

10 December 2010

Our Ref: DA/851/2010

## **DEVELOPMENT APPLICATION NOTICE OF DETERMINATION**

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

**Development Application No:** DA/851/2010

Future Events Pty Ltd  
508/19A Boundary St  
RUSHCUTTERS BAY NSW 2011

**Property Address:** 77-97 Alison Road, RANDWICK NSW 2031

**Description of Work:** Future Music Festival to be held at Randwick Racecourse on 12 March 2011 between 12 noon and 10.00pm catering for 42,000 people (Heritage Conservation Area)

**Determination:** **Approved**

**Determination Date:** **7 December 2010n (PCM)**

**Consent to operate from:** 7 December 2010

**Consent to lapse on:** 7 December 2015

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

### Conditions of Consent

1. The development must be implemented substantially in accordance with the details set out in the application form and accompanying Future Music Festival 2011 Operations Order submission received by Council on 30 September 2010, Noise Management Plan prepared by Andrew Rogers numbered 1084, dated 23 July 2010 and Traffic Management Plan prepared by Julian Sanderson, dated 22 September 2010, all received by Council on 30 September 2010 and any other supporting information received with the application, except as may be amended by the following conditions:

**The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:**

2. The applicant must ensure that vehicles related to the event do not obstruct emergency entry/exit points, thoroughfares or fire hydrants.
3. The spill of artificial lighting is to be restricted so as not to illuminate areas beyond the perimeter of the site.
4. There is to be no unauthorised placement of promotional/advertising posters or brochures for this event in the Randwick City area.
5. The activity/event is restricted to the following period and numbers:

<b>Date:</b>	<b>12 March 2011</b>
<b>Times:</b>	<b>12 Midday till 10.00pm</b>
<b>Maximum Patron Numbers:</b>	<b>42,000</b>

**The following conditions are applied to maintain standards of public safety.**

6. The applicant shall meet the costs of policing (crowd control & traffic management) for the event.
7. The applicant shall implement all strategies listed in the letter from the NSW Police – Eastern Beaches Local Area Command to Council dated 17 October 2010, received by Council on 29 October 2010 to ensure that security is improved and criminal activities are minimised.
8. The applicant must prepare a comprehensive traffic management plan (TMP), incorporating, but not limited to, all measures detailed in the e-mail dated 29 January 2010 from Julian Sanderson to Council’s Development Engineer, John Flanigan. Such plan also must not include the closure of Alison Road. Full details of any clearway required as approved by Council’s Local Traffic Committee must be included in the traffic management plan. The traffic management plan must be submitted to Council, for approval by Council, the NSW Police Force and the RTA’s Transport Management Centre prior to **26 February 2010**. The applicant must fully comply with the approved TMP. Note: any TMP for this event must significantly increase the capacity of the buses for egress of the event as proposed in the “2009 Future Music Festival – Site Plan Proposed Egress Operations”, (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
9. The applicant must meet all costs to Council for amending the resident parking restrictions in Cowper and Prince Streets, Randwick to provide for Resident Parking from 8am to 8pm on the day of the event (Saturday 12 March 2011).
10. The applicant must prepare a comprehensive egress plan for the event. The egress plan must be submitted to Council, for approval by Council and the NSW Police Force prior to **26 February 2010**. The applicant must fully comply with the approved egress plan. Note: any egress plan for this event must significantly increase the capacity of the buses for egress of the event as proposed in the “2009 Future Music Festival – Site Plan Proposed Egress Operations”, (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
11. A limit of 2 alcoholic drinks per patron shall be applied for each drink purchase.
12. All other restrictions that normally apply to sale of intoxicating liquor at the Randwick race course shall be adhered to by the event promoter and licensee.

13. No intoxicating liquor is to be served after 9pm.
14. The sale of intoxicating liquor at the event shall be regulated by any other conditions imposed by the NSW Police Force.
15. Patrons shall be subject to a strict 'no pass outs' rule for the duration of the event. This is to be clearly shown on the "Conditions of Entry Poster" issued for the event.

**The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.**

16. Mandatory bag inspections are to be carried out prior to entry of patrons on to the site.
17. The event organiser shall implement all measures listed under the relevant sections on **Resident Response** contained in the Security Management Plan prepared by Steven Ferraris dated August 2010 and received by Council on 30 September 2010, to ensure minimal impacts to adjoining and surrounding residents from unruly patrons of the events including, but not limited to, trespassing, breaking and entering of and/or through private property (unless otherwise directed by the Police/authorised City Ranger or modified by these conditions).
18. The installation of temporary facilities including barricades, fencing, signage, toilets, lighting vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

**Traffic conditions/Civil Works Conditions**

***The following conditions are applied to provide adequate provisions for access, transport and infrastructure:***

19. 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 activities directly related to the proposed development, (covers all activities before, during and after the event).
20. The applicant must comply with all directs of the NSW Police Service and the Roads and Traffic Authority with respect to traffic and crowd control prior to, during and after the event.
21. The applicant (Future Music Corporation) must prepare a revised/amended traffic management plan (TMP), such plan must be submitted to Council for approval, and be approved prior to the issue of a construction certificate or prior to January 28, 2011 which ever comes first. The revised / amended TMP shall be generally in accordance with the TMP submitted with the development applicant as amended by the following:
  - **Under TCP 2a, 2b, 3, 4, 5, 7, 8a, 8b and 9:** Pedestrian and cyclist access for the public is to be maintained to the Alison Road and Wansey Road shared bicycle / pedestrian paths, whilst conditions permit.
  - **Under TCP 6:** Gate 8 is to be utilised for the bump-in / bump-out process (outside Clearway hours) instead of Wansey Road, Randwick.
  - **Under TCP 8a and 8b:** Council's Fees will apply for the private use of Wansey Road, during bump-in / bump-out prior to and after the event. The applicant must obtain a quotation from Council's Manager Integrated

Transport and pay these fees prior to the event.

- **Under TCP 8b:** egress to Wansey Road must be restricted to a left turn only so that local residential streets do not experience heavy traffic flows up to midnight.
- **Under TCP 9:** consideration must be given to the proposed shuttle buses picking up in High Street and then utilising the Racecourse High Street gate to effect a U-turn to return directly to Anzac Parade. This option must be fully considered and details must be provided to Council's Manager Integrated Transport as part of the Revised TMP.
- **Under TCP 10:** the option of turning the buses around within the slip lane, ingress lane and egress lanes of the High Street gate must be closely examined in order to improve turnaround times and reduce the bus load on the nearby residential streets, (High Street, Botany Street and Barker Street). This option must be fully considered and details must be provided to Council's Manager Integrated Transport as part of the Revised TMP.
- **Under TCP 16:** the message proposed for the VMS indicates a closure until 12.30pm – this should read as 12 midnight.
- **Under TCP 8c:** Wansey Road vehicles accessing the infield road at Gate 10 must turn right in only and left out only, to minimise traffic flows on residential streets.

The applicant must liaise with Council's Manager Integrated Transport and Development Engineer Coordinator regarding the above requirements prior to preparation of the amended TMP.

22. The proposed development is being considered by Council's Traffic Committee at its December 2010 meeting. The applicant must comply with any recommendations arising from this meeting.
23. Information on proposed disabled parking locations must be provided to Council's satisfaction, prior to the event.
24. The use of the State Transit Authority' (STA) bus roadway, parallel to Anzac Parade, as a pedestrian corridor during egress from the event, must be approved by the State Transit Authority. Details of the STA's approval must be provided to Council prior to the event.
25. All costs associated with traffic control and pedestrian control before, during and after the event are to be met by the applicant.
26. Skip bins or similar facilities are NOT to be placed in the parking lanes of any public roads, as occurred last year.
27. The applicant is to arrange for appropriate notices to be erected at bus shelters, up to two weeks prior to the event, to inform regular bus patrons that their bus services, and access to their regular bus stops, may be affected on the day of the event.
28. The proposed event must be a "Full Integrated Transport / Gate Ticket". Details confirming this arrangement must be provided to Council prior to the issuing of a construction certificate.

29. The applicant must meet all of Council's fees for any approved Work Zone. Such fees must be paid prior to the issuing of a construction certificate.
30. Prior to lodgement of the amended/revised TMP referred to above, the applicant must provide additional information to Council for approval on the following items:
  - Clarification is required as to why an earlier closure of Doncaster Avenue is being considered.
  - Clarification of sub point 35 from the Traffic Section of the Development Application, such section relating to trimming of lights at the intersection of Barker Street and Anzac Parade.

**The following conditions are applied to maintain adequate levels of public amenity:**

31. The ticket price is to include return public transport to and from the event valid for the Sydney Metropolitan Area.
32. A damage/cleanup security deposit of **\$50,000** must be paid to Council **at least two days prior to the event** as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for cleanup that in the reasonable opinion of Council was connected to the event.

The damage/ cleanup security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council upon the completion of the event which confirms that there has been no damage to Council property and that the cleanup has been satisfactorily executed. Any costs borne by Council for additional cleanup resulting from the event shall be deducted from this amount.

To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon completion of the event.

33. The applicant is to thoroughly clean the surrounding area within 24 hours of the termination of the event. This is to include the area bounded by Anzac Parade, Boronia Street, Salisbury Road, Kensington Road, Roma Avenue, High Street, Botany Street, Cook Street, Cowper Street, Wentworth Street, Darley Road and Alison Road.

**The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:**

34. The number of patrons in attendance at any one time during the event must be made available to Council officers upon request.
35. Numbered tickets must be issued in order to calculate the number of persons permitted at the event so as not to exceed the authorised capacity. Records of the number of tickets issued shall be provided to Council within 7 days of the event.
36. Prior to the activity/event, the applicant shall distribute a notice to the nearby likely affected residents and other nearby premises advising of the activity/event and providing the following details:
  - Details of the activity/event
  - time and date when the activity/event will occur,
  - the name and relevant details of the applicant and organiser of the activity/event

- contact details for the relevant person to whom further enquiries can be obtained,
  - contact details for the making of complaints/enquiries in regard to the set up, operation of the event and post event nuisance, traffic and clean up concerns (including contact details for complaints to be lodged at least up to 4 hours before and after the event
  - any other information that may be required to properly and fully describe the event, including any measures to maintain reasonable levels of amenity and safety.
37. The notice is to be distributed to the effected parties no less then 7 days prior to the staging of the event.
38. Advertising and marketing of the activity/event shall promote the use of public transport to the activity.
39. The use of fireworks, firearms, explosives or lighting of fires **is not permitted**.
40. Adequate provisions are to be made for the storage, collection and disposal of waste and recyclable materials.

**The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:**

41. The conditions and recommendations contained in the acoustic report titled *Noise Management Plan Future Music Festival 2011 March 2011 Randwick Racecourse* prepared by Noise Consulting and Management Pty Ltd dated 23 July 2010 Ref 1084 form part of this consent. The following noise abatement measures are contained within (but not limited to):
- a) The noise limit at affected residences will be L<sub>Amax</sub> 70 dB(A) and L<sub>max</sub> 90 dB(C), when measured with the meter set to fast response over any 15 minute period during the concert or sound test. All music will cease at **10:00 pm**.
  - b) A complaints hotline will be established for use during the bump in, during the duration of the event.  
Noise Consulting & Management Pty Ltd will investigate any complaints, record the results of the investigation and the action taken and report back to the resident and Council if requested.
  - c) A notice informing nearby residents/apartment body corporates of the event and the hotline number will be sent out at least 7 days prior to the event. A copy of the notice will be forwarded to Council. The area to be letter dropped is shown in Appendix A of the acoustic report. This includes the areas that the music is likely to be the dominant noise source and additional areas in Kensington based on previous complaints.
  - d) The speakers of the outdoor stages will be set up as outlined in the acoustic report.
  - e) A sound check will be performed 1 hour prior to the event. During the sound check, appropriate music levels will be set on compressors at each of the stages to ensure they are started at appropriate levels.
  - f) Sound level meters indicating the actual and allowed music levels will be displayed at each stage.
  - g) All sound systems will include a level limiter (or compressor) so music levels can be locked down. Artist and sound engineers will be advised that music limiting will be used and settings are not to be tampered with.

- h) Noise Consulting & Management Pty Ltd will continuously monitor throughout the entire event, the pre-determined noise sensitive locations and any additional locations that may become necessary based on the conditions and any complaints encountered.
  - i) The acoustic consultant will be in two way radio and mobile phone contact with the sound desk staff, production manager, sound engineers, event organiser, and hotline staff throughout the event.
  - j) The production manager and sound engineers will be briefed on the importance of reducing music levels as requested by the acoustic consultant.
  - k) Procedures will be implemented to allow for a quick reduction of the music levels of all stages if required. The Directors/Production Manager shall ensure that sound engineers reduce music levels when instructed. The main stage sound desk will be manned by staff under the direct supervision of the acoustical consultant.
  - l) A report containing the results of the monitoring, any complaints and the noise control measures will be presented to Council within 30 days of the event.
  - m) Security guards will assist patrons in leaving quietly and avoiding passing through the nearby residential areas where possible. Security guards will be stationed in the residential areas to ensure noise is kept to a minimum.
42. All sound amplification equipment to be used is to be installed, maintained and operated, in such a way as to minimise the noise impact on residential premises or sensitive receivers.
43. The organiser of the event must keep a legible record of all complaints made to it or any employee or agent in relation to the event to which this application applies.

The complaints hotline shall operate during the bump in phase, for the entire duration of the event and for the remainder of the weekend to address any unresolved complaint by nearby residents.

The complaints register must keep a record of the following:

- the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;
  - the action taken by the organiser in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the organiser, the reasons why no action was taken.
44. During the music event, rehearsal or sound tests, the organiser must ensure that an employee or agent is present at the sound-mixing desk for the event and is able to exercise ultimate control of the noise levels from the sound amplification equipment during the event.
45. The organiser must ensure that during the entire event, employees or agents can contact and communicate with all of the acoustical consultants conducting the monitoring of the noise levels from the concert, as required.
46. Following the completion of the music event and within 30 days, the organiser must provide to Council an acoustical report, prepared by the appointed acoustic consultant, detailing the following:

- Whether or not there has been compliance or non-compliance with the consent conditions, including the reasons for any breaches;
  - The times and details of any occasions where a breach of the noise criteria as set in the consent, occurred and why the breach occurred and what measures were implemented to ensure that the breach did not reoccur.
47. The activity/event shall not give rise to an environmental health or public nuisance or affect public safety and convenience.
  48. The operation of the activity/event shall not result air, noise or water pollution offence under the *Protection of the Environment Operations Act 1997*.
  49. The relevant requirements of WorkCover New South Wales and the Occupational Health and Safety Act 2000, are required to be complied with at all times.
  50. Access to the event shall be provided to Council authorised officers so as to enable compliance monitoring to be undertaken.

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

51. The requirements of the *Food Act 2003* and *Food Safety Standards* must be complied with at all times.
52. The applicant is required to ensure that all temporary food stalls, vendors and mobile food vendors have registered their details with Council's Environmental Health Unit, at least one week prior to the event. The required Registration Fee must be forwarded to Council with the registration details. Further details can be obtained by telephoning 9399 0973.

**The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations, and to ensure the structural adequacy and integrity of the proposed building and adjacent premises:**

53. The number of persons permitted within the betting Pavilion is not to exceed 3000 in accordance with the recommendations made in the Holmes Fire and Safety fire engineering design report number 96343 dated 27 April 1999.
54. The relevant provisions of Schedule 3A of the Environmental Planning & Assessment Regulation 2000 (as amended), are to be complied with at all times.
55. Any proposed temporary structures are to be designed and constructed in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000* and the provisions of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia 2007*.
56. The maximum number of people permitted in the temporary structures must not exceed the number of square meters of the floor area of the tent or marquee and a person must be appointed to ensure that the permissible capacity is not exceeded. A sign detailing the maximum number of people permitted in the temporary structure/s must be displayed near the entrance.
57. Tents and marquees must comply with the following requirements:-



- a) The number and width of exits to any tent, marquee or booth used for the purpose of an entertainment venue must be provided in accordance with the provisions of NSW H102.4 and NSW Table H102.4.
  - b) the tent, marquee or booth resists loads determined in accordance with the Australian and New Zealand Standards entitled:
    - i) AS/NZS 1170.0:2002, *Structural design actions – General principles*, and
    - ii) AS/NZS 1170.1:2002, *Structural design actions – Permanent, imposed and other actions*, and
    - iii) AS/NZS 1170.2:2002, *Structural design actions – Wind actions*.
  - c) Written details or certification must be provided to the Principal Certifying Authority detailing compliance with the requirements of these conditions, prior to the use and occupation of the temporary structures.
58. Fabric that is used in the construction of a temporary structure must comply with the flammability indexes required by NSW H102.8 of the Building Code of Australia 2008.
  59. Essential fire safety measures & equipment within the temporary structures must be provided in accordance with the provisions of NSW H102 of the Building Code of Australia, to the satisfaction of the principal certifying authority.
  60. A notice is to be provided to each stage or platform, that indicates the actual distributed and concentrated load for which the stage or platform has been designed, located in a conspicuous position on the stage or platform.
  61. Stages, platforms or walkways greater than 1m in height above ground level which are accessible to the public or audience, must be provided with adequate balustrading or other measures to prevent them from falling off the stage or platform.
  62. If a tent or marquee used for the purpose of an entertainment venue has a floor area greater than 100 square meters, the erection of the tent or marquee must not commence until the provisions of Clause 268A of the Environmental Planning & Assessment Regulation 2000 (as amended), relating to the appointment of a principal certifying authority, have been met.
  63. An Occupation Certificate must be obtained from the Principal Certifying Authority (Council or Accredited Certifier) for the temporary structures, in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000*, prior to the use and occupation of the temporary structure/s.
  64. A statement of adequacy is to be obtained from a suitably qualified person and be submitted to Council upon the erection of any temporary structures, amusement devices and stages, which certifies that the item/s satisfy relevant requirements and standards for structural adequacy and public safety.
  65. The operator of the activity/function must hold current public liability insurance cover of at least \$10 million.
  66. Temporary structures must be removed/dismantled within 2 days after the conclusion of the event.

67. Adequate toilets, urinals, wash-hand basins and hand dryers or disposable towels (including facilities for people with a disability) must be provided for the duration of the activity/event, to the satisfaction of the Principal Certifying Authority.

**The following condition/s are applied to meet additional demands for public facilities;**

68. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	\$120,000	0.5%	\$600

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.

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](http://www.randwick.nsw.gov.au).

**Heritage Conditions:**

69. The installation of temporary facilities including stages, enclosures, decking, fencing, signage, toilets, lighting, rides and vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

Yours faithfully,



.....  
Mr Kerry Kyriacou  
**Manager Development Assessment**

**Rights of Appeal and Review of Determination:**

- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination. The request must be made in writing (or on the review application form) within twelve (12) months after the 7 December 2010, as specified in this notice of determination, together with payment of the appropriate fee.

**General Advisory Notes & Requirements:**

**Legal requirements prior to commencing any building or subdivision works:**

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

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

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

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

### **Building Code of Australia**

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

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

### **Compliance with development consent**

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

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

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

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

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

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

### **Construction certificate applications**

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

- a completed Construction Certificate application form and payment of the appropriate fee.*
- 4 copies of detailed architectural building plans and building specifications.*

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

### **Inspection of building works**

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

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

- Footings, after placement of steel reinforcement and before pouring concrete.
- Reinforced concrete floor slabs, columns and beams, after placement of steel reinforcement and before pouring concrete.
- Timber or metal floor, wall and roof framing (including columns and beams), before installing floor, wall or roof cladding.
- Waterproofing of 'wet areas', after installation, before tiling or covering over.
- Fire resisting construction (e.g. party / separating walls, fire resisting coverings / plasterboard).
- Sound transmission work including separating walls or ceilings.
- Immediately after the building (or alterations and additions to a building) have been completed and before an Occupation Certificate is issued.

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

### **Occupation Certificate requirements**

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

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

### **Fire safety requirements**

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

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

### **Sydney Water Requirements**

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

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

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

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

### **WorkCover requirements**

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

### **Disability Discrimination Act**

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

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

### **Dividing Fences**

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

### **Access to adjoining land, encroachments and work affecting other premises**

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

- a) the consent of the owners of the adjoining land to access, carry out works or encroach upon their land, or otherwise affect an easement, right-of-way or other restriction on the certificate of title, or*
- b) an access order under the Access to Neighbouring Land Act 2000, or*
- c) an easement under section 88K of the Conveyancing Act 1919, or*
- d) an easement under section 40 of the Land & Environment Court Act 1979 as appropriate.*

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

### **Local Government Act requirements**

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

### **Further Information**

*Should you require further information on the determination of this development application, please contact Wendy Wang on **9399 0990** between 9.00am to 12 noon Monday to Friday or by appointment.*