



Randwick City
Council
a sense of community

DA COMPLIANCE REPORT

**ORDINARY COUNCIL MEETING
TUESDAY 25 AUGUST, 2015**

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DIRECTOR CITY PLANNING REPORT

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Development Application Compliance Report



Folder /DA No:	DA/754/2014
PROPERTY:	58-60 Arden Street, CLOVELLY NSW 2031
Proposal:	Alterations and additions to an existing presbytery building adjacent to St Anthony's Church, and conversion of the presbytery building to a childcare centre for 80 children.
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

SEPP (Infrastructure) 2007

The Infrastructure SEPP contains provisions in respect of development with and without consent for educational establishments on land within a prescribed zones including the SP2 (Educational Establishment) zone, applicable to the subject site.

Clause 28 of the SEPP provides:

Development permitted with consent

(1) *Development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone.*

(1A), (1B) *(Repealed)*

(1C) *Development for a purpose specified in clause 31A (1) may be carried out by any person with consent on land on which there is an existing school or TAFE establishment.*

(2) *Development for any of the following purposes may be carried out by any person with consent on any of the following land:*

(a) *Development for the purpose of educational establishments—on land on which there is an existing educational establishment,*

(b) *development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*

(3) An educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, whether or not it is a commercial use of the establishment.

(4) *Subclause (3) does not require consent to carry out development on land if that development could, but for this Policy, be carried out on that land without consent.*

In relation to clause 3 above, given the existing St Anthony's Primary School as part of the wider site, the use of part of the land for the purposes of a child care centre which will benefit the local community is consistent with the intentions of this clause. In any case, the permissibility of the proposed use is not reliant on this clause as addressed as follows.

2. Randwick LEP 2012

The site is zoned SP2 Special Infrastructure (Educational Establishment) under Randwick Local Environmental Plan. The zoning objectives are as follows:

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To facilitate development that will not adversely affect the amenity of nearby and adjoining development.
- To protect and provide for land used for community purposes.

The proposed development as recommended to be reduced in capacity to allow for a maximum of 80 children is consistent with the zone objectives as:

- The proposed use of the site for a child care centre will contribute to the provision of infrastructure and related facilities and will not detract from the ongoing provision of infrastructure.
- The amenity impacts associated with the reduced number of children are assessed in the body of this report as acceptable.
- The proposal is consistent with the intention of the zone to provide land for community purposes.

The zone permits the following with consent.

3 Permitted with consent

*Environmental protection works; Flood mitigation works; Roads; **The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.***

The use within existing educational establishments for child care centres as an ancillary component to the wider use of the site is an established feature within the Randwick LGA and the proposal is therefore permissible and consistent with the intentions of the zone in this regard.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	NA		Yes
Height of Building (Maximum)	NA		Yes

3. Randwick Comprehensive DCP

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 = SP2 Infrastructure (Educational Establishment)	Yes
2	<p>SITE SELECTION</p> <p>i) DAs are to address the suitability and context of the proposal including:</p> <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). ▪ 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>As a general guide, preferred sites for child care centres are sites:</p> <ul style="list-style-type: none"> • Situated in proximity to workplaces, businesses, retail services and public transport. • Co-located with existing educational, open space or other community facilities where parking is already available. • Co- located in buildings that provide onsite facilities for employers to reduce trip generation. • Situated within purpose built detached buildings on accessible sites rather than semi-detached dwellings, dual occupancy or residential flat buildings. • Where there is less exposure to neighbouring residential 	The location of the proposed child care centre satisfies the identified site selection criteria.	Yes

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DCP Clause	Controls	Proposal	Compliance
	<p>development (e.g. large corner sites).</p> <ul style="list-style-type: none"> Where safe and convenient vehicle access and pedestrian safety can be provided. <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>		
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>ii) For all other zones or locations, the building design is to complement the desired built form, scale and character for that particular zone or location.</p> <p>iii) Where a child care centre is proposed in a multi storey building (e.g. mixed use building) it must be located on the ground floor of the development unless it can be demonstrated that:</p> <ul style="list-style-type: none"> There are no viable alternatives for a location at ground level in the building or surrounding area. With respect to a heritage item, the proposed child care centre on the ground floor would detrimentally impact on the heritage significance of the item. Adequate access to play areas, solar access (particularly mid winter) and natural ventilation is available. Adequate emergency access and egress is available. 	<p>The proposed built form after amendments to satisfy heritage concerns incorporates an acceptable built form, scale and character.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • Adequate access for pick ups/drop offs is available. <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>		
3.2	Setbacks		
	<p>i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C, Section C3 of this 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>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 setbacks to the existing presbytery to Arden and Greville Streets will remain unaltered. The proposed new works are setback well in excess of those relating to the existing building.</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>ii) For child care centres proposed within a business centre, master plan or key site, the selection of building materials, finishes and colours must have regard to the relevant controls set out in the relevant section of this DCP.</p> <p>iii) For childcare centres proposed in special purposes or recreation zones, a</p>	<p>The proposed child care centre will provide for an acceptable integration of old versus new and standards conditions are included in the recommendation to ensure a detailed schedule of materials, colours and finishes is submitted and approved by the Manager of Development Services prior to the issue of a construction certificate.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	range of high quality and durable materials must be used in construction which require minimal maintenance and facilitate articulation of the building form. The use of a single colour or material should be avoided.		
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. ▪ 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>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>An acoustic report was submitted with the application which is addressed under Acoustic privacy in the Key Issues section of this report.</p> <p>The physical separation between the proposed child care centre and surrounding residential properties is such that no visual privacy impacts are envisaged.</p> <p>An acoustic buffer along the northern boundary of the outdoor play area adjacent to Greville Street as per the requirements of the acoustic report will ensure an adequate control of noise generated from the development.</p>	Yes
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 	The proposed centre embodies adequate controls in this regard.	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>vehicle access.</p> <ul style="list-style-type: none"> ▪ 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>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).</p>		
4.3	Play Areas		
	<p>i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.</p> <p>ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.</p> <p>iii) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.</p> <p>iv) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.</p> <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</p>	<p>The proposed play areas satisfy the stated criteria in this regard.</p>	<p>Yes.</p>

DCP Clause	Controls			Proposal	Compliance						
	<p>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>x) Toilets should be easily accessible from both indoor and outdoor play areas.</p> <p>xi) Ensure that outdoor play area gates do not open straight onto footpaths or roads.</p>										
	<table border="1"> <tr> <td data-bbox="304 1016 443 1173">Indoor Space</td> <td data-bbox="443 1016 571 1173">0-6 years old</td> <td data-bbox="571 1016 831 1173">3.25m² per licensed child space of unencumbered space</td> </tr> <tr> <td data-bbox="304 1173 443 1303">Outdoor Space</td> <td data-bbox="443 1173 571 1303">0-6 years old</td> <td data-bbox="571 1173 831 1303">7m² per licensed child space of useable outdoor space</td> </tr> </table>	Indoor Space	0-6 years old	3.25m ² per licensed child space of unencumbered space	Outdoor Space	0-6 years old	7m ² per licensed child space of useable outdoor space			<p>Children</p> <p>Required = 260m² Proposed = 310m²</p> <p>Required = 560m² Proposed = 665m²</p>	<p>Yes</p> <p>Yes</p>
Indoor Space	0-6 years old	3.25m ² per licensed child space of unencumbered space									
Outdoor Space	0-6 years old	7m ² per licensed child space of useable outdoor space									
4.4	Landscaping										
	<p>i) Submit a landscape plan with the DA clearly identifying the following elements:</p> <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. <p>ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.</p> <p>iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and</p>			<p>The landscaping of the site includes retention of significant existing trees and provides for adequate protection from the elements.</p> <p>Play areas include hard and soft surfaces in accordance with the requirements of the DCP.</p>	<p>Yes</p>						

DCP Clause	Controls	Proposal	Compliance
	<p>neighbouring properties.</p> <p>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.</p> <p>v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable.</p> <p>vi) Toxic, spiky or other plant species hazardous to children should not be used.</p>		
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>See Traffic and Parking in the Key Issues section of this report.</p>	<p>Supported on merit.</p>
Vehicle Circulation and Car parking Design			
	<p>i) On-site parking and drive through 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</p>	<p>See Traffic and Parking in the Key Issues section of this report.</p>	<p>Supported on merit.</p>

DCP Clause	Controls	Proposal	Compliance
	<p>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>		
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>		Yes
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>Hours of operation are Monday to Fridays 7.30am -6.00pm.</p>	Yes
7	Fences		
	<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</p>	<p>The fencing detail included in the application adequately addresses the respective property boundaries and takes due account of the heritage significance of the existing presbytery building and its setting.</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	lines between pedestrians and vehicles.		
	<p>APPENDIX A: Child care centre Facility and Equipment Requirements</p> <p>The following list of requirements is based on the E&C Regulation and is intended as a guide only. Applicants should refer to the Regulation for a complete and detailed list of equipment standards and service requirements.</p> <ul style="list-style-type: none"> • Space requirements • Laundry • Craft preparation facilities • Food preparation facilities • Nappy Change Facilities • Toilet and Washing Facilities • Sleeping facilities • Storage facilities • Pools • Telephone • Play equipment • First aid • Fire safety • Ventilation, lighting and heating • Hot water • Fencing • Glass • Cleanliness, maintenance and repairs 	Provision of adequate facilities in this regard is included in the submitted application.	Yes

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>SEPP (Infrastructure) 2007</p> <p>See Permissibility and Consistency with Zoning Objectives in the Key Issues section of this report.</p> <p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned SP2 Special Infrastructure (Educational Establishment) under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The proposal will promote the specific objectives of the zone by enhancing employment opportunities and servicing the needs of local and regional residents thereby ensuring the commercial viability of the town centre. It will also protect the amenity of residents in the neighbouring residential zones.</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	<p>See also Permissibility and Consistency with Zone Objectives in Key Issues section of the report.</p> <p>Clause 5.10 provides heritage controls which are addressed under Heritage in the Key Issues section of this report.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Refer to table below
Section 79C(1)(a)(iii) – Provisions of any development control plan	<p>The proposal generally satisfies the DCP including those within D 11 – Child Care Centres in relation to:</p> <ul style="list-style-type: none"> • Site planning • Setbacks • Internal and external area requirements • Visual and Acoustic Amenity • Pedestrian access and • Fencing <p>A detailed assessment of the relevant parts of the DCP is included in the DCP section of this report.</p> <p>See also Acoustic privacy in the Key Issues section of this report.</p>
Section 79C(1)(a)(iiiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<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 consistent with the dominant residential character in the locality. The proposal is not considered to 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	The issues raised in the submissions have been addressed in this report.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
EP&A Regulation	
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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5. Referral Comments

Heritage Planner:

The Site

St. Anthony’s Catholic Church, school and presbytery are listed as heritage items under Randwick LEP 2012. The Randwick Heritage Study Inventory Sheet considers that the Classical Revival church building has architectural as well as local historical and cultural interest, and together with the school and presbytery is part of a good streetscape grouping. The Inventory Sheet notes façade features including the columned portico, with circular feature window and large moulded arch above.

Background

A pre-lodgement application (PL/11/2012) was received in March 2012 for alterations and additions to use the existing presbytery as a child care centre for 56 children which included a single storey rear addition. Concerns were raised in relation to the heritage impact of a number of proposed internal and external changes.

The original development application proposed alterations and additions to use the existing presbytery as a childcare centre for 95 children. At ground floor level it was proposed to make internal and external changes to provide playrooms, office and staff areas, amenities, and disabled access. At first floor level a number of internal changes were proposed to provide play areas and amenities. Externally, a number of changes were proposed to the front elevation and a two storey rear addition was proposed. The existing garage was to be adapted for use as a kitchen and laundry. Outdoor play areas were proposed to the front, rear and north of the building and new car park for 10 vehicles to the south. Signage was also proposed to the Arden Street frontage. Concerns were raised that in relation to the heritage impact of proposed external changes, internal changes, rear addition, play areas and carparking. A meeting was held to discuss these issues and amended drawings were been received. As compared to the original drawings, amended drawings made further changes to the envelope of the rear addition. changes to the front entry and play deck and to the form and detailing of the rear addition.

Concerns remained that the dominance of the addition will be accentuated by the cantilevering of the first floor level beyond the line of the existing building and the ground level walls, and the cantilever of the high verandah roof. Concerns also remained that the proposed exposed truss system and the heavy fascias and spandrels will give the addition an industrial appearance inappropriate for an addition to a heritage building. It was considered there was further scope for reduction in building bulk and improved detailing for the rear addition to address these concerns. A meeting was held to discuss these issues and further amended drawings have now been received.

Proposal

As compared to the original drawings, amended drawings have made further changes to the building envelope of the rear addition.

Submission

The current application has been accompanied by a Heritage Impact Statement prepared by Heritage Solutions. In terms of significance the HIS considers that the building is a well-crafted, simple and intact example of the Inter-War Georgian Revival style, and that its corner location and setting of brush box and figs enhances the building and setting of the group.

The HIS recommends externally that the principal form of the building and its fenestration to the two street frontages be conserved, and not concealed or dominated by new elements, with the south and east faces able to be altered, provided new elements are respectful in terms of form, materials and finishes. The HIS recommends internally that the entry spaces and the stair, joinery and doors are important in revealing the character and use of the building. The HIS recommends that the setting be conserved, including brick fencing and wrought iron gates. The HIS addresses concerns raised in relation to the heritage impacts of the proposed external changes, internal changes, rear addition, play areas and carparking.

Controls

The Heritage section of Randwick Development Control Plan 2013 provides Objectives and Controls applying to development in a heritage conservation area, including Design and character; Scale and form; Detailing; and Materials, finishes and colour schemes. In relation to Design and character, the DCP includes an Objective of ensuring that new development does not adversely impact on the setting, streetscape or views associated with the heritage item and that additions respect the original built form, architectural style and character. In relation to Scale and Form, the DCP includes Controls that additions must not visually dominate, compete with or conceal the original form and massing of the existing buildings, and must not contain any major or prominent design elements which compete with existing architectural features or detailing.

Comments

The building retains much of its original character and detailing internally and externally including face brick walls, arched recessed entry porches, timber windows, brick fence to Arden Street, sandstone fence to Greville Street, plasterwork, timber skirtings, architraves and doors, and tiling to kitchen and bathrooms.

External changes

The proposal generally retains the original elevations of the building to Arden and Greville Streets, with the exception of a new door provided in the east (Arden Street) elevation. It is noted that the existing entries from both Arden Street and Greville Street comprise brick stairs on the axis of the brick arched recessed entry porches. The proposed new entry from Arden Street including new stair and ramp will partially obscure original detail. The new stairs are to be built over the top of existing stairs however avoid demolition. Amended drawings propose dark grey vertical metal railings instead of glass railings to allow better visibility of the façade. A consent condition should be included requiring the submission of detail of the metal railings to ensure maximum visibility of the building façade is maintained. Amended drawings have also centred the entry steps on the entry arch, improving the relationship between new and original fabric.

Internal changes

At ground floor level, the proposal maintains the original layout at the northern and southern ends of the building, including the entry and stair halls allowing the understanding of original spaces and the retention of original detailing including timberwork and plasterwork. At first floor level, the proposal maintains the original layout at the northern end of the building, but a number of original walls are to be removed at the southern end of the building associated with the provision of open plan play areas. While the extent of proposed removal of walls will allow only a limited number of nib walls to be retained, the HIS advises that beams to door head height and provision of timber strips within the timber flooring will express the location of original walls. An appropriate consent condition should be included.

Rear addition

The proposed two storey addition is located to the rear of the existing building, and will be visible from both Arden Street and Greville Streets. The HIS acknowledges that the large cubic addition will be a strong contrast to the existing brick building, but notes a number of changes which will ensure that the addition is recessive, quiet and subservient against the Presbytery.

Amended drawings have reduced the cantilever of the first floor over the carpark beyond the line of the existing building and the ground level walls from 3.5m to 3m. The footprint of the first floor has also been reduced adjacent to the south west corner of the existing building. Amended drawings have reduced the height of the higher roof form of the rear addition from 4m to 3.2m above the level below. The overhang of the verandah roof beyond the rear upper level has also been reduced from 7m to 5m. The reduction in building height and bulk will reduce the dominance of the rear addition in relation to the original building. Amended drawings have also provided an enlarged lower roof to separate the main roof of the original building and the main roof of the rear addition. The lower roof form will avoid the unsympathetic collision of the roof forms of the original proposal and will provide a better transition between the rear addition and the original building.

The garage roof form has now been retained in full and the overhang of the upper level upper level roof has also been reduced in this area. These changes will better retain the existing relationship between the forms of the garage and the main building. Previously amended drawings have reduced the thickness of the roof plane from around 600mm to around 400mm and confirmed that clear glazing is proposed. The proposed framing system, fascias and spandrels will give the addition a contemporary appearance which will not compete with the forms or detailing of the original building. A consent condition should be included requiring the submission of a larger scale edge detail of the fascias and spandrels.

Play areas and car parking

The proposed front play area for the ground floor level will be raised around 1m above existing ground levels and will impact on the symmetry and existing setting of the building. Amended drawings have stepped the play deck from the south elevation of the original building to provide a planter box to articulate the scale of the deck and increase planting. The proposed side play area of the ground floor level will be close to the existing ground level beside the garage. While the proposed rear play area will require the removal of a number of substantial trees, a number of trees within the site, as well as the existing street trees to Arden and Greville streets are to be retained. Existing landscaping to the south elevation enhances the setting of the building and views from the direction of the church. Removal of existing planting and provision of an entirely paved area occupying the full width of the area between the school building and the childcare centre, will have somewhat impact on the setting of the church.

The heritage consultant confirmed the existing brick fence to the Arden Street and Greville Street boundaries are to be retained. The existing wrought iron gates to Arden Street and Greville Street are to be replaced with vertical timber slat gates and the existing openings are to be widened. A consent condition should be included in relation to the modification of the existing fences and the design of new gates. The application proposes a 2.8m high by 1.5m wide (4.2m²) pylon sign to the corner of Arden Street and Greville Streets. The size of the sign is generally appropriate for educational establishment signage. It is unclear whether or not the sign is to be illuminated. An appropriate consent condition should be included.

Environmental Health Comments:**Food Safety Concerns:**

A review of the development confirmed a kitchen and food to be provided, the premises will have a kitchen that proposes to comply with the Food Act 2003, Food Standards Code and Australian Standard 4674:2004.

Recommended food safety conditions of consent will be included in this referral to address any further food safety concerns raised by the Environmental Health team.

Noise Concerns:

Acoustic information was received in the form of acoustic report dated 11 September 2014 from SLR Environmental Solutions:

In summary the acoustic report confirmed compliance with noise criteria noting a high background noise level from urban road at Arden Street.

The assessment has advised noise emission compliance can be achieved project specific noise goals with the boundary treatment in section 6 of the report requiring a barrier fence

- Noise impacts from site related traffic on public roads comply with the NSW Road Noise Policy and are acceptable.

Music is not recommended to be played in outdoor areas and a condition of consent to that effect should be included.

With regards to noise, after reviewing the acoustic report and statements provided by the acoustic consultant it is considered that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outlined in the acoustic report.

It is also recommended that an acoustic validation assessment is undertaken three months after occupation to confirm the operation of the childcare centre is operating in accordance with the requirements of the acoustic report supporting the development application.

A condition requiring the plan of management for the centre be provided to Council and reviewed by the acoustic consultant is recommended as part of this report.

It should be noted that developments of this nature may from time to time have some amenity impact regardless of reports received from acoustic consultants confirming compliance.

Development Engineer's comments:**General Comments**

The assessing officer is advised that following detailed traffic and parking assessment Development Engineering recommends the proposed development be approved with a reduced capacity of **80 children** and subject to the conditions provided in this report.

This reduced number has been determined by restricting the parking demand (including staff and pickup/drop-off) to within the site and along the site frontage on Arden Street in a proposed pickup and drop-off zone and will result in minimal impacts on the surrounding availability of on-street parking.

PARKING COMMENTS

Parking Requirements for childcare centres are assessed as per the rate specified in Part B7 of Randwick Council's Development Control Plan 2013 being;

1 Space per two staff plus 1 space per 8 children for pickup and drop-off

The proposed childcare centre development comprises of 13 staff and 95 children.

Parking Provision Required = 13/2 (staff) + 95/8 (pickup/drop-off)
= 6.5 (staff) + 11.8 (pickup/drop-off)
= 18 spaces (total)

Parking Provision Provided = 3 (staff) + 7 (pickup/drop-off) + 2 motorbike spaces (staff)
= 10 car spaces (total) + 2 motorbike spaces

Parking Deficiency = 3.5 (staff) + 4.8 (pickup and drop -off)
= 8 spaces (total)

The proposed off-street parking provision of 10 spaces will not be sufficient to accommodate the parking demand generated by staff and patrons for a 95 place childcare centre. The applicant is therefore relying on the availability of on-street parking to accommodate any overflow demand that cannot be met within the site.

The submitted traffic and parking assessment Report and addendum by Varga Traffic Planning acknowledges the deficiency and attempts to justify this by providing parking survey data demonstrating the suitable availability of on-street parking. The parking surveys indicate that there is on-street parking available within 100m of the site be it limited. To minimise the impact on kerb side parking it has been recommended in this report to reduce child numbers to 80 and establish a on-street pickup and drop-off zone on Arden Street (see below). This will assist in ensuring any overflow parking is mainly restricted to the site frontage. Further breakdown of staff and pickup/ drop-off parking is provided as follows.

Staff Parking

Development Engineering generally requires that all staff parking for childcare centres be provided within the site (as was required with a similar proposal at 263-269 Clovelly Road) and hence the 3.5 space deviancy from the control is not supported.

To address this issue a minimum of 1 and a maximum of 2 additional spaces (total of 4 or 5) shall be dedicated for staff within the internal carpark. Bicycle parking shall also be required (minimum 4 spaces). A reduction in child numbers to 80 as recommended in this report would also likely reduce the staff numbers by approximately 2 staff thereby reducing the staff parking demand by 1 space. It would also be assumed that the motorbike spaces would generally be used by staff rather than patrons given the nature of the business.

Council's Transport Engineers have also requested that the applicant submit a 'Travel Plan' to ensure the demand for parking is minimised. This can be incorporated into the Plan of Management and shall include but not be limited to measures such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use. A condition has been included in this report requiring the Travel Plan to be prepared and submitted and approved by Council's Department of integrated Transport prior to the issuing of an Occupation certificate.

When combined it is considered the above measures will generally ensure that all staff parking demand will be able to be met within the site.

On Street Pickup and Drop-off zone on Arden Street

As the number of proposed pickup and drop-off carspaces is deficient by about 5 spaces (or 6-7 spaces after additional space allocation to staff) it will not be sufficient to meet the expected demand from a 95 place centre. It was therefore recommended by Council's Development & Transport Engineers that a timed pickup and drop-off zone be established on the Arden Street frontage to accommodate any overflow parking demand.

The length of the proposed pickup and drop-off zone on the Arden Street frontage is approximately 24m long which will be long enough to accommodate 4 on-street carspaces. Additional pickup and drop-off parking in Greville Street would not be supported to minimise the impact on local residents and maximise the availability of on-street parking to other users.

In consideration of the above the resulting parking allocation would follow

Staff Parking = 4-5 car spaces + 2 motorbike space + bicycle parking
Pickup & Drop-off = 9-10 spaces (5-6 on-site + 4 on Arden Street)

For the pickup and drop-off parking to be totally catered for without impacting into Greville or surrounding streets the number of places within the childcare centre

should be restricted to a maximum of 80 children being derived from the parking rate of 1 space per 8 children (max 10 spaces available x 8 = 80).

Details of the proposed pickup and drop-off zone are to be approved by Randwick Traffic Committee.

Parking layout

The carpark layout appears to comply with the requirements of Australian Standard 2890.1:2004 and is satisfactory. The driveway opening and vehicle crossing shall be a minimum of 3.5m wide to ensure adequate vehicle access.

TRAFFIC COMMENTS

Using the applicable rates provided in the document 'RMS Guide to Traffic Generating Developments' the following vehicle trip generation has been calculated during the peak times associated with the proposed 95 place child care centre;

Time	Number of Trips
7:00-9:00am	0.8 x 95 = 76
2:30-4:00pm	0.3 x 95 = 28.5
4:00-6:00 pm	0.7 x 95 = 66.5

This indicates that the proposed 95 place child care centre would generate a total of 171 vehicle trips per day. The morning 7-9am period would generate the most intense peak with a vehicle arriving or departing the childcare centre once every 1.6 minutes on average.

With a reduced capacity of **80 children** the above peaks would reduce by approximately 15% resulting in a total of 144 trips per day and a vehicle arriving or departing the childcare centre approximately once every 2 minutes during the morning 7-9am peak. This is considered a significant improvement and a reasonable compromise to assist in addressing surrounding resident's traffic concerns. It should also be noted that a number of these trips would be expected to be shared with the neighbouring school.

Council's Transport Engineers have also assessed the traffic generation associated with the proposal and have determined the impacts to be acceptable. There is therefore no further objection to the proposal on traffic grounds.

TRANSPORT ENGINEERS COMMENTS

The application was referred to Council's Department of Integrated Transport for comment. The following response was received from Transport Engineer Lynsey McCarvey

Following a review of the documentation presented for the above DA, the Integrated Transport department has no objections to the proposal provided that the following conditions are considered for inclusion in the approval:

- Provision of secure, covered cycle parking for staff, parents & visitors
- Provision of trip end facilities for staff i.e. showers/lockers
- Inclusion of a storage area for parents to leave prams/childrens scooters etc
- A detailed Travel Plan for staff and users to be submitted to Council for approval prior to opening
- The installation of P10minute 7am-9.30am, 4pm-6pm Mon-Fri on the western side of Arden Street, 10m south of Greville Street, to the existing No Parking 8am-9.30, 2.30-4pm School Days Only restriction (to be approved by Council's traffic committee)
- Works zone & CTMP requirement

The above points are generally supported by Development Engineering and have been incorporated into the recommended conditions provided in this report. The following comments are also made.

- *It is noted shower facilities have been provided on the ground floor (within laundry) and on the first floor (staff bathroom). This is satisfactory.*
- *A storage area for prams/ scooters is not explicitly provided however this could possibly be provided beneath the stairs in the main entrance hallway. This can be addressed within the plan of management.*

DRAINAGE COMMENTS

*Due to the significant impervious area created by the new carpark and consistent with pre-lodgement advice any proposed discharge to Council's kerb and gutter will require an on-site stormwater detention system to ensure stormwater discharge from the redeveloped portion of the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system.*

An infiltration system may also be acceptable subject to conditions provided in this report.

Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

LANDSCAPE COMMENTS

*There is a row of four mature, 16m tall *Lophostemon confertus* (Brush Box's, T17-20) on the Arden Street verge, between the existing vehicle crossing and corner of Greville Street, which provide a strong contribution to the streetscape, and are covered by Council's DCP.*

The existing masonry boundary wall and footing along the length of the eastern site boundary may have acted as a physical barrier to restrict root growth into the site, but as the plans show grade changes for the new carpark, as well as a block wall/planter, all within their TPZ's, conditions protecting the western side of their root plates have been included in this report, along with trunk protection, as recommended by the Arborists Report, and should be sufficient to ensure their on-going preservation.

*There is also a row of three mature, 18m tall *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs, T21-22 & 24) spaced evenly along the verge in Greville Street, as well as the other Brush Box (T23), which should all remain unaffected given an absence of any works at all along this frontage at all, with conditions not required.*

*Within the site, no objections are raised to removing the two mature *Howea fosteriana* (*Kentia* Palms, T1-2) located hard up against the southeast corner of the existing building, so as to accommodate the new car parking area and pedestrian walkway in this same area as shown (rather than being transplanted), with consent provided.*

*To their west, on higher ground, at the heel of the sloped embankment, centrally in the existing area of open space, there is a 9m tall *Cedrus deodara* (Cedar, T3), with a poor condition rating due to being suppressed by larger, more dominant trees nearby, and as it could not be retained whilst proceeding with the major excavations and changes in level that are shown for this same area, consent is given for its removal, as is recommended by the Arborists Report.*

*The two smaller trees to its north, being a 5m tall *Brachychiton acerifolius* (Illawarra Flame Tree, T5), and a 4m tall *Frangipani* (T6), are too small to be covered by the provisions of Council's DCP, so can be removed so as to accommodate the works.*

*To their west, there is a large and mature *Eucalyptus globulus* (Southern Blue Gum, T4) of 18m in height, of only fair health and condition, which is a prominent tree at the site due to its size and elevated position.*

The Arborists Report has calculated its TPZ at a radius of 13.2m, meaning that the extensive excavations and changes in level that are proposed immediately to its south for the new retaining walls and associated works would involve the complete removal of 50% of its entire root plate, which this tree could not sustain.

If its retention was attempted, the entire western half of the whole proposal could not proceed as shown, which would have a major effect on all aspects of the scheme and its overall success, and given that several other established trees in close vicinity will still be retained, including the significant Figs further to the west, reasonable levels of environmental amenity will be maintained, and as such, consent has been reluctantly granted for its removal.

To its northwest, there is a mature, 12m tall *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig, T7), which while its canopy, along with the other similarly sized trees provides good amenity for the site, was observed to be in poor and dangerous condition due to the extensive wound on the western side of its trunk arising from a previous failure.

Due to the location and extent of this wound, the stability and safety of the tree cannot be guaranteed, and given the intended future use of this site as a child care facility, its safe retention cannot be supported, so can be removed, consistent with the findings and recommendations of the Arborists Report.

No objections are raised to removing the group of three, self-seeded *Phoenix canariensis* (Canary Island Date Palms, T8-9 & 11) and *Pittosporum undulatum* (Native Daphne, T10) on the sloped embankment around the northwest corner of the site, as they are all recognized as environmental weeds of low landscape significance.

To their south, there is another group of closely planted native trees whose co-joined canopies provide a strong contribution to site amenity, and would also provide a food and habitat source for native fauna, so will need to be retained.

They comprise two 10m tall *Angophora costata* (Sydney Red Gums, T12 & 14), a 12m tall *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig, T13), a 13m tall *Eucalyptus botryoides* (Bangalay, T15) and an 8m tall *Howea fosteriana* (Kentia Palm, T16), which can all be protected and retained as one group as part of the works, with relevant measures imposed as conditions.

Building unit comments:

A BCA report accompanies this application and the recommendations for upgrading appear satisfactory. Suitable conditions will be provided.

Conditions attached to the referral comments are included in the recommendation.

6. 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

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

Plan	Drawn by	Dated
DA1.01 Rev C	Stubbs Design Tribe	04/06/15
DA1.02 Rev C	Stubbs Design Tribe	04/06/15
DA1.03 Rev C	Stubbs Design Tribe	04/06/15
DA1.04 Rev C	Stubbs Design Tribe	04/06/15
DA1.05 Rev C	Stubbs Design Tribe	04/06/15
DA1.06 Rev C	Stubbs Design Tribe	04/06/15

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
 - a) The child care centre is limited to a maximum of 80 children. All references on the construction certificate plans must demonstrate compliance with this maximum.

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 an Accredited Certifier or Randwick City Council. 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. Detailed drawings are to be provided for the metal railings to the deck on the Arden Street frontage to ensure maximum visibility of the building façade is maintained. Drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. The layout of the ground, first and second floors of the existing building are to incorporate 300mm nib walls and beams projecting below ceiling level timber and/or strips within the timber flooring, as evidence of the original layout of the building and facilitate patching of plasterwork.
6. Larger scale drawings are to be provided for the edge detail of the fascias and spandrels. Drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. Details of the design of the vertical timber slat gates to the Arden Street and Greville Street frontages are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The timber pickets to the front fence are to have a maximum gap of 50mm in order to be sympathetic to the historic fencing styles in the area.

8. Details are to be provided of any proposed illumination of the proposed sign on the corner of Arden Street and Greville Street.
9. A brief archival recording of the property shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a 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.

External Colours, materials and finishes

10. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
11. Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted, and no applied finishes are to be used.

Section 94A Development Contributions

12. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,398,112.00 the following applicable monetary levy must be paid to Council: \$13,981.12.

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:

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

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

13. 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

14. 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*:

- \$2000.00 - 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

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

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

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

16. 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

17. The vehicular access driveways and the carpark area, (including, but not limited to, grades, aisle widths and space dimensions) are to be in accordance with the requirements of Australian Standard 2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
18. A minimum of 4 and a maximum of 5 spaces within the internal carpark shall be dedicated as staff parking. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

Bicycle Parking

19. Plans submitted for the construction certificate shall indicate provision for bicycle parking large enough to accommodate a minimum of 4 spaces in accordance with the requirements of Australian Standard 2890.3 at a suitable accessible location within the site to the satisfaction of the PCA.

Sydney Water

20. 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.

Stormwater Drainage

21. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.
22. The site stormwater drainage system for the redeveloped portion of the site is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system in front of the subject site in Arden street or Greville Street; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the redeveloped portion of the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

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

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

- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

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

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

All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.

- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

- i) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- k) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- l) Any subsoil drainage must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system.
- m) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and any seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.

Street Tree Protection Measures

23. In order to ensure retention of the row of four mature *Lophostemon confertus* (Brush Box's, T17-20) on the Arden Street verge, between the existing vehicle crossing and corner of Greville Street, in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, including the tree numbers as listed in the Arboricultural Development Assessment Report by Paul Vezgoff of Moore Trees, dated September 2014 ('Arborists Report'), with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property along this frontage can only be located hard up against either side of the crossing.
 - c. The northern side of the existing vehicle crossing must be maintained at a setback of at least 2.5m from the trunk of T17, with any widening of the crossing to be undertaken over its southern side, towards the southern site boundary, as is

shown on dwg DA1.01 by Stubbs Design Tribe, revision C, dated 04/06/15.

- d. The Certifying Authority/PCA must ensure that the recommendations contained in the Arborists Report are implemented on-site and complied with throughout the course of the works.
- e. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist has been engaged as the 'project Arborist' for the entirety of the project, and must be present on-site at the relevant stages of works, keeping a log of the dates of attendance and the works performed, which must be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
- f. Prior to the commencement of any site works, the trunk of each of these trees is to be physically protected by geo-textile, underfelt or layers of Hessian, which shall be wrapped to a height of approximately 2m above ground level, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- g. This measure must be installed prior to the commencement of demolition and construction works, and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- h. The new accessibility ramp adjacent T18-19 must be an elevated structure, above existing ground levels, and supported on localised pad footings (which will need to be relocated around any major roots encountered), with the ramp to be constructed using a porous/permeable material.
- i. All initial excavations for footings for the new brick retaining wall/planter within the site, parallel with the eastern site boundary, as well as for the access ramp, or for any changes in level associated with the new carpark area, within the radius of their TPZ's, as identified in Appendix 2 of the 'Arborists Report', must be performed by hand, directly by, or under the supervision of, the site Arborist.
- j. Any roots with a diameter of 75mm or more which are encountered by the site Arborist during point 'i' above must be retained, with a cantilevered, pier and beam style footing to be used for any new walls in this area so as to allow their preservation.
- k. The Construction Certificate plans must acknowledge that the site inspection may result in the need to alter the footing design away from a traditional strip footing, with a suitably qualified engineer needing to have the required design approved by the PCA, prior to installing the footings.
- l. Where roots with a diameter of less than 75mm are found within the site which are in direct conflict with the works, they may be cut cleanly by hand, only by the site Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible.
- m. The PCA must ensure that 'structural soil' will be used as fill where ground levels are to be raised for the new carpark area.
- n. The applicant is not authorised to perform any other works to these trees, and must contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, to arrange a joint inspection.

- o. Where permission is given for pruning, this can only be performed by Council, wholly at the applicant's cost, prior to the issue of any Occupation Certificate.
- p. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble on the verge around their trunks, with all Site Management Plans needing to acknowledge these requirements.
- q. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- r. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of an Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Tree Protection Measures within site

24. In order to ensure the retention of the group of established native trees around the southwest corner of the site, comprising two *Angophora costata* (Sydney Red Gums, T12 & 14), a *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig, T13), a *Eucalyptus botryoides* (Bangalay, T15) and a *Howea fosteriana* (Kentia Palm, T16), in good health as one group as part of the works, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, including the tree numbers as listed in the 'Arborists Report', with the position and diameter of their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar in this area of the site must be located outside the radius of their TPZ's, as identified in Appendix 2 of the Arborists Report.
 - c. The Certifying Authority/PCA must ensure that the recommendations contained in the Arborists Report are implemented on-site and complied with throughout the course of the works.
 - d. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist has been engaged as the 'project Arborist' for the entirety of the project, and must be present on-site at the relevant stages of works, keeping a log of the dates of attendance and the works performed, which must be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
 - e. Prior to the commencement of any site works, they are to be physically protected as one group by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **5 metres to the east of T13 and 5 metres to the north of T12** (measured off the outside edge of their trunks at

ground level), then matching up with both the western and southern site boundaries in order to completely enclose this group for the duration of works.

- f. This fencing must be installed prior to the commencement of demolition and construction works, and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- g. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the TPZ are described in point 'e' above, with all Site Management Plans needing to acknowledge these requirements.
- h. The 'timber box seating' over the existing major surface root that is leading to the southeast from T13 (as shown dwg DA1.02, rev C) must be an elevated structure, above existing ground levels; supported on localised pad footings, which must be positioned around any roots encountered, with this structure to be constructed using a porous/permeable material.
- i. All initial excavations associated with any retaining wall or change in level along the western side of the new carpark, or, for footings for the new timber box seating described in point 'h' above, within the radius of the TPZ of T13, as identified in Appendix 2 of the 'Arborists Report', must be performed by hand, directly by, or under the supervision of, the site Arborist.
- j. Any roots with a diameter of 75mm or more which are encountered by the site Arborist during point 'i' above must be retained, with a cantilevered, pier and beam style footing to be used for any new walls in this area so as to allow their preservation.
- k. The Construction Certificate plans must acknowledge that the site inspection may result in the need to alter the footing design away from a traditional strip footing, with a suitably qualified engineer needing to have the required design approved by the PCA, prior to installing the footings.
- l. Where roots with a diameter of less than 75mm are found which are in direct conflict with the works, they may be cut cleanly by hand, only by the site Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible.
- m. Existing ground levels within the TPZ area described in point 'e' above must be maintained as existing, with a construction note to be added to all plans to confirm compliance.
- n. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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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.

Building Code of Australia & Fire Safety

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 are to be provided in the construction certificate.
26. All new building work (including alterations, additions, fit-out work and fire safety works) are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.
27. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements, to provide improved levels of fire and occupant safety in the building:
- Fire safety and building upgrading works are to be implemented in accordance with the recommendations contained in the (NCC) Building Code of Australia report prepared by BCA Vision dated 9 September 2014.
28. The building and fire safety upgrading works must be included in the *Construction Certificate* for the development and must be carried out prior to issuing of a final *Occupation Certificate* for the development. Written correspondence must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

Access & Facilities

29. Access and facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority.

Design, Construction & Fit-out of Food Premises

30. 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).
31. 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.
32. 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

33. 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.

34. 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 PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Regulatory Requirements

35. 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*.
 - b) 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.
 - c) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; 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; and
 - f) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Demolition Work & Removal of Asbestos Materials

36. Demolition work must be carried out in accordance with the following requirements:
- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
 - b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
 - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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.

Construction Noise & Vibration

37. 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 provisions of the *Protection of the Environment Operations Act 1997* 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 and Vibration Management Plan, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifying Authority prior to the commencement of site works.

Construction Site Management Plan

38. A *Construction Site Management Plan* must be developed and implemented throughout the site works, to Council's satisfaction. The construction site management plan must include the following measures, (as applicable):

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

- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

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.

Construction Traffic Management

39. 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 Arden/Greville 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.

40. 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.

Waste Management

41. 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 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.

Public Utilities

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

Landscaping

44. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of AILD/AILA or equivalent) must be submitted to, and be approved by the PCA, **prior to the commencement of site works**, and must detail the following:
- a. A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the proposed works;
 - b. A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival;
 - c. A high quality selection and arrangement of decorative species in those garden areas fronting the respective streetscapes;
 - d. Species selection which avoids species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.
45. The acoustic recommendations detailed in acoustic report titled "Noise Impact Assessment Proposed Childcare Centre St Anthony's Presbytery" ref no:61014029-R1 requires the following:

A solid continuous barrier is required along the north boundary of the primary outdoor play area. The barrier shall be 1.5metres relative to the ground height of the play area and shall be constructed either of lapped and capped timber, metal sheeting or masonry. The use of 10mm Perspex may also be considered. The barrier shall be free of any gaps.

Details of compliance shall be provided to the certifying authority prior to an construction certificate being issued.

46. Prior to the commencement of any building or fit-out 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.

- a) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- b) 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
- c) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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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.

Building Inspection Requirements

47. The 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.

Excavations & Support of Adjoining Land

48. 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.

49. 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 are to 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 buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

Permitted Working Hours

50. 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 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
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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.

Construction Site Management

51. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:

- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
- b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature

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strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

- d) Bulk bins, waste containers or 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 or other articles in a public place can be made to Council's Building Services section.
- e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Principal Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding (having a minimum height of 1.5m) is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. If necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

All works within or upon the road reserve, footpath, nature strip or other public place are to be completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Road/Asset Opening Permit

52. 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 *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.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair 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.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Tree Management

53. Approval is granted for removal of the following trees, subject to retention of those listed in the 'Tree Protection Measures' conditions earlier in this report, as well as full implementation of the approved landscaping:

- a) The two mature *Howea fosteriana* (Kentia Palms, T1-2) hard up against the southeast corner of the existing building, so as to accommodate the new car parking area and pedestrian walkway in this same area as shown (rather than being transplanted);
- b) To their west, on higher ground, at the heel of the sloped embankment, centrally in the existing area of open space, the *Cedrus deodara* (Cedar, T3), as it is in poor condition due to being suppressed by larger, more dominant trees nearby, and is also in direct conflict with the works;
- c) The two smaller trees to its north, being a *Brachychiton acerifolius* (Illawarra Flame Tree, T5), and a *Frangipani* (T6), as both are too small for the provisions of Council's DCP;
- d) To their west, the large and mature *Eucalyptus globulus* (Southern Blue Gum, T4) due to a combination of its fair health and condition rating, the fact that the eastern side of its root plate would need to be completely removed if works proceeded as shown, with the scheme unable to be re-designed whilst safely retaining this tree given its large root zone and the impact that such amendments would have on the function and success of the proposal;
- e) To its northwest, the mature *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig, T7), given its poor and dangerous condition, as the extensive wound on the western side of its trunk arising from a previous failure means that it could not be safely retained within this sites future intended use as a child care facility;
- f) The group of three, self-seeded *Phoenix canariensis* (Canary Island Date Palms, T8-9 & 11) and a *Pittosporum undulatum* (Native Daphne, T10) on the sloped embankment around the northwest corner of the site, as they are all recognized as environmental weeds of low landscape significance, with Date Palms having sharp spines on their fronds, making them completely unsuitable for a child care facility.

Pruning

54. Permission is granted for the minimal and selective pruning of only that lower growing, 300mm diameter branch from the eastern aspect of the *Ficus microcarpa* var. 'Hillii' (Hills Weeping Fig, T13), only where needed in order to avoid damage to the tree or

interference with the proposed works, as detailed on page 11 & 25 of the 'Arborists Report'.

55. Any pruning can only be undertaken by the site Arborist, or, directly under their supervision, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
56. Any other pruning to this tree or other trees will require the specific consent of Council, and in this case, the applicant must contact Council's Landscape Development Officer on 9399-0613, giving at least 2 days notice, to arrange an inspection, with the applicant to comply with any instructions issued.

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

57. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation or use of the development encompassed in this development consent (including alterations, additions and 'fit-out' work 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 requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Fire Safety Certificate Requirements

58. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

Noise Emissions - Certification

59. Where plant and equipment is installed in the premises (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc), a written report or statement must be obtained from a suitably qualified and experienced consultant in Acoustics.

The report/statement must demonstrate and confirm 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, Council's conditions of consent

(including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an Occupation Certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

60. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a minimum 3.5m wide concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site to Council's specifications and requirements.
 - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter as required to Council's specification.
 - c) Install/adjust signage on the Arden Street frontage zone stating P10 minute parking 7am-9.30am, 4pm-6pm Mon-Fri between 10m south of Greville Street and the existing No Parking 8am-9.30, 2.30-4pm School Days Only restriction (subject to approval by Randwick Traffic committee).
61. 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.
62. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the

restriction and positive covenant may be obtained from Council's Development Engineer.

- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

64. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

65. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

Travel Plan

66. The Plan of Management of the childcare centre shall include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development; The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use.

The Travel Plan shall be submitted to and approved by Council's Department of Integrated Transport prior to the issuing of an Occupation certificate.

Parking

67. The proposed carpark shall be finished in a manner fit for its intended use. The car & motorbike spaces shall be formalised with line-marking on a surface of concrete or asphalt in accordance with the requirements of AS 2890.1:2004. Such works shall be completed prior to the issuing of any occupation certificate.
68. The required bicycle parking large enough to accommodate a minimum of 4 bicycles must be installed at a suitable location within the site to the satisfaction of the PCA.

Ausgrid

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

Landscaping

70. The PCA must ensure that landscaping at this site has been installed substantially in accordance with the relevant conditions of consent and any approved plans, prior to issuing any Occupation Certificate, with suitable strategies to be implemented to ensure

it is maintained in a healthy and vigorous state until maturity, for the life of the development.

71. 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 and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of any Occupation Certificate.

Tree Protection Certification

72. Prior to the issue of any Occupation Certificate, the site Arborist must submit to, and have approved by, the PCA, written certification confirming attendance on-site and compliance with the recommendations of the Arborist Report and conditions of consent.

Food Safety

73. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

74. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

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

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

Environmental Amenity

75. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

76. The proposed use and operation of the premises (including 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 operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ 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

77. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Any trade/commercial waste materials must not be disposed in or through 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 Principal Certifying Authority and Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

78. A minimum of 4 and a maximum of 5 carspaces within the internal carpark shall be dedicated as staff parking.

Hours of Operation

79. The hours of the operation of the child care centre are restricted to the following: -

Monday – Friday only: 7:30am – 6:00pm.

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

Monday to Friday only: 7:30am - 6.00pm

Food Storage

80. 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

81. 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.

82. 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.

83. 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.

84. 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.

85. 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

86. 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*.

87. 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 must 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 all children in the outdoor play area. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

88. Music is not to be played in the outdoor play areas at any time.

89. The childcare centre indoor and outdoor areas shall not exceed a maximum number of 80 children at any one time.

90. A plan of management shall be submitted to Council to include, but not limited to:

- Measures to ensure compliance with the relevant conditions of approval,
- Measures to ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances (including any attenuation measures and acoustic assessments)
- Outline operational times for use of the outdoor play areas
- Outline the maximum number of children at any one time in the outdoor areas.
- Minimise the potential environmental and amenity impacts upon nearby residents
- Effectively manage and respond to resident complaints

The plan of management shall be reviewed by the acoustic consultant incorporating all recommended operational measures and be submitted to and approved by Council's Manager of Development Assessment prior to commencement of use.

91. Once approved by Council, the plan of management must be implemented and a copy of the plan must be kept on site at all times and made available on request
92. 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 ($L_{A90}, 15 \text{ min}$) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

93. 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.

94. 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

95. 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

96. 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.

GENERAL ADVISORY NOTES

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 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 All new building work (including alterations, additions and building renovations) must comply with the Building Code of Australia (BCA) and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010 and you are advised to liaise with your architect or building certifier regarding these requirements prior to applying for a Construction Certificate.

- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

- A6 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).

A7 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.

A8 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 in a public place.

For further information please contact Council on 9399 0944.

A9 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

A10 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
- Cooling Towers or Warm Water Systems
- External plant and equipment which is not encompassed in the development consent
- Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for any of these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

A11 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.