



City of
Wagga Wagga

Notice of Determination of Development Application

Environmental Planning and Assessment Act 1979

Notice is hereby given of the determination by Council to the above Development Application pursuant to Section 4.18(1) of the Environmental Planning & Assessment Act, 1979.

| | |
|---------------------------------|---|
| Application Number: | DA20/0310 |
| Applicant: | R Hoogvelt 102 Lakehaven Dr LAKE ALBERT NSW 2650 |
| Land to be Developed: | 51 Trail St WAGGA WAGGA NSW 2650 Lot 3 DP 4999, Lot 1 DP 937208 |
| Description | Indoor Recreation Facility (Indoor Pool) |
| Determination: | Approved by Council Resolution 20/367 Subject to Conditions |
| Date of Determination: | 28/09/2020 |
| Consent to Operate from: | 01/10/2020 |
| Consent to Lapse on: | 01/10/2025 |
| Other Approvals: | Nil |

On behalf of the Council

Cameron Collins
Development Assessment Coordinator

Right of Appeal - Where an applicant is dissatisfied with this determination, the applicant has the right to appeal the decision to the Land and Environment Court within a period of 12 months from the date the decision is notified or registered on the NSW planning portal

Review of Determination - The applicant may request the Council to review the determination. A determination cannot be reviewed after the period within which an appeal may be made to the Land and Environment Court has expired or, if an appeal has been made against the determination, after the Court has disposed of that appeal.

CONDITIONS OF CONSENT FOR APPLICATION NO. DA20/0310

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

| Plan No. | Plan/Doc Title | Prepared by | Issue | Date |
|----------|------------------------------------|-----------------------|-------|--------------------------------------|
| | Statement of Environmental Effects | Salvestro Planning | 2.2 | Sep 2020 |
| 01 | Site Analysis | Align Building Design | | Undated (Received by Council 7/9/20) |
| 02 | Existing Floor | Align Building Design | | Undated (Received by Council 7/9/20) |
| 02.1 | Existing Elevations | Align Building Design | | Undated (Received by Council 7/9/20) |
| 03 | Additions | Align Building Design | | Undated (Received by Council 7/9/20) |
| 03.1 | Additions Elevations | Align Building Design | | Undated (Received by Council 7/9/20) |
| 04 | Site Plan - Proposed | Align Building Design | | Undated (Received by Council 7/9/20) |

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|----|---|-----------------------|--|---------------------------------------|
| 05 | Site - Electrical | Align Building Design | | Undated (Received by Council 13/9/20) |
| | Document Outlining Proposed Heritage Works (as modified per conditions of consent and approved plans) | Applicant | | 24/8/20 |

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

- C.2 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.
- a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:
- i) Structure - Section B- (Part B1)
 - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
 - iii) Access and Egress - Section D- (Parts D1, D2, D3)
 - iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
 - v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
 - vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
 - vii) Special Use Buildings- Section H- (Parts H1, H2, H3)
 - viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)
- b) Pursuant to upgrade condition of the consent, relevant details are to be provided to the PCA as required.
- C.3 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-
- \$1000 for security deposit on the kerb and gutter and footpath
- Plus a non-refundable administration fee as per Councils fees and charges.

- NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.
- NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold and ongoing bond.
- NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.
- NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Council's Road Reserve Officer on 1300 292 442 prior to undertaking such works.
- NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.
- NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

C.4 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$900 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

- NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The CPI at the date of the consent is 117.4.
- NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

- C.5 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$2097.19

The Section 64 Sewer contribution (updated by the 117.1/100.5) required to be paid is \$2443.59

NOTE 6: The Section 64 Stormwater base figure is \$660.32

The Section 64 Stormwater contribution (updated by the 117.1/87.9) required to be paid is \$879.68

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

- C.6 Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing single storey brick building shall be brought into partial conformity with the Building Code of Australia as follows:

Fire separation

- In order to prevent spread of fire from the building to other buildings nearby existing window openings in the external wall within 3m from the Southern and Northern property boundaries are to be protected in accordance with the performance requirement CP2 of the Building Code of Australia.

Emergency Lighting & Exit Signage

- In order to provide adequate visibility in an emergency and to identify exits, a system of emergency lighting and exit signage to AS2293.1 shall be provided throughout the existing building.

NOTE: The final layout of the system shall be reached in conjunction with the proposed additions taking into account disposition and number of required exits in the building and the conditions of the consent.

Egress provisions

- Any door in a required exit must be readily openable without a key from the inside by a single hand downward action in a single device as specified in the BCA clause D2.21. This requirement can be modified at the discretion of the certifier, however the performance requirement DP4 must be complied with.

Fire Hazard properties

- Where the internal floor coverings are refurbished in the existing building, they shall be replaced with floor linings meeting the fire hazard properties listed in the Specification C1.10 of the Building Code of Australia.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by this condition, as applicable.

- C.7** Prior to the release of the Construction Certificate, amended plans and details shall be submitted to Council for approval, to the satisfaction of the General Manager or delegate showing:

- The exterior of the infill verandah being treated with Nawkaw or similar tint to ensure brickwork appears slightly darker and does not distract from the original brickwork,
- The new panelling on the infill verandah as traditional weatherboards, with colour to the satisfaction of Council.
- A note on elevations where roofs are shown specifying traditional rolled flashings, smooth unperforated quad gutters and circular downpipes will be used.
- The north-western end of the pool building addition facing Trail Street matching the materials of the rear addition.

Works shall be carried out consistent with these approved amended plans and details.

- C.8** The proposed colour scheme is not approved. Prior to the release of the Construction Certificate, details of an amended colour scheme shall be submitted to Council for approval, to the satisfaction of the General Manager or delegate.

NOTE: The amended colour scheme shall include the removal of paint from the front fence wall.

C.9 A detailed or revised landscape plan and legend shall be submitted and approved prior to the release of the Construction Certificate.

- (1) Landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist.
- (2) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

Requirements before the commencement of any works

C.10 If the work involved in the erection or demolition of a building or structure:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the development site/works and the public place prior to works commencing on site.

All construction materials, waste, waste skips, machinery and contractors vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted within the public space.

If necessary, an awning must be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning must be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition must be designed and positioned so that, at no time, will any light be cast upon any adjoining property.

NOTE 3: Prior to any hoarding being erected, the applicant must ensure that an application for a Hoarding Permit is submitted to and approved by Council.

C.11 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

- C.12 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

- C.13 Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

- C.14 Stormwater drainage from the proposed development shall connect into the existing stormwater system onsite. Stormwater discharge will not be permitted to discharge directly to Edel Quinn Lane. Prior to the carrying out of stormwater works, details shall be submitted to Council showing the method of stormwater disposal consistent with this condition.
- C.15 Prior to any demolition works commencing, any adjacent service line/s to properties must be disconnected. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
- C.16 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- C.17 Prior to works commencing on site:
- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
 - ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.
- C.18 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

- C.19 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

Requirements during construction or site works

- C.20 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.21 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.22 The concrete slab floor shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed maintenance contract with a Pest Control Operator.

Applicants and owners are to ensure that an annual inspection is undertaken to determine need for treatment.

- c) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- d) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i) The method of protection
 - ii) The date of installation of the system
 - iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
 - iv) The need to maintain and inspect the system on a regular basis.

C.23 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.24 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the NSW Environment, Energy and Science Guidelines.
- C.25 During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.
- C.26 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.
- C.27 Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as 'ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure'. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- C.28 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.
- C.29 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
- C.30 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

| COLUMN 1 | COLUMN 2 |
|-------------------------|---|
| Internal Sewer Drainage | When all internal plumbing and drainage work is installed and prior to concealment. |
| External Sewer Drainage | When all external plumbing and drainage work is installed and prior to concealment. |
| Stormwater Drainage | When all external stormwater drainage work is installed and prior to concealment. |
| Final | Prior to occupation of the building or structure. |

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.31 Prior to the release of the Occupation Certificate, the upgrade works required under Condition C.6 shall be completed, to the satisfaction of the Certifying Authority.
- C.32 The subject land, being Lot 3 DP 4999 and Lot 1 DP 937208 shall be consolidated into a single allotment. Evidence of the registration of the Plan of Consolidation with Land Registry Services NSW shall be submitted to Council, to the satisfaction of the General Manager, prior to the release of the Occupation Certificate.
- C.33 Prior to the release of the Occupation Certificate, landscaping in accordance with the approved landscape plan shall be completed, to the satisfaction of the General Manager or delegate.
- C.34 Prior to the release of the Occupation Certificate, an Operational Management Plan (OMP) for the premises shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate. The OMP shall include:
- The detailed operation of the development, including class times, breaks, physiotherapy times etc. These shall be generally consistent with the operational details set out in the approved Statement of Environmental Effects, and must always ensure compliance with maximum patron numbers and hours of operation at all times, as set out by this consent, but can be varied from time-to-time within these constraints, with the consent of the General Manager or delegate, to allow a degree of flexibility in operations.
 - Measures to manage the number of persons on the site during transition between learn-to-swim sessions and hydrotherapy sessions, including reducing the number of hydrotherapy slots available at times directly adjoining learn-to-swim sessions.
 - Measures for complaints management, including a complaints register. Measures shall include an email address and phone number for the receipt of complaints, and a clear process for addressing all complaints received, including logging all complaints, with clear details of the nature of the complaint and how it was resolved, in the complaints register. The plan shall also outline ongoing measures to engage with neighbours and ensure that the measures for making a complaint are known, such as annual letterbox drops.
 - A Parking Management Plan setting out measures to be taken by the operators of the proposed development to ensure use of on-site parking spaces is maximised, that patrons arrive close to, and leave soon after their allotted pool time, and to ensure patrons do not park within nearby private car parks, particularly within Edel Quinn Lane, or block access to nearby properties, particularly those that have access from Edel Quinn Lane. The plan should commit to regular communication with customers to ensure compliance with the plan.

Prior to the release of the Occupation Certificate, a copy of the OMP, as approved by Council, shall be made available to all properties with access from Edel Quinn Lane.

Amendments to the OMP can be made from time-to-time, with the consent of the General Manager or delegate. Following any amendments, changes to the OMP shall be clearly communicated to all properties that have access from Edel Quinn Lane.

- C.35 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the "Final Occupation Certificate" form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.36 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

- C.37 Prior to the issue of an Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply/plumbing works commence and a Compliance Certificate upon completion of the works. Contact Riverina Water County Council's Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

- C.38 The owner of the premises at which a public swimming pool or spa pool is situated must submit a "Notification of Public Swimming Pools and Spa Pools" to Council prior to the release of the Occupation Certificate.

General requirements

- C.39 The approved use must only be conducted

- a) On Mondays, Tuesdays, Wednesdays and Fridays, between the hours of 8:45am and 6:00pm.
- b) On Thursdays, between the hours of 8:45am and 7:00pm

- c) On Saturdays, between the hours of 8:45am and 1:00pm.

The distribution of classes and hydrotherapy during the hours of operation shall be subject at all times to the Operational Management Plan approved under the conditions of this consent.

- C.40 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

- C.41 No signage is approved as part of the application. No signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

- C.42 Should asbestos material be found, it is to be handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover. All weighbridge receipts must be provided to Wagga Wagga City Council, within 14 days of the completion of the demolition/removal.

NOTE 1: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility. In this regard it should be noted that Wagga Wagga City Council's Gregadoo Waste Facility is the only EPA licensed facility within the Local Government Area to accept asbestos material. Council's Waste Management Supervisor requires 24 hours notice prior to disposal of this material

NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover — Demolition Licence and a current WorkCover — Class 2 (Restricted) Asbestos Licence.

NOTE 3: Competent Person (as defined under Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.

NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.43 The swimming pool water quality and surrounds are to comply with Schedule 1 (Requirements for public swimming pools and spa pools) of the Public Health Regulation 2012. The operator shall ensure compliance with disinfection, cleaning and the prescribed operating requirements of the Public Health Act 2010, Public Health Regulation 2012 and NSW Department of Health Public Swimming pools and Spa Pools Advisory document.

- C.44 The Operational Management Plan, as approved by this consent, or as varied in accordance with the terms of this consent, must be complied with at all times.

- C.45 Within one month following the 1st July each calendar year, an annual compliance statement shall be submitted to Council, to the satisfaction of the General Manager or delegate, confirming that the Operational Management Plan has been complied with throughout the previous 12 month period.
- C.46 The Operational Management Plan shall be reviewed between 9 months and 12 months following the release of the Occupation Certificate, in consultation with Council. Any required amendments to the OMP shall be to the satisfaction of the General Manager or delegate.
- C.47 The complaints register, as developed under the OMP, shall be made available to Council at any time upon request.
- C.48 The maximum numbers of staff, students and patrons (as relevant) on the site shall comply with the following at all times:
- The maximum number of staff and students permitted on the site at any time, Monday to Friday, during swimming lesson times (including during class change over times), shall not exceed 4 staff and 7 students. The maximum number of students undergoing swimming lessons shall not exceed 6 at any one time.
 - The maximum number of staff and students permitted on the site at any time on Saturday, during swimming lesson times (including during class change over times), shall not exceed 4 staff and 12 students. The maximum number of students undergoing swimming lessons shall not exceed 6 at any one time.
 - The maximum number of staff and patrons (including any health professionals) permitted on the site at any time during which hydrotherapy is being carried out shall not exceed 2 staff and 10 patrons (including during change over between bookings). The maximum number of patrons in the water undergoing hydrotherapy or instructing hydrotherapy (such as a health care professional) combined shall not exceed 5 at any one time.
 - The maximum number of staff, students and patrons (including any health care professionals) permitted on the site during transitions between learn-to-swim sessions and hydrotherapy (i.e. 15 minutes before and after change over) may temporarily exceed the numbers set out above, however, these should be clearly controlled under the OMP to minimise any spikes in the number of persons on the site during these times.
- C.49 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.
- C.50 A minimum of 5 car parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2002 and AS/NZS2890.6.2009.
- C.51 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.
- C.52 The proposed filter and pump must be operated in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 which restricts the times of operation. Restrictions apply between 8:00 pm and 7:00 am on weekdays and Saturdays and 8:00 pm to 8:00 am on Sundays and public holidays.

NOTE: The swimming pool water, together with the treatment processes and facilities must comply with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

In this regard -

- pH needs to be between 7.2 and 7.8
- Alkalinity needs to be between 80mg/L and 200mg/L
- Free chlorine needs to be between 3mg/L and 10mg/L
- Combined chlorine needs to be less than 1mg/L
- Cyanuric acid (if used) must be between 30mg/L and 100mg/L

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,

- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

NOTE: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A