

DA COMPLIANCE REPORT

**ORDINARY COUNCIL MEETING
TUESDAY 24 MARCH, 2015**

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DIRECTOR CITY PLANNING REPORT

1. CP8/15 263-269 Clovelly Road, Clovelly (DA/566/2014)

Attachment 1: DA Compliance Report - 263-269 Clovelly Road, Clovelly 3

Development Application Compliance Report



Folder /DA No:	DA/566/2014
PROPERTY:	263-269 Clovelly Road, CLOVELLY NSW 2031
Proposal:	Partial demolition, alterations and additions to the existing building previously used as Clovelly RSL and Airforce Club and formerly Kings Theatre for the establishment of a child care centre catering for 90 children and new parking area off Susan Lane (Heritage Item)(Variation to floor space ratio& building height controls)
Recommendation:	Approval

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Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposed development is classified as a child care centre and is permissible in the zone. The zoning objectives are addressed as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

The proposed child care centre is considered consistent with the objectives of the zone. It has been reasonably established that the facility will contribute to meeting the day to day needs of residents. The amended plans reduce the overall bulk and relative height of the proposed alterations and additions such that the desirable elements of the existing streetscape will be retained in terms of the presentation to the streetscape. The proposal has been significantly reduced in scale from a pre DA submission for 156 Children to the current amended proposal for a total of 90 children. Based on the significant reduction and supporting plans and documentation the proposed use when in operation should adequately protect the amenity of residents in the area.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.5	Existing: 1.18:1 Proposed: 1.15:1	No (See Key issues section of Executive Summary)
Height of Building (Maximum)	9.5	Maximum 13.47m	No (See Key Issues section of Executive Summary)

Clause 5.10 of the RLEP outlines heritage controls in respect of heritage items, conservation areas and developments within the respective vicinity.

The existing building was previously used as the Clovelly RSL and Air Force Club since 1962 and formally as the Kings Theatre from 1939 according to Council's Heritage Inventory. It is recognized as an item of Heritage Item of local significance.

The implications in respect of this affectation are addressed in the Key Issues section of the Executive Summary.

1. Randwick Comprehensive DCP

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	See Engineering comments in Key Issues section of Executive Summary.	Yes
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.	See Engineering comments in Key Issues section of Executive Summary.	Yes
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.	See Engineering comments in Key Issues section of Executive Summary.	Yes
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).	See Engineering comments in Key Issues section of Executive Summary.	Yes
	(viii) Provide sufficient storage space within each dwelling / unit to	See Engineering comments in Key	Yes

DCP Clause	Control	Proposal	Compliance
	hold a single day's waste and to enable source separation.	Issues section of Executive Summary.	
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.	See Engineering comments in Key Issues section of Executive Summary.	Yes
B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	DCP requirements: 1space per 2 staff and 1space per 8 children for set down and pick up. Purposes.	90 children and 14 staff and provision for 7 on site staff spaces and 11 on street parking spaces with the Clovelly Road and Knox Street carriageways.	Yes. See also Traffic and Parking in Key Issues section of the Executive Summary.

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Part D3 Table: Child Care Centres

The Randwick Comprehensive Development Control Plan (DCP) provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	Yes
2	SITE SELECTION		
	i) DAs are to address the suitability and context of the proposal including: <ul style="list-style-type: none"> ▪ Proposed size, number of children and age breakdown for the centre. ▪ The number of staff to be employed. ▪ Proposed hours of operation. ▪ Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc.). ▪ Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects). 	The site is a corner allotment with 3 street frontages which is a suitable location for a child care centre. The number of staff is 14 which is appropriate for 90 children. The age breakup of children is 12 x 2 0-2 years, 18 x 2-3 years and 60 x 3-5 years The proposed hours are from 7.00am to 6:00pm weekdays with no work on weekends and or	Yes See also Key Issues section of Executive Summary.

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> ▪ Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability. ▪ Availability of on-site vehicular access and parking. ▪ Proximity to public transport. ▪ Proximity to existing community and children’s services. ▪ Demonstrated demand for the service and identification of any special needs the centre will address. <p>ii) Where a child care centre is proposed within 300 metres of a mobile phone tower, base station, transmission line easement or other source of potentially significant electromagnetic radiation, a report by a suitably qualified consultant must be submitted with the DA, assessing the potential exposure impact on the centre and its occupants.</p>	<p>public holidays.</p> <p>Potential impacts of noise, parking and traffic have been investigated by Council’s technical officers.</p> <p>The proposed use as modified to a maximum of 90 children and intensity can be reasonably accommodated within the residential area, subject to suitable conditions to protect surrounding amenity.</p> <p>Whilst there is a satellite antenna on the building and several antennas on the corner of Arden Street and Clovelly Road within approximately 200m of the subject site, these structures do not constitute the type of structures intended to be considered under this clause.</p>	<p>Yes</p>
3	BUILDING DESIGN		
3.1	Built form, Scale and character		
	<p>i.)For new child care centres or extensions proposed in the R2 Low Density Residential zone, the building design is to be similar to a dwelling house in terms of built form, scale, massing, roof design and articulation. Single storey buildings are encouraged for safety and access reasons.</p>	<p>The existing building on the site is the former Kings Theatre and has been used since 1962 as Clovelly RSL and Air Force Club. As such the existing building does not conform to the residential character of surrounding development.</p> <p>Notwithstanding, the building is well established in the area and the proposed development will facilitate an upgrade particularly in respect of external facades which will have a positive</p>	<p>Yes.</p>

DCP Clause	Controls	Proposal	Compliance
	<p>iv) Architectural elements which articulate the front and other facades visible from the street frontage must be incorporated into the overall building design to create visual interest.</p> <p>v) Avoid large expanses of blank and unarticulated walls.</p>	<p>contribution to the existing building in the context of the immediate locality.</p> <p>Moreover, the child care centre of a reasonable scale as now proposed will likely result in a more compatible development on the site than the previous RSL Club in terms of potential amenity impacts. See also Key Issues section of Executive Summary.</p> <p>The restoration of the existing facade to Clovelly Road will improve the architectural integrity of the existing building.</p>	<p>Yes.</p> <p>Only existing blank facades will be maintained and upgraded.</p>
3.2	Setbacks		
	<p>i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C1 of the DCP or demonstrate that alternative setbacks are suitable, having regard to:</p> <ul style="list-style-type: none"> ▪ The zoning for the site and alternative setback controls in this DCP; or ▪ The site location and prevailing setbacks of surrounding properties. 	<p>The DCP on a site of greater than 12m in width requires a setback of 1.2m to ground and first floors and 1.8m to a second storey and above.</p> <p>New works include FC sheet cladding with window openings of appropriate design setback back a minimum of 3m from side boundaries. To the eastern boundary with No. 271 Clovelly Road the new works will include timber lapped and capped paling fencing along a central section of the common boundary (currently unfenced) and an existing 2 storey</p>	<p>The existing and proposed setbacks are well in excess of the required setbacks under the DCP. The exception in this regard is the proposed wall of approx. 4m in height.</p> <p>See Setbacks in Key Issues section of the executive Summary.</p>

DCP Clause	Controls	Proposal	Compliance
		<p>masonry wall setback approx. 2.1m from the respective boundary; a rebuilt and expanded masonry wall to a height of approximately 4m to the rear with a 3m recessed roller door access and fire exit onto and existing ROW serving the property across the rear yard areas of Nos. 271 - 285 Clovelly Road.</p> <p>At upper levels the proposed new structures are setback a minimum of 3m up to 8m from the eastern boundary.</p> <p>From the western boundary the new works are setback a minimum of 3m up to 17.5m.</p> <p>From the northern boundary to Susan Lane the proposed staff parking is set to the street alignment by way of a supported cantilever arrangement with a low rise retaining wall of approximately 1.2m in height at the southern extremity. A bin storage area of approx. 2.4m in height is located in the north western corner Susan Lane and Knox Street.</p> <p>Further setback from is alignment to the south the new works comprising an indoor play area is setback back approximately 7.5m from Susan Lane and will rise to a relative height above the laneway of approx. 3m.</p>	

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DCP Clause	Controls	Proposal	Compliance
	<p>ii) Increased setbacks may be required in certain circumstances having regard to privacy, solar access, to achieve reasonable view sharing with neighbouring properties and/or to provide the required amount of space for outdoor play areas.</p> <p>iii) The front setback area may only be used for access, car parking and landscaping purposes and not for the purposes of outdoor play areas and the like.</p>	<p>The southern façade as existing and proposed is set to the street alignment. It is proposed be restored and painted in accordance with the schedule of external finishes and colours which accompanies the application.</p> <p>The proposed setbacks are generally considered acceptable and will not result in unacceptable impacts in relation to solar access, or view loss and will essentially serve to improve visual and acoustic privacy between the proposed child care centre and surrounding buildings. Adequate play areas have been provided to cater for children.</p> <p>The existing front façade to Clovelly Road will be restored and maintained and does not include car parking and or outdoor playing areas.</p>	<p>Yes</p> <p>Yes</p>
3.3	Building Material and Colours		
	<p>Controls</p> <p>i) For child care centres proposed in residential zones, the selection of building materials, finishes and colours must have regard to the relevant controls set out in Part C, Section C3 of this DCP.</p>	<p>The colours and building materials selected are of durable and non-reflective finishes. Councils Heritage planner indicates the submitted material and colours will enhance and improve its streetscape contribution.</p>	<p>Yes</p>
4	AMENITY		
4.1	Acoustic Amenity and Privacy		
	<p>i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> ▪ Adequate site planning and building design measures are proposed to minimise noise impacts. 		<p>Yes. See also Acoustic Amenity and Privacy in Key Issues section of Executive Summary.</p>

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> ▪ Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. ▪ Suitable noise attenuation measures have been incorporated into the proposal. <p>ii) Orient extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.</p> <p>iii) Locate outdoor and indoor play areas, balconies and terraces and operable windows to minimise the direct line of sight to and from neighbouring properties.</p>	<p>Given the north south orientation of the subject site and surrounding allotments the proposed alterations and additions will not result in excessive overshadowing impacts to adjoining properties.</p> <p>Shadow diagrams indicate that the closest affected development, pair of semi- detached dwellings at No 271 and 273 Clovelly Road will not experience change in shadows during the winter solstice between 8.00am and 12.00pm. In the afternoon hours due to the height of the existing rock ledge wall and vegetation on these properties no significant additional overshadowing impacts will occur to these or other properties to the east. Similarly additional shadows cast on eastern facing windows and front yard areas of Nos. 259 and 261 Clovelly Road (to the west of the subject site across Knox Street) will be out of shadow from the proposed development well before midday.</p> <p>iii) The proposal has largely been designed to minimise direct lines of sight into the neighbouring dwellings.</p>	<p>Yes</p> <p>Yes. See also Acoustic Amenity and Visual Privacy in Key Issues</p>

DCP Clause	Controls	Proposal	Compliance
	<p>iv) Locate pedestrian access ways and ramps away from neighbouring residential properties where practical.</p> <p>v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.</p>	<p>Only the upper level outdoor play area will have a view over Knox street however is sufficiently distanced so as not to impact on the amenity of surrounding dwellings.</p> <p>iv) Pedestrian access ways and ramps are located away from neighbouring dwellings.</p> <p>The proposal maximizes the use of fencing, acoustic wall buffers and sensitive placing of window openings to protect the visual privacy and acoustic amenity for the centre and neighbouring sites.</p>	<p>section of the Executive Summary.</p> <p>Yes.</p> <p>Yes.</p>
4.2	Safety and Security		
	<p>i) Entry to the child care centre is to be limited to one secure point which is to be:</p> <ul style="list-style-type: none"> ▪ Appropriately located to allow ease of access. ▪ Well lit and adequately sign posted. ▪ Located away from areas used for vehicle access. ▪ Located away from outdoor space used by children. ▪ Monitored through natural or camera surveillance. ▪ Limited to authorised persons only through the provision of an electronic security system such as swipe cards. <p>ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care centre must be provided.</p> <p>iii) Incorporate windows on the front façade where possible to enable casual surveillance.</p>	<p>A single access point to the premises is provided off Clovelly Road. 2 Fire exits which will not be used for access are provided to Knox Street.</p> <p>The principal access is safely separated from the staff parking off Susan Lane and logical and safe entry paths from the set down pick up areas in Knox Street and Clovelly Road are evident on the plans.</p> <p>The proposed use as a child care centre relates to the entire building and site.</p> <p>Windows to foyer and meeting room areas along the Clovelly façade and elevated outdoor play areas which overlook Knox</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	iv) Where a proposed child care centre has a direct street frontage or vehicular access onto a classified road, identify additional safety measures (e.g. secure fencing, landscaping or other measures to prevent unaccompanied children from exiting the centre).	Street will allow for adequate casual surveillance of the respective frontages. N/A	N/A
4.3	Play Areas		
	i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans. ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical. iii) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas. iv) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.	Indoor and outdoor play areas are dimensioned and clearly identifiable on the plans and the application is accompanied by a qualified consultant report which verifies compliance with the Dept. of Family and Community service requirements for indoor and outdoor space per child. The proposed play areas are located on all 3 levels including covered areas which will receive ambient light and shaded and open areas to the uppermost levels with a north eastern orientation. The play areas are separated from the main entrance, car parking areas or vehicular circulation areas. To the south, west and north the site is physically separated from surrounding residences by Clovelly Road, Knox Street and Susan Lane respectively. To the east the play areas are separated from	Yes Yes Yes Yes. See also Key Issues section of Executive Summary.

DCP Clause	Controls			Proposal	Compliance
	<p>v) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.</p> <p>vi) Indoor play areas must have adequate access to sunlight and natural ventilation.</p> <p>vii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).</p> <p>viii) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.</p> <p>ix) Toilets should be easily accessible from both indoor and outdoor play areas.</p>			<p>habitable rooms of the adjoining semi-detached dwelling by existing and proposed full height walls and the rear yard area by a masonry wall of approximately 4m in height. The physical separation from play areas to surrounding properties has been supported by a revised acoustic report which verifies acceptable acoustic conditions.</p> <p>Clear sightlines between indoor and outdoor play areas are proposed at all levels.</p> <p>The proposed play areas by way of a series of sky light wells and areas open to the sky will receive adequate access to sunlight and natural ventilation.</p> <p>The plans submitted indicates that at least 50% of the outdoor play area (both ground level, level 1 and level 2 will include a wide variety of surface materials including sandstone, timber planter beds plantings hard and soft paving and other elements.</p> <p>The physical shading devices at the lower levels are provided by cantilevered built elements ad on the uppermost level by</p> <p>Adequate toilet facilities are provided that are readily accessible, safe and convenient for the children.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes.</p> <p>Yes</p>
	Indoor	0-6	3.25m2 per	90 Children	

DCP Clause	Controls			Proposal	Compliance
	Space	years old	licensed child space of unencumbered space	Required = 315m ² Proposed = 431m ²	Yes
	Outdoor Space	0-6 years old	7m2 per licensed child space of useable outdoor space	Required = 540m ² Proposed = 1023m ²	Yes
4.4	Landscaping				
	i) Submit a landscape plan with the DA clearly identifying the following elements: <ul style="list-style-type: none"> ▪ Location of play equipment ▪ Location and extent of landscape buffers ▪ Proposed planting including a variety of trees and plants to create visual interest and shade for children ▪ Materials and finishes of outdoor surfaces. ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style. iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and neighbouring properties. iv) A landscape buffer of no less than 1 metre must be provided in the front setback where on site car parking and drop off areas are proposed in residential zones. v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable. vi) Toxic, spiky or other plant species hazardous to children should not be used.			Landscape plans have been provided with appropriate planting and screening for visual interest and shading for the children. The landscaping design is principally internal given the existing building on the site and the proposed adaptation form. The retention and restoration of the Clovelly Road façade will contribute to the enhancement of the streetscape. Existing planting which will be retained within the Knox Street nature strip will soften the visual impact of new works. The parking provision is a sound response having regard to the constraints of the site. The boundary treatment is reasonable having regard to the existing building on the site. No toxic, spiky or other plant species hazardous to children are	Yes Yes Yes Yes Yes

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DCP Clause	Controls	Proposal	Compliance
		proposed.	
5	TRAFFIC, PARKING AND PEDESTRIAN SAFETY		
	<p>i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:</p> <ul style="list-style-type: none"> ▪ prevailing traffic conditions ▪ likely impact of the proposal on existing traffic flows ▪ pedestrian and traffic safety ▪ Appropriate arrangements for safe and convenient pick up and drop off at the site. <p>ii) A reduction in car parking controls in Part B, section B7 may be considered where:</p> <ul style="list-style-type: none"> ▪ The site is located in proximity to high frequency public transport. ▪ The site is co-located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks). ▪ There is sufficient on street parking available at appropriate times within proximity of the site. ▪ The development is not likely to result in any adverse impact on the safe operation of the surrounding road network. 	<p>Council’s comprehensive DCP 2013 Part B7 specifies that parking be provided for childcare centres at the rate of 1 space per 2 staff plus 1 space per 8 for set down and pickup of children.</p> <p>For the proposed development consisting of 90 children and 14 staff this will require 7 spaces for staff and 11 spaces for pickup and drop off.</p> <p>The proposal it it’s amended form shows provision for 7 staff parking spaces off Susan Lane and 11 spaces within the Clovelly Road and Knox Street carriageways.</p> <p>A revised Traffic report has been submitted validating the adequacy of the proposed arrangement.</p> <p>The site is opposite and within the immediate vicinity of bus stops connecting the site with Clovelly Beach, Randwick and Bondi Junction commercial centres and the CBD.</p>	<p>Yes. Also see Traffic and Parking in Key Issues section of executive summary.</p> <p>Yes</p>
Vehicle Circulation and Car parking Design			
	i) On-site parking and drive through		Yes. See also

DCP Clause	Controls	Proposal	Compliance
	<p>facilities must not visually dominate or detract from the streetscape character.</p> <p>ii) Car parking areas and set down and pick up points, must be appropriately marked, signposted and lit to ensure pedestrian safety.</p> <p>iii) The entry and exit of set down and pick up points should preferably be separated.</p> <p>iv) On-site parking and vehicle manoeuvring areas are to be designed so that vehicles can safely enter and exit the site in a forward direction.</p> <p>v) Stack parking may be considered for a maximum of 2 car spaces.</p> <p>vi) Access driveways must not be located opposite or in the vicinity of road intersections.</p>		<p>Traffic and Parking in Key Issues section of the executive Summary.</p>
Pedestrian Access Design			
	<p>i) Pedestrian access must be separated from vehicular access with clearly defined paths, signage and fencing.</p> <p>ii) Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety.</p> <p>iii) Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site.</p>		<p>Yes. See also Traffic and Parking in Key Issues section of the executive Summary.</p>
6	Hours of Operation		
	<p>i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses.</p>	<p>The proposed childcare centre will operate 7:00am to 6:00pm Monday to Friday and will be closed on weekends and public holidays. These hours are considered to be acceptable in a residential area subject to ongoing compliance with conditions of consent.</p>	<p>Yes. See also Acoustic Amenity and Privacy in Key Issues section of Executive Summary.</p>
7	Fences		

DCP Clause	Controls	Proposal	Compliance
	<p>i) Fencing is to be of a height and design suitable to contain noise generated by children’s activities and compatible with the building and fencing materials used in the vicinity.</p> <p>ii) Child proof fencing and self-closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.</p> <p>iii) Fencing must not obstruct sight lines between pedestrians and vehicles.</p>	<p>Acoustic screening and fencing recommended by the Acoustic consultant either already exists or forms part of the application for development. The recommendations indicated in the amended acoustic report have been reviewed by Council’s Environmental Health Unit and are considered acceptable in ensuring the minimisation of potential acoustic privacy impacts on neighbouring properties.</p> <p>Safety gates as required included in the proposal.</p> <p>The existing and proposed fencing will not obstruct any sight lines between pedestrians and vehicles.</p>	<p>Yes</p> <p>Yes.</p> <p>Yes</p>

2. 79C Matters for consideration

Section 79C ‘Matters for Consideration’	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The affectations under the RLEP have been dealt with in the body of this report. Also see Heritage Controls in Key Issues section of Executive Summary.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant considerations under the DCP have been dealt with in the body of this report.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) –	The relevant clauses of the Regulations have been satisfied.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Provisions of the regulations	
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is compatible with the dominant residential character in the locality. The proposal should not result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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3. Referral Comments

See Key Issues section of the Executive Summary for Environmental Health, Heritage and Development Engineer comments.

4. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA02 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA03 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA05 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA06 Issue E	Bongiorno	12.01.15	15 January, 2015

Plan	Drawn by	Dated	Received by Council
	Hawkins		
DA07 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA08 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA09 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA 13 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA14 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA15 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA16 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
DA17 Issue E	Bongiorno Hawkins	12.01.15	15 January, 2015
Landscape Plans 1 of 4 to 4 of 4	Tessa Rose	22 July, 2014	19 August 2014
Sample Boards 1 and 2	Tessa Rose		19 August, 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed lapped and capped timber paling fencing shown adjacent to the eastern boundary is to be replaced by a masonry wall of a minimum height of 1.8m above existing ground level. Details are to be shown on the Construction Certificate Plans.
 - b. The plans are to be amended to incorporate the existing stage area including wooden floor and steps in accordance with the plan prepared by City Plan Heritage noted as attachment A to the heritage report prepared for DA/566/2014 dated 25 February 2015. Details demonstrating compliance in this regard are to be submitted to and approved by Council's Manager of Development Assessment prior to issue of the Construction Certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
4. A suitably qualified heritage consultant is to be nominated for the project. The

heritage consultant's name and qualifications are to be submitted prior to issue of a Construction Certificate. The consultant is to provide technical heritage advice, conduct heritage inductions and inspect the construction works on site.

5. A Schedule of Conservation Works for the existing building detailing the proposed conservation, repair and reinstatement works to the facades, Dress Circle room and its ceiling as well as the vertical original sign of the former cinema (supported by architectural drawings where applicable) 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 Schedule 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 Manager of Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development.
6. An archival recording of the property shall be prepared and submitted to and approved by Council's Manager of Development Assessment in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction 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. Details of the proposed paint scheme prepared by a suitably qualified colour consultant are to be submitted to and approved by Council's Manager of Development Assessment in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
8. The current 2002 Conservation Management Plan for the site shall be revised and updated to reflect the subject works and 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*. The revised CMP shall be prepared by an architect suitably qualified and experienced in heritage conservation, and is to be submitted to the satisfaction of the Heritage Planner and the Director City Planning within 12 months of any approval for the current development.

External Colours, Materials & Finishes

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

Section 94A Development Contributions

10. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of 3,420,000.00 the following applicable monetary levy must be paid to Council: \$32,400.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

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

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

Security Deposit

12. 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*:

- \$10,000.00 - 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 occupation certificate or completion of the civil works.

Design Alignment levels

13. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

Susan Lane frontage

- **50mm above the edge of bitumen at all points opposite, along the full site frontage.**

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

14. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$150.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Carpark Design

15. The internal carspaces must be designed and constructed in accordance with Australian Standard 2890.1 (2004) – Off Street Car Parking and the following additional requirements;
- The carspaces must match the alignment levels at the property boundary (as specified by Council)
 - The carspaces must include wheel stops to prevent vehicles colliding with the carpark's southern wall to the requirements of AS 2890.1.

Details of compliance are to be included in the construction certificate documentation.

Stormwater Drainage

16. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

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 a Sydney Water Quick Check agent, 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.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

Waste Management

18. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

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

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.

- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for the on-going waste management of the childcare centre including collection, storage and removal of waste and recycling of materials.

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

Street Tree Management

19. The applicant must submit a total payment of \$2,851.75 (including GST), to cover the cost for Council to:
- Remove, stump-grind and dispose of the row of eight existing *Cupaniopsis anacardioides* (Tuckeroo's) spaced evenly along the length of the Knox Street frontage, between Susan Lane and Clovelly Road (including the 3rd tree back from Clovelly Rd that has already been cut off at stump level), so as to accommodate the external civil works that are required along this frontage, including a relocated/reconstructed kerb, road re-construction, indented parking bays and a widened public footpath;
 - Supply, plant and maintain 5 x 25 litre new street trees, *Banksia serrata* (Saw Toothed Banksia's) along the length of the Knox Street frontage, spaced evenly between Susan Lane and Clovelly Road at the completion of all works.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the trees prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement trees.

20. Fully detailed plans and specifications of the proposed rock removal and structural works adjacent to the Susan Lane frontage (including details of any ground anchors if required) as well as certification from a profession Structural Engineer are to be submitted to and approved by the Director of City Services prior to the issuing of a construction certificate. The plans shall demonstrate compliance with the following;
- There must be no loss of support for the roadway in Susan Lane
 - The proposed works must eliminate any on-going potential for rock to fall into the development site or neighbouring properties.
 - Adequate provision must be made for drainage of seepage and/or stormwater between the rock face and proposed wall.

Design, Construction & Fit-out of Food Premises

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

The premises is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.

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

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.
 - c. Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
 - d. The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
 - e. All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - f. Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
 - g. Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
 - h. A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.
 - i. Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
 - j. Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located

outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.

- k. All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- l. Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

Sydney Water Requirements

23. 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 a Sydney Water Quick Check agent, 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.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

24. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), 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, PCA & other Requirements

26. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Dilapidation Reports

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

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the

dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

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

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

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

Construction Site Management Plan

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

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

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

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

Demolition Work Plan

30. 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 demolition/building materials
- Date the demolition works will commence

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

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

Notes

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

Civil Works

31. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/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 & Randwick Traffic Committee prior to commencing of any works within the road reserve.

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

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

NOTES

- The proposed median on Clovelly Road is not required
- The applicant shall liaise with Council's Coordinator of Engineering Services & Department of Integrated Transport to discuss the above requirements and to arrange placement of item/s on the agenda for the next available meeting of Randwick Traffic Committee.

Construction Traffic Management

32. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Clovelly Road and/or Knox Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & 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.

34. 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

35. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
36. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

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

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

Site Signage

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

Restriction on Working Hours

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

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

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

Demolition Work Requirements

40. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

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

Removal of Asbestos Materials

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

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

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

Sediment & Erosion Control

42. 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 are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

43. 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) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

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

b) 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.

c) 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.

d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

e) 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.

f) Site fencing, building materials, bulk bins/waste containers and other articles 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.

g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

44. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

45. 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 Principal Certifying Authority.

46. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
- as may be required by the *Principal Certifying Authority*.

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

Building Encroachments

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

Tree Management

48. Approval is granted for removal of the self-seeded *Morus nigra* (Mulberry) that is growing out of the wall along the northern site boundary, fronting Susan Lane, as well as the *Banksia integrifolia* (Coastal Banksia) that is growing out of the wall along the western site boundary, fronting Knox Street.

Road/Asset Opening Permit

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

Occupation Certificate Requirements

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

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

Food Safety

51. The kitchen must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
52. The acoustic mitigation measures outlined in acoustic report undertaken by RSA Acoustics dated 15 January 2015, Doc Reference Report 13260R6 are to be implemented in accordance with section 7 of the acoustic report. Details of acoustic attenuation fixed measures compliance shall be provided to the principal certifying authority prior to issuing a construction certificate.

Council's Infrastructure, Vehicular Crossings, street verge

53. Subject to the approval of Randwick Traffic Committee where appropriate, the applicant must meet the full cost for a Council approved contractor to:
- Remove existing kerb & gutter on eastern side of Knox Street as required and construct new kerb and gutter & indented parking bay approximately 3.6m from boundary alignment to Council's requirements & satisfaction.
 - Carry out a full depth, minimum 2.0 metre wide, road construction in front of the new kerb and gutter along the Knox street frontage, to Council's specifications and requirements.
 - Remove the existing 1.3m wide footpath and replace with a **1.8m** wide concrete footpath along the full site frontage on Knox Street.
 - Remove & replace full width concrete footpath on Clovelly Road frontage including any works required for the proposed disabled parking space.
 - Adjust centerline markings in Knox Street to ensure compliance with Rule 208 of the Australian road rules
 - Install any road signage as required including at the proposed location of the pickup and drop-off zones on Clovelly Road and Knox Street stating "15 minute parking 7:00-9:00am 3:30-6:30pm Mon-Fri" (unless varied by RTC).
 - Remove the existing guard rail and construct gutter and layback including any associated roadworks along the Susan Lane frontage for the carpark access.
54. The applicant 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.
55. 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:
- 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.
 - 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 occupation certificate being issued for the development, together with payment of the relevant fees.
 - 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.
56. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.
57. At the completion of works, certification from a certified practicing structural engineer for all structural works adjacent to the Susan Lane frontage is to be submitted to the satisfaction of the PCA and Council (if Council is not the PCA). The certification is to include stated compliance with the relevant conditions of consent.
58. Prior to release of an Occupation Certificate a report by a suitably qualified consultant is to be submitted to the PCA and Council (if Council is not the PCA) demonstrating acceptable levels of potential exposure impact on the centre and its occupants from sources of potentially significant electromagnetic devices within 300m of the site.

OPERATIONAL CONDITIONS

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

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

External Lighting

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

Hours of Operation

60. The hours of the operation of the business are restricted to the following:-

Monday – Friday only: 7:00am – 6:00pm.

Deliveries (including the loading and unloading of goods) are restricted to:

Monday to Friday only: 7:00am - 6.00pm

Food Storage

61. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Food Safety Requirements

62. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.
63. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
- A digital probe type thermometer must also be readily available to check the temperature of food items.
64. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
65. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

66. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Environmental Amenity

67. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
68. A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment and

noise generated from children in the outdoor play area. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

69. The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustic report by RSA Acoustics dated 15 January 2015, Doc Reference 13260R6 Noise Assessment unless otherwise stated by this development consent.
70. Amplified music is not to be played in the outdoor play areas at any time.
71. The outdoor areas on level 2 (uppermost floor) are not to be used in association with any periodic after hours events.
72. The ROW serving the site from Fewings Street is not to be used for vehicular access in association with the child care centre usage of the site.
73. A detailed plan of management shall be submitted to and approved by a suitably qualified acoustic consultant and Council prior to an occupation certificate being issued, which shall include but not be limited to:
 - recommendations included in acoustic report prepared by RSA Acoustics section 7 ref no:13260R6 dated January 2015,
 - shall include approved children numbers for all outdoor areas,
 - ensure compliance with the relevant conditions of approval,
 - minimise the potential impact of the operation of the premises upon nearby residents,
 - effectively manage behaviour of children including but not limited to outdoor areas,
 - clearly state permitted numbers of children in outdoor areas
 - minimise noise emissions and associated nuisances,
 - effectively manage and respond to resident complaints.,
 - detail the frequency and likely duration of periodic after hours events
74. The childcare centre shall not exceed a maximum number of 90 children at any one time.
75. Outdoor areas shall be used in accordance with RSA Acoustic report dated January 2015 doc. Ref: 13260R6 and the approved plan of management at all times.
76. Signs shall be erected in each outdoor area with the maximum permitted number of children clearly displayed in accordance with RSA Acoustic report dated January 2015 doc. Ref: 13260R6 and the approved plan of management.
77. The childcare centre shall be operated in accordance with the approved plan of management and conditions of consent at all times.
78. 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_{AeqT} , 15 min and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

79. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

80. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

Sanitary Facilities

81. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for customers and staff and be maintained in a clean and sanitary condition at all times.

Regulatory Requirements

82. The primary purpose of the premises is for the provision of food and the premises must not to be used principally, for the sale, supply and consumption of alcohol.

The written approval of Council and a relevant Liquor Licence under the (*Liquor Act 2007*) must be obtained beforehand for any proposed sale, supply and consumption of alcohol on the premises.

Plant & Equipment

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

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

Air Conditioners

84. 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.

ADVISORY NOTES

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$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.

- A1 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

- A4 A Local Approval application must be submitted to and be approved by Council 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 on 9399 0944.

- A5 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

- A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A7 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).

- A8 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A9 Demolition work and removal of asbestos materials:
- *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.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A11 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.