

Director City Planning Report No. CP137/11



Subject: JRPP Report for 126-146R Robey
Street, Maroubra (DA/855/2011)

Folder No: DA/855/2011

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Introduction

The proposal is for an upgrade of facilities at the existing Des Renford Aquatic Centre. The centre is located in public open space, being the Heffron Park sporting precinct. The centre is owned and operated by Randwick City Council. The upgrade includes refurbishment of some existing facilities, as well as a new two (2) storey component to the centre's main building. The two (2) storey component is proposed to accommodate new and expanded facilities such as a new gymnasium and crèche.

During the Development Application's ('DA') public notification period, four (4) objections were received by Council, as well as three (3) submissions in support of the proposal. As part of the DA preparation process, Council and its consultants undertook separate community consultation in relation to the detailed design aspects of the proposal. Community feedback was largely in support of the proposal, and various design measures were implemented to ameliorate matters raised by stakeholders. Further, upgrades to the centre are identified in the Heffron Park Plan of Management ('POM') 2009 which was adopted by Council on 13 August 2009. The POM was developed with extensive community consultation. The proposal is consistent with the upgrades specified in the POM.

Issues

Overlooking

Overlooking and associated privacy impacts from the proposed new two (2) storey building were raised in objections submitted to Council. The scheme was amended in response to these concerns with an increased setback, and the addition of an obscure 'curtain' around the glazed perimeter of the building. Together with proposed landscaping, and a combined separation of approximately 30 metres from the nearest dwelling (on the eastern side of Robey Street), any privacy impacts are negligible.

Traffic and Parking Impacts

Traffic and parking impacts were raised in objections submitted to Council. In particular, concerns were raised in relation to the loss of existing parking spaces, the location of new parking spaces, noise from additional traffic, congestion and road safety.

The application includes a traffic and parking assessment from Traffix Traffic and Transport Planners. Council's Development Engineers concur with the methodology and conclusions formed in the assessment.

The assessment provides that parking conditions will be acceptable largely because a new 54 space car park is expected to be built approximately 200 metres south west of the aquatic centre, as part of general upgrade to Heffron Park. This car park is

nominated within the Heffron Park Plan of Management. It forms part of the 'stage 1' works nominated within the POM, accordingly, its construction is expected to take place shortly.

The traffic assessment also provides that any impacts from increased traffic will be negligible. In particular, the assessment, at page 24, provides as follows:

"...it is expected that the increased traffic volumes can be readily accommodated by the existing road network with moderate impacts and no external improvements required".

Given any traffic impact will be largely negligible; noise from vehicles associated with the aquatic centre will be within normal expectations.

Operational Noise

Noise from plant and equipment associated with the proposed upgrade was raised in objections to Council.

The DA includes a noise assessment of its operational nature from Acoustic Logic. The assessment finds the proposal can operate within statutory parameters, namely the Industrial Noise Policy issued by the Department of Environment, Climate Change and Water (DECW). To ensure compliance, the assessment identified a number of design, operational and monitoring techniques, which are included in the recommended conditions of consent.

Loss of Vegetation

Concern was raised by an objector in regards to the loss of existing vegetation in order to accommodate the new 54 space car park.

The car park in question is not proposed as part of the subject DA. This DA does not determine its location or construction. The car park in question was considered as part of the Heffron Park Plan of Management 2009, which was prepared in consultation with the surrounding community.

Property Devaluation

Objections raised the prospect of a loss in property values as a result of the proposal.

The assessment of the DA finds that the proposal does not result in unreasonable environmental impacts. The proposal has been found to be consistent with the character of surrounding private and publicly owned land. It will improve public recreation facilities. In this case, no evidence exists to suggest property values will be adversely affected.

Imposing Scale/Bulk

A submission to Council provided that the design is inappropriate in terms of its scale.

The proposal replaces an existing 2 storey structure in the same location, and of a similar scale. The proposed scale and character are consistent with the proposed uses, as well as the nature of Heffron Park. Its proposed external wall height of 8.07m, and maximum overall height of 10.57m is marginally greater than the respective 7m and 9.5m limits prescribed by the RLEP 1998 for development in the adjoining residential 2A zone. In this case, the proposal is not incompatible with the immediate character.

Financial impact statement

The estimated cost of the development is approximately \$6 million.

Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome 2: A vibrant and diverse community.
- Direction 2d: New and upgraded community facilities that are multi-purpose and in accessible locations.
- Outcome 4: Excellence in urban design and development.
- Outcome 4a: Improved design and sustainability across all development.

Conclusion

This proposal is for refurbishment of existing facilities, and addition of new facilities to the Des Renford Aquatic Centre near the intersection of Robey Street and Jersey Road, within the suburb of Maroubra. The centre is located within Heffron Park.

This report provides an assessment of the proposal against the relevant planning framework, including the Randwick LEP 1998 (consolidation), and the Heffron Park Plan of Management. The assessment finds that the DA is generally consistent with the relevant planning framework, and without any unreasonable environmental impacts.

The proposal is permissible within the subject 6A Open Space zone, and consistent with its objectives. It will enhance the centre's ability to meet the community's increasing demands for recreational activity, while remaining consistent with the character of Heffron Park.

In this case, it is recommended that the application be approved, subject to conditions.

Recommendation

That Council receive and note the attached assessment report for the Joint Regional Planning Panel.

Attachment/s:

1. JRPP Report for 126-146 Robey Street, Maroubra (DA/855/2011)

JRPP No.:	2011SYE121
DA No.:	DA/855/2011 Demolition of existing entry building and two storey office/child minding building at the Des Renford Aquatic Centre Facility, construction of a new two (2) storey building containing reception area, retail tenancy, office, crèche, gym, café and amenities
Applicant:	Randwick City Council
Report By:	Willana Associates Pty Ltd

1. Executive Summary

The proposal is for an upgrade of facilities at the existing Des Renford Aquatic Centre. The centre is located in public open space, being the Heffron Park sporting precinct. The centre is owned and operated by Randwick City Council. The upgrade includes refurbishment of some existing facilities, as well as a new two (2) storey component to the centre's main building. The two (2) storey component is proposed to accommodate new and expanded facilities such as a new gymnasium and crèche.

The community was consulted as part of the development application (DA) preparation process. This included notification in printed and online media. Council received three (3) submissions in support, and four (4) objecting to the proposal. Prior to the DA, Council undertook community feedback in relation to the design of the scheme. The feedback was largely supportive, with Council including reasonable measures in the scheme to ameliorate potential impacts identified by the community. Further, the centres upgrade is identified in the Heffron Park Plan of Management 2009, which was developed in conjunction with community stakeholders.

This report provides an assessment of the proposal against the relevant planning framework. The assessment finds the proposal complies with the relevant statutory and non statutory controls, or their objectives. The assessment also finds that any environmental impacts are minor and within reasonable expectations.

The existing Des Renford Aquatic Centre, and the Heffron Park sporting precinct, is used extensively by the local community. The proposed refurbishment and upgrade allows the centre to continue meeting increasing recreational needs.

This report recommends that Council approve DA 855/2011, with conditions.

2. The Proposal

The DA seeks to refurbish some existing facilities at the Des Renford Aquatic Centre, as well as construct a new two (2) storey element facing Robey Street, to accommodate new or expanded facilities. The main elements to the proposal are itemised on the following page:

Demolition:

The following existing buildings are proposed for demolition:

- The two storey administration building fronting Robey Street.
- The single storey entry building providing pedestrian access to the centre from the adjacent car park.
- Part of the adjacent existing car park, including a loss of ten (10) car spaces.

Tree removal:

The following trees are proposed to be removed:

- Four (4) trees around the existing two (2) storey administration building proposed for demolition.

Refurbishment or expansion of existing facilities:

The following existing facilities at the centre will be refurbished or expanded as part of the DA:

- Four new showers within the existing male change room.
- Four new showers within the existing female change room.
- Replacement of existing partitions, basins and tap ware within the male and female change rooms.
- Additional lockers within the common area.
- One new parents room within the female change room, and two (2) new parents room accessible from the outdoor swimming area.
- One new storeroom (15m²) accessible from the outdoor swimming area.
- New paint finish, new counters and removal of access gates, at the existing café.
- Relocation and resizing of the existing four (4) disabled parking spaces.

New buildings

The following new buildings are proposed as part of the DA:

- A new two (2) storey building, fronting Robey Street and attached to the existing main building.
- A waste compound.

The new building is intended to act as the new main entry to the aquatic centre, and accommodate the majority of its new recreational activities. Those new activities include 'spin classes', yoga, aerobics, pilates, 'pump', weight training, 'cardio' and stretching. Its features and configuration is itemised below.

Ground Level:

- Reception area – 350m².
- One retail tenancy – 32m².
- Staff administrative area including one meeting room and offices – 118m².
- Dedicated aerobics area with stage – 250m².
- Crèche to compliment the centres patrons, including quiet room, amenities, storeroom and first aid room.
- Three stair wells and one lift for access to the first floor.

First level:

- New open floor plan gymnasium including areas for 'cardio', resistance training, free weights and 'spin room' – 989m².
- Associated amenities, storerooms, office and assessment rooms.

New Landscaping

New landscaping, including pervious and impervious landscaped areas, are included in the proposal. Impervious landscaping relates to typical elements such as footpaths and fencing. Soft landscaping largely relates to mass tree planting between the new two storey building and the Robey Street boundary, mass shrub planting around the new two storey building, as well as grassed verges around footpaths and the like.

Temporary buildings

To allow continuance of the administrative functions during demolition and construction works, a temporary, demountable, administration building will be located on site. The temporary building will be 60m² in area, and located directly north of the 50m outdoor swimming pool. This building will be removed from the site upon completion of the project. A condition will be included in a consent to ensure this.

Hours of operation:

The following table describes the centres existing operating hours, as well as those proposed as part of this DA:

Day	Existing	Proposed
Monday to Thursday	6am to 8pm	6am to 10pm
Friday	6am to 6pm	6am to 10pm
Saturday to Sunday	7am to 5pm	7am to 6pm
Public Holidays	8am to 5pm	7am to 6pm

Operation of Crèche

The crèche is for the purpose of complimenting patrons attending the centre. It will be capable of accommodating up to forty five (45) children, plus the number of staff required according to relevant legislation.

3. The Subject Site and Surrounding Area

The Des Renford Aquatic Centre is located at the south eastern corner of Heffron Park, at the intersection of Robey Street and Jersey Road, Maroubra. Heffron Park is legally described as Lot 7027 and 7026 in DP 1026884. It is a regional park, being 44.10 hectares in area, with multiple sports fields and courts, a children's outdoor play area, tennis courts, passive recreation space, as well as the Des Renford Aquatic Centre. The aquatic centre includes three (3) outdoor swimming pools, two (2) indoor pools, spectator facilities, a cafe, onsite parking for 182 vehicles, as well as pool related operational equipment and amenity facilities.

Built form at the site comprises of single and double storey structures. Their architectural style is typical of public recreation and administrative facilities. The buildings are surrounded by impervious landscaping, largely in the form of turf, with a number of mature trees.

Immediately adjacent properties contain residential land uses in the form of detached or attached, Torrens titled dwellings. The dwellings are either single or double storey, and typically surrounded by impervious front and rear setbacks. Driveways are normally located beside a side boundary.

4. Site History

The Des Renford Aquatic Centre has occupied this section of Heffron Park for almost 50 years. During this period, the centre has experienced several extensions and refurbishments.

5. Community Consultation

The community was notified of the proposed development in accordance with the Notification DCP from 16 November until the 30 November 2011. Four (4) submissions objecting to the proposal, and three (3) submissions in support of the proposal, have been received by Council.

Prior to the submission of the DA, preliminary community consultation was undertaken by Council and their consultants as part of the DA preparation process. This included notification in printed and online media. The majority of the feedback during this process was supportive of the proposal.

Further, the upgrade of the centre is identified within the Heffron Park Plan of Management 2009. The plan of management was developed in conjunction with community stakeholders.

5.1 Objections

The objectors and their concerns are listed and described below:

Objector	Details of Objection
Resident of Jersey Road	The new 54 space car park the proposal is reliant upon, will remove trees, is located at a dangerous location along Jersey Road and compromise the functionality of the nearby BBQ/children's play ground. The number of new car parks intended for Heffron Park will adversely affect the natural scenic qualities of the park.
	<p><u>Response</u></p> <p>The car park in question is not proposed as part of the subject DA. This DA does not determine its location or construction. The car park in question was considered as part of the Heffron Park Plan of Management 2009, which was prepared in consultation with the surrounding community.</p>
139 Robey Street	<ul style="list-style-type: none"> • Inconvenience during construction process. • Traffic and parking impacts. • Property devaluation. • Overlooking.
	<p><u>Response</u></p> <ul style="list-style-type: none"> • The building contractors are obliged to comply with legislation (such as the Protection of the Environmental Operations Act) which protects properties adjoining development sites. • A traffic and parking assessment submitted with the DA concludes the proposal will not result in unreasonable parking or traffic impacts. Council's Traffic Engineers concur with the assessment. It is noted a new 54 space car park will be constructed in the vicinity of the centre, as detailed in the Heffron Park POM. • The proposal improves the appearance of the existing centre and surrounds, as well as its facilities. Its environmental impacts are not unreasonable. In this case, property devaluation is unlikely. This aside, the proposal forms part of the Heffron Park POM, which was developed in conjunction with the community. • Since submission, the plans have been amended such that the new 2 storey component is setback 8.2m from the Robey Street kerb. Together with the road reserve, this equates to a total separation of approximately 30m to existing dwellings on the opposite site of Robey Street (more from Jersey Rd). An obscure 'curtain' has also been proposed around its glazed elevations.

	These amendments, together with the landscaping proposed, will result in negligible privacy impacts to adjoining private properties.
139 Robey Street	<ul style="list-style-type: none"> • Imposing nature. • Traffic and parking impacts. • Noise impacts. • Overlooking. • Property devaluation.
	<p><u>Response</u></p> <ul style="list-style-type: none"> • The proposal replaces an existing 2 storey structure in the same location. Its scale and character are consistent with the proposed uses, and the nature of Heffron Park. Its proposed external wall height of 8.07m, and maximum overall height of 10.57m is only marginally greater than the respective 7m and 9.5m limits prescribed by the RLEP 1998 for development in the adjoining residential 2A zone. In this case, the proposal is not incompatible with the immediate character. • Traffic and parking impacts have been addressed previously. • The DA included a noise impact assessment by Acoustic Logic. Their assessment concluded that the proposal will not result in unreasonable environmental impacts. This aside, its operation is obliged to conform to the amenity requirements of the POEO Act, which is also provided as a condition of consent. Further noise related conditions include undertaking monitoring of the actual noise emissions within 3 months of operating the centre, to confirm noise impacts are consistent with DA modeling, or the implementation of any necessary amelioration methods. • Overlooking impacts have been addressed previously. • The likelihood of property devaluation has been addressed previously.
125 Robey Street	<ul style="list-style-type: none"> • Noise from traffic. • Noise from operation of centre. • Traffic impacts.
	<p><u>Response</u></p> <ul style="list-style-type: none"> • The traffic and parking impact assessment accompanying the proposal indicates the proposal will not significantly increase traffic in the immediate locality. Subsequently, noise from traffic will not be unreasonable. Council's Traffic Engineers concur with the assessment. • Operational noise impacts have been addressed previously.

5.2 Support

Council received three (3) submissions in support of the proposal during the DA notification process from the following stakeholders:

- Maroubra Diggers Junior Swimming Club (It is noted that this submission did raise concern with retaining facilities at the centre as part of his swimming club).
- Bayside Swimming club
- A local resident

As indicated earlier, prior to the lodgement of the DA, council undertook separate community consultation in relation to the detailed design of the proposal. Council received overwhelming support during this process. The Aquatic Centre upgrade was also identified as part of the Heffron Park POM 2009, which was developed in conjunction with community stakeholders.

6. Technical Officers Comments

The application has been referred to the relevant technical branches, including Building & Regulatory Services, Engineering and Health as well as Traffic Engineering. No objections were raised by the relevant officers, and conditions provided for inclusion in any consent.

7. Master Planning Requirements

Clause 40A of the Randwick Local Environmental Plan 1998 (consolidation) provides that consent can be issued on a site greater than 10,000m² in area, only if a site specific development control plan (DCP) applies.

Heffron Park is greater than 44 hectares in size, while the area pertaining to the Des Renford Aquatic Centre is over 2 hectares in size. Clause 40A is therefore applicable.

Clause 40A(4) contains provisions waiving the issuing of development consent subject to a site specific DCP, if council believes the works are minor, or other development related guidelines are in place.

The Heffron Park Plan of Management was adopted by Council in April 2009. It contains adequate guidelines in relation to development. An assessment of the proposal against such guidelines is provided in Section 8.2 below. In summary, the assessment finds the proposal is consistent with the guidelines. Accordingly, the requirement for a site specific DCP can be waived.

8. Relevant Environmental Planning Instruments

The Development application has been assessed in accordance with the provisions of the following relevant planning documents:

- The Crown Lands Act 1989 ('Crown Lands Act').
- State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55').
- Randwick Local Environmental Plan 1998 (Consolidation) ('RLEP').
- Development Control Plan – Parking ('Parking DCP').
- Development Control Plan – Public Notification of Development Proposals and Council Plans ('Notification DCP').
- Heffron Park Plan of Management ('Heffron Park POM').

An assessment of the proposal against the relevant Environmental Planning Instruments is provided below:

The Crown Lands Act 1989

Heffron Park is land "*vested in the Crown*" as defined in clause 3 of the Crown Lands Act. Accordingly, the Crown Lands Act is applicable to the subject DA. In relation to crown land affected by a plan of management, clause 114 of the Crown Lands Act requires, in essence, that any development on the crown land be consistent with the plan of management.

A plan of management for Heffron Park ('the Heffron Park Plan of Management') was adopted by Randwick City Council on 13 August 2009. The plan of management ('POM') includes a concept plan which is provided on the following page. In relation to the Des Renford Aquatic Centre, the plan states that "*the existing aquatic centre will be retained and upgraded to provide new gym, aerobics area, crèche and new administration and entrance area*". The proposal is consistent with these objectives. On this basis, the proposal is consistent with the Heffron Park POM, and satisfies the relevant provisions of the Crown Lands Act.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

In summary, clause 7(1) of SEPP 55 requires that a consent authority cannot issue development consent for a proposed development unless it has considered whether the land in question is contaminated. If the land is contaminated, SEPP 55 requires the consent authority to be satisfied the

land in question, in its contaminated state, is suitable for the proposed use, or will be suitable following relevant remediation works. Clause 7(4)(c) of the SEPP refers to 'land' as any land that that will be subject to a recreational use, amongst other uses. In this case, SEPP 55 is applicable to the proposal.

An environmental investigation was undertaken by Environmental Investigation Services (EIS). The investigation concludes that the proposal is acceptable. Council's Environmental Health Branch reviewed the investigation. They conclude the proposal is acceptable subject to conditions requiring further investigation and the operation of the site in accordance with the land management principles of the Heffron Park POM.

Randwick Local Environmental Plan 1998 (RLEP 1998)

Clause 8 – Zones

The site is zoned 6A Open Space according to the RLEP 1998 and the corresponding zoning maps.

Clause 18 – Zone 6A (Open Space Zone)

The objectives of Zone 6A are:

- To identify publicly owned land used or capable of being used for public recreational purposes.
- To allow development that promotes, or is related to, the use and enjoyment of open space.
- To identify and protect land intended to be acquired for public open space.
- To identify and protect natural features that contribute to the character of the land.
- To enable the sustainable management of the land.

The proposal is complimentary to traditional uses of public open space areas. It is directly related to an existing recreational facility. Its design and operation will not inherently alter the physical or social perceptions of the site. In this case, the proposal is consistent with the relevant objectives of the zone.

This clause also provides that "*recreation facilities*" and "*childcare centres*" are permissible within the subject zone, with consent.

HEFFRON PARK PLAN OF MANAGEMENT



Clause 22 – Services

This clause provides that council may grant consent to development; only where it is satisfied adequate services for the supply of water and for the removal or disposal of sewage and drainage are available to the site in question.

The site currently has adequate services to facilitate the existing recreational facility. They can be adapted to suit the proposal adequately.

Clause 28 – Tree preservation orders

This clause requires council consent for the removal or pruning of trees on land affected by a tree preservation order. The DA seeks the removal of various trees. Given the number of trees to be removed is minimal, and the extent of new landscaping proposed, consent can be issued for the removal of the specified trees.

Clause 38 – Development in open space zones

Prior to determining a DA proposing works within Zone 6A or 6B, this clause requires that council consider:

- The need for the proposed development on that land.
- Whether the proposed development promotes or is related to the use and enjoyment of open space.
- The impact of the proposed development on the existing or likely future use and character of the land.
- The need to retain the land for its existing or likely future use.

The need for the proposal?

Randwick City Council commissioned a study into the ongoing recreational needs of the entire local government area in 2008 ('Recreational Needs Study 2008'). The study identified that the existing Des Renford Aquatic Centre did not meet current expectations for indoor recreational facilities, particularly in terms of the range of facilities available. The study suggested the centre should be upgraded and expanded to meet current expectations, as well as natural population growth.

As part of preparation for this DA, council sought the community's opinion in relation to the upgrade and expansion of the centre. The feedback was overwhelmingly supportive of the proposal.

In this case, council can be satisfied that the proposal is warranted.

Does the proposal promote or relate to the use and enjoyment of open space?

The type of activities intended for the centre, are a form of structured recreation. Structured recreation is typically associated with the use and enjoyment of public open space.

What are the existing and future impacts of the proposal on the open space?

The proposal is limited to a small section of Heffron Park. It will not inhibit its capacity. Its design and operation will enhance the parks character as a public facility. The proposals impacts are therefore, acceptable.

Is there a need to retain the land for its existing or likely future use?

The proposal is for public recreational purposes. In this case, it does not change its existing use.

Clause 40 – Earthworks

When determining a DA, council must consider whether any related excavation will affect existing subsurface conditions, and the extent to which they may affect the future use of the land.

Excavations necessitated by the development are minor. In this case, they will not unreasonably affect subsurface conditions, or the future use of the site.

Clause 42B – Contaminated land

This clause requires that council must not grant consent to development on contaminated land, unless it is satisfied the land, after remediation, will be suitable for the proposed use. This clause also requires that any contaminated land which is the subject of a DA, is remediated, before the land is used for the approved purpose.

An environmental investigation was undertaken by Environmental Investigation Services (EIS). The investigation concludes that the proposal is acceptable. Council's Environmental Health Branch reviewed the investigation. They conclude the proposal is acceptable subject to conditions requiring further investigation and the operation of the sit in accordance with the land management principles in the Heffron Park POM.

8.1 Policy Controls**Development Control Plan – Parking ('Parking DCP')**

The additional parking requirements for the proposal, according to the Parking DCP, are demonstrated in the following table. The applicant submits that the new 478m² reception area, the new 43m² retail area and the child care centre should not be included for the purposes of parking calculations, as any parking demand created by these areas is incidental to the main activities at the site. Council's Traffic and Parking Engineers concur with this position.

Land use	Change in staff/GFA (m ²)	Parking DCP requirement (spaces/m ² of GFA)	Spaces required
Gymnasium	1069	1/25	43
Office	-152	1/40	-4
Childcare	3 new staff	1/2 staff members + adequate space for 'pick up/drop off zone'.	2
Total			41

The existing aquatic centre has access to a 182 space car park immediately to its north. Access to the car park will remain as part of this DA. However, ten (10) spaces will be deleted from the car park for the purpose of accommodating building works proposed in the DA, namely the new reception and gymnasium building. No additional parking spaces are proposed as part of the DA.

The application includes a traffic and parking assessment from Traffix Traffic and Transport Planners. The assessment submits that parking conditions will be acceptable largely because a new 54 space car park which is expected to be built approximately 200 metres south west of the aquatic centre. This car park remains within Heffron Park, and is nominated within the Heffron Park Plan of Management. It forms part of the stage 1 works nominated within the POM, accordingly, its construction is expected to take place shortly.

Council's Traffic and Parking Engineers concur with the said traffic and parking assessment.

8.2 Council Policies

Heffron Park Plan of Management

The Heffron Park POM was adopted by Randwick City Council on 13 August 2009. The community was consulted as part of the POM preparation process, including several local residents forming part of the Heffron Park POM working party.

The POM identifies that the Des Renford Aquatic Centre will be refurbished and extended, as indicated in the concept plan for the POM (refer to page 7 above), and the following extract of the POM:

"the existing aquatic centre will be retained and upgraded to provide new gym, aerobics area, crèche and new administration and entrance area".

The DA includes all the above mentioned features. Its physical configuration is generally consistent with the POMs concept plan. In this case, the proposal is consistent with the Heffron Park POM, to the extent it applies to the proposal.

9. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Randwick Local Environmental Plan 1998 (Consolidation). The site is zoned 6A Open Space according to the Randwick Local Environmental Plan 1998 (consolidation) and the proposal is permissible with Council's consent. The proposal is consistent with the aims of RLEP 1998 and the specific objectives of the zone in that the proposal is consistent with recreational nature of the site.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives of the Parking DCP.
Section 79C(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The proposal will adopt contemporary sustainable energy and water re-use measures. Extensive alterations to the immediately surrounding natural environment are not expected. It will address the community's increasingly diverse expectations for public recreational facilities. The proposal will result in ongoing employment opportunities within the construction sector.
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established recreational area, and in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in section 5 of this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome 2: A vibrant and diverse community.
 Direction 2d: New and upgraded community facilities that are multi-purpose and in accessible locations.
 Outcome 4: Excellence in urban design and development.
 Outcome 4a: Improved design and sustainability across all development.

Financial Impact Statement

The estimated cost of the development is approximately \$6 million.

Conclusion

This proposal is for refurbishment of existing facilities, and addition of new facilities to the Des Renford Aquatic Centre near the intersection of Robey Street and Jersey Road, within the suburb of Maroubra. The centre is located within Heffron Park.

This report provides an assessment of the proposal against the relevant planning framework, including the Randwick LEP 1998 (consolidation), and the Heffron Park Plan of Management. The assessment finds that the DA is generally consistent with the relevant planning framework, and without any unreasonable environmental impacts. In those cases of numerical non compliance, the proposal has been found to be consistent with objectives of the relevant control.

The proposal is permissible within the subject 6A Open Space zone, and consistent with its objectives. It will enhance the centre's ability to meet the community's increasing demands for recreational activity, while remaining consistent with the character of Heffron Park.

In this case, it is recommended that the application be approved, subject to conditions.

10. Recommendation

THAT the Joint Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 855/2011, subject to the following conditions:

Recommendation

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
Title page	Brewster Hjorth Architects	9/11/2011
Existing site plan	Brewster Hjorth Architects	9/11/2011
Site survey	Norton Survey Partners	8/11/2011
Site/Roof plan	Brewster Hjorth Architects	8/11/2011
Ground floor plan	Brewster Hjorth Architects	8/11/2011
First floor plan	Brewster Hjorth Architects	8/11/2011
Plant level plan	Brewster Hjorth Architects	8/11/2011

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's

development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

2. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

3. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Long Service Levy Payments

4. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

Security Deposits

5. The following security deposit requirements must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$5000.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

6. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Electricity Substation

7. The applicant must liaise with Energy Australia / Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Landscaping & Environmental amenity:

8. Landscaping is to be provided to the site in accordance with the landscaping plans/specifications submitted with the development application, (Landscape Plan by Taylor Brammer Landscape Architects, dwg no LC01, revision A, dated 21.10.11), subject to the following amendments and requirements:
- a) a plant schedule showing the proposed quantity/density, location, mature dimensions and pot size at the time of planting of all species;
 - b) those trees that will exceed a minimum of 6m in height or a canopy spread of 4m being planted a minimum distance of 2.5m from any physical part of the building/s;
 - c) mass planted areas of native grasses on the embankment between the facility and Robey Street shall be at the rate of 9 x Enviro-tubes; or; 6 x 140mm pots per sqm.

The Construction Certificate must demonstrate compliance with this requirement and all landscaping must be carried out in accordance with the approved landscape plan to the satisfaction of the PCA.

9. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.

Waste Management

10. Prior to the issuing of a construction certificate for the proposed building, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

Traffic conditions

11. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to potential pedestrian/vehicle conflict areas should be suitably designed to maximize sight distance for both pedestrians and drivers of vehicles. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

12. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Sydney Water Requirements

13. The relevant requirements of the *Sydney Water Act 1994* must be complied with and a *Section 73 Compliance Certificate* under the *Sydney Water Act 1994* must be obtained from Sydney Water.

An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Compliance Certificate is required to be obtained before an *occupation certificate* is issued, whichever the sooner.

Smoke Alarms

14. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) and smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

Design Alignment levels

15. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

16. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1870.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Robey Street. This amount is to be paid prior to a construction certificate being issued for the development.

Driveway Design

17. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

Stormwater Drainage

18. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum

in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.

The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority', as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Construction Certificate, Principal Certifying Authority & Commencement of Works

19. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and

- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Internal Drainage

20. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system located at the front of the subject site in Robey Street; or
 - ii. Directly into Council's underground drainage system located within the DRAC site or the existing DRAC Carpark via a new and/or existing kerb inlet pit.
- c) On-site stormwater detention must be provided to ensure that the maximum discharge from the site (i.e. the redeveloped portion of the DRAC) does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority. Note: the proposed location of the stormwater detention tank as submitted with this application will require amendments to the proposed landscape plan, alternatively the tank will need to be repositioned.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.
- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- e) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- f) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.

- h) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
 - i) The maximum depth of ponding in any above ground detention areas shall be as follows (as applicable):
 - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
 - j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
 - k) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
 - l) Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
21. Details of the proposed connection and or disposal of any site seepage, groundwater or **construction site stormwater** to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Construction Traffic Management

22. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and

- vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

23. **Prior to the commencement of any excavation or building works, a construction certificate must be obtained** from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

Civil Works

24. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve or public place, (e.g. exiting DRAC carpark), in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

Contamination

25. A Detailed Site Contamination Investigation Report must be submitted to Council's Director of City Planning **prior to commencement of above ground building works** for the development. The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment & Climate Change (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of

contamination upon the land.

- 1) Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 and it is not necessary to carry out any remediation work.

The written concurrence of Council must be obtained **before any above ground building works commencing** for the development.

- 2) Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-

- a) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing any remediation works and prior to any above ground building works commencing.
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment & Climate Change (DECC), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Site management planning,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
 - d) Should the remediation strategy include the 'capping' or 'containment' of any contaminated land, details are to be included in the Validation Report and the Environmental Management Plan (EMP) to the satisfaction of the Director of City Planning.
 - e) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.

- f) Any fill importation to the site is to be monitored and classified by the environmental consultant appointed for remediation of the site. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).
- g) The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.
- h) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Council immediately in writing.

The written concurrence of the Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

26. The Validation Report must, where no guideline under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Councils Director of City Planning.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Council.

27. Any contaminate land must be remediated to satisfy the relevant requirements of the *Contaminated Land Management Act 1997* and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and details of compliance are to be provided to Council from a suitably qualified Environmental Consultant upon completion of the remediation works.

28. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and prior to commencing any building works. The Validation report shall be prepared in accordance with relevant NSW Department of Environment & Climate Change guidelines, including the guideline "Consultants Reporting on Contaminated Sites", and shall include:
- Description and documentation of all works performed.
 - Results of validation testing and monitoring.
 - Validation results of any imported fill onto the site.
 - Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.
 - Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
29. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *NSW DECC Waste Classification Guidelines (2008).*

Dilapidation Reports

30. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

31. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW DECC Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

32. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

- a) A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres).

Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.

- b) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises. The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

- c) A 'B Class' overhead type hoarding is required is to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building

works and be maintained throughout construction.

- d) If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
 - e) The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
33. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
 - d) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
 - f) A Road / Asset Opening application must be submitted to and approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be

complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- g) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Temporary Site Fencing

34. Temporary site safety fencing must be provided to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres).

Temporary site fences are to have a height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

Temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any item or article on the road, footpath or nature strip.

Construction Site Management

35. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;

- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

36. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Demolition & Construction Waste

37. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Sydney Water

38. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

Public Utilities

39. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

40. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

41. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

42. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

43. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:
- Occupational Health & Safety Act 2000 & Regulations
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - WorkCover NSW Guidelines and Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
 - Relevant DECCW/EPA Guidelines
 - Randwick City Council Asbestos Policy

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy

can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

44. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

45. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

Details must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed

vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

46. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *Construction Site Management Plan* and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

47. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Landscaping and revegetation of disturbed areas.

Public Safety & Site Management

48. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the

discharge of materials into the stormwater drainage system.

- Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

49. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
50. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

51. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (eg. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Survey Requirements

52. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying

Authority (PCA):

- prior to construction (pouring of concrete) of the footings or first completed floor slab,
- upon completion of the building, prior to issuing an occupation certificate,
- as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

Building Encroachments

53. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Tree Management

54. Approval is granted for removal of the following trees in order to accommodate the proposed works as shown, subject to full implementation of the approved landscaping:
- a) The two *Grevillea robusta* (Silky Oaks) facing the internal car park area, being one each to the east and west of the existing main pedestrian entry;
 - b) The *Angophora costata* (Sydney Red Gum) to the northwest of those described in point 'a' above, in a garden bed within the carpark;
 - c) The most northern *Eucalyptus botryoides* (Bangalay) in the group of three trees which are growing on the grassed embankment, to the southeast of the existing/new building, fronting Robey Street.

Stormwater Drainage

55. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

56. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

57. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Road/Asset Opening Permit

58. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any

works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Site Amenities

59. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the '*Principal Certifying Authority*' issuing an '*Occupation Certificate*'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's

development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

60. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must also be provided to Council with the occupation certificate.

61. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

Service Authorities

62. The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing an Occupation Certificate.

Stormwater Drainage

63. Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
64. Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
65. Prior to the issuing of an Occupation Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

Landscaping

66. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Landscaping

67. The PCA must ensure that the landscaping is installed in accordance with the approved landscape plan, prior to issuing a Final (or any type of Interim) Occupation Certificate/s, and shall be maintained in a healthy and vigorous state until maturity.

Street Trees

68. Council's South Area Tree Preservation & Maintenance Co-ordinator (9399-0843) must be contacted, giving at least 4 weeks notice, to plant an evenly spaced row of at least 4 x 25 litre, *Eucalyptus haemastoma* (Scribbly Gums) on the Robey Street verge, commencing a distance of 7 metres to the south of the vehicle entry and extending in southerly direction, and being mindful of the existing street tree, upon the completion of all site works.

Waste Management

69. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
70. The waste storage areas shall be clearly signposted.

Council's Infrastructure, Vehicular Crossings & Road Openings

71. Prior to issuing a final occupation certificate for the development, the developer must meet the full cost for Council or a Council approved contractor to undertake all works within the existing DRAC carpark as required to accommodate the proposed development. The scope of works shall be determined by Council's Development Engineer Coordinator following final design of the northern portion of the project.
72. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
73. Prior to the issuing of an occupation certificate for this development the applicant shall have constructed the proposed 54 carspace carpark accessed from Jersey Road and referenced in the "Randwick City Council Heffron Park Masterplan – Stage 1". Alternatively, prior to the issuing of an occupation certificate for this development, the existing DRAC carpark must be increased in capacity by a minimum of 41 carspaces, (allowing for the fact that 10 existing spaces are removed as part of this development 51 new spaces must be provided).
74. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must

be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.

- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
- e) The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

75. **Prior to issuing an interim or final Occupation Certificate**, a single and complete **Fire Safety Certificate**, which encompasses all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

76. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to an occupation certificate being issued**, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved structural design documentation.

Occupant Safety

77. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

The relevant measures must be implemented prior to issue of an occupation certificate.

Swimming Pool Safety

78. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Spa Pool Safety

79. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and regulations.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Swimming Pool & Spa Pool Requirements

80. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

Notification of Swimming Pools & Spa Pools

81. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*.

Council's "Notification & Registration of a Swimming Pool" form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

Council's Infrastructure, Vehicular Crossings & Road Openings

82. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- f) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- g) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- h) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- i) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

External Lighting

83. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

Street Numbering

84. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

Waste Management

85. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

Stormwater Detention/Infiltration System

86. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

Protection of the Environment Operations Act 1997 – Swimming Pools & Spa Pools

87. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an L_{Aeq} , 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

88. A plan of management shall be submitted to and approved by Council prior to commencement of operations, which details the measures to be implemented to:
- ensure compliance with the relevant conditions of approval,
 - ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
 - minimise the potential environmental and amenity impacts upon nearby residents,
 - effectively minimise and manage anti-social behaviour,
 - effectively manage and respond to resident complaints,
89. An additional acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 3 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
90. The requirements, use and operation of the business must be carried out in accordance with acoustic report submitted to Council with this application, namely; 'Des Renford Aquatic Centre, Maroubra Noise Emission Assessment Reference 20110963.1/1910A/R3RL, prepared by Acoustic Logic Consultants' except as modified by the conditions of this consent. In this regard the following controls and measures shall be incorporated into the operational plan of management:
- Music is not to exceed 85dB(A) L_{eq} in spin, cardio or aerobics rooms
 - Music not to exceed 75dB(A) L_{eq} in weights room
 - All windows to gym rooms to be closed between 6am-7am
 - Windows to spin room to be closed after 6pm on evenings where the room will be used for more than 2 hours

Protection of the Environment Operations Act 1997 – Air Conditioners

91. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the plant and equipment shall not give rise to an L_{Aeq} , 15 min sound pressure level at any affected premises that exceeds the background L_{A90} , 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control

Guidelines.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

92. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
93. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
94. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.

The following conditions are applied to ensure compliance with the *Food Act 2003* and to ensure public health and safety:

95. The cafe is to be designed, constructed and operated in accordance with the *Food Act 2003*, *Food Regulation 2004*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
96. Food safety practices and operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

Food handling – skills, knowledge and controls.

- Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.
97. A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.
 98. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
 99. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority in accordance with the Food Safety Standards, **prior to commencement of any food business operations**.
 100. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
 101. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

102. The design and construction of food premises must comply with the following requirements, **as applicable:-**

- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.

- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in kitchens or food

preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2. Details of compliance are to be included in the construction certificate application.

- Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.

Air Conditioning & Equipment

103. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

Protection of the Environment Operations Act 1997 – Rainwater Tanks

104. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

(Noise from domestic air conditioners)

Rainwater Tank Requirements

105. The installation of rainwater tanks shall comply with the following noise control requirements:-

- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

- b) Plant and equipment associated with rainwater tanks are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

- c) The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or

- before 7.00am or after 8.00pm on weekdays.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A7 Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and conditions of consent, to the satisfaction of the Certifying Authority. Details of the

proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A9 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.