



15 November 2016

Our Ref: DA/333/2016

DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

*Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)*

Development Application No: DA/333/2016

NSW Department of Education &
Communities
GPO Box 33
SYDNEY NSW 2001

Property Address: 90-98E Rainbow Street, RANDWICK NSW 2031

Description of Work: Concept proposal and Stage 1 DA for works to Rainbow Street Public School including refurbishment of heritage listed Block A, demolition of toilet block, demountable structures, single storey building facing Rainbow Street, 2 storey 1970s block and weather shed structure, construction of 3 new 2 storey buildings consisting of a library, 2 home base blocks, expansion of hall, link between Block A and library, link between Block A & Block B, landscaping sports courts and fields, car parking for 12 vehicles and pick up and drop off. (Heritage Item).

Determination: **Approved**

Determination Date: **10 November 2016 (JRPP)**

Consent to operate from: 10 November 2016

Consent to lapse on: 10 November 2021

Prior to the commencement of any building, construction, 'fit-out' or subdivision works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with Section 81A (2) (a) of the Environmental Planning and Assessment Act 1979.

Conditions of Consent

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.

COPY

Approved Plans & Supporting Documentation

1. 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:

Plan	Drawn by	Dated	Received Council	by
AR-DA-1102 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-1103 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-1104 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-1201 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-2001 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-2002 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-2003 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-2004 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-2005 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-3001 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-3002 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-3101 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-DA-5001 (Revision A)	TKD Architects	14.09.16	15 September 2016	
AR-CA-1102 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-1103 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-1104 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-1201 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-2001 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-2002 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-3001 (Revision A)	TKD Architects	13.05.16	24 May 2016	
AR-CA-3101 (Revision A)	TKD Architects	13.05.16	24 May 2016	

2. Consent is granted to the concept proposal and Stage 1 of the staged development application only in respect of the land described as Lot 1738 DP48445, at 90-98E Rainbow Street, Randwick, subject to the conditions that follow.
3. The finished ground levels external to the buildings are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
4. The number of students and staff must be approximately 1000 and 53, respectively, at any one time. A separate approval is required for any increase in students and staff beyond what can be reasonably accommodated within the approved design.
5. An archival recording of the modified 1929 weather shed shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a crown building certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
6. As recommended by the Statement of Heritage Impact, an archival recording of the interior of the heritage item shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the

Environmental Planning and Assessment Act 1979 prior to a crown building certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

7. The layout of the ground and first floors of the heritage item are to incorporate legibility of the nib walls with scribing and beams projecting below ceiling level, as evidence of the original layout of the building and facilitate patching of plasterwork.
8. As recommended by the Statement of Heritage Impact, new walls and partitions are to be designed to be reversible and installed to minimise impacts on significant fabric.
9. Changes to the heritage item to accommodate changes to spatial layout, and to provide links to the new buildings, are to be carefully carried out to minimise damage to original internal and external building fabric, including fireplaces and internal windows and doors to classrooms.
10. A Schedule of Conservation Works for the heritage item shall be prepared in accordance with the principles embodied in the Australia ICOMOS *Burra Charter* and the methodology outlined in J.S. Kerr's *The Conservation Plan*. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a crown building certificate being issued for the development.
11. The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS *Burra Charter* and to the satisfaction of the Director City Planning.

Transport and infrastructure:

12. The applicant must prepare and submit to Council a comprehensive Traffic Management Plan (TMP) covering all aspects of traffic flows, traffic volumes, pick up / drop off operations, parking (both on-site and on-street) and student / staff numbers. The TMP must be submitted to Council within 3 months of receiving approval for the Stage 1 DA and must be approved by Council and the Randwick Traffic Committee prior to the lodgement of any future development application for this site. The TMP must be prepared in consultation with Council and shall cover the following areas as a minimum:
 - **On-site parking provision:** Given that the parking provision is well below Council's DCP requirements the TMP should identify opportunities for increasing the provision of onsite parking with future development including motorbike & bicycle parking;
 - **Student and Staff numbers:** All traffic modelling, travel and traffic surveys and pick up/drop off operations must be assessed using the upper student number of 1000 school students (with corresponding 53 staff).

- **Management of Pick Up / Drop Off Activities:** the proposed operation of pick up / drop off areas should be fully documented in the TMP;

NOTE: The proposed pickup and drop-off zone on Rainbow Street is required to be approved by Randwick Traffic Committee (RTC).

- **On-street Parking:** detailed parking surveys should be undertaken; such surveys should include the period prior & after school hours to assess the current residential use and competing interests of Paine Reserve, i.e. from 6.30am.
- **Operation of Intersections:** the TMP must consider the current and future operation of the intersection of Avoca and Rainbow Street and intersection of Paton Street and Rainbow Street. Given that significant queuing may result during peak times the TMP needs to consider recommendations for improving the operation of these intersections.

The applicant must comply with the approved TMP. Any civil infrastructure works required as part of the approved TMP must be designed to Council's satisfaction and constructed at full cost to the applicant.

- **Green Travel Plan:** A Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development shall be submitted to and approved by Council's Department of Integrated Transport prior to the issuing of a Crown completion certificate. The plan shall include but not be limited to aspects such as support for walking and cycling, car sharing for staff, management of workplace parking spaces, & incentives for public transport use.

REQUIREMENTS BEFORE CROWN BUILDING CERTIFICATION CAN BE ISSUED

The following conditions of consent must be complied with before a Crown building approval/certification is given under section 109R of the *Environmental Planning & Assessment Act 1979*. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the Crown building approval/certification.

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

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

Long Service Levy Payments

14. 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*, as applicable.

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 Deposit

15. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; 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*:

- \$3000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit 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 Crown completion certificate or completion of the civil works.

Motorbike and Bicycle Parking

16. A minimum of 20 bicycle spaces and 3 motorcycle spaces shall be provided for this development. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

Sydney Water

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

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

Landscape Plan

18. The relevant certifying body must ensure that the Landscape Plans submitted as part of the approved Crown certificate are substantially consistent with the Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016.

Tree Protection Measures

19. In order to ensure those trees that are listed for Retention in the 'Tree Assessment Table' are retained in good health as has been shown, the following measures are to be undertaken:
- a. All documentation submitted for the Crown certificate application must show their retention, with their Tree Identification numbers, as well as the position and the diameter of both their trunks and canopies to be clearly and accurately shown on all plans.
 - b. The Arborists Report and Landscape Plans must both be reviewed to ensure consistency of approach between all documents, as currently **Part 5.1 of the Arborists Report, 'Trees to be removed', includes T103; however, the 'Tree Assessment Table' includes it for retention, as does the 'Tree Protection Plan'.**
 - c. The recommendations contained in part 6.2: 'Site Establishment – Prior to Demolition/Construction' and part 6.3: 'During Construction' of the Arboricultural Impact Assessment by Bluegum Tree Care & Consultancy, dated May 2016 ("the Arborists Report") must be complied with.
 - d. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome.
 - e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar within the TPZ's of the Retained trees can only be performed in consultation with the Site Arborist, with all contractors and site staff/workers to comply with any instructions issued in relation to the trees.
 - f. Other than the works that has been specifically approved in this consent, the applicant is not authorised to perform any other works to these trees, and must contact Council's Landscape Development Officer on 9399-0613 should further pruning or the potential removal of T16 be required.
 - g. The relevant certifying body must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Crown completion certificate.

Traffic conditions

20. 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 upgraded where necessary in accordance with the requirements of AS2890.1:2004. The Crown certificate plans including any necessary upgrading must demonstrate compliance with these requirements.
21. A 2m x 2m clear splay is to be provided on the exit driveway to the staff carpark to provide adequate sightlines. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

Stormwater Drainage

22. 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 relevant certifying body prior to a Crown certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council. 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
 - d) 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.
 - e) 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.
 - f) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.
23. The written approval of Council is required to be obtained in relation to all drainage and infrastructure works which are located externally from the site within the road reserve/public place, 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 professional 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.
24. 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 Crown certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system in front of the subject site in Rainbow Street; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
 - iii. Directly into Council's underground drainage system located in Rainbow Street via a new and/or existing kerb inlet pit; or
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site 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.

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) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

- e) 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.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) 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.
- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- i) 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.
- j) 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.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

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

- k) 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.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a Crown certificate being issued for the development).

- l) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- m) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage 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.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o) Mulch or bark is not to be used in on-site detention areas.
- p) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

Construction and Operational Waste Management Plan

25. A Construction Waste Management Plan detailing the waste and recycling storage and removal strategy for the construction phase of development is to be submitted to the Council's Director of City Planning and response must be provided within 7 days prior to commencement of any works. No further restrictions or conditions can be imposed on the Construction Waste Management Plan without the prior approval of the applicant.

The Construction 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.

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

26. An Operational Waste Management Plan detailing the waste and recycling storage and removal strategy for the construction phase of development is to be submitted to the Council's Director of City Planning and response must be provided within 7 days prior to operation of the premises. No further restrictions or conditions can be imposed on the Operational Waste Management Plan without the prior approval of the applicant.

The Operation 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.

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

Land Contamination & Remediation

27. A *Remediation Action Plan* (RAP) is required to be prepared and be submitted to Council, which demonstrates that the land can and will be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013.
28. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the Environment Protection Authority, 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,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
29. An Environmental Management Plan (EMP) for the ongoing management of the contamination, demolition and construction for site is to be prepared and to include but not limited to the Asbestos Management Plan prepared by Parsons Brinckerhoff "Asbestos in Grounds, Asbestos Management Plan, Rainbow Street Public School, Kingsford, NSW." Report Reference 2171479A PR_6945, dated March 2013. A copy is to be submitted to Council prior to commencement of any works. The EMP is to be prepared by a suitably qualified environmental consultant to incorporate all recommendations prior to submitting the EMP to Council.
30. A *Validation Report* must be submitted to Council prior to issuing a Crown Completion Certificate [or Subdivision Certificate] for building works (other than

site retaining structures that are necessary to facilitate the excavation and remediation works). The Validation Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 2013.

Any requirements contained within an Environmental Management Plan (EMP) which form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

31. 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 EPA and Department of Planning and Environment, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
32. Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the validation report and Environmental Management Plan (EMP) to the satisfaction of a suitably qualified and experienced specialist.
33. The validation report must, where no guideline made or approved 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 and implemented, to the satisfaction of a suitably qualified and experienced specialist.

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 a suitably qualified and experienced specialist.

REQUIREMENTS TO BE INCLUDED IN THE CROWN BUILDING APPROVAL

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the Crown building approval plans and associated documents 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 State's Building Laws

34. In accordance with clause 227 of the *Environmental Planning & Assessment Regulation 2000*, all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Access & Facilities

35. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability

(Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent.

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 appointed building Certifier, 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.

Certification and Building Inspection Requirements

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

- a) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown, in accordance with the provisions of section 109R of the *Environmental Planning & Assessment Act 1979*.

A copy of the approval or certification and 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 suitably qualified person (e.g. Accredited Building Certifier) must be appointed to carry out the necessary building inspections and to issue any relevant approvals or certificates prior to occupation of the building.

Dilapidation Reports

37. A dilapidation report prepared by a *professional engineer* or other suitably qualified and experienced person must be obtained prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage, council assets and other structures located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report must be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Site Management Plan

38. 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 site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;

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

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

A copy of the Construction Site Management Plan must be provided to the 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

39. 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
- Details of re-use, recycling and disposal of waste materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the, 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.*

Construction Noise & Vibration Management Plan

40. A Construction Noise & Vibration Management Plan, prepared in accordance with the Office of Environment & Heritage/Environment Protection Authority Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current Office of Environment & Heritage/Environment Protection Authority Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council.

Public Liability

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

Construction Traffic Management

42. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work. A response must be provided by Council within 7 days of receiving the Construction Site Traffic Management Plan. No further restrictions or conditions can be imposed on the Construction Site Traffic Management Plan without the prior approval of the applicant.

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 & Maritime Services, 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

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

43. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Public Utilities

44. A public utility impact assessment must be carried out on 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. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
45. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and 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 demolition, excavation or building works.

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

Landscape Plan

46. The Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016 must be amended to include the following additional details:
 - a) Any new feature trees to be installed within either the Central Courtyard or fronting onto Rainbow Street (as direct compensation for the removal of existing mature trees) must be advanced stock, being a minimum pot/bag size of 200L at the time of planting, with a minimum of three to be provided within the Central Courtyard, and four fronting Rainbow Street;
 - b) The Detailed Landscape Plan and Planting Palette must include plant quantities as well as spacings/densities;
 - c) Any new trees which will achieve dimensions of 6m in height or a canopy spread of 4m or more at maturity must be planted at least 2.5m from any existing/proposed structure so as to allow for future unimpeded growth, both above and below ground.

Site Remediation

47. 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
- prevention of cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting
- details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

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

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

48. The building works must be inspected by a suitably qualified person (e.g. accredited building certifier), to monitor compliance with the relevant standards of construction, Council's development consent and the Crown building approval/certification.

Building & Demolition Work Requirements

49. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011 & Regulations
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

- 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 Council.
- 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 Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council 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.

Support of Adjoining Land, Excavations & Retaining Walls

51. It is a prescribed condition under section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98E of the *Environmental Planning & Assessment Regulation 2000*, that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
52. 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, piling or other measures are to be submitted to and approved by the appointed building certifier.

Sediment & Erosion Control

53. 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 Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

54. 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.*

Temporary Site Fencing

55. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must 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.

- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
- materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the Crown.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *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 separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

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

- a) 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.
- b) 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.
- c) 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.
- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) 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.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and

Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

Site Signage

57. 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
- name, address and telephone number of the project manager or other person responsible for the management of all site activities,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

58. 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 1.00pm• 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 only• Saturday - No work permitted• Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none">• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

*Any excavation of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like must apply suitable noise attenuation measures to minimise noise impacts on surrounding residential properties at all times.

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.

Survey Requirements

59. 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:

- prior to construction (pouring of concrete) of footings and, boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the building certifier.

The survey documentation must be forwarded to the Council.

Building Encroachments

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

Road/Asset Opening Permit

61. 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 Crown completion 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.

Traffic Management

62. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
63. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
64. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

65. 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.

Tree Management

66. Approval is granted for removal of those trees listed in Point 5.1, 'Trees to be removed' of the Arboricultural Impact Assessment by Bluegum Tree Care & Consultancy, dated May 2016, subject to full implementation of the approved Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016:
- a) The stand of various Gums and Pines growing centrally within the site (T17-26 & T41-43), as despite being desirable site feature given the shade that their co-joined canopies currently provides to the existing outdoor play area, they are in direct conflict with the footprint of the new building/classrooms, as well as the central landscaped area;
 - b) T57, 62-63, 70, 75 & 77, towards the western site boundary, so as to accommodate the new play courts, and then to their southwest, T84, 94-96, so as to allow for the new classrooms in this same area as shown;
 - c) The stand of large and mature trees around the southwest corner of the site, T99-103, between the existing buildings/classrooms and Rainbow Street, as despite having a presence in the streetscape, and forming a green 'link' with other large trees that are growing within Paine Reserve just to their west, so as to allow for works associated with the Library and extended carpark in this same area,

NOTE: There are inconsistencies in the documentation, in that the Tree Retention & Removal Plan shows that both T74-75 will need to be removed, while the Arborists Report (page 3 & Tree Retention Table) lists both of them for retention.

Pruning

67. Should the pruning of existing trees that are being retained be necessary in order to provide a clearance from the approved works, machinery or similar; or, so as to avoid damage to the trees, it must only be minimal and selective.
68. Pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
69. The site Arborist must contact Council's Landscape Development Officer on 9399-0613 (giving at least 2 working days notice) to arrange a joint site meeting, **prior to pruning**, to determine the exact location and extent of pruning that is permissible, with the Arborist to comply with any instructions issued by Council.

Site Remediation Works

70. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant.

71. Any variations to the remediation strategy or, 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 Environmental Consultant and Council immediately in writing.

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

Regulatory Requirements

72. Hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the relevant requirements of WorkCover NSW and the Environment Protection Authority, including:

- *Work Health and Safety Act, 2011 and associated Regulations;*
- *Protection of the Environment Operations Act 1997 (NSW) and*
- *NSW EPA Waste Classification Guidelines (2014).*

73. Site remediation must be carried out in accordance with the following requirements (as applicable):

- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual

Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.

- c) Remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
- d) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN COMPLETION CERTIFICATE

The following conditions of consent must be complied with prior to the occupation 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, safety and amenity.

Certification Requirements

- 74. A Certificate or Statement must be obtained from the appointed building certifier (or other suitably qualified person) prior to any occupation of the building, which confirms that the development is suitable for occupation having regard to the provisions of the Building Code of Australia.

Fire Safety Certification

- 75. A single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council. The *Fire Safety Certificate* must be consistent with any relevant *Fire Safety Schedules* which forms part of the building approval/certification.

A copy of the *Fire Safety Certificate* is to be displayed in the building entrance/foyer at all times and a copy of the *Fire Safety Certificate* and *Fire Safety Schedule* is to be forwarded to Fire and Rescue NSW.

Structural Certification

- 76. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation. A copy of which is to be provided to Council.

Sydney Water Certification

- 77. A *section 73 Compliance Certificate*, under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

A copy of the Section 73 Certificate must be submitted to the Council.

Noise Control Requirements & Certification

78. The operation of plant and equipment must 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 Office of Environment and Heritage (EPA) Noise Control Guidelines.

79. A written report/statement must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and confirms that noise and vibration from all plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the Council prior to occupation of the development.

Pick-up and Drop-off Zone

80. Full details of the proposed pickup and drop-off zone on Rainbow Street are to be provided to Council to the satisfaction of Department of Integrated Transport for approval by Randwick Traffic Committee (RTC). The application for the pick-up and drop-off zone must be submitted to Council at least eight (8) weeks prior to the expected issuing of a Crown completion certificate to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

Council's Infrastructure, Vehicular Crossings & Road Openings

81. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Extend/Re-Construct a full width concrete vehicular crossing and layback at kerb, as required opposite the vehicular entrance's to the site on Rainbow Street .
 - b) Construct signage for the proposed pickup and drop-off zone in accordance with the requirements of Council's Department of Integrated Transport and Randwick Traffic Committee.
82. Prior to issuing a final Crown completion 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.
83. 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 *Civil Works Application Form*, prior to an Crown completion certificate being issued for the development, 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.

Service Authorities

84. A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing of an *Crown completion certificate*.

85. As a mains power distribution pole is located on the same side of the street and within 15m of the development site, the applicant/developer must meet the full cost for Ausgrid to relocate the existing overhead power feed between the mains distribution pole/s in Rainbow Street and the development site to an underground (UGOH) connection.

Stormwater Drainage

86. 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.

87. 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 relevant certifying body 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).

88. The applicant shall submit to relevant certifying body 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 relevant certifying body.

Landscaping

89. Any damage to the nature-strip upon Council's footway shall be made good prior to issuing of a Crown Completion Certificate.
90. Prior to issuing any type of Crown completion certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the relevant certifying body, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016, and any relevant conditions of consent.
91. Suitable strategies must be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Site Arborist Certification

92. Prior to the issue of any Crown completion certificate, the site Arborist must submit to, and have approved by, the relevant certifying body, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to the trees listed for retention in this consent.

Waste Management

93. 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 any additional waste bins/services for the premises.
94. The waste storage areas shall be clearly signposted.

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.

Fire Safety Statements

95. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) is required to be provided to the Council.

The *Fire Safety Statement* is required to be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule* which forms part of the Crown building approval/certification.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* is required to be displayed in the building entrance/foyer at all times and a copy is to be forwarded to Fire & Rescue NSW.

Stormwater Detention/Infiltration System

96. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
97. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Validation Report, form part of this consent and must be implemented accordingly.
98. The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.
99. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the use and operation of the premises (including all 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 $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

GENERAL 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 requirements. This information does

not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The relevant 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 \$3,000) 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 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your application for Crown building approval or a construction certificate.

- A3 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

- A4 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

- A5 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).

A6 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.

A7 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

A8 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

A9 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.

A10 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A11 The applicant is 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.

A12 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

Yours faithfully



Roger Quinton

Acting Manager Development Assessment

Rights of Appeal and Review of Determination:

- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination. The request must be made in writing (or on the review application form) and determined within six (6) months after the 10 November 2016, as specified in this notice of determination, together with payment of the appropriate fee.

General Advisory Notes & Requirements:

Legal requirements prior to commencing any building or subdivision works:

Prior to commencing any building, subdivision or associated works (including any shop or office 'fit-out' work), the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') and the Environmental Planning & Assessment Regulation 2000 (the 'Regulation') are to be complied with:

- (i) *A Construction Certificate is to be obtained in accordance with Section 81A (2) (a) of the Act.*
- (ii) *A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A of the Act and clause 103 of the Regulation.*
- (iii) *Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A of the Act and clause 104 of the Regulation.*

The applicant may apply to the Council or an Accredited Certifier to issue a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and to issue the occupation certificate.

Council's Building Certification Services Business Unit can provide these services and further information, including a copy of the service agreement and details of certification and inspection fees can be obtained by telephoning Council's Building Certification Services Business Unit on 9399 0944.

Building Code of Australia

The Construction Certificate plans and associated specifications must comply with the relevant provisions of the Building Code of Australia (BCA) and the building work must be carried out in accordance with development consent and Construction Certificate.

The assessment of this development application does not include an assessment under the BCA and details of compliance with the relevant provisions of the BCA and conditions of development consent are to be provided in the plans, specifications and documentation for the Construction Certificate.

Compliance with development consent

Please note that the development and all building work must be carried out fully in accordance with the development consent and conditions of consent.

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent.

An offence under Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively. Alternatively, Council may issue a penalty infringement notice (for up to \$3000) for each offence.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent.

Prior to commencement of any variations from the approved plans and conditions of approval, an amended development application must be submitted to and approved by Council. Also, a (new or amended) Construction Certificate must be obtained from the Council or an Accredited Certifier.

Failure to obtain the required prior written development consent from council for any variations to the consent (and failure to obtain a new/amended construction certificate) is an offence, which may result in the above penalties or infringements.

Construction certificate applications

Applications for a Construction Certificate are to be made in the standard form and in relation to an application made to Council's Building Certification Services, submission requirements include:

- a completed Construction Certificate application form and payment of the appropriate fee.
- 4 copies of detailed architectural building plans and building specifications.
- 4 copies of structural engineering plans, detailing; all reinforced concrete floor slabs, footings, beams, columns and other structures; retaining walls; piers; underpinning; shoring systems; structural steelwork and framing details (as applicable).
- 4 copies of other technical details (i.e. details of mechanical ventilation systems, stormwater drainage, timber framing and roof trusses, termite protection, sediment control, boundary/party wall construction, masonry construction, acoustic and sound transmission, glazing, wet areas, smoke alarm systems and other fire safety provisions), where applicable.
- full details of compliance with the provisions of the Building Code of Australia, including details of the standards of construction that are to be complied with (i.e. Australian Standards).
- a list of existing and proposed fire safety measures (ie. fire doors, hose reels, fire hydrants, fire extinguishers, sprinkler systems, fire and smoke detection systems, smoke hazard management systems, exit signs and emergency lighting etc), except in relation to dwellings and associated structures.
- any compliance certificates relied upon.
- details of payment of the Building Industry Long Service Levy, in relation to building work which costs \$25,000 or more
- details of compliance with the Home Building Act Insurance Provisions, in relation to residential building work.
- details of existing and proposed swimming pool fencing and barriers showing compliance with the Swimming Pools Act 1992 and AS1926 and details of acoustic enclosures for pool equipment.

Inspection of building works

The Principal Certifying Authority is required to specify the stages of construction which are to be inspected (including relevant 'critical stage' inspections), to ensure that the development complies with the relevant requirements of the development consent, Building Code of Australia and Australian Standards.

Critical stage inspections may include the following stages of construction (as specified by the appointed principal certifying authority):-

- Footings, after placement of steel reinforcement and before pouring concrete.
- Reinforced concrete floor slabs, columns and beams, after placement of steel reinforcement and before pouring concrete.
- Timber or metal floor, wall and roof framing (including columns and beams), before installing floor, wall or roof cladding.
- Waterproofing of 'wet areas', after installation, before tiling or covering over.

- Fire resisting construction (e.g. party / separating walls, fire resisting coverings / plasterboard).
- Sound transmission work including separating walls or ceilings.
- Immediately after the building (or alterations and additions to a building) have been completed and before an Occupation Certificate is issued.

Reference should be made to clause 162A of the Environmental Planning & Assessment Regulation 2000 for details relating to the critical stage inspections.

Occupation Certificate requirements

An occupation certificate must be obtained from the principal certifying authority, prior to occupation of the new building work or part of a building (including alterations and additions) or, a change of building use, as required by sections 109M and 109N of the Environmental Planning & Assessment Act 1979.

Failure to obtain the required occupation certificate is an offence and is subject to a maximum penalty of up to \$110,000 or the issue of a penalty infringement notice.

Fire safety requirements

Under the provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 (except in relation to class 1a dwellings and class 10 non-habitable buildings or structures):

- A 'Fire Safety Certificate' is required to be submitted to the Council and the New South Wales Fire Brigades prior to occupation of the building and a fire safety statement is to be provided on an annual basis thereafter, in relation to all of the essential fire safety measures within the building premises.
- All of the Fire Safety measures within the premises must be included in a single and complete Fire Safety Certificate, which must be the same measures as those contained in the relevant 'Fire Safety Schedule' for the development. Any variations or amendments to the Fire Safety Schedule must be approved by the Principal Certifying Authority and written details must be provided to Council accordingly.
- Following the issue of a Fire Safety Certificate, a Fire Safety Statement must be submitted to Council on an annual basis, which certifies that all of the essential fire safety measures are present and operational in accordance with the relevant standards of performance.
- A copy of the current Fire Safety Schedule and Fire Safety Certificate/Statement must also be displayed in a conspicuous position within the building at all times.
- Failure to submit a Fire Safety Statement by the due date annually is an offence which may result in the issuing of a penalty infringement notice of up to \$2000.

Sydney Water Requirements

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

The approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals

- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

WorkCover requirements

The applicant, owner and builder is advised to ensure that the relevant requirements of WorkCover New South Wales are complied with, in relation to occupational health and safety, including the handling of hazardous materials (i.e. materials containing asbestos). Further information can be obtained from the WorkCover New South Wales 400 Kent Street, Sydney, NSW, 2000 or telephone 9370 5000 or 13 10 50.

Disability Discrimination Act

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

Dividing Fences

Any approval for fences on side boundaries common to other private properties is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act and if applicable, you are advised to consult with the owners of the adjoining premises in this regard.

Access to adjoining land, encroachments and work affecting other premises

This consent does not authorise any trespass, encroachment or carrying out of any works upon any adjoining land or building whether private or public. Where any access, underpinning, shoring or any other works are proposed to be carried out upon any adjoining land (including work affecting party walls, common roof construction or any other building works on or adjacent to the site boundaries), the owner/builder must obtain:

- a) the consent of the owners of the adjoining land to access, carry out works or encroach upon their land, or otherwise affect an easement, right-of-way or other restriction on the certificate of title, or*
- b) an access order under the Access to Neighbouring Land Act 2000, or*
- c) an easement under section 88K of the Conveyancing Act 1919, or*
- d) 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).

Local Government Act requirements

A separate Local Approval application is required to be submitted to and approved by Council if it is proposed to place any articles, site fencing, hoardings, materials or waste containers in a public place and to hoist or use a crane over a footway, in accordance with Section 68 of the Local Government Act 1993.

Further Information

*Should you require further information on the determination of this development application, please contact Matthew Choi on **9093 6979** between 9.00am to 12 noon Monday to Friday or by appointment.*

