

3. DA No. 2009.0089: Pambula pool complex upgrade

Group Manager, Planning and Environment

Applicant	Pambula Aquatic Centre Incorporated
Owner	Department of Lands (Bega Valley Shire Council is Trust Manager) and Department of Environment and Climate Change (NPWS)
Site	Lot 449 DP 720916 within Reserve 98164, Pambula Beach Road, Pambula Beach
Zone	1(a) Rural General
Site area	16.01 hectares
Proposed development	Alterations and additions to Recreation Facility including upgrading existing pool complex, enclosing pools and construction of associated facilities.

PRECIS

Council is in receipt of a development application for the refurbishment and upgrading of the Pambula pool complex.

The application is submitted for Council determination as Council is the Trust Manager of the Reserve subject to the application.

No objections were received in relation to the development and the application is recommended for approval.

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BACKGROUND

The development application was presented to the Council meeting held on 5 May 2009 (http://www.begavalley.nsw.gov.au/Your_Council/Council_Meetings/20090505/pe08.pdf) however at the request of the applicant, consideration of the matter was deferred.

The applicant sought to discuss the draft conditions of consent with staff prior to the matter being determined by Council in order for all parties to have a full understanding of the need and impact of the draft consent conditions.

Pambula Aquatic Centre Incorporated committee members met with staff on 13 May and 27 May 2009 to discuss the terms of the draft consent.

20 Following discussions, several minor adjustments have been made to conditions to improve clarity in relation to when certain matters need to be undertaken, for example prior to Occupation Certificate.

Three conditions have been adjusted by agreement, in relation to pool wastewater (being Condition 15, 61 and 89 on the previous draft consent). Suitable conditions remain to address this issue.

A minor error in numbering of conditions was also rectified (correct numbering of Condition 107 – 111).

30 Notwithstanding, the draft consent conditions remain generally as previously presented to Council on 5 May 2009. An amended draft consent incorporating the minor changes mentioned above is provided as Attachment A.

No other changes have been made to the report or plans.

RECOMMENDATION

1. That Council grant consent to Development Application No 2009.0089 for alterations and additions to a Recreation Facility including upgrading existing pool complex, enclosing pools and construction of associated facilities at Lot 449 DP 720916 within Reserve 98164, and road upgrading within part of Ben Boyd National Park, Pambula Beach Road, Pambula Beach subject to the draft consent provided as Attachment A.
2. That the Department of Lands and Department of Environment and Climate
40 Change be advised of Council's decision.

16 June 2009

ATTACHMENT A – DRAFT CONSENT



Bega Valley Shine Council

DA No. 2009.0089

Pambula Aquatic Centre Inc
PO Box 419
PAMBULA NSW 2549

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NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by granting consent under Section 42 of the Environmental Planning & Assessment Regulation 2000 subject to conditions.

APPLICANT	Pambula Aquatic Centre Inc
LAND	Lot 449 DP 720916 and part of Ben Boyd National Park
LOCATION	Pambula Beach Road, Pambula Beach
ZONE	1(a) Rural General Zone
PROPOSED DEVELOPMENT	Alterations and additions to recreation facility - upgrading existing pool complex, enclosing pools and construction of associated facilities
DETERMINATION MADE ON	2009
CONSENT TO OPERATE FROM	2009
CONSENT TO LAPSE ON	2014

DEVELOPMENT CONSENT

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Conditions of approval

Stage One – Renovation and expansion of the 25 metre pool, new plant room, new balance tank and associated concourses

1. Development shall take place in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans by the following conditions.
2. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the Disability Discrimination Act.

Note: The Disability Discrimination Act (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provisions of goods, services and facilities, accommodation and access to premises.

The DDA seeks to stop discrimination against people with any form of disability. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current Building Code of Australia and Australian Standard, it does not indicate nor confirm that the application complies with the requirements of the DDA.

Building

3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
4. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate shall: -
 - a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
 - b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).

The Principal Certifying Authority shall determine when **inspections and compliance certificates** are required.

5. Method of preventing cross-contamination of water supply to be submitted to and approved by Council prior to issue of Construction Certificate.
6. All sound producing equipment is to be insulated and/or isolated so as not to create a noise nuisance.
7. Details of **reinforced concrete footings** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
8. Details of **reinforced concrete slab floors** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
9. Details of **swimming pool** to be submitted by a practicing and qualified Structural Engineer and to be approved by the PCA.

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10. A **Clearing Certificate** to be furnished from the Consulting Design, Structural and/or Geotechnical Engineer at the completion of building works stating that the work (the subject of this design) has been completed in accordance with the approved plans, specifications and appropriate Codes.
11. A works as executed diagram to include drainage, stormwater and water supply is to be submitted to the Council prior to issue of an Occupation Certificate.
12. A **Construction Certificate** must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the Environmental Planning and Assessment Amendment Regulations, 1998 have been satisfied, including compliance with the Building Code of Australia and conditions of Development Consent.
13. A final **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been satisfied.
14. A detailed Erosion Sediment Control Plan for the site is to be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate. The Erosion and sediment control plan is to include details of:
 - Extent of clearing or disturbance
 - Soil stockpile areas
 - Contours of the site
 - Proposed methods to contain or limit sedimentation and erosion
 - Maintenance of physical devices
 - Site access points, buffer zones etc.

Note: Responsibility for the supervision of the installation and maintenance of approved erosion and sediment control measures during and after construction and until the site has been restored to the satisfaction of (the consent authority), must reside with the nominated personnel with appropriate training, or demonstrated knowledge/experience in erosion and sediment control.

The owner of the property has this responsibility upon completion of any building contract.

15. An air resuscitation and external cardiac compression instruction board as supplied by the Royal Life Saving Society of Australia, shall be prominently displayed in the immediate vicinity of the swimming pool area at all times.

Stage Two – Construction of multi-purpose pool, pool hall, entry, amenities and associated infrastructure

16. Development shall take place in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans and by the following conditions.
17. Prior to the issue of a Construction Certificate by the Principal Certifying Authority, a detailed colour and building materials schedule shall be submitted to and approved by Council. The schedule shall include:
 - a) External building finishes (including glazing treatments)
 - b) A colour palette (including colour samples)

The development shall be finished in accordance with the approved schedule, prior to occupation.

18. Lighting in and around development is to be provided to comply with the provisions of Australian Standard 1680.2.1 – 1993: Interior Lighting Part 2.1: Circulation spaces and other general areas and AS/NZS 1158.3.1:1999 Road Lighting –Part 3.1: Pedestrian Area (Category P) lighting.

A Lighting Plan, prepared by a suitably qualified and experienced lighting engineer, is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

19. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the Disability Discrimination Act.

Note: The Disability Discrimination Act (DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provisions of goods, services and facilities, accommodation and access to premises.

The DDA seeks to stop discrimination against people with any form of disability. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current Building Code of Australia and Australian Standard, it does not indicate nor confirm that the application complies with the requirements of the DDA.

Having consideration of the DDA, Bega Valley Shire Council requires the following provisions be incorporated into the design and denoted on the construction plans;

- a) An accessible path of travel shall be provided from the nominated disabled parking spaces to the front entrance of the pool complex.
- b) Location of the accessible parking spaces as close to the front entrance of the building as possible.
- c) Provision of a bus drop down point as close to the front entrance of the building as possible with an awning/portico for wet weather protection of alighting passengers.
- d) Provision of a bicycle rack located close to the front entrance of the building.

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- e) Provision of a designated space, located close to the front entrance of the building, for the parking of scooters and other mobility devices. This area should be undercover for wet weather protection of alighting passengers.
 - f) Provide two power outlets at 30cm off the ground on the wall, in an appropriate location, to allow users of scooters / electric wheelchairs to recharge their vehicle prior to their return trip.
 - g) Ensure the weight of front entrance doors is appropriate for ease of access for all users.
 - h) At least one fully accessible toilet facility shall be provided within the gymnasium.
 - i) A screen shall be erected in front of the accessible/family change room on the pool concourse to give privacy to people entering or leaving the room.
 - j) A hoist mechanism for transferring people with severe mobility issues from pool wheelchairs to their own wheelchair is required to be provided in both accessible/family change rooms.

Note: A roof or ceiling hoist is recommended as this would take up less space and not impede the use of the room by users that do not require such a device.
 - k) A pool wheelchair shall be provided at the facility and be available free of charge to the public.
 - l) One cubicle shall be made fully accessible in each of the male and female toilets, along with the provision of accessible hand basin and mirror.
 - m) A section of bench in both the front counter and café areas shall be provided at a height that is appropriate for people in wheelchairs or of short stature.
20. A detailed landscape plan shall be submitted and approved by Council prior to the issue of the Construction Certificate by the Principal Certifying Authority. The landscape plan shall be prepared by a person possessing qualifications acceptable to Council in the field of horticulture/landscape design. All landscape works shall be completed in accordance with the approved landscape plan, prior to occupation and maintained at all times thereafter.
21. All on-site car parking, loading/unloading areas and their associated driveways shall be constructed to a suitably drained waterproof and dustproof surface and clearly defined or linemarked in accordance with the Approved Development Plan and Council's adopted Development Control Plan 7: Parking.

Engineering design plans for the car parking, loading/unloading areas and their associated driveways shall be prepared and certified by a chartered professional engineer and submitted to Council prior to the issue of any subsequent Construction Certificate.
22. The two car spaces identified in the middle of the carparking area shall be relocated to a more suitable location to the satisfaction of Council, as amended in red on the Approved Development Plan. Details are to be provided with the Construction Certificate plans.
23. In addition to the car parking required by this consent an additional area for 'overflow' car parking must be provided to Council's standard and maintained in a dust-free manner at all times. Details of the overflow area shall be provided with the Construction Certificate.

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Note: No parking shall be located with the western area Asset Protection Zone.

24. No advertising sign shall be erected, painted or displayed without prior approval from Council except those in accordance with the exempt provisions of Development Control Plan No. 4: Exempt and Complying Development.

Note: Signage includes real estate signs and construction signs.

25. The operation of fixed plant and equipment used in association with the proposal shall be acoustically treated or limited so that the LAeq (15min) noise level shall not exceed the background noise level LA90 by more than 5dBA.
26. An adequate receptacle, to be approved by the Area Environmental Health and Building Officer, shall be provided to store all waste pending disposal. Such receptacle shall be regularly emptied and no waste shall be allowed to lie or accumulate on the premises other than in the receptacle. Full details of screening treatment proposed for the waste disposal area shall be submitted for approval of Council prior to issue of the Construction Certificate by the Principal Certifying Authority.
27. A minimum of 48 hours notice to the Merimbula Airport Agencies is required for the operation or placement of any obstruction into the approach surface or the transitional surface of the Merimbula airport.

Obstacles operating on the site (crane or concrete pump) shall be fitted with a strobe light on the top of the obstacle to ensure its visibility to approaching and departing aircraft.

Note: The Merimbula Airport Agencies advise that approval to operate a crane within the air space will be denied or the obstacle will be required to be removed during any period of low visibility.

28. The developer's attention is drawn to the requirements of the *National Parks and Wildlife Act* with respect to the conservation of Aboriginal archaeology.

As a landowner and/or developer you have a responsibility to not disturb or destroy any such item. Should you become aware of the existence of an item during the construction of this development you are required to comply with the *National Parks and Wildlife Act* and contact Council or the National Parks and Wildlife Service immediately for guidance in the conservation or collection of the item(s).

Note: In this respect it is recommended that representatives from the relevant Local Aboriginal Land Council are present during the initial stages of site disturbance.

Building

29. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
30. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate shall: -
- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
 - b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).

The Principal Certifying Authority shall determine when **inspections and compliance certificates** are required.

31. Method of preventing cross-contamination of water supply to be submitted to and approved by Council prior to issue of Construction Certificate.
32. All glazing used in the building shall comply with the provisions of AS1288-2006 "Glass in Buildings – Selection and Installation" and AS 2047-1999 – "Windows in Buildings – Selection and Installation".
33. Details of **steel beams** and/or lintels to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
34. Details of **reinforced concrete footings** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
35. Details of **reinforced concrete slab floors** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
36. Details of **columns and bracing prior to erection of same** to be submitted by a practising and qualified Structural Engineer and to be approved by the PCA.
37. Details of **swimming pool** to be submitted by a practicing and qualified Structural Engineer and to be approved by the PCA.
38. A Clearing Certificate to be furnished from the Consulting Design, Structural and/or Geotechnical Engineer at the completion of building works stating that the work (the subject of this design) has been completed in accordance with the approved plans, specifications and appropriate Codes.
39. The floors of wet areas shall be of an approved impervious material, properly graded and drained. The junctions of the floors with the walls shall be so treated as to prevent the penetration of moisture into the walls.
40. A separate application to amend drainage under Section 68 of the Local Government Act 1993 must be submitted to Council for approval. A plumbing and drainage design plan is to be submitted with the application (copy attached) to Council.
41. A works as executed diagram to include drainage, stormwater and water supply is to be submitted to the Council prior to issue of an Occupation Certificate.
42. A **Construction Certificate** must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the Environmental Planning and Assessment Amendment Regulations, 1998 have been satisfied, including compliance with the Building Code of Australia and conditions of Development Consent.
43. A final **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1997 have been satisfied.
44. A detailed Erosion Sediment Control Plan for the site is to be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate. The Erosion and sediment control plan is to include details of:
 - Extent of clearing or disturbance
 - Soil stockpile areas
 - Contours of the site

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- Proposed methods to contain or limit sedimentation and erosion
- Maintenance of physical devices
- Site access points, buffer zones etc.

Note: Responsibility for the supervision of the installation and maintenance of approved erosion and sediment control measures during and after construction and until the site has been restored to the satisfaction of (the consent authority), must reside with the nominated personnel with appropriate training, or demonstrated knowledge/experience in erosion and sediment control.

The owner of the property has this responsibility upon completion of any building contract.

45. Doors serving as or forming part of a required exit shall be readily open able without a key, and by means of a single handed action on a single device which is located between 900mm and 1200mm above the floor and does not comprise a bolt or a padlock or a separately operated deadlock from the side that would face any person seeking egress from the building.
46. Fire Hydrants to be provided to all storeys in the building in compliance with Part E1.3 of the Building Code of Australia.
47. Hose reels to be located on all storeys of the building as required by Part E1.4 Building Code of Australia.
48. Hose reels to be located not more than 4m from a required exit on each floor of the building or adjacent to any required hydrant, or externally.
49. Portable fire extinguishers as required by Part E1.6 Building Code of Australia to be installed in accordance with AS2444 and to the satisfaction of the PCA.
50. Emergency lighting must be installed in the building to the requirements of Part E4.2 of the Building Code of Australia and AS2293.1.
51. The emergency lighting system shall be certified by a practicing Electrical Engineer or another person, or a body approved by the PCA, and indicates that the required system when completed will meet the requirements of AS2293 Parts 1 and 2. The certificate shall be submitted before occupation of the building.
52. Exit signs shall be provided and constructed in accordance with the requirements of Part E4.5, E4.6 and E4.8 of the Building Code of Australia and AS2293.1.
53. A fire safety list of essential fire or other safety measures shall be submitted prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between the measures that are:
 - currently implemented in the building premises, and
 - to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.
54. Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

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55. Car parking spaces provided for people with Disabilities shall be designed and constructed to comply with requirements of AS 2890.1 (off-street car parking).
56. Toilet accommodation shall be provided for disabled persons in accordance with the design criteria for access and mobility as set out in AS1428.1 – Pt 1, 4 "Design for Access and Mobility" (General Requirements for Access) and at a rate specified by Table F2.4 Building Code of Australia.
57. The electrical main switchboard shall be in a readily accessible location and be enclosed by a minimum 60/60/60 FRL construction.
58. All fire hydrants, fire hose reels and portable fire extinguishers are to be tested and tagged to signify compliance.
59. Details of water inlet/outlet and water cross flow to be submitted to and approved by the PCA **before construction commences**. Designed to allow proper water turnover and filtration.

Engineering

60. **Conditions to be satisfied prior to Engineering Construction Certificate**
The following matters shall be completed prior to the endorsement of a Construction Certificate for this development:

- a) approval of **detailed construction plans and specifications** for access, road, water, sewerage and drainage works by Council's Director of Engineering Services or his delegate.

These works shall be designed and specified in conformity to the standards set out in Council's Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for construction works, DCP No.2) as current at the date of approval, and sound engineering practice.

These detailed construction plans must include all **erosion and sediment control works** necessary to ensure that the quality of stormwater discharged from these works, both during and after the construction period, will not result in erosion, sedimentation or pollution of any land or water. These plans shall be in accordance with Council's Development Design Specification D7, Erosion Control and Stormwater Management.

(Reason: to ensure that the development is compatible with the design of the specified works and to specify technical standards.)

- b) No work shall be carried out within three metres of or adjacent to Pambula Beach Road, the carriageway of a public road subject to motor vehicle traffic until Council has approved a satisfactory Traffic Control Plan relating to that work, and the Roads and Traffic Authority has approved any associated Road works Speed Limit. (RTA APPROVAL FOR DTR SPEEDLIMITS APPLIES TO ALL ROADS AND STATE HIGHWAYS)

The Traffic Control Plan shall be prepared by a person who is authorised by the Roads and Traffic Authority to prepare these plans. The Traffic Control Plan must bear the name, signature and Traffic Control at Worksites Certificate Number of the person who prepared it.

All measures described in the Traffic Control Plan shall be implemented and maintained for the duration of any work within or adjacent to the road

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carriageway.

(Reason: so that work on public roads is performed safely.)

- c) **Judgement of security with Council** in an amount of \$10,000 (Allocation No. 1096 7009) as security for remedying any defects in any public work required in connection with this consent (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) that arise within six months after the works are completed, and for making good any damage caused to Council property as a consequence of the doing of anything to which the consent relates.

The security lodged with Council shall be either in money or unconditional bank guarantee in a form acceptable to Council.

The funds realised from this security may be paid out by Council to meet any costs referred to in this condition. A Bond Administration Fee may be payable to Council.

This condition is authorised by Section 80A(6)-(10) of the Environmental Planning and Assessment Act 1979.

(Reason: to ensure that public works are in satisfactory condition when transferred to Council and that any damage to Council property is remedied.)

- d) **Qualifications and insurance of engineering designers (Public Works)**
All public works (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance.

(Reason: to ensure appropriate professional standards.)

- e) **Contractor's insurance (Public Works)**
Each contractor engaged in the construction of public works (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) must hold current public liability insurance for an amount of not less than \$20,000,000.00 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of these public works Council must be provided with evidence of the currency of this insurance.

(Reason: to ensure that contractors hold suitable public liability insurance.)

61. Conditions to be satisfied prior to issue of an Occupation Certificate subject to Council acceptance.

The following matters shall be completed prior to the issue of an Occupation Certificate for this development:

These works shall be designed and constructed in conformity with Council's Technical Specifications (or other documents formally adopted by Council for the purpose of specifying standards for construction works) as current at the date of the approval of construction plans, and sound engineering practice:

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One or more Compliance Certificates must evidence the satisfactory completion of these works. See below.

- a) construction of a **AUR/BAL intersection treatment** at the junction of development access road with Pambula Beach Road in conformity with the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority.

The right turn treatment is to be in accordance with a AUR treatment, figure 4.8.23. The AUR is to be sealed. A verge in accordance with Section 3.6 of the Road Design Guide shall be constructed outside the AUR.

The left turn treatment is to be in accordance with a BAL treatment, figure 4.8.24.

The design shall ensure that no water is directed onto the formation of the through roadway (Pambula Beach Road). The applicant will be required to provide suitable drainage, including structures if necessary, underneath the driveway. Drainage headwalls shall be located outside the Clear Zone of the Highway. The width of the Clear Zone must be in accordance with Section 3.7 of the RTA's Road Design Guide.

The applicant shall submit detailed engineering plans, including drainage, at a scale of 1:200 to Council to be assessed for approval.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- b) construction of the following in development access road from the intersection with Pambula Beach Road to the facility car park:
- **6.0 metre wide bitumen sealed road** pavement with 1.0 metre wide sealed road shoulders on both sides,
 - A **15m cul-de-sac head** to suit heavy vehicle turning at the southern end of this road. Cul-de-sac head to be sealed with 40mm AC pavement,
 - 1.5 metre wide table drains as necessary,
 - all associated stormwater and subsoil drainage works,
 - installation of guideposts, protection fencing, pavement markings and signposting to the standards specified in the *Road Design Guide* published by the NSW Roads and Traffic Authority,
 - erection of street name sign, and
 - all other works necessary to achieve the above,

The design speed for this road shall be not less than 80 km/h.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- c) construction of a **sealed car park to suit the development** to include the following:
- asphaltic concrete or 3 coat road seal and
 - suitable stormwater drainage.

Car parking must be designed and constructed to provide practical vehicle access to all car parking spaces (ref: DCP No.7 – See Planning Conditions elsewhere in this consent).

Any services located within the accesses or car parking spaces are required to be trafficable by urban traffic.

(Reason: To provide an appropriate standard of access to the land and to accommodate the traffic likely to be generated by this development).

- d) **reconstruction of footpath area** to the entire street frontage of the development linking existing footpath / cycleway in Pambula Beach Road with the proposed development to include the following:

- bitumen sealing similar to the adjacent footpath area,
- materials, colours and workmanship must be to the satisfaction of the Council's Director of Engineering Services or his delegate.

(Reason: To provide for pedestrian traffic likely to be generated by this development).

- e) construction of **stormwater drainage** works as necessary to convey stormwater flows within the development and downstream. Any design shall be in accordance with Council's Development Design Specification, Stormwater Drainage Design D5.

(Reason: to provide for the drainage of the development, to protect public and private assets from potential damage and to minimize the environmental impacts of this development.)

- f) construction of **stormwater drainage works** as necessary to **limit the peak stormwater discharge** from the development to not exceed calculated flow rates for this site in an undeveloped state for rainfall events of up to a 1 in 5 year average recurrence interval. Any design shall be in accordance with Council's Development Design Specification D5, Stormwater Drainage Design, clause D5.15 – Retarding Basins.

Note: Appropriate easements shall be created in favour of the lots benefited to contain all drainage works that are located outside of roads and drainage reserves.

(Reason: to provide for the drainage of the development, to protect public and private assets from potential damage and to minimize the environmental impacts of this development.)

- g) placement of **filling or other reshaping** of the surface of land within the development is required to be approved as part of the Engineering Design plans. All filling shall be in accordance with Council's Development Design Specification D6 Site Regrading (D6.07). The fill shall be certified by a suitably qualified Engineer.

(Reason: to ensure that filling or lot reshaping does not result in adverse impacts within the development and/or its surroundings.)

- h) Construction of all **water supply reticulation works, fire fighting reticulation works and associated facilities to service this development**. Any design shall be in accordance with Council's Development Design Specification D11 and any construction to be carried out in accordance with Council's Development Construction Specification C401 – Water Reticulation. (For detailed requirements see WASS and Building Conditions elsewhere in this consent.)

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(Reason: to provide appropriate water servicing for of each lot.)

- i) Construction of all **on site sewerage reticulation** works and associated facilities to service this development. Any design shall be in accordance with Council's OSSM requirements and any construction to be carried out in accordance with Council's Specification. (For detail requirements see Building Conditions elsewhere in this consent.)

(Reason: to provide appropriate sewerage servicing for of each lot.)

- j) Compliance Certificate(s) in relation to the **inspection and testing of all public works** associated with this consent (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) must be obtained either from Council or from an Accredited Certifier to demonstrate that these works have been completed.

These public works must be inspected and tested either by Council's inspector, or by an Accredited Certifier at each of the following stages of construction to confirm compliance with the standards set out in the approved plans and specifications. Any inspection and testing performed by Accredited Certifiers shall be documented by Compliance Certificate(s) for those parts of the public work.

- After placement of all signs in accordance with the approved Traffic Control Plan.
- After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage.
- After completion of road subgrade.
- After placement of water service conduits prior to backfilling.
- Prior to the application of bitumen seal or asphaltic concrete wearing surface.
- After laying and jointing of all stormwater pipelines prior to backfilling.
- After laying and jointing of all water supply pipelines prior to backfilling.
- During pressure testing of all water supply pipelines.
- During pressure testing of all sewerage pipelines.
- After completion of works.
- As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls.

It should be noted that Council charges fees for inspections and Compliance Certificates. These fees must be paid prior to the endorsement of a Final Occupation Certificate.

(Reason: to demonstrate that subdivision works are completed in conformity with development consent conditions and to appropriate technical standards).

- k) **Works as executed plans for all public works** associated with this consent (such as road work, kerbing and guttering, footway construction, stormwater drainage, water supply and sewerage works and environmental controls) shall be provided to the Council, to the satisfaction of Council's Director of Engineering Services or his delegate. The works as executed plans shall comprise one complete copy of the approved plans for the public works, clearly marked up to show all variations of the completed works from the approved design in regard to alignment, levels and other details of the works. These plans must show the location and depth of any filling placed on any lot. Works-as-executed plans must be prepared and certified by a Registered Surveyor or Chartered

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Professional Engineer as a complete and accurate record of the subdivision work.

A complete record of all public works for this development shall also be provided to Council in an electronic format suitable for inclusion in Council's Geographic Information System.

* Councils preferred format for the electronic data is AutoCAD DWG or DXF files in a locally used grid projection. i.e. MGA94 or AMG66. Data will need to be resupplied if coordinates are not valid for the surveyed area. Data will be also need to be resupplied if provided using "paper space" coordinates.

(Reason: To ensure that Council holds complete records of civil engineering works being transferred to Council ownership).

62. Extended maintenance responsibility

The developer shall perform all works necessary to maintain all erosion and sediment control measures for this development to effectively control potential soil erosion, sedimentation and other environmental impacts until all construction work has been completed, stabilized and revegetated. Particular attention is required to the regular removal of accumulated material in sediment traps and water quality control ponds.

(Reason: to minimise the environmental impacts of this development.)

Health - Food

Construction and Fitout of Food Premises

- 63. Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises to the satisfaction of the Certifying Authority prior to a Construction Certificate being issued.
- 64. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003*. Guidance may be obtained from AS 4674 - Design, Construction and Fitout of Food Premises.
- 65. Adequate provision must be made for the installation of mechanical exhaust for any future premises where food is to be prepared.
- 66. The cooking appliances (if installed) require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the *Building Code of Australia*.
- 67. Cooking must not commence until an air handling system, in accordance with the BCA is installed and operational.
- 68. The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- 69. The floor must be coved at the intersection with the walls.
- 70. The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.

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71. Hand wash basin/s, with hot and cold running water, hands free tapware, hand wash soap and hand drying facilities must be provided in all food preparation and staff toilet areas.
72. A double bowl sink or two compartment tub and a dish washing machine must be provided in the food preparation area.
73. The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read from outside the appliance.
74. All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
75. All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the *Food Standards Code* under the *Food Act 2003*.
76. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *Building Code of Australia*, Part F 3.1, 4.8 & 4.9.
77. Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
78. Cool room(s), refrigerated chambers and strong-rooms (if provided) are to be constructed in accordance with G 1.2 of the *Building Code of Australia*.
79. All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls, floors or plinths.
80. All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
81. Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
82. The following requirements apply to clearances and supports of equipment:
 - a) All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
 - b) All shelving must be fixed 25mm clear of the walls on solid metal brackets.
83. A grease trap (required by Bega Valley Shire Council) must not be installed in any kitchen, food preparation or food storage area.

Food premises data base

84. Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.

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85. Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:
- Contact details for the food business, including the name and address of the business and the proprietor of the business.
 - The nature of the food business.
 - The location of any other food premises associated with the food business, within the jurisdiction of NSW Health. You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or by contacting the Council for a notification form. Failure to notify the NSW Food Authority may result in a penalty not exceeding \$2,750.

Health - Other*Swimming Pool/Spa*

86. Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines* or such guidelines that are in force from time to time.

Swimming Pool Waste and Overflow Waters

87. Any plumbing or drainage work relating to the swimming pool installation is to be carried out by a licensed tradesman.
88. That prior to the issue of any construction certificate for the proposed works that details of the proposed **rainwater harvesting system** be submitted to Councils Manager of Building Services for approval. The details should include information related to the installation of any proposed "first flush" systems together with any proposed pre-treatment/disinfectant processes.
89. That a **plan of management** for the systems installation, operation and maintenance for the proposed **rainwater harvesting system** must be submitted to and approved by Councils Manager of Building Services prior to the issue of any construction certificate for the proposed works. Once approved the plan of management must be adhered to at all times. Any variation to the plan of management must be approved by Councils Manager of Building Services prior to any change being implemented.
90. That prior to the issue of any construction certificate for the proposed works that details of the proposed **backwash water reuse system** be submitted to Councils Manager of Building Services for approval. The details should include information related to the installation of any proposed pre-treatment/disinfectant processes, proposed wet weather storage, land application area sizing and irrigation system design, and any emergency response protocols.

Note: Council will not permit the reuse of the proposed wastewater via any surface spray irrigation system.

91. That a **plan of management** for the systems installation, operation and maintenance for the proposed **backwash reuse system** must be submitted to and approved by Councils Manager of Building Services prior to the issue of any construction certificate for the proposed works. Once approved the plan of management must be adhered to

at all times. Any proposed variation to the plan of management must be approved by Councils Manager of Building Services prior to any change being implemented.

92. That a works as executed plan detailing the exact layout of the wastewater reuse system shall be submitted to Council prior to the issue of any occupation certificate.

Water and Sewerage

Conditions to be satisfied prior to Engineering Construction Certificate

The following matters shall be completed prior to the endorsement of a Construction Certificate for this development:

93. A Section 64 (Development Servicing Plan for Water Supply – 80161.004) contribution of \$70,904.40 (2008/09) is applicable for this development application.
94. A Section 64 (Development Servicing Plan for Sewerage – 90161.004) contribution of \$62,272.80 (2008/09) is applicable for this development application.
95. Liquid Trade Waste application is required for this development. A separate application to obtain approval to discharge liquid trade waste to council's sewerage system under Section 68 of the Local Government Act 1993 must be submitted to council for approval prior to issue of the construction certificate. If the applicant is not the owner of the premises, the applicant must obtain the owners consent to the application. Application forms are available from Council.

Conditions to be satisfied prior to commencement of any building works

96. The developer shall provide a complete private package sewage pumping station and rising main to serve the complete development. The developer is to engage a suitably qualified hydraulic consultant to ascertain if the existing private rising main is of insufficient capacity for the complete development.

Note: Sewage from the existing development gravitates to an on-site system and is pumped to Council's reticulated sewerage system. It appears that the proposed development is too low to drain to this arrangement.
97. The design of private sewerage pumping station and associated sewer rising main reticulation works including discharge location at Council's reticulated sewerage system are to be submitted to, and approved by Council.
98. The developer shall obtain a Section 138 certificate approval from Council's Infrastructure section for the construction/augmentation of the private sewer rising main traversing any road reserves.
99. A copy of the certified works-as-executed plan(s) of the private rising main shall be submitted to Bega Valley Shire Council.

Conditions to be satisfied during construction of works

100. The existing water service and water meter size may not be suitably sized for the proposed development and may require upsizing of water service and water meter arrangement. A hydraulic consultant or similarly suitable qualified person is required to ascertain this. The qualified person shall undertake calculations as required by the current AS 3500 and the New South Wales Code of Practice - Plumbing and Drainage and certified as true, correct and satisfactory to serve the proposed development. This certification shall be lodged with Council prior to making any application for modification of the metered service.

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101. a) A suitably qualified person shall undertake a survey for a backflow device and the results of the survey shall be lodged with Council.
- b) Upon the results of a) above being lodged with Council, if required, an approved backflow prevention device (as approved by Council) shall be fitted and tested by approved qualified personnel and registered with Council.

Conditions to be satisfied prior to issue of occupation certificate

The following matters shall be completed prior to the occupation of this development:

102. Satisfy all conditions of this notice

During all stages

103. All works are to be at the developer's expense.

Additional notes:

- a) Contributions/fees/charges payable will be those applicable at the time of payment.
- b) The applicant should be aware of Bega Valley Shire Council's current fees and charges.
- c) The landowner shall be responsible for the all aspects of the private sewage pumping station and rising main, including but not limited to; construction, operation, maintenance, public liability etc.

Bushfire conditions

104. An Asset Protection Zone (APZ) of 25 metres shall be provided around the proposed building.
105. To achieve the Asset Protection Zone, the building shall be redesigned to achieve a minimum setback of 5 metres from the western boundary of the Reserve. The crèche and the outdoor play area shall be relocated to a suitable location, to Councils satisfaction. Amended plans shall be submitted with the Construction Certificate application in this regard.
106. No vehicular parking shall be located within the western APZ between the building and the National Park. Suitable signage shall be erected directing patrons to park in the designed parking area.
107. Implementation of the recommendations as detailed in the letter from Building and Environmental Health, dated 20 February 2009, is required. Documentary evidence of compliance with those requirements shall be provided to Council prior to the issue of an Occupation Certificate.
108. Prior to the issue of a Construction Certificate for any Stage 2 works documentary evidence shall be provided to Council confirming that the requirements of the Department of Environment and Climate Change and the Department of Lands in relation to bushfire hazard reduction have been satisfied.

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The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan and Tree Preservation Order.*

Notes:

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).
2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 12 months from the date of this notice.
3. Before you start any building or subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.
6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Cecily Hancock
Planning Coordinator

FOR BEGA VALLEY SHIRE COUNCIL