for vehicles that are not using the pool facilities and would provide a safer access for pedestrians between the carpark and the pool entry.

The parking area proposed for the aquatic centre is likely to also be utilised by patrons of the Tony Luchetti Sports Ground during major events. At present the sports ground has 2 major events a year (Ironfest and Lithgow Show). On these occasions parking is provided on Watsford Oval, opposite the aquatic centre. The aquatic centre is already impacted upon during these events with visitors to the sports ground utilising the existing car park. In this context, it is considered that the impacts are acceptable.

The Suitability of the site for the development

The original application was assessed in terms of site suitability and was found to be suitable. The modification does not require any further assessment of suitability.

Any submissions made in accordance with this Act or the Regulations

The Traffic Authority Local Committee (TALC) and the elected Councillors held an onsite meeting on the 2 August 2012. It was discussed and agreed that Option 2 of the carparking plans would be a better layout than the originally approved plans. It was further advised that TALC notified residents in the area of the new carpark of traffic plans prior to submission of this proposal. As such no objections were received during the notification period.

TALC and the elected Council made the following recommendations for the modified application and for Council to approve the installation of:

1. A 40km/h speed zone on George Coates Avenue,
2. A shared 10km/h pedestrian and vehicle speed zone on Barton Street,
3. The installation of two speed humps in Barton Avenue,
4. Realignment to the corner of George Coates Avenue and Barton Street,
5. No Stopping zones on both sides of the George Coates Avenue,
6. Two disabled parking spaces and drop off pick up parking spaces on the aquatic centre site,
7. Fifty Carparking spaces are to be provided on either side of Barton Street.

No further neighbour notification or Government Authorities notification was required as part of this modification as it would be of minimal impact.

The public interest

The original application was assessed in terms of the public interest. The proposed modification does not warrant further action in this regard. The proposal was notified as part of the TALC process and no objections were received.

5.3.5 Environmental Planning and Assessment Act 1979- Section 96 (4)

- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

Comment:

Noted.

5.3.6 Environmental Planning and Assessment Act 1979- Section 96 (5)

(5) Threatened species

Development consent of the kind referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995, is not to be modified unless:

- (a) *in the case of development referred to in section 79B (3)—the requirements of section 79B (3)–(7) have been complied with in relation to the proposed modification as if the application for the proposed modification were an application for development consent, or*
- (b) *in the case of development in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995—the applicant has made an application for modification of the biobanking statement in relation to the proposal and a new biobanking statement has been issued or the consent authority is satisfied that the modification will have no impact on biodiversity values (within the meaning of that Act).*

Comment:

There is no known threatened species affected by this proposal. Therefore, the proposed modification does not require any further assessment under the Act.

6. DISCUSSION AND CONCLUSIONS

The application has been thoroughly assessed under Section 96 1(A) of the *Environmental Planning and Assessment Act 1979* and is appropriate for recommendation of approval subject to conditions.

7. ATTACHMENTS

Schedule A- Conditions of consent.
Original 79C Report for DACC 046/11
Previous Section 96 79C Report

8. RECOMMENDATION

THAT the Section 96 Modification of Consent application S96 040/12 associated with DACC 046/11 be approved subject to the following amendments, deletion and additional conditions being added to the consent which is also outlined in Schedule A:

46. Fifty (50) new ninety (90) degree car parking spaces are to be constructed prior to the Occupation Certificate being issued for Stage 1, along the closed section Barton Street (including 2 disabled spaces). These car spaces are to be clearly signposted and line-marked, and are to be constructed in accordance with Council's Off Street Parking Development Control Plan and AS 2890.6.

This condition is to be re-numbered so that it is inserted under the post occupation heading and is to be amended to read as:

Fifty (50) new forty five (45) degree car parking spaces are to be constructed along the northern edge of Barton Street. These car spaces are to be clearly signposted and line-marked and are to be constructed in accordance in accordance with Council's Off Street Off Street Parking Development Control Plan and AS 2890.6

49. The eastern end of Barton Street that is currently signposted as "one-way", accommodating only for eastern travelling vehicles is to be converted to "two-way" to accommodate for vehicles travelling in either direction, in conjunction with the closure of Barton Street.

This condition is to be re-numbered so that it is inserted under the post occupation heading and is to be amended to read as:

The eastern end of Barton Street that is currently signposted as "one-way", accommodating only for eastern travelling vehicles is to be converted to "two-way" to accommodate for vehicles travelling in either direction, in conjunction with the closure of Barton Street.

The following conditions are to be deleted:

44. Appropriate signage is to be erected in George Coates Avenue and Barton Street clearly highlighting to traffic the changed traffic conditions. Such signage is to be erected in conjunction with the closure of part of Barton Street.
47. Barton Street is to be permanently closed off to all through traffic by constructing a permanent barrier at the western end, in conjunction with the construction of the new car park.
50. The intersection of George Coates Avenue and Barton Street adjacent to the showground is to be widened to accommodate increased traffic movements, and the turning movements of vehicles turning left from George Coates Avenue into Barton Street. This is to be in accordance with specifications provided in the RTA Road Design Guide. Appropriate line marking and signposting is to be installed at the intersection where necessary. These works are to be undertaken in conjunction with the closure of Barton Street.

The following additional Conditions are to be added to the Consent which was recommended by TALC:

1. A 40km/h speed zone on George Coates Avenue,
2. A shared 10km/h pedestrian and vehicle speed zone on Barton Street,
3. The installation of two speed humps in Barton Avenue,
4. Realignment to the corner of George Coates Avenue and Barton Street,
5. No Stopping zones on both sides of the George Coates Avenue,
6. Two disabled parking spaces and drop off pick up parking spaces on the aquatic centre site,

It is to be noted that the conditions would be re-numbered from the original consent to account for the deletion of these conditions.

Report prepared by:.....Supervisor:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

- To protect the environment.
- To ensure construction and operation of development is undertaken with minimal impact to the locality.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To provide for the on-going environmental management of the development.
- To ensure orderly development to the site.
- To facilitate the manoeuvring of vehicles.
- To maintain the amenity of the local area.
- To ensure there is no unacceptable impact on the water quality.
- To ensure appropriate management of traffic.
- To ensure adequate soil conservation and protect against movement of soil and sediments.
- To ensure adequate provision of community and recreation facilities.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

You are to note that conditions have been deleted, amended and added to this consent from the original application.

Administrative Conditions

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.
2. Separate Construction certificate applications are to be lodged in relation to each subsequent stage of development.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. Your attention is drawn to the existence of the Disability Discrimination Act. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the Building Code of Australia, however, the development may not comply with the requirements of the Disability Discrimination Act. This is the sole responsibility of the owner, builder and applicant.
5. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
6. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
7. That the development is set out by a Registered Surveyor and copies of the Survey Report are submitted to the Principal certifying authority on completion of the foundation walls or floor slab.
8. That an application to carry out sewer drainage in sewerred areas is to be submitted to Council before any drainage work commences.
9. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
10. That floors of all wet rooms, bathrooms, laundry, WC compartments and Food Preparation areas are properly graded and drained to suitable floor wastes.
11. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

12. That an application for connection to Council's water supply must be lodged prior to commencement of any work on site.

Sydney Catchment Authority Conditions

General

13. The site layout, works and staging shall be as shown on the Site Plans prepared by Facility Design Group Architects (Job No. W165; Dwg. Nos. DA.010, DA.050, DA100, & DA.101; all dated 10 February 2011). Any revision to the site layout, external works or staging shall be agreed to by the Sydney Catchment Authority.

Stormwater Management

14. A stormwater drainage system including pits, pipes, stormwater treatment and management measures shall be implemented as specified in the Stormwater Drainage Plan prepared by HDG Pty Ltd (Job. No. 10.01.431; Drawing No. SCP-01; dated March 2011), in particular as elaborated or varied in the following conditions.

Rainwater Tanks

15. A rainwater water collection and reuse system shall be installed to collect all roof runoff from the amenities, plant and storage room buildings and indoor pool hall and shall incorporate the following requirements and specifications:
 - a. rainwater tanks with a minimum capacity of 30,000 litres shall be installed to collect roof runoff from the amenities, plant and storage room buildings as part of Stage-1;
 - b. an additional 30,000 litres rainwater tanks shall be installed to collect runoff from the indoor pool hall as part of Stage-2;
 - c. roofs and gutters shall be designed such that all roof runoff is captured in the rainwater tanks;
 - d. the rainwater tanks shall be plumbed to make up water for hydroplay and indoor pool and any other areas of non potable use, and
 - e. overflow from the rainwater tanks shall be directed to street stormwater drainage system.

Construction Activities

16. Erosion and Sediment Control Plans shall be prepared for all works proposed or required for each stage of the development by a person with knowledge and experience in the preparation of such plans, prior to the commencement of any construction activity. The Plans shall meet the requirements outlined in Chapter 2 of NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual - the "Blue Book", and be to the satisfaction of Council.
17. Effective erosion and sediment controls shall be installed prior to all construction works including site access and earthworks for the buildings, and shall prevent sediment and polluted water leaving the construction site, or entering a constructed or natural drainage system. The controls shall be regularly maintained and retained until works have been completed and groundcover established or stabilised.

Food Act Requirements

18. To ensure compliance with the Food Act and Australian Standard 4674 "Design, construction and fit-out of food premises", Council is to be given 2 days notice prior to the intention to occupy the premises and commence trade.
19. The internal construction of the cafe must be completed in accordance with AS4674.2004 – Design, Construction and fit-out of food premises and the operation complies with the Food Safety Standards. Prior to commencing work full construction details are to be submitted to

and approved by Council.

20. That the proposed food premises areas are designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specifications illustrating compliance with AS 4674-2004 "Design, Construction and Fit-Out of Food Premises" for Council approval prior to the commencement of building works. Information should include the following:
- A detailed description of the types of food related procedures and practices that will take place, such as preparation, handling, storage, packaging, cleaning etc.
 - Details of food and beverages to be prepared and served.
 - Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings).
 - Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
 - Locations and design details of proposed hand washing facilities.
 - Locations and design details of proposed washing facilities and any floor wastes.
 - Proposed location and details of all fixtures, fittings, appliances and coolroom (including proposed method of installation).
 - Details showing location, capacity and clearance of hot water services.
 - Proposed location and details of storage facilities for cleaning equipment and staff personal belongings.
 - Proposed location and details of all waste storage areas.
 - Completed Trade Waste Application form if required and details for grease trap.
 - Numbers and layout of proposed café seating.

Public Health Act 1991, Public Health (Swimming Pools and Spa Pools) Regulation 2000

21. That the operation of the public swimming pool comply with the Public Health Act 1991, Public Health (Swimming Pools and Spa Pools) Regulation 2000 and Department of Health NSW Public Swimming Pool and Spa Guidelines 1996.
22. The construction of dressing rooms, closets, showers, first aid room and test room where applicable shall comply with the Department of Health NSW Public Swimming Pool and Spa Guidelines 1996.

Prior to Commencement of any works

23. A Construction Management Plan is to be submitted for approval prior to the commencement of works detailing the proposed location and construction standard of a temporary vehicle access during construction. This plan should also address how the site will be managed in relation to operation of the facility should construction works extend into swimming season.
24. All construction vehicles are to enter and exit the site from George Coates Avenue. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on George Coates Avenue whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include work being stopped immediately until such time as compliance with suitable traffic management procedures is achieved.
25. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in

Form 7 of Schedule 1 of the Regulations.

26. Prior to the commencement of any works on the land, a single vehicle/plant entry/access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement.
27. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
28. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.
The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Development requirements during construction/ demolition

Demolition Conditions

29. Demolition works are to be carried out in accordance with Australian Standard 2601- "Demolition of structures". Note: Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carried on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001.
30. The works shall be executed, by competent persons with due regard at all times for safe working practices and in accordance with the approved work plan, a copy of which shall be kept on site. Any modifications to the work plan, which may be necessary as the work progresses, shall be made by a competent person in accordance with Clause 2.1 AS2601. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work.
31. That minimal disturbance is caused to the site during construction works.
32. Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry into the demolition area and protect public and employees from injury. Warning notices displaying the words "WARNING DEMOLITION IN PROGRESS" shall be fixed to fencing to warn the public.
33. The demolition area is to be illuminated and clearly visible at all times.
34. All demolished material and excess spoil from the site shall be disposed of at the Lithgow Waste Management facility in a location and in a manner approved of by Council. No material is to be burnt on site.
35. Approval must be obtained from Council's Environment and Development Division prior to the disposal of any waste (including VENM) at any Council owned facility. Certification of the classification of the waste in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes and quantities will be required

to be submitted.

Fill requirements

36. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction. Testing to establish the field dry density every 300mm rise in vertical height is to be undertaken and test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Certification is to be submitted to Council upon completion of tests.
37. Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.
38. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook). All haul roads and construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.
39. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works.
40. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) Slab base if no piers required and prior to placement of the membrane.
 - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - i) Wet area flashing prior to tiling or covering.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

Prior to the issue of an Occupation Certificate

41. A Lighting Plan is to be submitted for approval and implementation prior to the issue of an Occupation Certificate. The Plan is to clearly indicate how the new parking area, external pedestrian linkages and entry to the site will be lit to maximise patron safety when the Centre

is open during non-daylight hours.

42. Details are to be submitted for approval and implementation prior to Occupation of Stage 1, showing any proposed changes to the current fencing arrangements.
43. A detailed Landscape Plan is to be submitted for approval and implementation prior to the issue of an Occupation Certificate. The landscape design shall incorporate a significant portion of frost resistant, native, low water demand plants, and shall address the new parking area as well as the Aquatic Centre site. The plan shall address the Staging of the development in the event that Stage 2 is delayed, and shall clearly detail what existing landscaping will be removed as a result of the proposal.
44. Adequate footpaths are to be provided along George Coates Avenue adjacent to the aquatic centre site, linking the new entry and new car park to the existing footpath provided in Wylde Street. An adequate footpath is to be maintained linking the existing parking area to the proposed new parking area in Barton Street. All footpaths are to be completed prior to the issue of an Occupation Certificate for Stage 1.
45. The sections of George Coates Avenue and Barton Street that are not currently formalised are to be dedicated as public road. This process is to be substantially commenced prior to the issue of an Occupation Certificate for Stage 1.
46. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority. A written application is to be submitted to Council prior to the occupation certificate being issued.
47. Approval to discharge Liquid Trade Waste into Council's sewerage reticulation system must be obtained from Council's Environmental & Development Department and any other relevant authority prior to the issue of an Occupation Certificate. In this regard an application is to be lodged with Council in sufficient time as to facilitate compliance with the terms of this condition.
48. Walking surfaces to the pool concourses, amenities block and public café / seating area shall comprise of materials that are slip-resistant and shall be selected and installed in accordance with the requirements of AS/NZS 4586:2004 "Slip resistance classification of new pedestrian surface materials".
49. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the attached Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.
50. Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
 - (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
 - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

POST OCCUPATION

51. Council is to install the TALC recommendations which includes:
- A 40km/h speed zone on George Coates Avenue,
 - A shared 10km/h pedestrian and vehicle speed zone on Barton Street,
 - The installation of two speed humps in Barton Avenue,
 - Realignment to the corner of George Coates Avenue and Barton Street,
 - No Stopping zones on both sides of the George Coates Avenue,
 - Two disabled parking spaces and drop off pick up parking spaces on the aquatic centre site,
52. The eastern end of Barton Street that is currently signposted as “one-way”, accommodating only for eastern travelling vehicles is to be converted to “two-way” to accommodate for vehicles travelling in either direction, in conjunction with the closure of Barton Street.
53. Forty five (45) degree car parking spaces are to be constructed along the northern edge of Barton Street. These car spaces are to be clearly signposted and line-marked and are to be constructed in accordance in accordance with Council’s Off Street Off Street Parking Development Control Plan and AS 2890.6

Attachment - Fire Safety Schedule

Issued pursuant to Clause 168 of Environmental Planning & Assessment Regulation 2000.

Application No: 046/11DACC – Redevelopment of Existing Municipal Pool Complex to provide a New Indoor Pool Centre, Outdoor Hydroplay Pool and External Carpark
 Approved Development: Erect New Aquatic Centre (Stage 1 Works only)
 Issue date: August 2011

Fire safety measure	Performance Standard	Existing measure	Proposed / Required measure
Portable fire extinguishers & fire blanket(s)	E1.6 of BCA2010 & AS 2444 – 2001	No	Yes
Emergency lighting	E4.5 of BCA2010 & AS2293.1	No	Yes
Illuminated exit signs (including directional signs)	E4.2 of BCA2010 & AS 2293.1	No	Yes
Automatic doors	D2.19(c) of BCA2010	No	Yes