JRPP No:	2010SYE055
DA No:	DA/599/2010
PROPOSED DEVELOPMENT:	Stage 2 DA for 53 x 3-storey townhouses, a 6-storey bldg containing 29 dwellings, community centre, public parks, parking, landscaping & related works - 66A Doncaster Avenue, Randwick NSW 2031
APPLICANT:	Tom Hu
REPORT BY:	Simon Ip, Randwick City Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Council is in receipt of a development application proposing the partial demolition of existing structures on site and construction of a multi-unit residential development comprising 53 x townhouses and 29 x apartments, a community centre, parks, access roads, car parking, civil services and associated site works.

The application is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005 as the development has a capital investment value in excess of $10 million.

A Stage 1 development application setting out the master plan for the site was granted a deferred commencement approval by Council on 14 April 2009. The pre-conditions require the execution of a voluntary planning agreement (VPA) between the Council and the developer and owner for land dedication. A VPA has since been entered into with Council, which includes the construction and dedication to Council of a community centre, three parks (being Brush Box, Bridge Ramp and Turnstile Parks), public roads and car parking. A lump sum monetary contribution of $95,000 will also be paid to Council for the future maintenance of the parks as part of the VPA.

The current application was advertised and notified from 11 August to 10 September 2010 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. A total of 6 submissions were received at the conclusion of the public consultation process. The issues raised in the submissions are primarily related to building height, heritage conservation and local character, density, traffic and parking, stormwater management and impacts on the proposed dwellings from the racecourse operation.

The proposal is an Integrated Development as it requires a dewatering permit from the Office of Water under Part V of the Water Act 1912. The Office of Water has raised no objections to the proposal subject to their General Terms of Approval.

Under the provisions of the Civil Aviation (Buildings Control) Regulation, concurrence of the Sydney Airport Corporation Ltd. (SACL) has been granted to the proposal subject to their recommended conditions.

The site is zoned 6A Open Space under Randwick Local Environmental Plan 1998 (Consolidation). Whilst multi-unit housing is identified as a prohibited use under the 6A zoning, the Stage 2 development proposal is made permissible pursuant to Clause 42F of the LEP. The proposal will create and promote the use of public parks on the site and satisfies the zoning objectives.

The site is located within the Racecourse Precinct Conservation Area under the LEP. The development scheme will not obstruct significant view corridors identified within the site. The provision of a landscape setting to the Turnstile Building and retention of the historic brick ramp, consistent with the Stage 1 approval, will also be achieved by the proposal.

State Environmental Planning Policy No. 55 applies to the site. The application indicates that the land contains various harmful contaminants. Specific conditions have been recommended to require the preparation of a Remediation Action Plan and Site Audit Statement to ensure the site will be remediated to a level suitable for residential use.

The application has been referred to the Design Review Panel for comments pursuant to the provisions of State Environmental Planning Policy No. 65. The Panel has made various recommendations relating to the site layout, internal road alignment, architectural detailing and environmental control measures. The alignment of the access road, carriageway width, disposition and orientation of buildings and configuration of the building envelopes are substantially consistent with the approved Stage 1 master plan. It is therefore not considered reasonable to revisit the overall layout concept of the development as part of the current application. However, the applicant has submitted amended plans to improve the articulations of the building facades, energy efficiency of the dwellings and community centre and amenity of the public parks, as has been recommended by the Panel.

The approved Stage 1 master plan functions as a “deemed DCP” for the purpose of assessing the subject proposal. As stated above, the proposed building layout and envelopes are substantially consistent with the Stage 1 approval. The apartment and townhouse buildings contain deviations from the stipulated height controls. The breaches are a result of the detailed design process and are accounted for by the roof-mounted building services, façade and parapet features as well as changes in the topographical levels of the ground. However, the height, bulk and scale of the development are consistent with the master plan concept.

The development will accommodate a total of 181 on-site car spaces, which satisfies the requirements of the Parking Development Control Plan. The proposal, when completed, will generate an increased level of vehicular traffic in the local road network. A special condition is therefore recommended to require a monetary contribution from the developer to convert the existing intersection of Doncaster Avenue and Ascot Street from a roundabout to a signalised junction. The upgrading of the traffic control would ensure the proper functioning of the roadway having regard to the cumulative traffic from the proposed development, the racecourse and the existing land uses on Doncaster Avenue.

The proposed development will not result in detrimental shadow or privacy impacts upon the neighbouring residential premises on the eastern side of Doncaster Avenue. The design scheme does not include any fencing along the northern boundaries of the site. A special condition is recommended to require the installation of appropriate fencing to clearly delineate the property boundaries and to provide access control.

The proposal satisfies the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to the recommended conditions.

2. SITE DESCRIPTION AND LOCALITY

The subject site is described as Lot 1 in DP 973397, No. 66A Doncaster Avenue, Randwick. The site is irregular in shape and has a total land area of 17,297m^2 (1.73 hectare) with a frontage to Ascot Street. The site has a flat topography and a fall of approximately 1.02m from south to north.

At present, the site is generally vacant with the exception of a remnant brick pedestrian ramp, concrete footings associated with a footbridge which has already been demolished and extensive paved areas. The northern extremity of the site contains a service road that follows the curved alignment of the former tramway. The road continues through the adjoining land to the north and connects with Doncaster Avenue to the west. A row of established Brush Box trees are planted alongside the curved road. Other significant vegetation includes a number of Morton Bay Figs located in the western and southern parts of the site.

Vehicular access is obtained from Ascot Street to the south as well as via the neighbouring land parcel to the north. Both of these access points are currently restricted by locked gates.

The surrounding land uses are described as follows:

North	To the north is a land parcel owned by the Centennial and Moore Park Trust, which has been leased to the Australian Jockey Club (AJC). It contains a number of workshops and access roads that support various operations associated with the racecourse. The remaining portions of the land are characterised by open grassed areas.
East	The site directly adjoins the Royal Randwick Racecourse to the east. The closest buildings include the Tramway Turnstile Building, Tea House and Betting Pavilion, with the major grandstands located further beyond.
South	The southern part of the site adjoins the racecourse and a number of residential premises fronting Doncaster Avenue.
West	The western boundary of the site adjoins a triangular allotment of land controlled by the AJC as well as residential developments that front onto Doncaster Avenue. Part of the AJC land contains workshops and ancillary buildings with the remainder being reserved as grassed areas.

	The eastern side of Doncaster Avenue is characterised by a mixture of detached and semi-detached dwellings interspersed with infill residential flat buildings. A number of residential premises are listed as heritage items under Randwick Local Environmental Plan 1998 (Consolidation), including: • Nos. 10 and 12 Doncaster Avenue (Inventory No. 219: two-storey pair of terraces, c 1880) • No. 58 Doncaster Avenue (Inventory No. 221: "Creswell", Victorian cottage, c 1894) • Nos. 68-82 Doncaster Avenue (Inventory No. 222: Federation Queen Anne single-storey row house)

Alison Road is within close proximity to the site, along which are bus routes that provide connection to Sydney CBD, Randwick Junction and various other locations in the eastern suburbs.

The site is located within the Racecourse Precinct Conservation Area listed under the LEP.

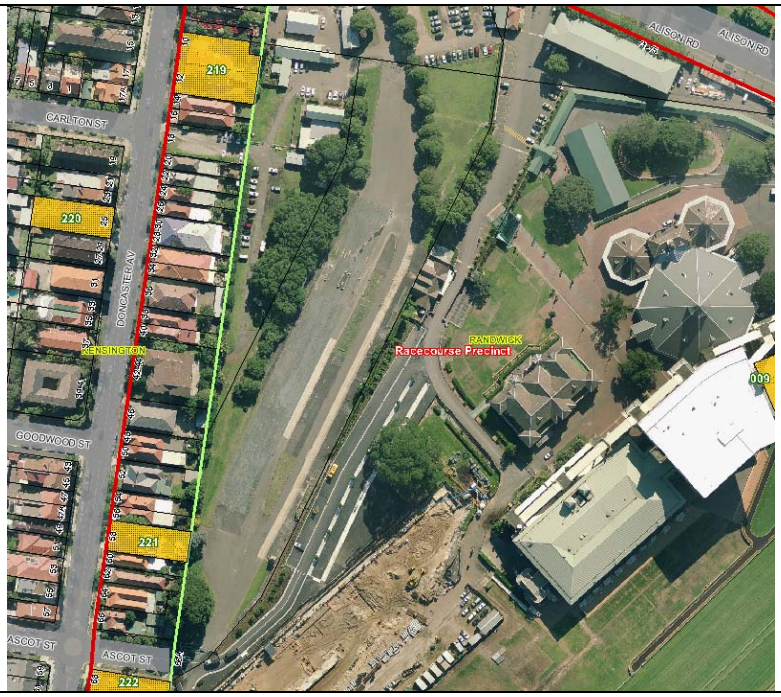

Figure 1 Aerial view of the subject site and surrounding built environment

Figure 2 Existing northern entry to the site; the existing row of Brush Box trees are seen on the left hand side of the photograph

Figure 3 View of the site towards the south; the Tramway Turnstile Building is seen on the left hand side of the photograph

Figure 4 Existing brick bridge ramp on the western side of the site, which is to be retained

Figure 5 Ascot Street frontage of the site

3. HISTORY

3.1 Previous development consents relating to the site

DA/828/2008	Stage 1 development application setting out the master plan for 53 x townhouses and 30 x apartments with details on the building envelopes, access, car parking, civil services and dedication of land to Council for use as parklands, roads and a community centre. Council at its Planning Committee Meeting on 14 April 2009 granted Deferred Commencement Consent to the proposal subject to preconditions that require the execution of a voluntary planning agreement (VPA) between the Council and the developer and owner for land dedication. A VPA has since been entered into with Council, which includes the construction and dedication to Council of a community centre, three parks (being Brush Box, Bridge Ramp and Turnstile Parks), public roads and car parking. A lump sum monetary contribution of $95,000 will also be paid to Council for the future maintenance of the parks as part of the VPA.

	The preconditions have been satisfied and the consent became operable on 30 September 2010.
DA/1097/2006	Stage 1 development application setting out the master plan for 52 x 3-storey townhouses and a 6-storey building containing 30 x apartments, including construction and dedication of open space, roads and a community centre. The access road into the site will be located adjacent to the eastern property boundary with the 3-storey buildings being positioned perpendicular to the road. The 6-storey apartment block will be situated in the north-western portion of the site. Council at its Ordinary Meeting on 24 June 2008 granted Deferred Commencement Approval to the proposal subject to preconditions that require the execution of a VPA between the Council and the developer and owner for land dedication. In accordance with Condition 3 of Development Consent 828/2009, the applicant has submitted letters to request for the surrendering of Development Consent 1097/2006 pursuant to Section 104A of the Environmental Planning and Assessment Act 1979. Therefore, the 2006 approval has ceased to be in effect and has no force.

3.2 Development history

The site was originally developed in 1900 as a tram loop and station to provide access to and from the Randwick Racecourse. Additional platforms and bridges were subsequently constructed on the site in conjunction with the adjacent Turnstile Building. The tram operation ceased in the 1950's which was later replaced with bus services. The bus operation ceased in 1986 and the majority of the structures were demolished. However, the pedestrian access ramp, the bridge footings and the established vegetation were retained. The site has been used occasionally as a taxi zone during events at the racecourse in recent years. The land was sold by the State Government to a private developer on 29 May 2003.

3.3 Plan amendments

30 September 2010	**Amended plans:** Provision of additional reference level and dimensional information, changes to fencing design, internal amendments to the community centre, inclusion of a land dedication plan, relocation of garbage areas away from Turnstile Park, provision of bicycle parking **Additional information:** Public domain lighting plan, swept path details for delivery trucks accessing the community centre
27 October	**Amended plans:**

2010	Provision of skylights and shading devices, alterations to the façade articulations, amendments to the landscape plans, minor design changes responding to the recommendations of the Design Review Panel This latest set of amended plans form the subject of Council's assessment. **Additional information:** Supplementary acoustic report, environmental performance certificate relating to the community centre

4. THE PROPOSED DEVELOPMENT

The proposed development includes the following components:

- Construction of 4 x 3-storey plus basement buildings (Buildings A2, C, D and E) containing 53 x 4-bedroom townhouses.
- Construction of a 6-storey plus basement building (Building A1) containing 29 apartments (being 1 x 1-bedroom, 22 x 2-bedroom and 6 x 3-bedroom units).
- Construction of a 2-storey community centre comprising gallery / exhibition spaces, art workshops and a caretaker's flat.
- Provision of a total of 181 on-site car parking spaces as follows:

Type	Number	Dedication to Council
Kerb side		
Visitor	22	Yes
Car wash / loading	4	Yes
Underground		
Community centre staff	10	Yes
Car wash	3	---
Apartments	36	---
Townhouses	106	---
Total	**181**	

- Associated demolition, excavation, civil services and landscape works.

The proposed community centre, public parks (being Brush Box, Bridge Ramp and Turnstile Parks), public roads, kerb side parking and community centre parking will be dedicated to Council.

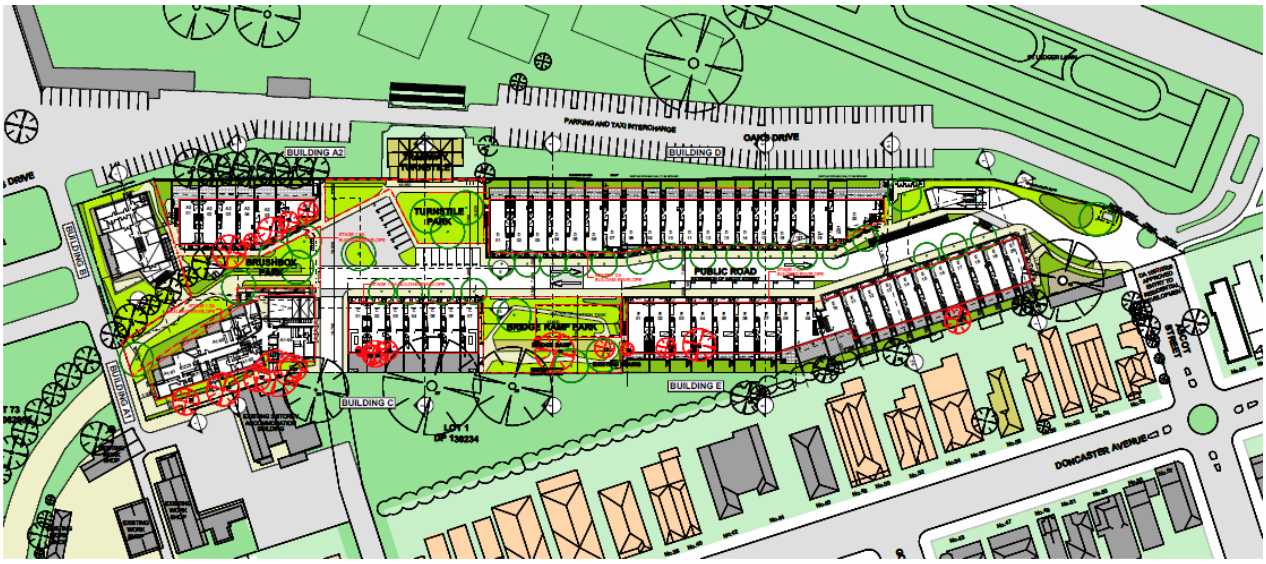

Figure 6 Master layout of the proposed development

5. NOTIFICATION / ADVERTISING

The subject application was advertised and notified from 11 August to 10 September 2010 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. The following submissions were received at the conclusion of the public consultation process:

- 3/42-44 Doncaster Avenue, Kensington
- 4/357 Wattle Tree Road, Holgate
- Australian Jockey Club Ltd.
- Centennial Park and Moore Park Trust
- Urbis Pty. Ltd. on behalf of Australian Jockey Club Ltd.
- 1 x anonymous submission

The issues raised in the submissions are addressed as follows:

Issues	Comments
The height of Building E is excessive and will result in adverse visual impacts on the neighbouring residences.	The proposed building envelopes and layouts are substantially consistent with the Stage 1 approval. It is noted that there is a discrepancy relating to the height of Building E between the Doncaster Avenue streetscape elevation drawings contained in the Stage 1 and Stage 2 applications. This discrepancy can be attributed to the fact that the detailed design of the access road was not undertaken as part of the Stage 1 application. Consequently, the proposed road level and the extent of earthworks were not known with accuracy at the time and these factors impacted on the accuracy of the Stage 1 streetscape

Issues	Comments
	elevation drawing. Regardless of the above, the proposed building heights are not considered to result in detrimental urban design and amenity impacts on the surrounding areas. A detailed discussion is provided in the "Environmental Assessment" section of this report.
The proposed development will detract from the local character and result in adverse impacts on the heritage significance of the area.	The proposal will not result in detrimental impacts on the heritage significance of the Racecourse Precinct Conservation Area. Refer to the "LEP" section of this report for details.
The proposed number of dwelling units will generate significant vehicular traffic in Doncaster Avenue to the detriment of the safety and accessibility of the existing residential developments.	The nature and density of the proposed residential development have already been assessed and considered to be satisfactory under the Stage 1 application. A Traffic and Parking Report was submitted with the Stage 1 application for Council's assessment. The report demonstrates that the expected traffic generation will not detrimentally impact on the capacity of the surrounding road network. The proposal, when completed, will generate an increased level of vehicular traffic in the local road network. A special condition is therefore recommended to require a monetary contribution from the developer to convert the existing intersection of Doncaster Avenue and Ascot Street from a roundabout to a signalised junction. The upgrading of the traffic control would ensure the proper functioning of the roadway having regard to the cumulative traffic from the proposed development, the racecourse and the existing land uses on Doncaster Avenue. The proposal exceeds the minimum parking provision required under Council's Parking DCP. Accordingly, the development is considered to have incorporated adequate off-street parking within the site.
The proposed development will	The proposal exceeds the minimum

Issues	Comments
reduce availability of kerb side parking spaces in the locality.	parking provision required under Council's Parking DCP. Among the proposed on-site parking are 22 kerb side spaces along the internal access road. It is considered that the development has provided sufficient car parking and will not result in unreasonable impacts on the surrounding road network.
Ascot Street is not suitable for access to the site as it is heavily used by taxis on race days.	The proposed housing density and associated traffic implications have already been assessed as being satisfactory under the Stage 1 consent. The potential impacts on access to the proposed residential development from major events at the racecourse are considered to be similar to those relating to the existing residential premises along Doncaster Avenue. The AJC in conjunction with the Police has adopted traffic management measures during major events (e.g. Future Music Festival) to minimise impacts on the neighbouring properties. It is not unreasonable to assume that this practice will continue in the future.
Vehicular access to the site should be obtained directly from Alison Road.	The road access arrangement has already been approved under the Stage 1 consent. It is not considered reasonable to revisit the access route as part of the current proposal.
The site is currently used for parking by the members of the AJC. It is unclear as to where these cars will be parked following the proposed development.	The site has been used occasionally as a taxi zone during events at the racecourse in recent years. The site was sold to a private developer in 2003. The site has not been used as a regular parking lot for AJC members.
There are errors in the floor space calculations contained in the architectural drawings. Specifically, there is a variance between the total GFA figures that appear on the plans, and the sum of the individual floor space figures relating to the apartment units, lobbies and stairways.	The floor areas annotated on the plans for the individual townhouses and apartments represent net internal areas. These area calculations do not include the thicknesses of the common walls. The GFA figures provided in the documentation are not considered to contain any material error.
The application proposes to rely on land owned by the Centennial and Moore Park	Refer to the "Technical Officer and External Referral Comments – Development Engineer" section of this

Issues	Comments
Trust for the overland disposal of stormwater. The development should dispose of all stormwater from the site to the Council's drainage system. In addition, the proposed development will increase flood impact on the adjoining properties. Any flooding impacts should be managed on site and not be transferred to the adjoining land.	report for detailed comments. The proposed stormwater management measures are considered to be satisfactory subject to the recommended conditions, and will not result in unreasonable impacts on the neighbouring properties.
The proposal would have an impact upon the flood levels and velocity of flood water across the racecourse site and other adjoining residential properties. The proposed raising of the flood level by 0.04m is considered to be substantially above the 0.01m increase generally adopted as the maximum acceptable level from any single private development. Suitable amendments should be made to the drainage design to reduce this impact.	Refer to comments above.
The noise source assessment does not appear to have considered the full range of activities held at the racecourse, including the Future Music Festival and similar events, as well as the taxi interchange and bus way facilities in the vicinity to the development site. The above sources should form part of the acoustic assessment for the proposal.	The acoustic consultant has undertaken additional manned and un-manned noise measurements during a race event on 2 October 2010. These measurements would have included noise generated by taxi and bus movements in the vicinity to the development site. Refer to the "Environmental Assessment" section of this report for further comments.
Additional noise loggers relating to the upper storey location of the proposed residential buildings should be installed so that noise exposure to bus, taxi and car movements within the AJC site can be ascertained.	The acoustic consultant has undertaken additional noise measurements. A noise logger has been set up on the taxi bay awning within the racecourse to provide clearer indication of the potential impact on the proposed dwellings. Refer to the "Environmental Assessment" section of

Issues	Comments
	this report for further comments.
Traffic noise measurements should have been undertaken outside of school holiday periods.	An additional traffic noise measurement was undertaken on 12 October 2010 to validate the measurements logged from 12 to 16 April 2010 (school holidays). The results confirm that the earlier data were reasonably representative of the noise exposure despite being obtained within school holidays.
There is a concern that the attended noise measurements undertaken back in 2006 may not accurately represent the current noise environment at the racecourse.	As discussed above, an additional noise measurement was undertaken on 2 October 2010 during a race event to validate the previous data.
The conditions of consent for the Future Music Festival (DA/873/2009) have nominated a maximum noise level for the event. The acoustic criteria contained in those conditions should be addressed for the purpose of determining adequate sound insulation measures for each dwelling within the development site.	A supplementary acoustic report has been submitted which concludes that an appropriate level of amenity will be retained subject to the recommended design measures. Refer to the "Environmental Assessment" section of this report for details.
The AJC has prepared proposal to redevelop the Spectator Precinct of the racecourse, which includes refurbishment and reconstruction of the existing grandstands as well as construction of a new parade ring. These facilities will reinforce the use of the AJC site for racing and related events. The proposed development should bear the responsibility of responding to the impacts of the existing operation, and should incorporate suitable mitigation measures so that the future occupants would not prejudice against the on-going active use of the racecourse.	The applicant has submitted a supplementary acoustic report to address the relevant concerns raised in the submissions. Appropriate conditions are recommended to ensure that the proposed dwellings will enjoy suitable internal amenity having regard to the site context. Furthermore, amended plans have been submitted which include increased landscape planting near the boundary with the AJC site to maximise visual screening for the dwelling units. The subject site has already been assessed as being suitable for medium density residential development under the Stage 1 consent. The overall housing density and architectural design of the buildings are considered to be satisfactory, and would not unreasonably prejudice against the on-going operation of the racecourse.

Issues	Comments
The proposed development should be designed to withstand light overspill from the racecourse site.	Potential light overspill can be appropriately mitigated by internal curtains, blinds and shutters within the affected dwellings. These facilities can be installed by the developer or the future owners. It is not considered necessary to stipulate conditions to regulate internal accessories provided within the dwellings in this instance.
The development scheme should provide landscape buffer along the boundary with the AJC site to ameliorate any visual impacts associated with the racecourse operation. Landscape planting may be incorporated into the boundary fencing.	The revised drawings have included additional planting areas in the rear courtyards of Building D. There is a row of mature Brush Box trees to the east of Building A2 within the racecourse site. These trees will provide adequate screening for the eastern windows of the dwellings.
The application does not include any assessment against the Residential Flat Design Code and Council's Multi-Unit Housing DCP.	A detailed Design Verification Statement has been prepared by the project architect. The Statement has outlined the key design measures adopted in the development to satisfy the ten Design Quality Principles stated in SEPP 65. The proposal is considered to satisfy the objectives and controls of SEPP 65. Refer to the "SEPP" section of this report for further details. The Multi-Unit Housing DCP does not apply to the proposal. The current application is subject to the design parameters stipulated in the Stage 1 master plan, which functions as a "deemed DCP" applicable to the site. Refer to the "Policy Control" section of this report for details.

6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

6.1 Development Engineer and Landscape Development Officer

The comments provided by Council's Development Engineering Section are extracted below:

A development application for a residential development has been lodged with council at the above site. The development proposal includes the following:

- *Construction of 4 x 3-storey plus basement buildings (Buildings A2, C, D and E) containing 53 x 4-bedroom townhouses.*
- *Construction of a 6-storey plus basement building (Building A1) containing 29 apartments (being 1 x 1-bedroom, 22 x 2-bedroom and 6 x 3-bedroom units).*

- *Construction of a 2-storey community centre comprising gallery / exhibition spaces, art workshops and a caretaker's flat.*
- *Provision of a total of 181 on-site car parking spaces as follows:*

Type	***Number***	***Dedication to Council***
Kerb side		
Visitor	*22*	*Yes*
Car wash / loading	*4*	*Yes*
Underground		
Community centre staff	*10*	*Yes*
Car wash	*3*	*---*
Apartments	*36*	*---*
Townhouses	*106*	*---*
Total	***181***	

- *Associated demolition, excavation, civil services and landscape works.*

The proposed community centre, public parks (being Brushbox, Bridge Ramp and Turnstile Parks), public road, kerb side parking and community centre parking will be dedicated to Council.

Traffic Parking Comments

The car parking requirements stipulated in Council's DCP are addressed as follows:

Land use elements	***Parking rates***	***Requirements***	***Proposal***
Townhouses: *53 x 4-bedroom units*	*Residents 53 x 1.5 space*	*79.5*	*106*
Apartments: *1 x 1-bedroom units* *22 x 2-bedroom units* *6 x 3-bedroom units*	 *1 x 1 space* *22 x 1.2 space* *6 x 1.5 space*	*36.4*	*36*
Residential visitors	*1 space per 4 dwellings*	*20.5*	*22*
Car wash	*1 space per 12 dwellings (dual use as visitor parking permitted)*	*6.8*	*7 (of which 4 duplicate as loading bays)*
Bicycle	*1 space per 3 units, plus 1 visitor space per 10 units*	*35.5*	*Refer to comments below*
Community Centre	*10 spaces as agreed between Council and applicant*	*10*	*10*
Total car spaces		*146.4 or 146*	*181*

As demonstrated above, the overall total of on-site parking exceeds the minimum requirements of the DCP by 35 spaces.

- ***Bicycle***
  The DCP requires a minimum of 35.5 bicycle parking spaces to be provided on the site. However, the development includes 53 townhouses where locked-up garages are provided. It is reasonable to assume that any bicycles will be stored within the garages. Therefore, it is considered that a minimum of 12.5 or 13 bicycle spaces (by applying the DCP bicycle rate to the 29 apartment units) should be installed within the development site. This will be required by a special condition of consent.

- ***Community centre***
  It has been agreed between the applicant and Council that a total of 10 secured parking spaces at the basement level will be dedicated to Council for use by the staff of the community centre. A special condition is recommended to ensure that a security pass is issued to the community centre staff for access to the basement level.

  The visitors to the community centre can utilise the kerb side public parking along the internal access road or public transport services along Alison Road.

- ***Loading***
  A total of 4 standard parallel parking spaces to the south of Building D are reserved as loading / car wash bays. These spaces will cater for occasional loading needs of the residents.

  The proposed community centre will require periodic deliveries of art exhibits and catering supplies. To this end, Brushbox Park has been designed and configured to enable access by a small rigid vehicle (SRV) to the southern side of the community centre. The applicant has submitted turning path details showing that an SRV can efficiently approach the community centre, reverse and then manoeuvre back onto the internal access road to exit the site in a forward direction.

Entry Comments
The roundabout and entry configuration is in accordance with Council's approved plans and is acceptable. Dedication of this land to Council as public road is likely to occur on the near future.

Landscape Comments
The previously approved application for this site (DA/828/2008) contained conditions covering tree retention, tree removal, street tree selection and location, the creation and landscaping of parks, private courtyards and all other landscape matters associated with the proposed development.

The Arborists Report contained within this current submission details that condition 78 granted consent for the removal of a total of 24 trees, subject to more detailed investigations and recommendations being made for the remaining 28 trees, comprising 9 within the site, 18 on adjoining private properties and 1 on the common boundary line. Originally this resulted in a further 4 Brush Box's being listed for removal, (being tree no's 6, 27, 28 & 29).

Council, in response to the original submission, raised no objections to the removal of these trees due to the common nature of the species and an absence of neighbours which result in a need for screening. Subsequently a redesign to one section of the basement carpark has occurred which allows retention of Tree 6.

Standard landscape conditions have been included within this report.

Drainage Comments

- ***Flooding and Flowpath Comments***
  The existing development site is predominantly impervious and gently grading down from south to north. Conditions requiring the applicant to undertake detailed analysis of overland flowpaths and flood levels were included in the Stage 1 development consent together with conditions aimed at minimising any potential adverse impact of the development on properties / infrastructure downstream of, and adjacent to the development site.

  In documentation submitted prior to lodgement of the development application the applicant's hydraulic consultant advised Council that the proposed development could be designed and constructed so as to raise the 1 in 100 year flood level in areas downstream and surrounding the development site by a maximum of 20mm (0.02m). The development application submission, however, identified areas that will have the critical 1 in 100 year ARI flood level raised by a maximum of 40mm, (in isolated areas within the racecourse land). Other areas adjacent to the site may have the top water level raised by 30mm. Clearly Council's preference would be for the post development 1 in 100 year flood levels to be maintained at current levels, (i.e. no rise in level as a result of the proposed development). Council's Drainage Asset Engineer would consider 10mm to be within the level of accuracy of the analysis used to establish the water levels/changes to top water level and would prefer that an absolute maximum rise of 20mm be applied.

  The development site has a Stage 1 approval. The Stage 1 approval allows for development of the northern portion of the site notwithstanding the fact that recent flood studies (and the associated flowpath analysis) have identified the northern portion of the site as the predominant overland flowpath. Buildings A1 and B, (the major buildings within the northern portion of the development site) have been designed as "on pier" construction. This will accommodate the potential flowpath and maintain the majority of flood storage on the site. The roughness coefficient used when modelling overland flow under the buildings is high (reflecting the restrictions to the flowpath) and Council will consult with the hydraulic consultant to see if improved overland flow conditions can be provided. A condition of consent facilitating this consultation and possible modification to overland flow conditions under and around buildings A1 and B has been included within this report. It must also be noted that the development site is 1.7 ha in area and therefore a significant development site in terms of area. The impact of having this site developed as a series of smaller development sites may have a greater impact on properties external to

the development site notwithstanding that each development site may only raise the flood level in the order of 10mm.

The Council has commissioned a flood study covering the wider catchment that includes the subject development site. This flood study has been in progress for a considerable period of time due to a number of reasons, including the complexity of the analysis. Council therefore has not been in a position to adopt a flood study for the area the subject of this application and, following on from the absence of an adopted flood study, no flood plain management plan can be considered. Without a catchment wide flood study and management plan it is difficult to fully assess the implications of the development on adjoining land and whether this development creates long term unacceptable impacts.

As stated above, this site has a Stage 1 approval and the current submission is generally consistent with this approval. The design of structures within the northern portion of the site reflects the fact that this is the major potential overland flowpath through the site. The major impact on land external to the site in terms of raising the 1 in 100 year flood level occurs within racecourse land and land under the control of the Centennial Parklands Trust. The increased flood level does not have an increased impact on any existing structure and no major redevelopment of the Centennial Parklands Trust land could occur without the zoning of the land being changed The raising of the flood level within the racecourse land does not appear to impact on the current Part 3A Application for changes to the Spectator Precinct.

The overland flowpath regime for water discharging from the site (for storm events above the 1 in 20 year storm event) does not significantly change as a result of the proposed development. For storm events up to the 1 in 20 year event stormwater flows generated by the proposed development will be collected by the site's internal stormwater drainage system. The overland flowpath through the northern portion of the site draining those flows arriving at the site from areas external to the site will be modified, however the applicant has attempted to maximise the capacity of this flowpath by suspending buildings A1 and B on piers.

Conclusion on Flooding and Flowpath Issues

The increase in flood levels external to the site is greater than Council's preferred maximum in a range of locations. The increase in flood level does not appear to have a major impact on any existing structures or the development potential of any land, (particularly given that a rezoning would be required to significantly redevelop the Centennial Parklands Trust land). The proposed development is generally consistent with the Stage 1 approval and does not significantly alter the flowpath regime of flows from the development site for storms greater than the 1 in 20 year event. The development does not significantly redirect or concentrate flows arriving at the site from the upstream catchment and flowing across the northern portion of the site. In the absence of a Council adopted flood study and Council endorsed floodplain management plan the proposal is supportable.

- ***Onsite Detention Comments***
  The subject development site is located in an area that is covered by Council's onsite stormwater detention policy. Stormwater discharge from the development site must not exceed that which would occur from a 1 in 10 year storm of 1 hour duration for the existing site conditions. This site is one of the few development sites where the percentage of impervious area of the pre-developed site is in excess of the percentage of impervious area post development.

  A condition has been included within this report making the owners of townhouses/units within the development site responsible for maintenance costs associated with maintenance of the onsite detention system and swales.

Groundwater / Geotechnical Report Comments
Groundwater will be encountered within the depth of excavation for the basement carpark and therefore conditions of consent relating to groundwater considerations have been included within this report. The Assessment Planner has included all conditions provided by DWE

Traffic / Civil Works Comments
The Stage 1 development application made reference to the fact that traffic flows associated with the development will have little adverse impact on the level of service of intersections in the vicinity of the development site. The Stage 1 Traffic and Parking Report could be summarised as finding that "the existing major and local road traffic capacity in the local area are adequate to accommodate the proposed development" and that " no significant changes to the peak hour levels of service are predicted at the major road intersections in the area". Council's Manager Integrated Transport has concerns about the impact of Racecourse "event day" traffic combined with increased traffic flows in Ascot Street, (east of Doncaster Avenue), as a result of this application. The replacement of the existing roundabout at the corner of Ascot Street and Doncaster Avenue with a signalised intersection has been recommended. A condition requiring the applicant to meet part costs for this intersection adjustment has been included within this report.

Much of the infrastructure within the development site is to be dedicated to Council, (as agreed between Council and the applicant over a series of meetings dating back to the original lodgement of the application). Conditions relating to construction standards have been included within this report.

Service Authority Comments
Standard Service Authority conditions have been included within this report.

6.2 Building Surveyor

The comments provided by Council's Building Surveyor are extracted below:

BCA Building Classification:
Class 2 (Residential): Blocks A1, A2, C, D and E.
Class 4 (Apartment): Block B, Community Centre (1st floor)

Class 7a (Carparking): Basement Carpark.
Class 9b (Assembly): Block B, Community Centre

Rise in Storeys:
Three (3) separate buildings to the site:
Blocks A1, A2 & C: Six (6) storeys (Buildings connected by carpark)
Block B: Two (2) storeys
Blocks D & E: Three (3) storeys

Type of Construction:
Blocks A1, A2 & C: Type A
Block B: Type B
Blocks D & E: Type A

Background
The existing site is basically vacant ex State Transit land with some minor road improvements. Stage 1, DA 828/2008, was approved on 14 April 2009.

Key Issues
Building Code of Australia (BCA):

Full details of compliance with BCA and fire safety provisions are not included in the DA documentation and therefore further detailed information would need to be incorporated in the documentation for a construction certificate.

Site Management:
Standard conditions are proposed to be included in the consent to address construction site management issues, such as the location of stock piled material or the storage and disposal of excavated materials, sediment and erosion control, public safety and perimeter safety fencing.

Access for people with a disability:
The proposal appears to demonstrate compliance with the BCA requirements and Disability Discrimination Act (DDA) objectives, in relation to access and facilities for people with a disability.

Access for people with a disability is required to be provided to the basement car park and the community centre and certain residential units and, sanitary facilities for people with a disability are also required to be provided to the development, in accordance with the provisions of the BCA.

Standard conditions should be included to address these requirements and ensure compliance with the BCA and AS1428.

The applicant or other person/s having the benefit of the consent should also be advised to fulfil their obligations under the DDA.

6.3 Environmental Health Officer

The comments provided by Council's Environmental Health Officer are extracted below:

Contamination
Contamination of land issues have been reviewed by David Lane and Associates. The investigation advises previous contamination documentation / reports have been assessed in terms of the current proposal.

Contamination results were reported as follows:

- *Elevated samples were detected for PAH concentrations, lead and TPH*
- *No groundwater contamination exists on the site.*

Based on the soil samples collected, the consultant advises the site can be made suitable for proposed development providing remediation is carried out in accordance with remedial action plan to be developed.

Email received confirming detailed environmental investigation considered representative

Soil contaminant levels in accordance with proposed use.

Noise
An Environmental Noise Assessment prepared by Acoustic Logic has been carried out and submitted with the application.

The report assesses noise sources from traffic within the development and surrounding streets.

Further advice is received with respect to noise associated with future traffic generated by the development. The noise from racecourse events was also considered including assessment of race days public address systems and plant and equipment.

As a result appropriate conditions have been included in this report with criteria for the Kensington internal town centre DCP for internal noise levels. It is considered future noise assessment based on internal noise criteria will provide reasonable amenity within the proposed occupancies.

Energy Conservation
Detailed water and other energy saving proposals are proposed including on site detention of rainwater.

6.4 Heritage Planner
The comments provided by Council's Heritage Planner are extracted under the "LEP" section of this report.

6.5 Social Planner
The comments provided by Council's Social Planner are extracted below:

There needs to be an inter-connecting door from the multipurpose room (L6) to the store room (L4). This is essential for set up and storing chairs and tables etc. This request was over looked by the architects.

Is it possible still to improve access between the inside of the building and the garbage area, to improve access and convenience for the person on garbage duty?

Can you please seek confirmation from architect that service vehicles will be able to gain vehicular access from the roundabout/turning area and the community centre as this is essential for loading heavy items and exhibition items/catering equipment etc (not negotiable as it will breach OH&S principles and will incapacitate the usage level of centre).

Comments:

- The amended plans show an inter-connecting door between Gallery L6 and the Store Room L4.

- The floor layout has been amended so that there is direct access from the interior space to the garbage room.

- Brush Box Park has been designed to allow periodic access by service vehicles to the community centre. The submitted vehicle turning paths show that a small rigid vehicle can efficiently manoeuvre through the park and exit the site in a forward direction.

6.6 Department of Environment, Climate Change and Water

The subject application has been referred to the Office of Water (within the NSW Department of Environment, Climate Change and Water) for assessment pursuant to Part 5 of the Water Act 1912. The comments provided are extracted below:

The NSW Office of Water has determined that a Licence under Part 5 of the Water Act 1912 is required in relation to the subject development application and General Terms of Approval (GTAs) appropriate to such an authorisation are attached. It has been identified that the proposed development may result in prolonged adverse impacts on groundwater resources if the required dewatering occurs on anything other than a temporary basis. Therefore, the proposal must not incorporate provision for the permanent or semi-permanent pumping of groundwater seepage from below-ground areas. To comply with this requirement, the construction of below-ground areas must incorporate a water proofing system (i.e. any basement void is to be designed and constructed as a fully tanked structure) with an adequate provision for future fluctuations of the water table level so that groundwater inflows do not occur.

The NSW Office of Water recommends that Council give a staged consent to enable the issues identified in the GTAs to be fully investigated and assessed by independent, suitably qualified people in the required specialist fields. It is suggested that consent be structured as two stages:

- *Stage 1, corresponding to the demolition of existing buildings and clearing of the surface of the site. The NSW Office of Water does not have a role in*

licensing these activities where they do not impact on groundwater. However, clearing of the site may be the only means by which access can be gained to install groundwater monitoring bores to address the GTAs. The technical documentation required by the GTAs must be provided to the NSW Office of Water prior to the commencement of Stage 2, at the time of application for a Water Licence for temporary construction dewatering.

- *Stage 2, comprising excavation at the site and construction of the proposed development. The NSW Office of Water recommends that any consent has a condition that requires the proponent to present proof of receiving the Water Licence to the Private Certifying Authority, before any Construction Certificate is issued at the commencement of Stage 2. The reason for this is that no works that can impact upon groundwater can commence before a licence is obtained.*

However, if a staged consent is not desirable to Council, then it is strongly recommended that the issues described in the GTAs are addressed by the applicant and assessed by Council before any consent is given. These issues have the potential to adversely impact upon any proposal and must be adequately addressed.

Some of the GTAs, although not directly related to the issuing of a Water Licence, can have impacts upon the development, such that the proposal may need to be modified. In particular, Council should be satisfied that the potential ground settlement impacts of any dewatering pumping are adequately addressed by the proponent prior to excavation commencing. Similarly, where it is proposed to discharge water from the site under controlled conditions, Council should be satisfied that the proponent has met, or is able to meet, the requirements of the relevant Controlling Authority.

Comments:
The Department's recommendation on staging the consent is incongruous with Council's legal obligations. It is the intention of the Stage 2 application to embody all development works where excavation and construction could commence following the issuing of a Construction Certificate. The applicant has not sought further staging of the development and Council is prohibited from imposing staging by Section 83B(2) of the Environmental Planning and Assessment Act.

Nevertheless, an ordinary consent (as recommended) would allow demolition work and the necessary ground water investigations before a Construction Certificate is issued for the excavation and construction. The applicant may wish to implement the consent in this manner.

It is the assessment officer's opinion that the dewatering requirements are not prohibitive to the development. While further exploration of the ground water conditions may result in the need for more expensive engineering in the basement levels, the development could still be carried out as planned.

6.7 NSW Police

The subject application has been referred to the Eastern Beaches Local Area Command for assessment. The relevant recommendations provided by the Police have been incorporated in the "Recommendation" section of this report as advisory conditions.

6.8 Sydney Airport Corporation Ltd.

Under the provisions of the Civil Aviation (Buildings Control) Regulation, the concurrence of the Sydney Airport Corporation Ltd. (SACL) is required as the proposed Building A1 on the subject site has a maximum height in excess of 15m and may fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport.

A letter dated 8 September 2010 has been received from SACL advising that no objections are raised against the proposal, subject to the recommended construction management requirements. These requirements have been incorporated in the "Recommendation" section of this report.

7. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

7.1 State Environmental Planning Policy (SEPP) (Major Development) 2005

The provisions of SEPP (Major Development) 2005 apply to the proposed development as its capital investment value is in excess of $10 million. In accordance with the requirements of Clause 13B(1)(a), the submitted proposal is classified as 'regional development' with the determining authority for the application being the Joint Regional Planning Panel (Eastern Region). The submitted application will therefore be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the SEPP.

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

The submitted Site Environmental Assessment indicates that the land contains various harmful contaminants. Specific conditions have been recommended to require the preparation of a Remediation Action Plan and Site Audit Statement to ensure that the land will be remediated to a level suitable for the intended residential use.

7.3 State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Flat Development

SEPP No. 65 applies to the proposed development. The application was referred to the Design Review Panel for assessment in September 2010. The Design Quality Principles and the comments provided by the Panel are addressed as follows:

> *The Panel reviewed this design at pre-DA stage in November 2008, and at Stage 1 DA stage in February 2009. This is now a DA for the detail of the scheme, including all the buildings.*
>
> *The Panel had previously met with the earlier applicant, with a different architect and a different approach, on a number of occasions, most recently in November 2007 and March 2008. The Panel was informed that this revised scheme was the result of a mini-design competition, which resulted in a substantially altered scheme to the one previously granted Stage 1 DA Approval.*

The Panel appreciated many positive aspects of the scheme and the submission, however the following aspects need to be attended to;

A There is a critical need for a Public Domain Plan, that clearly defines all areas to be dedicated to Council, and all areas retained in private ownership.
B The organisation of the DA set is confusing, and difficult to read together. The application could be reorganised so that all the small-scale drawings are read together, and then the plans, sections and elevations of each building could be grouped.
C The Panel did not see a Landscape Plan, which should be provided.

The Panel has endeavoured not to repeat earlier comments, except where there is further comment or clarification provided.

Principle 1: Context

The defining aspects of this proposal include;

- *A continuous street, running the full length of the site, and with a direct visual connection with the curving park on the geometry of the former tram lines*
- *A good relationship between the remnant tramway heritage elements, both framed by positive landscaped, urban spaces*
- *Good address for all the houses to the street*
- *A dominant terrace house typology, contrasted against a taller point building*

The notes the following aspects of the site design;

- *The Panel welcomes the introduction of both apartments and some taller elements (Building A1 only). Higher buildings in this corner are an acceptable design solution, as higher buildings would relate to the taller buildings found within the Racecourse and nearby along Anzac Parade*
- *Two areas of public parkland have been included, in generally good positions to retain trees and retain the relationship between heritage elements*
- *The public building, a positive that accommodates community uses, seems to lack address within the scheme, although it may in the future be at the fulcrum between this property and the envisaged changes to the Racecourse.*

The Panel remains concerned about certain aspects of the scheme, including;

- *Potentially an enclave, given lack of connections and single lot site strategy, also reflected in the still oversized basements.*
- *Somewhat awkward cranked geometry where new street connects to Ascot Street, which does not provide a direct line of sight to the new street.*
- *Effect of the basements on the water table, and underground flows*
- *Lack of connection to Carlton Street – at least the street's return to the west as far as the site boundary should be constructed. At about 10 metres in width, this reservation is clearly too narrow, and Building A1 should be reconfigured to allow at least a 12 m wide reservation*

The Panel again emphasizes that this site must not be considered in isolation. Any good planning outcome must be predicated on coordinating with public access and development proposals for the adjoining racecourse. These proposals need to be shown in a full context plan, showing all proposed changes. Particular attention needs to be focused on;

- *The major new access spine to the racecourse*
- *Joint access at Ascot Street, well resolved in terms of urban geometry and events management (not just traffic management)*
- *Unambiguous public street connection to Carlton Street, with the most straightforward geometry possible*
- *Understanding of future uses of the alienated triangle to the west of the site, and to the open space between the site and Alison Road*
- *Whole of site water management*

The Panel strongly recommends that all new streets and parks created should be dedicated to Council as extensions to the public domain (they are however not noted as such sufficiently clearly on the DA plans). This Panel remains concerned about the creation of autonomous or gated communities, which are highly undesirable. A DA that produces an enclave is an unacceptable outcome and dangerous precedent. It is highly undesirable to have a single (private) street access for such a large site.

The status of dedicated public domain needs to be unequivocal in all aspects of the DA. Therefore a dimensioned Public Domain Plan, identifying all areas to be dedicated to Council, needs to be submitted for approval as part of this DA.

It is understood that the new street will now be dedicated to Council as an extension of Ascot St which is the desired outcome. The Panel recommends that a boundary to boundary width of 16 metres should be maintained to allow for one lane of street/visitor parking. This parking lane could also have regular significant street trees planted between the cars at, for example a spacing of two car spots. This will provide shade and a pleasant connection to the parks at the northern end of the development. With regard to the public domain, the Panel makes the following points;

- *The Panel remains firmly of the view that, at the northern end, the alignment of the proposed park and new street should accord with the former geometry of the tram tracks and the curve of the existing trees. In this regard Block A2 should be reconfigured to retain the full arc of trees.*

- *The public streets need to include adequate footpaths, street tree planting and associated traffic control measures. Continuity of width and alignment are very important considerations, for legibility, good access and urban integration. The possibility of additional walkway connections (opposite Goodwood Street for example) should also be investigated.*

- *The proposed internal streets should have more visitor car parking distributed along them, integrated with the landscape design. A small allocation is made in the latest plans, which may lead to increased visitor parking in existing streets.*

- *The public street dedicated as public with the possibility of deep soil planting and a better integration with the neighbouring streets. Connecting driveway tunnels under the road should be deleted so they do not impede the dedication of the streets and parks to Council. Smaller and more independent car park entries would be more preferable.*

- *The possibility for new streets to be extended in the future should be left open in all cases. Any new street's landscape should include existing elements and alignments to the maximum extent possible, and make a positive contribution to the character, amenity and functionality of Racecourse edge, which is a major sporting and recreational asset for the community.*

- *There are a number of poorly resolved areas that are not clearly public or private, such as the area around the ramp at the south end of D, and the Bin store area at the south end of A2. There needs to be an explicit differentiation between public and private land. These subordinate elements should be placed so as not to obstruct clear view and connection.*

- *The private yards to buildings C and E should be provided with gates to the Lot 1 park to increase community and reduce the possibility of an enclave.*

- *The four mature Brushbox trees shown as cut down to allow the construction of Building A2 should be retained and incorporated in the public park (see also submitted arborist's report, classifying 3 of these trees as of reasonable value). This sweeping avenue of trees is a major element in the urban scene, and directly connects and makes legible the former tram use and geometry.*

- *The proposed substation in the alignment of Ascot Street is very poorly placed and should be relocated to a more discrete position, where it does not conflict with major public domain connections.*

- *Much recent urban design, health and social research has highlighted the problems of inward looking residential enclaves. Given the size and location of this site, any development must consider the street / block structure and the need for improved public access. The most walkable, safest, most permanent and durable connections are public streets. (A 'gated' estate, such as Moverly Green or Raleigh Park, is not considered by the Panel to be a good model for residential development or site subdivision. Such schemes do not provide any clear definition of public and private domains, nor do they sufficiently connect into the surrounding streets or land use patterns. Instead they create a considerable blockage*

in the urban context, limit future adaptability, and discourage a walkable neighbourhood structure).

Comments:

- A land dedication plan has been prepared, which defines the ownership status of all areas within the development site.

- The alignment of the access road, carriageway width, disposition and orientation of buildings and configuration of the building envelopes and basements embodied in the Stage 2 application are substantially consistent with the approved Stage 1 master plan. It is not considered reasonable to revisit the overall layout concept of the development as part of this application.

- The proposal will create a road reserve to the south of Building A1, which would enable any future extension of Carlton Street and its connection with Doncaster Avenue, subject to AJC's development plan.

  Connection from the site to Goodwood Street has not been envisaged in the Stage 1 proposal. Any such connection would also necessitate acquisition of at least Nos. 48 and 50 Doncaster Avenue and therefore is considered highly improbable and does not warrant further examination.

- The site is substantially land-locked and hence is subject to significant design constraints for road access. The proposed internal access road will be connected to Ascot Street and dedicated to Council in conjunction with Brush Box, Bridge Ramp and Turnstile Parks. The proposed land dedication will maximise possibility for public usage.

- The only street frontage of the site is towards Ascot Street. The proposed community centre will be visible from Alison Road and its location is considered to have maximised exposure to the public.

- The development involves significant excavation to accommodate the basement structures. The NSW Office of Water has reviewed the application and raised no objections subject to the Terms of Approval pursuant to the provisions of the Water Act 1912.

- The removal of a number of Brush Box trees adjacent to proposed Building A2 has already been approved under the Stage 1 consent. The Stage 2 drawings originally show the removal of Brush Box tree number 6 as a result of the detailed basement design. However, at Council's request, the amended drawings have revised the building design and allow the retention of tree 6. A special condition is recommended to ensure its retention.

- The detached waste storage facility to the south of Building A2 has been relocated to within Building A1. The areas formerly occupied by the bin store have been converted to landscaped open space and form part of

Turnstile Park. The open areas to the south of Building D will be provided with landscape planting and furniture.

- Gates have been installed at the rear courtyards of Units C07 and E01 to provide direct access to Bridge Ramp Park. This would increase activity and allow casual surveillance to the rear of the bridge ramp structures.

- The landscape plan shows that the sub-station facility near the entry to the site will be obscured by timber screen and climbers to minimise adverse visual impacts.

- The proposed housing density and associated traffic implications have already been assessed as being satisfactory under the Stage 1 consent. The potential impacts on access to the proposed residential development from major events at the racecourse are considered to be similar to those relating to the existing residential premises along Doncaster Avenue. It is not unreasonable to assume that the AJC would adopt adequate traffic management measures during major events (e.g. Future Music Festival) to minimise impacts on the neighbouring properties.

Principle 2: Scale

The Panel supports the mix of three and six storey residential heights proposed, although a better integrated urban solution could give rise to some greater height and density. As the architects noted, it is desirable to create a strong architectural edge to the new streets, which must be publicly dedicated to be authentic.

The Panel suggests that the two long rows of terraces would be improved with minor breaks for articulation;

- *The eastern row (D), backing onto the racecourse, would benefit from a clean break aligning to the southern end of the tramway park, opposite the end of E*
- *Building E would benefit from a clean break at the bend, which would present a less bulky and less continuous row opposite the rear of the existing dwellings along Doncaster Avenue.*
- *The ends of all building rows, particularly those to major public frontages, need further design consideration. In particular, the south ends facing Ascot St seem to lack presence and a dialogue, compared to the other facades.*

Some relatively blank facades should be reviewed for possible improvements in daylight access and cross ventilation within the apartments.

The Panel had previously commented that the car parking footprint remains too large. The car parking should be broken into smaller scale components, strictly under the building footprints. The driveways could be buried within the building, rather than lost in space such as the entry to the south of Building D. This should allow further deep soil planting to create an appropriate environment for residential use. There should be no private basements under the public streets

footpaths or parks. Given the highly accessible location, a lesser parking requirement should be investigated.

Comments:

- The revised drawings have improved the façade articulation of Buildings D and E.

- The amended plans have improved the articulation of the southern and northern elevations of Buildings A1 and C respectively. These facades contain window openings and will improve the perception of safety around the Ascot Street extension.

Principle 3: Built form

See other comments in this report.

Principle 4: Density

The Panel has no issue with the residential density proposed. If anything it could slightly increase to be consistent with the approved Stage 1 DA.

However there remains the opportunity for some diversity of use. The Panel reiterates that the lower level of the apartment block for example could have some commercial component opposite the community centre and amongst the existing workshops. Similarly a shop at the open space at the Ascot Street corner could readily be incorporated. While the area is essentially residential, the proposal should not accept a purely suburban mindset and allow for a mix of uses over time.

Comments:

Given that the site does not have direct frontage to Doncaster Avenue or Alison Road, the provision of a commercial or retail component is not considered to be economically viable. The proposed residential land use has been approved under the Stage 1 consent. The Stage 2 proposal is consistent with the approved master plan concept and is considered to be satisfactory.

Principle 5: Resource, energy and water efficiency

The houses and apartments are predominantly thin cross section buildings, which should ensure excellent daylight and natural ventilation throughout. Balconies generally temper the harsher orientations. The number of fixed glass windows should be reviewed and changed to operable if extra ventilation can be achieved.

Water retention and grey water re-cycling, perhaps to the scale of the whole site, for uses such as domestic use, garden watering and car washing should be provided. The effects on ground water flooding should also be presented.

The applicant should negotiate with the planning staff an agreed resource and energy strategy that should be conditioned in the DA. Gross amounts of stormwater retention and methods of on-site irrigation of lawns and gardens not publicly dedicated etc should be determined and conditioned.

More information on the community centre is required outlining its environmental performance. Mixed mode would be preferable so that its ability to be naturally ventilated is optimised. It would appear that there are internalised corridors that would benefit from ventilation through clerestorey windows. Sunshading requirements need to be reviewed as well as window operation.

Comments:

- The proposed dwelling units will comply with the BASIX requirements.

- An environmental performance report relating to the community centre has been submitted. The report has outlined various design measures to maximise energy efficiency, including:
  - Installation of skylights over the amenities areas
  - Installation of solar panels
  - Provision of broad roof overhang to control low angle sunlight

  A specific condition is recommended to ensure these design measures are implemented in the development.

Principle 6: Landscape

The original 2007/08 application was accompanied by a concept landscape design. The Panel looked forward to reviewing a new package of comparable scope and design detail, however no such package has been provided with this new application.

The two new central parks are supported, due to their adequate size, good relationship and open locations.

However the proposed Brushbox Park should be enlarged to include all the Brushbox trees within its boundaries. This would ensure the future preservation of this fine avenue of trees, which would necessitate the re-working of Building A2. It appears that a number of figs will still be lost with A2's construction. The Panel's reservation for the loss of these trees remains. The Panel also does not see the need to remove all the trees at the rear of Building A1.

Comments:

- The removal of a number of Brush Box trees adjacent to proposed Building A2 has already been approved under the Stage 1 consent. The Stage 2 drawings originally show the removal of Brush Box tree number 6 as a result of the detailed basement design. However, at Council's request, the amended drawings have revised the building design and allow the retention of tree 6. A special condition is recommended to ensure its retention.

  The submitted landscape plan shows the planting of canopy trees along the eastern elevation of Building A1. The proposed planting will compliment the Brush Box trees to be retained and contribute to the character of the public park.

Principle 7: Amenity

The plans demonstrate that satisfactory levels of amenity and privacy are achieved by the design.

The terrace houses are well planned, with purposeful slots and voids that will give a great sense of drama and openness for the future residents.

The apartments in A1 are generally well planned, although the Panel felt that the following refinements could readily be included;

- *skylights / toplights for top floor service rooms*
- *some additional windows to the currently internal bathrooms*
- *sunhoods or external screens to some unprotected west facing openings*
- *vents / windows to fire stairs, and to the northern lobby*

Comments:

- The revised drawings have included skylights over the top floor amenities areas of Building A1.

- The west-facing glazed openings of Building A1 are protected by sun hoods or balconies.

Principle 8: Safety and security

There are many safety and security issues that need to be addressed by the proposal. These include;

- *impact on Racecourse security*
- *relation to transport for major events*
- *local traffic and convenient pedestrian and cycle access*
- *passive surveillance of adjoining open areas*
- *interface with the open spaces to the north, and access to the community building and Alison Road*
- *effect of and on the neighbouring houses and apartments facing Doncaster Avenue.*

These issues were not addressed in the meeting and are best taken up with the assessing officer

Comments:

- The eastern boundary with the racecourse is generally well defined by solid masonry walls. The western boundary with the residential properties fronting Doncaster Avenue is suitably defined with solid fencing structures.

  The interface with land owned by the AJC and Centennial and Moore Park Trust in the northern extremity of the site does not have a clear delineation of property boundaries. The NSW Police has raised issues relating to the lack of security device along the northern boundaries, where the site may be used as a shortcut for entering and exiting the racecourse. This is particularly concerning during major events at the racecourse. A special condition is therefore recommended to require suitable fences to be

installed so that appropriate access control to the site and adjoining properties is maintained.

- The internal road has sufficient width to allow the shared use by vehicles and bicycles. A specific condition has also been recommended to require appropriate bicycle parking facilities to be installed within the development.

- Any future access between the site and Alison Road will be contingent upon development plans of the AJC. However, this matter is outside the scope of the current proposal. As discussed, a specific condition is recommended to require adequate fencing to be installed so that access control to the subject and adjoining sites is maintained.

- As will be discussed in the following sections of this report, the proposal is not considered to result in detrimental amenity impacts on the neighbouring residential premises along Doncaster Avenue.

Principle 9: Social dimensions

It is important that this development does not compromise the continuing operation of the Randwick Racecourse for major events. Such events include not only horse racing, which has a rich history here over a one hundred and fifty year period, but also major celebrations such as the papal visit and the like. These are vitally important social and cultural events for all the people of NSW, and the racecourse offers one of the best venues in Australia for such exceptional occasions. The social value includes both the event itself and the transport logistics involved. Therefore any housing or other uses proposed should be designed and titled (preferably by covenant) so as not to impact on the major social functions of the Racecourse. Noise attenuation needs to be integral with the design, in which regard the edge street was superior to the current backyard interface.

It is important that the street be dedicated as a public street, in order to integrate it with Kensington and mitigate the potential for an enclave. It would be highly desirable to have multiple Torrens Title or Strata lots, rather than one overall title – this would also exacerbate the impression of an enclave.

The Panel commends the inclusion of community uses as part of the site planning, although access remains unresolved.

The street as the Panel understands will now be a public street. The major issue that may remain for some time is the continuation of Ascot St into Carlton St. A master plan solution was presented to the Panel. It would be a positive step if the council and applicant could approach the Crown to recommend the integration of this otherwise odd piece of land for the benefit of future generations.

Comments:

- An acoustics report has been submitted which outlines noise attenuation measures to be implemented in the development. A specific condition has

also been recommended to ensure the proposed dwelling units achieve an appropriate level of acoustic amenity.

- Refer to previous comments relating to the proposed road and building layouts.

Principle 10: Aesthetics

The architectural expression is consistently well handled. The architect has selected a subdued palette of complementary materials, which will give the scheme a well-mannered character. The expression of elements such as balconies, eaves and the like provide appropriate modeling across the various facades.

The relationship from inside to outside gives the scheme a rational basis, so that the facades are a logical expression of the plan.

The exception is the Community Centre, which could be quite elegant however window positions and treatments need to be reviewed. The flood way raises the building an awkward height above the ground level. While the colonnade attempts a civic quality, the openings appear less than generous and somewhat haphazard.

The Panel is well aware of the exceptional architectural sensibility of the architect, and encourages the applicant and Council to make their continued involvement through all stages to construction a requirement of this DA.

Comments:

- The proposed community centre has incorporated a contrasting fenestration pattern to differentiate between the gallery and studio spaces. The windows attached to the gallery are characterised by glazed areas framing large panels of claddings; while horizontal ribbon windows are provided for the studio units which will allow appropriate natural lighting.

7.3 State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004

SEPP: BASIX applies to the proposed development. The development application is accompanied with a BASIX Certificate. The commitments listed in the above certificate will be imposed by appropriate standard conditions pursuant to Clause 97A of the Environmental Planning and Assessment Regulation 2000.

7.4 Randwick Local Environmental Plan (RLEP) 1998 (Consolidation)

The Randwick Local Environmental Plan 1998 (Consolidation) was gazetted on 15 January 2010, which repeals the Randwick Local Environmental Plan 1998. The RLEP 1998 (Consolidation) is the relevant local planning instrument for the consideration of the subject Stage 2 proposal.

The site was zoned 6A Open Space under the previous RLEP 1998. A portion of the adjoining land to the west was zoned 2C Residential. The Stage 1 proposal is for the construction of ‘multi-unit housing’ as defined in RLEP 1998. Despite the fact that

multi-unit housing is listed as a prohibited use under the 6A zoning, the development is made permissible pursuant to Clause 38(5) of the LEP, which states:

> ***38 Development in open space zones***
> *(5) Any land within Zone No. 6A which is not under the ownership of the Crown or the Council may (with the consent of the Council) be used for any purpose which is permissible (either with or without development consent) on land adjoining the land in question, prior to that land being acquired by the Council.*

The subject site is under private ownership and adjoins land that is zoned 2C Residential, where multi-unit housing is permissible with development consent. The Stage 1 proposal satisfies the provisions of Clause 38 of RLEP 1998 and was approved by Council on 14 April 2009.

7.4.1 Clause 18 Zone No. 6A (Open Space Zone)

The subject site is located within Zone No. 6A (Open Space Zone) under RLEP 1998 (Consolidation). The proposed development is defined as "multi-unit housing" under Clause 49 of the LEP. Pursuant to sub-clauses (2), (3) and (4), the proposal is identified as a prohibited use.

Whilst the zoning for the subject and adjoining sites remains unchanged, the old Clause 38(5) has been removed from the Consolidation LEP. Notwithstanding, the Stage 2 proposal is made permissible pursuant to Clause 42F of RLEP 1998 (Consolidation), which states:

> ***42F Staged development***
> *While any consent granted on the determination of a staged development application for a site remains in force, nothing in this plan prevents the Council from granting consent to any further development application in respect of that site.*

The Stage 1 consent (DA/828/2009) is still in force. Therefore, Council is enabled to accept and determine the subject Stage 2 development application pursuant to Clause 42F.

The objectives of the 6A Zone are addressed as follows:

(a) To identify publicly owned land used or capable of being used for public recreational purposes

This objective is not applicable to the proposal as the site is privately owned.

(b) To allow development that promotes, or is related to, the use and enjoyment of open space

The subject site was used for transit purposes and has been in private ownership. The site, in effect, has not been used for open space purposes for the enjoyment of the general public. The proposed development incorporates new public parklands and roads that are to be dedicated to Council.

Accordingly, the development is considered to promote the use and enjoyment of open space.

(c) To identify and protect land intended to be acquired for public open space

The subject land is not identified to be acquired for public open space purposes by Council. However, the development scheme incorporates public park facilities, which will be dedicated to Council when completed.

(d) To identify and protect natural features that contribute to the character of the land

The site does not contain any significant natural topographical features or remnant bushland. However, a number of established trees which contribute to the character of the site will be retained.

(e) To enable the sustainable management of the land

The proposed residential development will maximise the usage of a land allotment which is highly accessible to local services, tertiary educational facilities and public transport. The development will also contribute to the proper maintenance of the internal access roads and parklands through their dedication to the Council. The proposal represents a substantial improvement to the existing site condition where the land is underutilised and confined to supporting functions to the racecourse.

7.4.2 Clauses 20E Landscaped area, 20F Floor space ratios and 20G Building heights

The site is located within Zone No. 6A (Open Space). Accordingly, Clauses 20E, 20F and 20G of the LEP relating to landscaped area, floor space ratio and building heights respectively do not apply to the development. However, a comparison between the proposal and the aforementioned development standards is provided below as those controls would apply to future residential developments within the adjoining 2C zoned land:

Clause	Requirement	Proposal
20E Landscaped area	(2) Minimum 50% of site area in 2C Zone	49% of site area (8520.8m2)
	(3) Landscaped areas over podiums or excavated basements do not exceed 50% of required provision	16% of site area (2775.7m2)
20F Floor space ratios	Maximum 0.9:1 in 2C Zone	0.98:1 (excluding basement storage areas)
20G Building heights	(2) Maximum building height 12m in 2C Zone	Building A1: approx. 21.8m (RL50.15) Building A2: approx. 11.7m (RL40.565) Building B: approx. 8.9m (RL37.65) Building C: approx. 11.6m (RL40.565) Building D: approx. 12.3m (RL41.739)

		Building E: approx. 11.8m (RL41.268)
	(4) Maximum external wall height 10m in 2C Zone	Building A1: approx. 21.0m Building A2: approx. 11.3m Building B: approx. 7.8m Building C: approx. 11.1m Building D: approx. 11.6m Building E: approx. 11.1m

7.4.3 Clause 22 Services

Clause 22 requires Council to ascertain that adequate water supply, stormwater drainage and sewage facilities are available to the land prior to the granting of any consent to the carrying out of development.

Specific conditions are recommended to ensure adequate civil services are provided to the site.

7.4.4 Clause 38 Development in open space zones

The matters for consideration stated in Clause 38(1) are addressed as follows:

(a) The need for the proposed development on that land, and
(b) Whether the proposed development promotes or is related to the use and enjoyment of open space, and
(c) The impact of the proposed development on the existing or likely future use and character of the land, and
(d) The need to retain the land for its existing or likely future use.

Comments:
The site is suitable for medium density residential development given its proximity to public transport, educational, recreational, commercial and retail services. Despite its 6A zoning, the site has not been used for genuine open space purposes as the land has been under private ownership. The site has an irregular configuration and is significantly 'land-locked' with minimal frontage to a public road. These physical constraints result in limited opportunities for access from the public domain. The proposal, therefore, does not represent a material loss of recreational space.

Nevertheless, the proposal will create three new public parks, an internal road and a community centre for dedication to Council. The development will provide high quality parklands for public recreation and promote the use and enjoyment of open space. The proposal is considered to significantly improve the amenity of the site and improve accessibility to public facilities.

7.4.5 Clause 40 Earthworks

Clause 40 requires Council to consider the likely impact of any earthworks on the existing drainage patterns and soil stability in the locality, and the effects of the works on the likely future use of the land.

The proposal requires significant excavation to accommodate basement car parks and associated underground access. Specific conditions are recommended to ensure

that suitable retaining walls and protection measures are implemented during works on the site. The proposal is not considered to adversely impact on the drainage pattern and use of the land, subject to the recommended construction management and engineering conditions.

7.4.6 Clause 40A Site specific development control plans

Clause 40A(1) provides that the consent authority must not grant consent to a development application made in respect of a site area consisting of more than 10,000 square metres, unless a site specific development control plan for that land has been prepared.

The subject site has a land area of more than 10000m^2.

Section 83(C)(2) of the Environmental Planning and Assessment Act 1979 states that: "*if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land*."

A Stage 1 development application setting out the concept proposal for the site has already been approved by Council. Therefore, it is considered that the provisions of Clause 40A have been satisfied by the approval of the Stage 1 application.

7.4.7 Clause 42B Contaminated land

Clause 42B contains provisions for remediation of contaminated land to ensure that such land will be suitable for the purpose for which the development is proposed. As indicated above, the applicant has submitted an environmental assessment report to address contamination issues on the subject site in view of its previous transit interchange uses. Council's Environmental Health Officer has assessed the submitted information and advises that appropriate conditions can be applied to the proposal to ensure that the site is suitable for residential development. These conditions have been incorporated in the "Recommendation" section of this report.

7.4.8 Clause 43 Heritage conservation

The subject site is located within the Racecourse Precinct Conservation Area and in the vicinity to a number of heritage items listed under RLEP 1998 (Consolidation).

The comments provided by Council's Heritage Planner are extracted below:

> ***The Subject Site***
> *The subject site is within the Randwick Racecourse Conservation Area and was formerly used to facilitating public transport access to the Racecourse site. The site is currently occupied by remnants of the former tramway/busway including tram platforms, a brick pedestrian ramp and related plantings. Adjacent to the site, on the Racecourse site are other buildings and structures which are part of the Tramway Area group including the tramway turnstile building, vehicular bridge, main turnstiles and entrance steps. The subject site is of irregular shape, bounded to the east, north and partly to the west by the Racecourse and partly to the west by single dwellings fronting Doncaster Avenue. Within this*

group of dwellings are two heritage items "Wallsworth" at no.25 Doncaster Avenue and "Creswell" at no.58 Doncaster Avenue. Further to the south is nos.68-82 Doncaster Avenue, a single storey Queen Anne style terrace. Access to the site is via an extension of Ascot Street. The section of the tramway/busway which formerly connected it with Alison Road is under separate ownership and does not form part of the subject site.

The Proposal

The original application proposed a medium density residential development of three levels plus "roof zone" over semi-basement carparking. The development was in the form of 9 separate blocks arranged along an access driveway running along the eastern side of the site. Heritage concerns was raised in relation to the impact of the proposal on the curtilage and setting of the Tramway Turnstile building and the Pedestrian Ramp, on historic views on the subject site, and in relation to the impact of any change to site levels.

Amended plans were subsequently received which made some changes to the site layout, including locations of buildings, open space and vehicular circulation areas, and increased the height of one of the blocks. The access drive was provided in the form of a central street defined by buildings either side. The amended plans proposed 5 separate blocks, generally 3 storeys high, but with a 6 storey block at the north eastern end (block A1).

A Stage 2 Development Application has now been received. As compared to the Stage 1 Development Application the submission notes that the current proposal has made changes to the number of dwellings, made variations to the building envelope and reduced the floor space. Changes generally relate to Buildings A1 and A2, with minimal change to Buildings C, D and E. Minor changes have also been made to the design of the two storey community centre. The Stage 2 Development Application proposes similar building heights to the Stage 1 Development Application, but the building footprints of Buildings A1 and A2 have been amended.

Submission

The original and the amended application were accompanied by a Statement of Heritage Impact prepared by Noel Bell Ridley Smith and Partners Pty Ltd. The SHI included a Historical Overview, Statement of Significance, Impact Assessment and Recommendations. The SHI includes a Heritage Analysis Diagram which identified heritage items, contributory items and historic views. The SHI provided recommendations to minimise impact on significant elements and views. Recommendations related to retention of built and landscape elements (brushboxes and the pedestrian ramp) and key vistas, retaining/creating open space setting between the Turnstiles Building and the Pedestrian Ramp, provision of screening to Doncaster Avenue properties, provision of interpretation, detailed design to ensure new work is identifiable as such and to ensure articulation of the bulk of new buildings adjacent to heritage elements, and archaeological monitoring.

Both the amended plans and the Stage 2 proposal were accompanied by an updated Statement of Heritage Impact, also prepared by Noel Bell Ridley Smith

and Partners Pty Ltd. The recommendations to minimise impact have not been amended and it appears that they have not been comprehensively implemented in the design of the Stage 2 proposal.

Royal Randwick Racecourse Conservation Management Plan
The Randwick Racecourse site has been the subject of a Conservation Management Plan (CMP) prepared by Gooden Mackay Logan Heritage Consultants. The CMP covered the racecourse site itself, as well as the Tramway/Busway and Maintenance Workshops precinct which is the subject of this application.

The CMP includes a Statement of Significance for the Racecourse which concludes that it "is a place of State significance as metropolitan Sydney's oldest and longest continually operating racecourse. It has unique historic, associative, aesthetic and social links to the development of horse racing in Sydney and New South Wales. It is a unique cultural landscape with landmark qualities and a distinctive architectural composition that reflects a traditional approach to racecourse design and development, serviced by substantial public transport infrastructure."

Construction of the tramway began in 1900 and it was demolished in 1990. In 1912 the steps to the northern overhead bridge were replaced by the brick pedestrian ramp which remains on the site and the turnstile building and motor car bridge were constructed in 1914. The Assessment of Significance notes that the tramway retains its configuration as a loopway through the site from Doncaster Avenue and has played an important role in the continuing use of the Ascot Street entrance. The Assessment of Significance also notes that the remnants of the former tramway including any archaeological features, demonstrate the importance of the tramway to the functioning of the racecourse and as a transportation system for Sydney as a whole with associative values and visual memories for many thousands of Royal Randwick Racecourse patrons. The Physical Description of the Tramway Turnstile Building Complex notes that the group creates an east-west gateway through the landscape cutting between the tramway and the saddling paddock, with the tramway turnstile building forming part of a retaining wall for the tramway. Inward circulation occurs from the tramway, through doors, ticketing booths and turnstiles, with entrance steps leading up towards the Tea House. The Assessment of Significance for the Tramway Turnstile Building Complex notes that it has high social significance as the first building that many people saw upon arrival at the racecourse.

Among the buildings and structures identified by the CMP as being of Exceptional significance are the Tramway Turnstile Building Complex and associated Vehicular Bridge and Entrance Steps. Among the buildings and structures of High significance is the brick pedestrian ramp associated with the Tramway Area group, Gate 21 (the former Tramway Entrance from Doncaster Avenue) and the Pedestrian Ramp associated with the tram station. In terms of landscape elements on the subject site, the CMP considers the Moreton Bay figs underplanted with oleander, and the large fig to be of Exceptional significance, and the arc of brush boxes to be of moderate significance. The

CMP also identifies a number of important Historic Views, including those north and south within the former Tramway Area.

The Analysis of Constraints and Opportunities contained in the CMP stresses the need to retain important physical components and spatial and functional relationships. The CMP suggests that adverse impacts on significant components should only be permitted where there is no feasible alternative and where appropriate advice from conservation professionals as part of a full assessment of options to minimise adverse impacts. For components of Exceptional and High significance, the CMP considers appropriate treatment to be preservation, restoration and reconstruction. Components of High significance have greater allowance for adaptation where this is in accordance with the overall significance, intactness/integrity and use. The CMP recommends that a Specific Element Conservation Policies be prepared for individual components assessed as being of Exceptional or High Significance. Similarly, landscape components of Exceptional significance should be retained and landscape components of High significance should be retained if possible, subject to arboricultural assessment of Safe and Useful Life Expectancy (SULE) rating and managed to prolong safe and useful contribution to landscape. The CMP also includes Conservation Principles and Policies for Site Components and Design Principles for New Development.

Comments

Tramway Turnstile building and Pedestrian Ramp
The current proposal includes Turnstile Park directly adjoining the Turnstile Building and closely related to the Bridge Ramp Park. It is considered that the proposed open space areas provide adequate curtilage to maintain the significance of the built elements, and create legible public space settings for them.

Historic Views
The Heritage Analysis diagram contained in the SHI identifies three important historic views on the subject site, one in the northern part of the site, and two in the southern part of the site.

In relation to views in the southern part of the site (west over the Racecourse), the amended proposal reduced the building footprint and increased the area of open space and opening the public space on the site to both of the identified views.

In relation to views in the northern part of the site (south along the edge of arc of brushboxes towards the turnstiles building and the site of the former tram station), the amended proposal in creating Brush Box Park, has allowed the continuation of the view corridor which, reinforced by the line of brushbox trees, sweeps from Abbotford Street, through the Racecourse site towards the Turnstile Building. While the footprint of building A2, which displaces the original line of the brushboxes, has been somewhat reduced, the footprint of building A1 appears to have been somewhat enlarged, further obscuring the view of principal western façade of the Turnstile Building. It is noted that the

original line of brushboxes was planted to define and frame views towards the Turnstile Building, while the new plantings within Brush Box Park will effectively block this view. It is noted that the Turnstile Building has been identified as having Exceptional significance.

Arc of Brushboxes
The SHI which was submitted recommended the retention of over 80% of the complete arc of brushboxes, retention of the view along their western side to the Turnstile Building and provision of supplementary planting to reinforce the whole arc. Although the amended proposal retained less than 50% of the trees on the development site, over 80% of the total number of trees were retained (as only a portion are located on the development site). The replacement brushboxes which were included in the previous proposal in order to reinforce the arc, have been deleted in order to retain the view to the Turnstile Building.

Detailed design
The SHI recommended detailed design to ensure new work was identifiable as such, and also recommended articulation of the bulk of new buildings adjacent to the Turnstile Building and the arc of brushbox trees to mediate the change in height between the heritage elements and the new development. The Stage 2 proposal has somewhat broken down the footprint of Building A2 but not the scale or building envelope of this 6 storey block.

Excavation
My original memo raised concerns that any change to the levels of the subject site could significantly impact on the ability to interpret the function of the tramway turnstiles building in creating a transition between the lower level of the tramway and the higher level of the main Racecourse site. It is not clear whether the Stage 2 Development Application will maintain the existing surface level within the flood affected zone.

Conservation Works
The Conservation Management Plan prepared by Godden Mackay Logan recommends that a Specific Element Conservation Policies be prepared for individual components assessed as being of Exceptional or High Significance. As an SECP has not been provided with the development application, a Schedule of Conservation Works should be prepared to guide required conservation works to the Pedestrian Ramp in conjunction with the development.

Archival Recording
An archival recording of the subject site is to be carried out prior to commencement of works in order to ensure the recording of the spatial relationship between the Pedestrian Ramp, the Turnstile Building and the remnants of the tram station platforms, and the spatial character and historic views within the site.

Interpretation
The SHI for the site recommends provision of heritage interpretation in conjunction with the retention of the remnant brick ramp of the former

pedestrian overbridge. An Interpretation Plan is to be prepared for the site and implemented in conjunction with the development.

Archaeology
The SHI for the site recommends engagement of an archaeologist during construction to watch over excavations for unforeseen discoveries and potential significant deposits. An Archaeological Management Plan is to be prepared for the site to advise on the likelihood and potential significance of relics on the site and recommend appropriate action, including monitoring of excavations, in the context of the proposed development.

Recommendations
It appears that the highlighted deferred commencement conditions have not been addressed in the Stage 2 Development Application and it is suggested that a meeting be organised to discuss these issues:

- *The footprint of building A2 is to be reduced in order to retain the important historic view to the Turnstile Building which is identified as having Exceptional significance.*

- *The entire arc of existing brushbox trees are to be retained within the development site in order to retain the view to the Turnstile Building from the north.*

- *Blocks A2 and D adjacent to the Turnstile Building and the arc of brushbox trees are to be articulated as recommended by the Statement of Heritage Impact in order to mediate the change in height between the heritage elements and the new development.*

Comments

- The footprints of Building A1 have been slightly increased in the Stage 2 application, where the east-facing balconies have been extended beyond the Stage 1 layout. These changes have been clearly represented on the submitted drawings. However, the above is partially compensated by the setting back of the main eastern facades from the approved wall alignment.

  There are concerns that the balcony extensions in conjunction with the proposed canopy trees within Brush Box Park would inhibit distant views towards the Turnstile Building. In response to this, the applicant has provided comments from NBRS (heritage consultant) as follows:

  > *Given that the branching height of mature specimens of the proposed lacebark trees (Brachychiton discolour) can be significantly higher than eye height – say up to three or four metres as shown in the Redfern Park specimen, we believe that the desired openness of views through open space and between significant built form elements can be achieved.*
  >
  > *The principal views of significance are within the site and not from outside the site. Of these, the open visual relationship between the ramp and the turnstiles building to which it was once connected has been retained*

without immediate built form. The lacebark trees in this location can be grown and cultivated in such a way as to retain this visual connection. The historical context of the site was that of a barren tramway yard and station with principal views out the side of trams on curved paths rather than axial views to built elements. The retained Brushbox trees provide a sequential introduction to the turnstiles building from the north rather than an axial vista. The proposed planting of lacebark trees further overlay and augment the open space without eliminating the historic visual connections between the significant retained elements. These relationships will ultimately be accompanied by heritage interpretation to reinforce these historic connections.

The opinion of NBRS is concurred with as the existing tramway has a curved alignment where the Turnstile Building is progressively revealed as one approaches from the north. Therefore, the proposed footprints of Building A1 will not create detrimental impacts on the identified heritage view corridor, nor will they result in an undesirable visual bulk as the balcony elements are substantially open.

Furthermore, a special condition is recommended to ensure that only tree species with a branching height of not less than 2m from the ground level would be planted in Brush Box Park. This will effectively retain sightlines to the Turnstile Building by standing or sitting persons within Brush Box Park.

- The proposal will not result in substantial changes to the levels of the site in a manner that deny the perception of level difference between the racecourse and the subject land. In fact, the existing retaining walls along the eastern boundary will be retained and supplemented with additional masonry fence. Building A1 in particular will be raised to allow a clear flood path underneath the building.

- The southern elevation of Building A2 and the northern elevation of Building D are adequately articulated with window openings and will provide casual surveillance and activation for Turnstile Park.

- The Heritage Planner has recommended conditions relating to the execution of conservation works to the brick ramp, archival recording of the existing site conditions and preparation of an interpretation plan. These conditions are incorporated in the "Recommendation" section of this report.

8. POLICY CONTROLS

8.1 Stage 1 Proposal - Design principles and built form controls

Pursuant to Section 83C(2) of the Environmental Planning and Assessment Act, if an environmental planning instrument requires the preparation of a development control plan before any particular development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land. Therefore, the approved Stage 1 master plan functions as a "deemed DCP" for the purpose of assessing the subject proposal. The relevant

design principles and built form controls contained in the Stage 1 application are addressed as follows:

Numerical controls

Control	Required	Proposed	Compliance
Number of dwellings	53 x townhouses 30 x apartments	53 x townhouses 29 x apartments	Yes
Dwelling mix	53 x 3-bedroom townhouses	53 x 4-bedroom townhouses	**No**, refer to comments below
	6 x 3-bedroom units 22 x 2-bedroom units 2 x 1-bedroom units	6 x 3-bedroom units 22 x 2-bedroom units 1 x 1-bedroom unit	Yes
Floor space ratio	1.08:1 excluding basement storage areas	0.98:1 excluding basement storage areas	Yes
Landscaped areas	50% of site (8609m2)	49% of site (8520.8m2)	**No**, refer to comments below
Landscaped areas over podiums or basements	11.8% of site (2042m2)	16.0% of site (2775.7m2)	**No**, refer to comments below
Residential and community centre parking	155 car spaces	155 car spaces	Yes
Public visitor parking	22 car spaces	22 visitor car spaces plus 4 loading / car wash bays adjacent to internal road	Yes
Building height - townhouses	Maximum building height: 12m	**Building A2:** Approx. 11.7m **Building C:** Approx. 11.6m **Building D:** Approx. 12.3m **Building E:** Approx. 11.8m	Partial non-compliance, refer to comments below
	Maximum external wall height: 10m	**Building A2:** Approx. 11.3m **Building C:** Approx. 11.1m **Building D:** Approx. 11.6m **Building E:** Approx. 11.1m	**No**, refer to comments below
Building height - apartment	Maximum building height: 20m	**Building A1:** 21.8m	**No**, refer to comments below
	Maximum external wall height: 18m	**Building A1:** 21m	**No**, refer to comments below
Basement	Maximum 4.5m below ground	Maximum 6.076m	**No**, refer to comments

Control	Required	Proposed	Compliance
			below
Podium (protruded basement) height	Maximum 1.2m above existing ground level	**Building A2:** Approx. 980mm **Building C:** Approx. 1160mm **Building D:** Approx. 1380mm **Building E:** Approx. 1900mm	Partial non-compliance, refer to comments below
Land dedication	Community Centre land (Area 1): 1013m2	1013m2	Yes
	Brush Box Park (Area 2, upper stratum only): 859m2	859m2	Yes
	Roads and public parking (Area 3, upper stratum only): 4147m2	4089m2	**No**, refer to comments below
	Bridge Ramp Park (Area 4): 982m2	982m2	Yes
	Turnstile Park (Area 5): 533m2	650m2	Yes
	Total: 7534m2	7593m2	Yes
Road dimensions	Internal road (Ascot Street extension) Carriageway: 7m Footpaths: 2.5m	Carriageway 7m Footpaths 2.5m	Yes
	Potential Carlton Street extension Total width: 10m	Carriageway 7m Footpaths 1.5m	Yes

Building and external wall heights
The proposed building layout, disposition and envelopes are substantially consistent with the Stage 1 approval.

Townhouse blocks:
In relation to the townhouses, the Stage 1 master plan envisages a maximum building and external wall heights of 12m and 10m respectively. The former height limit aims at allowing a 2m roof or loft zone above the extent of the external walls.

The current proposal substantially complies with the maximum building height control, with only minor protrusion by ancillary facilities above Building D, such as solar panels and air conditioning units. All of the proposed townhouse buildings will exceed the 10m wall height limit. The breaches are accounted for by the façade articulations and parapet features, which contribute to the architectural character of the buildings.

The Stage 1 master plan also stipulates a maximum basement protrusion of 1200mm above the existing ground level. The proposed townhouse buildings contain varying degree of deviation from this limit. However, they are not considered to result in

material visual or amenity impacts. The most significant breach relates to Building E where the west-facing podium terraces are elevated up to approximately 1900mm above the existing ground line. The above non-compliance is attributed to the sloping topography of the site where there is a fall in the ground level towards the western property boundary. Notwithstanding, the landscape design has reserved adequate deep soil areas and would enable screen planting to minimise overlooking into the residential developments fronting Doncaster Avenue.

Apartment block:
In relation to the apartment block (Building A1), the Stage 1 master plan stipulates a maximum building and external wall heights of 20m and 18m respectively. The former height limit aims at allowing a 2m roof or loft zone above the extent of the external walls.

Building A1 adopts a flat roof design, where the external walls reach up to 21m in height. The overall height amounts to approximately 21.8m when the roof-mounted building services are included in the calculation. Despite the minor deviation of the building height from the master plan controls, the overall massing and proportion of Building A1 are commensurate with the Stage 1 proposal. The design has incorporated appropriate façade articulations, which will minimise the apparent scale of the building and create visual interest.

Basement excavation:
The Stage 1 master plan stipulates a maximum basement depth of 4.5m. The current proposal will require excavation of up to approximately 6m below ground. Notwithstanding, the additional basement depth will not affect the built form and bulk. The Office of Water has raised no objections to the extent of earthworks subject to compliance with the Terms of Approval.

The proposed development has a height, bulk and scale that are substantially consistent with the Stage 1 master plan, despite a number of design changes. It should be noted that the proposed FSR has been reduced from 1.08:1 to 0.98:1. The deviation from the control is a result of the detailed design process and will not generate significant adverse visual or amenity impacts on the surrounding areas.

Land dedication
The Stage 2 proposal has reduced the amount of public road and parking areas for dedication to Council by 58m^2 from 4147m^2 to 4089m^2. The reduction can be attributed to the adjustments to the building footprints and road layout as a result of the detailed design process.

However, the submitted revised drawings have increased the surface areas of Turnstile Park via the relocation of the garbage store to within Building A1. The size of the park has been increased by 117m^2 from 533m^2 to 650m^2.

In effect, the total land dedication has a net increase of 59m^2. The changes will improve the functionality of a public park and deliver a positive outcome.

Landscaped areas

The Stage 2 proposal has reduced the amount of landscaped area from 50% (of the site) to 49%, which equates to a decrease of 88.2m^2. The amount of landscaped areas on podiums or basements has been increased from 11.8% (of the site) to 16.0%, being an increase of 733.7m^2. The above changes can be attributed to the adjustments to the footprints of the basement car parking and access aisles as part of the detailed design process.

Notwithstanding, each of the proposed public parks (i.e. Brush Box, Turnstile and Bridge Ramp Parks) have functional dimensions and are capable of supporting a range of passive recreational activities. In particular, the size of Turnstile Park has been increased by 117m^2 via the relocation of the garbage store. The amended plans have increased the planting areas within the rear courtyards of Building D, which abuts the racecourse site.

The proposed reduction is not considered to materially impact on the landscape character of the development or undermine the amenity of the future occupants as well as the neighbouring residents.

Dwelling mix

The proposed townhouses contain 4 bedrooms (including the "bedroom / flexible space") whereas the Stage 1 application indicates that they will be 3-bedroom dwellings. As discussed above, the proposed building height and form are satisfactory and will not result in unreasonable impacts on the neighbouring properties. The increase in the number of bedrooms will not alter the car parking requirement having regard to the provisions of the Parking DCP. The development contains sufficient on-site parking and is not considered to generate adverse impact on the surrounding road network.

Design principles

Concept	Design Guideline	Compliance
Urban design		
Townhouses with side wall facing proposed open space	Townhouses with side walls adjoining the proposed public open space will need to incorporate articulation so as to avoid presenting blank walls to the open space. Fenestration of side adjacent to open space should promote casual surveillance of that space.	The building elevations facing the proposed landscaped open space are suitably articulated and enable casual surveillance. Satisfactory.
Lighting of common open space and pedestrian footpaths	The common area surrounding the historic ramp to the former pedestrian bridge is a potential entrapment space. This area should be provided with adequate lighting.	A lighting plan has been submitted with the application. A specific condition is recommended to ensure compliance with the above lighting plan. Satisfactory, subject to condition.
	A strategy for lighting in common areas should be prepared for the Stage 2 DA to ensure that common areas are well lit, with illumination directed away from habitable living areas of the site and adjoining properties.	
Aesthetics and	There should be a degree of variation	Satisfactory.

Concept	Design Guideline	Compliance
architectural expression	in the architectural expression of buildings so that the development does not appear homogenous.	
Courtyard fencing	Boundary fencing should clearly delineate the private from the public domain.	Refer to the "Environmental Assessment" section of this report for details.
	Front fencing for each townhouse should comprise a mix of solid and transparent qualities to promote privacy for the habitable rooms, whilst providing surveillance of the laneway and pathways through the site.	The revised drawings have improved the articulation of the fencing fronting the internal access road. The fences will allow casual surveillance and will not result in a 'blank wall' effect to the public domain.
	The height of fencing should be within the range of 1.2m to 1.8m in height.	Refer to the "Environmental Assessment" section of this report for details.
Roof form	A variety of roof forms should be provided: pitched, flat and skillion roofs so that the development does not appear homogenous.	Satisfactory.
Landscape		
Open space framework	Maintain open space link between Centennial Parklands and Randwick Racecourse.	The immediate adjoining land parcels to the north and west are owned by the Centennial and Moore Park Trust and AJC respectively, and do not form part of the site. However, the proposed design will enable direct pedestrian linkage between the land parcels in the future.
	Establish a hierarchy of open spaces, incorporating an east to west corridor from the AJC Workshop Complex to the Randwick Racecourse and a north to south corridor from Centennial Parklands to Randwick Racecourse.	
	Link streetscape development with open space pedestrian and bicycle ways.	The proposed internal road has sufficient carriageway width to allow bicycle traffic.
	Provide an open space forecourt to the Paddock Turnstiles building.	Satisfactory.
Heritage landscape	Retain and enhance vegetation buffers at boundaries to the site.	Satisfactory.
	Respect the landscape principles of the Randwick Racecourse Conservation Area.	The proposal will not result in detrimental impacts on the heritage significance of the Racecourse Precinct Conservation Area. Refer to the "LEP" section of this report for further details.

Concept	Design Guideline	Compliance
	Reinforce existing heritage canopy of Figs and Brush Boxes.	The amended plans are consistent with the Stage 1 approval in relation to the selective retention of the arc of Brush Box trees in the northern section of the site.
	Retain and integrate heritage elements as appropriate.	Satisfactory.
	Interpret heritage elements of the site's former use and relationship to the racecourse.	An Interpretation Plan will be required by condition.
	Implement tree management guidelines as prepared by the consultant arborist.	Standard tree protection conditions are recommended for imposition in any consent issued for the proposal.
Visual impact	Maintain key views and vistas to and from the site.	Satisfactory.
	Maximise views to Centennial Parklands and Randwick Racecourse.	Satisfactory.
	Reduce impact of the development on the adjacent residential buildings and the racecourse.	Satisfactory. Refer to the "Environmental Assessment" section of this report for details.
	Retain the line of Brush Box trees as a landscape feature.	The amended plans are consistent with the Stage 1 approval in relation to the selective retention of the arc of Brush Box trees in the northern section of the site.
Access	Provide a safe and attractive circulation system within the development that provides aesthetic and environmental amenity to the residents and visitors.	The proposed circulation and access design is clear and legible. Satisfactory.
Environmental landscape protection	Retain and enhance the existing vegetation communities to provide continuity of shade, landscape character and wildlife corridors.	The submitted landscape plan shows that adequate planting will be provided along the access road, parklands and private courtyards of the residential dwellings. Satisfactory.
Ecologically sustainable development	Introduce water sensitive urban design initiatives to control stormwater runoff and enhance the water quality within the Botany Aquifer.	The proposal will comply with the BASIX requirements. The proposed landscape design will contribute to the infiltration of stormwater on site.

Concept	Design Guideline	Compliance
Heritage		
	Retain over 80% of the brush boxes and the view along their western side to the Turnstiles building and provide supplementary planting to reinforce the whole arc.	The amended plans are consistent with the Stage 1 approval in relation to the selective retention of the arc of Brush Box trees in the northern section of the site.
	Retain / create a western forecourt setting to the Turnstiles building. Consider building forms to the block on the southern edge of the western forecourt of the Turnstiles building that 'suggest' the former enclosure of this space.	Satisfactory.
	Retain the remnant brick ramp of the former pedestrian overbridge and integrate into a public space setting with heritage interpretation.	Satisfactory.
	Retain key vistas over the Racecourse from the south of the site.	Satisfactory.
	Provide integrated Heritage Interpretation into the publicly accessible landscape and built from context.	To be required by condition.

8.2 Randwick Development Control Plan (RDCP) Parking

The car parking requirements stipulated in the DCP are addressed as follows:

Land use elements	Parking rates	Requirements	Proposal
Townhouses: 53 x 4-bedroom units	Residents 53 x 1.5 space	79.5	106
Apartments: 1 x 1-bedroom units 22 x 2-bedroom units 6 x 3-bedroom units	 1 x 1 space 22 x 1.2 space 6 x 1.5 space	36.4	36
Residential visitors	1 space per 4 dwellings	20.5	22
Car wash	1 space per 12 dwellings (dual use as visitor parking permitted)	6.8	7 (of which 4 duplicate as loading bays)
Bicycle	1 space per 3 units, plus 1 visitor space per 10 units	35.5	Refer to comments below
Community Centre	10 spaces as agreed between Council and applicant	10	10
Total car spaces		146.4 or 146	181

As demonstrated above, the overall total of on-site parking exceeds the minimum requirements of the DCP by 35 spaces.

Traffic
The proposal, when completed, will generate an increased level of vehicular traffic in the local road network. A special condition is therefore recommended to require a monetary contribution from the developer to convert the existing intersection of Doncaster Avenue and Ascot Street from a roundabout to a signalised junction. The upgrading of the traffic control would ensure the proper functioning of the roadway having regard to the cumulative traffic from the proposed development, the racecourse and the existing land uses on Doncaster Avenue.

Bicycle
The DCP requires a minimum of 35.5 bicycle parking spaces to be provided on the site. However, the development includes 53 townhouses where locked-up garages are provided. It is reasonable to assume that any bicycles will be stored within the garages. Therefore, it is considered that a minimum of 12.5 or 13 bicycle spaces (by applying the DCP bicycle rate to the 29 apartment units) should be installed within the development site. This will be required by a special condition of consent.

Community centre
It has been agreed between the applicant and Council that a total of 10 secured parking spaces at the basement level will be dedicated to Council for use by the staff of the community centre. A special condition is recommended to ensure that a security pass is issued to the community centre staff for access to the basement level.

The visitors to the community centre can utilise the kerb side public parking along the internal access road or public transport services along Alison Road.

Loading
A total of 4 standard parallel parking spaces to the south of Building D are reserved as loading / car wash bays. These spaces will cater for occasional loading needs of the residents.

The proposed community centre will require periodic deliveries of art exhibits and catering supplies. To this end, Brush Box Park has been designed and configured to enable access by a small rigid vehicle (SRV) to the southern side of the community centre. The applicant has submitted turning path details showing that an SRV can efficiently approach the community centre, reverse and then manoeuvre back onto the internal access road to exit the site in a forward direction.

8.3 Randwick Section 94A Development Contributions Plan
The proposal has an estimated development cost of $41,602,170.

The applicant has entered into a voluntary planning agreement (VPA) with Council, which sets out the provision of community facilities and service roads in lieu of the payment of Section 94A contributions. The VPA has already been registered with the title to the subject land.

9. ENVIRONMENTAL ASSESSMENT

9.1 Section 79C assessment

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

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the "Policy Controls" section of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement of draft Planning Agreement	As part of the pre-conditions of the Stage 1 approval, the applicant has entered into a voluntary planning agreement (VPA) with Council, which sets out the provision of community facilities, public parks and service roads to Council in lieu of the payment of Section 94A contributions. The VPA has already been registered with the title to the subject land. The Stage 2 proposal has included a land dedication plan. It is noted that there is a reduction in the amount of road dedication as a result of the detailed design process. However, the overall amount of land dedication has been increased due to the enlargement of Turnstile Park. The subject development scheme will improve the amenity and functionality of a public park (to be dedicated to Council) and is considered to deliver a positive planning outcome.
Section 79C(1)(a)(iv) – Provisions of the regulations	Appropriate standard conditions are recommended to address the relevant clauses of the Environmental Planning and Assessment Regulation 2000.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and	The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed within the body of this report, are

Section 79C 'Matters for Consideration'	Comments
built environment and social and economic impacts in the locality	discussed in the paragraphs below. The proposed residential development is compatible with other land uses in the locality. The proposal is not considered to result in detrimental social or economic impacts on the locality, subject to the recommended conditions.
Section 79C(1)(c) – The suitability of the site for the development	The site is located adjacent to an established residential neighbourhood. The site has sufficient area to accommodate the proposed land uses and structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed within the body of this report.
Section 79C(1)(e) – The public interest	The proposal is not considered to result in significant adverse environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is considered to be within the public interest.

9.2 Integrated Development assessment

The proposed development requires a site dewatering permit from the Office of Water under Part V of the Water Act 1912. The Office of Water has given their General Terms of Approval (GTA) for such a permit pursuant to Section 91 of the Environmental Planning and Assessment Act 1979. They are the conditions under which the Office would, in principle, accept the proposed development activity. The GTA have been included in the "Recommendation" section of this report.

9.3 Retention of solar access

The submitted shadow diagrams indicate the following expected impacts on the residential premises on the eastern side of Doncaster Avenue on 21 June:

9am:
Building E will cast additional shadows on the rear courtyards of Nos. 52 to 64 Doncaster Avenue. The east-facing façade of the dwelling at No. 62 will also be overshadowed.

12noon:
The majority of the shadows will fall upon the subject site. There are minimal impacts on the rear courtyards of the Doncaster Avenue residential properties.

3pm:

The proposed shadows will fall upon the subject site as well as the racecourse. There will be no impacts on the Doncaster Avenue residential properties.

Planning principle relating to solar access
An assessment has been made against the planning principle established in the Land and Environment Court case, The Benevolent Society v Waverley Council [2010], NSWLEC 1082:

> *Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, and whether the sunlight should be measured at floor, table or a standing person's eye level, assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:*

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

  Comments
  The current proposal is substantially consistent with the Stage 1 master plan in terms of housing density, building layout, footprints and massing. The submitted shadow diagrams have been reviewed and it is noted that the proposed shadows on the Doncaster Avenue properties are commensurate with those of the Stage 1 master plan.

  The residential properties on Doncaster Avenue that will be affected by overshadowing from the proposal are zoned Residential 2C under RLEP 1998 (Consolidation), which aims at enabling medium density housing development.

  In the light of the Stage 1 master plan currently in force and the 2C zoning of the adjoining land in question, it is considered highly difficult to retain additional sunlight to the rear courtyards and eastern facades of those neighbouring dwellings beyond the level envisaged in the master plan.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

  Comments
  The proposed development will impact on the Doncaster Avenue dwellings in the morning period. The shadows will gradually shift away from those properties so that adequate direct sunlight to their private open space becomes available at 12noon and the early afternoon hours. At 3pm, the open space of the dwellings will be overshadowed by their own building structures.

The proposal will not cast any significant shadows on the neighbouring residential premises at 12noon and 3pm. Furthermore, approximately 1 to 2 hours of direct sunlight to the private open space of Nos. 52 to 64 Doncaster Avenue will be retained in mid winter. It is considered that a reasonable level of sunlight has been retained for the adjoining residential developments.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

  Comments
  The current proposal is substantially consistent with the Stage 1 master plan in terms of housing density, building layout, footprints and massing.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

  Comments
  The Doncaster Avenue residential allotments are oriented in an east-west direction. The north-facing windows of these properties are currently subject to significant overshadowing from their northern neighbours by virtue of their own orientation.

  The proposed development will have impact on the eastern façade of the dwelling at No. 62 Doncaster Avenue at 9am. However, the eastern windows of all other dwellings will not be affected. Therefore, the impacts of the proposal are considered to be reasonable.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

  Comments

The proposal will not cast any shadows on the neighbouring residential premises at 12noon and 3pm. Approximately 1 to 2 hours of direct sunlight to a functional proportion of the private open space of Nos. 52 to 64 Doncaster Avenue will be retained.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comments
The submitted shadow diagrams indicate that the primary impacts are created by the proposed buildings. Some shadows will be created by the existing established canopy trees.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.* A Stage 1 master plan for redevelopment of the site was approved by Council in 2009. The current proposal is substantially consistent with the Stage 1 master plan in terms of housing density, building layout, footprints and massing. The submitted shadow diagrams have been reviewed and it is noted that the proposed shadows on the Doncaster Avenue properties are commensurate with those of the Stage 1 master plan.

9.4 Privacy

Townhouse Building E directly adjoins the rear boundaries of the residential premises on the eastern side of Doncaster Avenue. The average rear setbacks of Building E are as follows:

Ground floor windows	6m minimum
First floor windows	6m minimum
First floor balconies	4.5m minimum
Second floor windows	6m minimum
Second floor balconies	4.5m minimum

The rear setbacks are consistent with the Stage 1 approval, with the exception of the balcony structures.

The upper level windows and balconies are capable of overlooking the rear elevations and private open space of the Doncaster Avenue properties. However, the windows and balconies in question are attached to the bedroom areas, which are low intensity use space with the dwellings.

The submitted landscape plans show the planting of NSW Christmas Bush and Weeping Lily Pilly within the rear courtyards of Building E, which have mature heights of up to 4m and 9m respectively. The proposal also includes 1.8m high timber fence above the retaining walls along the western boundary behind Building E. The

landscaping and fencing will provide effective screening and restrict cross viewing from the elevated terraces of the dwellings.

The proposal is considered to be satisfactory and will not result in detrimental privacy impacts on the neighbours.

9.5 Acoustic amenity for proposed dwellings

A revised acoustics report prepared by Acoustic Logic was submitted to Council on 27 October 2010. The report has identified additional noise sources and included results of supplementary noise measurements undertaken in October 2010. The relevant noise sources include:

- Alison Road
- Doncaster Avenue
- Race day events at the Royal Randwick racecourse (including racing activities, bus, car and taxi movements, plant and machinery and etc.)
- Future Music Festival
- Car park vehicle movements
- Private events at the racecourse (including private parties and functions, UNSW examinations and etc.)

The report has outlined construction strategies that would satisfy the identified noise control criteria having regard to the various noise sources in the vicinity to the site.

A specific condition is recommended to stipulate the maximum noise levels within the living and bedroom areas during sleeping hours and day time period. Subject to compliance with the recommended condition, the proposed dwellings will enjoy a suitable level of amenity.

9.6 Safety and security

The application has been referred to the NSW Police for comments. As identified in the referral comments, there are locations within the development which would be susceptible to crime risk.

The apartment block (Building A1) is elevated above the ground level (underside of the building at RL29.80) to allow a clear flood path in the northern section of the site. There are concerns that the undercroft areas would create an entrapment point in future. In this respect, the applicant has provided an outdoor lighting plan that includes illumination at the perimeter of Building A1. A special condition is also recommended to ensure appropriate design measures are provided underneath the building to deter potential intruders or homeless persons. These may include additional lighting, provision of course textured paving, or the like.

The areas around the entry / exit to the basement car park to the south of Building D may be susceptible to conflicts between pedestrian and vehicular traffic. The amended plans have included an entry threshold across the internal road which functions as a speed hump. The proposal is considered to have incorporated suitable measures to minimise safety impacts.

The proposed public parks are flanked by residential buildings. The elevations that front onto the public space are suitably articulated and contain window openings that enable casual surveillance.

The areas behind the brick ramp do not have direct lines of sight from the rest of the public domain and are susceptible to crime risk. The submitted lighting plan shows that external lighting will be installed near the ramp structures. Additionally, the landscape plan shows the provision of quality paved walkway and planting to enhance a sense of territorial ownership. The revised drawings also include private gateways to the rear courtyards of Units C07 and E01, so that casual surveillance and activities are maximised. The above solutions are considered to be appropriate and would minimise the crime risk.

It is noted that the northern section of the site does not have boundary fencing to delineate property ownership. This matter is addressed in the following paragraphs.

9.7 Boundary fencing and walls

Fencing along internal road:
The amended plans have altered the fencing design so that the upper portions of the fence are semi-open, which allow improved casual surveillance and avoid a blank-wall effect along the internal street.

Eastern boundary:
There is an existing masonry retaining wall located alongside the eastern boundary of the site that separates it from the racecourse. The application proposes 1800mm high brick fence to be constructed over the retaining walls. The proposal is considered to have incorporated suitable measures to protect the security of Building A2, Building D and nearby areas.

Western boundary:
The design scheme proposes the provision of 1800mm high timber fence above retaining walls (maximum 700mm high) along the western boundary of the site. The proposed fencing is considered to be adequate and will ensure the safety of Building E and the adjoining residential properties.

Northern boundaries:
No fencing is proposed for the northern, north-eastern (adjacent to the community centre) and north-western (adjacent to Building A1) boundaries. These boundaries adjoin land owned by the Centennial and Moore Park Trust and the AJC. The Police have raised issues relating to the site being used as a shortcut for access to and from the racecourse. A special condition is therefore recommended to require adequate fencing to be installed to address this issue.

9.8 Social and economic impacts

The development scheme will increase the availability of housing in a highly accessible locality in close proximity to public transport, educational facilities, and retail and commercial services in the Kensington Town Centre. The proposal will also involve the construction and dedication of parks, roads and a community centre for public usage, as well as improving the overall environmental amenity, diversity and

safety of a currently under-utilised land parcel. The proposal represents an orderly and economic use of the land for urban consolidation. The proposal promotes the key directions and actions stated in the Randwick City Plan and will deliver positive social and economic outcomes for the locality.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community

Direction 2d: New and upgraded community facilities that are multi-purpose and in accessible locations

Outcome 4: Excellence in urban design and development

Outcome 4a: Improved design and sustainability across all development

Financial Impact Statement

The proposal will result in the construction and dedication to Council of a Community Centre, service roads and public parks, which will result in on-going costs to Council. A monetary contribution of $95,000 will be given to Council as part of the VPA for the on-going maintenance of the parks.

Conclusion

The proposed Stage 2 development is permissible by the provisions of RLEP 1998 (Consolidation).

The proposal complies with the objectives and requirements of relevant State and Local planning controls, and is substantially consistent with the Stage 1 approval granted by Council in 2009.

The proposed development is not considered to result in significant adverse impacts on the neighbouring premises or the locality as a whole.

The application is therefore recommended for approval, subject to the attached conditions.

10. Recommendation

THAT the Joint Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 599/2010 for the partial demolition of existing structures on site and construction of a multi-unit residential development comprising 53 x townhouses and 29 x apartments, a community centre, parks, access roads, car parking, civil services and associated site works, at No. 66A Doncaster Avenue, Randwick NSW 2031, subject to the following conditions:

A. GENERAL

1. The development must be implemented substantially in accordance with the following plans:

Plan Number	Dated	Received	Prepared By
0337-DA2-1000(B)	26.10.10	27 October 2010	Alex Popov & Associates Architects / Planners
0337-DA2-1012(A)	23.07.10	27 October 2010	
0337-DA2-1013(B)	26.10.10	27 October 2010	
0337-DA2-1020(A)	23.07.10	27 October 2010	
0337-DA2-1021(B)	24.09.10	27 October 2010	
0337-DA2-1022(B)	24.09.10	27 October 2010	
0337-DA2-1100(A)	23.07.10	27 October 2010	
0337-DA2-1101(A)	23.07.10	27 October 2010	
0337-DA2-1102(A)	23.07.10	27 October 2010	
0337-DA2-1103(A)	23.07.10	27 October 2010	
0337-DA2-1104(A)	23.07.10	27 October 2010	
0337-DA2-1105(A)	23.07.10	27 October 2010	
0337-DA2-1106(A)	23.07.10	27 October 2010	
0337-DA2-1200(B)	26.10.10	27 October 2010	
0337-DA2-1201(C)	26.10.10	27 October 2010	
0337-DA2-1202(B)	24.09.10	27 October 2010	
0337-DA2-1203(B)	24.09.10	27 October 2010	
0337-DA2-1204(B)	24.09.10	27 October 2010	
0337-DA2-1300(B)	24.09.10	27 October 2010	
0337-DA2-1301(C)	13.10.10	27 October 2010	
0337-DA2-1302(C)	13.10.10	27 October 2010	
0337-DA2-1303(C)	13.10.10	27 October 2010	
0337-DA2-1304(C)	13.10.10	27 October 2010	
0337-DA2-1305(C)	13.10.10	27 October 2010	
0337-DA2-1306(C)	13.10.10	27 October 2010	
0337-DA2-1307(B)	13.10.10	27 October 2010	
0337-DA2-1310(C)	26.10.10	27 October 2010	
0337-DA2-1311(C)	26.10.10	27 October 2010	
0337-DA2-1312(D)	26.10.10	27 October 2010	
0337-DA2-1313(B)	12.10.10	27 October 2010	
0337-DA2-1314(B)	12.10.10	27 October 2010	
0337-DA2-1315(A)	23.07.10	27 October 2010	
0337-DA2-1320(D)	21.10.10	27 October 2010	
0337-DA2-1330(A)	23.07.10	27 October 2010	
0337-DA2-1331(A)	23.07.10	27 October 2010	
0337-DA2-1332(C)	07.10.10	27 October 2010	
0337-DA2-1333(B)	24.09.10	27 October 2010	
0337-DA2-1334(B)	24.09.10	27 October 2010	
0337-DA2-1335(A)	23.07.10	27 October 2010	
0337-DA2-1340(A)	23.07.10	27 October 2010	
0337-DA2-1341(A)	23.07.10	27 October 2010	
0337-DA2-1342(B)	24.09.10	27 October 2010	

0337-DA2-1343(C)	25.10.10	27 October 2010	
0337-DA2-1344(C)	25.10.10	27 October 2010	
0337-DA2-1345(C)	25.10.10	27 October 2010	
0337-DA2-1346(A)	23.07.10	27 October 2010	
0337-DA2-1347(A)	23.07.10	27 October 2010	
0337-DA2-1348(A)	23.07.10	27 October 2010	
0337-DA2-1349(A)	23.07.10	27 October 2010	
0337-DA2-1350(A)	23.07.10	27 October 2010	
0337-DA2-1351(A)	23.07.10	27 October 2010	
0337-DA2-1360(A)	23.07.10	27 October 2010	
0337-DA2-1361(A)	23.07.10	27 October 2010	
0337-DA2-1362(C)	07.10.10	27 October 2010	
0337-DA2-1363(B)	24.09.10	27 October 2010	
0337-DA2-1364(B)	24.09.10	27 October 2010	
0337-DA2-1365(B)	24.09.10	27 October 2010	
0337-DA2-1366(B)	24.09.10	27 October 2010	
0337-DA2-1367(C)	26.10.10	27 October 2010	
0337-DA2-1368(C)	26.10.10	27 October 2010	
0337-DA2-1369(A)	23.07.10	27 October 2010	
0337-DA2-1370(B)	24.09.10	27 October 2010	
0337-DA2-1400(C)	21.10.10	27 October 2010	
0337-DA2-1401(B)	24.09.10	27 October 2010	
0337-DA2-1402(C)	13.10.10	27 October 2010	
0337-DA2-1403(A)	22.09.10	27 October 2010	
0337-DA2-1410(B)	24.09.10	27 October 2010	
0337-DA2-1420(D)	21.10.10	27 October 2010	
0337-DA2-1430(B)	24.09.10	27 October 2010	
0337-DA2-1440(B)	24.09.10	27 October 2010	
0337-DA2-1441(B)	24.09.10	27 October 2010	
0337-DA2-1460(B)	24.09.10	27 October 2010	
0337-DA2-1461(B)	24.09.10	27 October 2010	
0337-DA2-1500(B)	24.09.10	27 October 2010	
0337-DA2-1501(B)	24.09.10	27 October 2010	
0337-DA2-1502(C)	24.09.10	27 October 2010	
0337-DA2-1503(C)	24.09.10	27 October 2010	
0337-DA2-1504(B)	24.09.10	27 October 2010	
0337-DA2-1505(B)	24.09.10	27 October 2010	
0337-DA2-1506(B)	24.09.10	27 October 2010	

, the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the buildings are to be consistent with the approved drawings and the submitted sample board entitled "0337_Residential Precinct Materials + Finishes", dated 230710, prepared by Alex Popov & Associates Architects / Planners, and stamp-received by Council on 30 July 2010.

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:

3. A separate development application must be submitted to, and approved by, Council for any proposed Torrens Title or Strata subdivision of the site.

4. The maximum height of Building A1, including any roof-mounted building services, shall not exceed RL49.935m AHD, in order to comply with the requirements of the Sydney Airport Corporation.

5. A continuous palisade fence shall be installed along the property boundaries in the northern extremity of the site (including the boundaries adjacent to the Community Centre, Building A1 and the northern side of Brush Box Park). The fence shall be connected to the proposed boundary walls and fences as shown on the approved drawings. The fence shall have a height of 1800mm, as measured from the finished ground level, and be configured so that it is at least 75% open.

6. An operable gate designed in accordance with Condition No. 5 above, shall be installed at the northern boundary of Brush Box Park and across the access road in between Buildings A1 and C to enable controlled access to the site. The gate shall have a height of 1800mm, as measured from the finished ground level, and be constructed in a manner so that they will open into the site.

7. The undercroft areas beneath Building A1 shall be provided with one or more of the following measures to minimise security and crime risks:

   - Installation of lighting devices that are automatically switched on during night time hours.
   - Installation of coarse textured surface pavers, such as unevenly sized pebbles that are fixed and embedded in the ground, to restrict access to the building undercroft and its use as spontaneous sleeping areas.
   - Installation of security fencing along the perimeter of the undercroft areas.
   - Any other appropriate design measures that effectively minimise concealment opportunities and restrict access to the areas by non-residents.

8. The proposed Community Centre shall incorporate the energy efficiency measures as described in the “Community Centre Environmental Performance Certificate”, dated 21 October 2010, prepared by Waterman AHW Pty. Ltd. and stamp-received by Council on 27 October 2010. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation.

9. All vehicular entry / exit points to the underground car park shall be secured by appropriate roller doors or grilles. Where appropriate, an intercom system is to be provided adjacent to the vehicular entry to the car park, together with adequate signage provision and instructions for use.

10. The design of Brush Box Park shall incorporate adequate surface finishing materials which are capable of withstanding passage by trucks or loading vehicles accessing the Community Centre. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation.

11. A total of ten (10) car parking spaces are to be permanently allocated and dedicated to Council for use by the staff or authorised personnel of the Community Centre. The above car spaces are to be line-marked and sign-posted to indicate their exclusive use by the Community Centre.

12. An appropriate security pass, access key card or the like shall be issued to the staff or authorised personnel of the Community Centre, in order to enable access to the underground car park. Additional passes or key cards shall be issued to the Community Centre staff or authorised persons on demand by Council.

13. A minimum of thirteen (13) bicycle parking spaces are to be provided within the development site. The design and construction of the bicycle parking facilities are to be compliant with Australian Standard 2890.3: Bicycle Parking Facilities. Details of compliance are to be included in the Construction Certificate application.

14. External lighting devices shall be installed in accordance with the plan entitled "Lighting Engineering and Design", Job No. N3044, dated 30 April 2010, prepared by Sylvania Lighting Australasia Pty. Ltd., and stamp-received by Council on 4 November 2010.

15. External lighting to the premises shall be designed in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

16. The reflectivity index of glass used in the external facades of the proposed development must not exceed 20 percent.

17. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

    In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.

18. The finished ground levels external to the buildings are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.

19. In accordance with the provisions of Clauses 143A and 154A of the Environmental Planning and Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a Construction Certificate and an Occupation Certificate, respectively.

The following conditions are applied to protect the heritage significance of the Racecourse Precinct Conservation Area:

20. A Schedule of Conservation Works for the existing built elements on the site shall be prepared in accordance with the principles embodied in the Australia ICOMOS *Burra Charter* and the methodology outlined in J.S. Kerr's *The Conservation Plan*. The Schedule is to include an Ongoing Maintenance Schedule. This Schedule shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall 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.

21. The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS *Burra Charter* and to the satisfaction of the Director City Planning.

22. A positive covenant shall be created under Section 88E of the Conveyancing Act to ensure that a specific sinking fund is established and allocated for ongoing repair and maintenance works to the heritage elements. These works are to be in accordance with the Ongoing Maintenance Schedule prepared as part of the Schedule of Conservation Works. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be submitted for Council's approval prior to the issue of the construction certificate.

23. An 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. The archival recording is to include the spatial relationship between the Pedestrian Ramp, the Turnstile Building and the remnants of the tram station platforms, and the spatial character and historic views within the site

24. An archaeological assessment of the site is to be prepared in accordance with the Archaeological Assessment Guidelines produced by the NSW Heritage Office. The assessment should advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. The archaeological assessment is 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.

25. An interpretation plan for the site is to 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. The recommendations of the Interpretation Plan are to be implemented before completion of the project to the satisfaction of Council's Director City Planning.

The following conditions are applied to address the requirements of the NSW Office of Water:

26. The following General Terms of Approval are imposed pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and Part V of the Water Act 1912, as required by the NSW Office of Water:

1. General and Administrative Issues

a. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.

b. Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.

c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.

d. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.

e. Suitable documents are to be supplied to the NSW Office of Water of the following:
   - A report of prediction of the impacts of pumping on any licensed

groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.

- A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
- Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
- Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

2. Specific Conditions

a. The design and construction of the structure must preclude the need for permanent dewatering.

b. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/- 1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.

d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

e. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of

results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

f. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.

g. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:

- The treatment to be applied to the pumped water (tailwater) to remove any contamination.
- The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
- The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.

h. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:

- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
- Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- Locations of settlement monitoring points, and schedules of measurement.

3. Formal Application Issues

a. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the

dewatering installations.

b. Upon receipt of a Development Consent from , a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the *Water Act, 1912*.

c. A licence application under Part 5 of the *Water Act 1912* must be accompanied by a $151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

Security Deposit Conditions

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

27. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the Stage 2 development, as security for making good any damage caused to the roadway, footway, verge or any public place; or 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:

    a) $10000.00 - Damage / Civil Works Security Deposit

    The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

    - A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
    - Completion of the civil works as conditioned in this development consent by Council.

    The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

Traffic conditions/Civil Works Conditions

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

28. Prior to the issuing of an Occupation Certificate for any Stage 2 Development the applicant must meet the full cost for Council or a Council approved contractor to undertake construction/reconstruction works in Ascot Street, (from the development site to Doncaster Avenue), including, but not limited to footpath construction, roadworks, landscaping and any necessary drainage works.

29. Prior to the issuing of a Construction Certificate for any Stage 2 application the shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, **drainage construction works**, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall specifically relate to those areas within the development site that are proposed for dedication to Council and shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council. The engineering details and specifications must be prepared by suitably qualified engineering consultants who must certify that the details and specifications meet best engineering practice and relevant standards. The applicant must liaise with Council's Development Engineer Coordinator prior to preparation of the subject details/specification. Note: Council will not take dedication of any area/infrastructure that has not been constructed in strict compliance with the approved details/specification. The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic ESA's for the travel lanes of the pavement and the parking areas to be obtained from Council's Development Engineer Coordinator). All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years.

30. The applicant shall meet the full cost for the design and construction of all new civil infrastructure, traffic facilities, signposting and alterations to existing infrastructure both within the development site and in Ascot Street.

31. The applicant must meet part cost for changing the intersection of Doncaster Avenue and Ascot Street from the current roundabout to a signalised intersection. The percentage of the overall cost to be met by the applicant will be determined following a detailed consideration by Council of the impact of traffic flows using Ascot Street to enter/exit the Randwick Racecourse and the traffic flows of the proposed development site. The percentage of costs to be met by the applicant will not exceed 50 percent of the total costs. This condition is required because the cumulative impact of Randwick Racecourse event traffic and traffic associated with the proposed development is creating

traffic issues at the subject intersection.

32. 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.

33. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

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

35. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the Stage 2 construction certificate showing compliance with this condition.

36. The driveway openings at the entrances to the proposed basement carpark areas must be a minimum of 6.0 metres wide. The internal driveways and carpark areas must be designed for 2 way traffic movements. The carpark areas (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The applicant shall note that the first 6 metres of any internal ramps must not exceed a gradient of 1 in 20.

37. Prior to the issuing of a Construction Certificate for the Stage 2 Development Application the applicant shall submit to Council for approval and have approved a traffic management plan specifically considering traffic

management / safety conditions at the intersection of the southern entry/exit ramp for the basement carpark. This condition is required as Council wants to minimize any potential vehicular conflict between vehicles entering/exiting the basement carpark and vehicles circulating the development site on the road network to be dedicated to Council. The applicant is advised to liaise with Council's Development Engineer Coordinator prior to preparation of the subject traffic management plan.

38. Prior to the issue of a construction certificate for the Stage 2 Development, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

    All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

Alignment Level Conditions

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

39. The design alignment level at the Ascot Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator, (9399 0924), prior to lodgement of the Stage 2 Development Application.

    Any enquiries regarding this matter should be directed to the Development Engineer Coordinator. The design alignment level at the property boundary must be strictly adhered to.

40. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.

41. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of $880 calculated at $44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

The following conditions are applied to provide adequate consideration f

service authority assets:

42. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

43. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

44. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.

45. Any electricity substation required for the site as a consequence of this development shall be located within a residential site, (i.e. not in any road reserve or recreational area), and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the Stage 2 Development Application to determine whether or not an electricity substation is required for the development.

46. The applicant shall meet the full cost of any overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

47. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

    Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

    The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to **occupation of the development.**

Drainage Conditions

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

Protection from flooding / Protection of Areas Downstream from the Development Site

48. Prior to the issuing of a Construction Certificate for the Stage 2 Development the applicant must submit to Council, for Council's records, the flood study which was used to determine the 1 in 100 year flood level for the development site.

49. Prior to the lodgement of a Construction Certificate Application for the Stage 2 Development the applicant must submit to Council full details of the proposed flowpath under and around proposed buildings A1 and B. The proposed flowpath shall be modified in accordance with Council's direction should Council determine that the capacity/efficiency of the proposed flowpath can be improved by altering materials used within / above the flowpath or the design of the flowpath itself. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for the subject flowpath submission.

50. The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1 in 100 year flood level or suitably waterproofed up to this same level. The plans submitted for any Construction Certificate for the Stage 2 Development shall demonstrate compliance with this requirement.

51. The proposed internal driveways (and any other openings into the basement carparks) must be designed with a high point at least 300 mm above the determined 1 in 100 year flood level. The plans submitted for any Construction Certificate for the Stage 2 Development shall demonstrate compliance with this requirement.

52. All windows, vents and other openings into the basement carparks must be located at least 300 mm above the determined 1 in 100 year flood level. The plans submitted for any Construction Certificate for the Stage 2 Development shall demonstrate compliance with this requirement.

53. The proposed internal roadways, any drainage easements and overland flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e. VD< 0.4). Any Construction Certificate application for the

Stage 2 development must document how these requirements are to be met.

54. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.

External Drainage works

55. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for connection to the underground drainage system.

56. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.

Internal Drainage

57. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for the proposed residential developments, (i.e. excluding roads and reserves to be dedicated to Council), shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for any Stage 2 development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

    a. A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

    b. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.

c. 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 system.

d. The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:

   i. Roof areas
   ii. Paved areas
   iii. Grassed areas
   iv. Garden areas

e. Where buildings abut higher buildings and their roofs are "flashed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

f. Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.

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

h. Details of proposed GPT's.

i. Provision of silt arrester pits for the townhouses and the apartment developments.

58. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system for all storms up to and including the critical 1 in 20 year ARI event.

59. The internal stormwater drainage system must be suitably designed such that stormwater discharge from the development site for all storms up to the 1 in 20 year storm event **does not exceed that which would occur for the 1 in 10 year storm 1 hour duration for the existing site conditions.** The Construction Certificate application for the Stage 2 Development must demonstrate compliance with this requirement.

60. In conjunction with any Strata Subdivision or Torrens Title Subdivision for this development the applicant must create a suitable positive covenant over the onsite stormwater detention system/s stating that maintenance costs associated with the onsite detention system and any proposed bio retention swales will be met by the owners of the townhouses and units within the development site. The wording of the positive covenant shall be to Council's

satisfaction.

61. Covered car washing bays shall be provided for this development at the general rate of 1 car washing bay per 12 dwellings.

    a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.

    b) The car washing bays must be located outside any required/approved stormwater detention system.

    c) The car washing bays may be located within the visitor parking spaces provided they are signposted with *'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*

    d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)

    e) A water tap shall be located adjacent to the car washing bays.

62. Prior to the issuing of an occupation certificate for any Stage 2 Development, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

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

63. As the above site is likely to encounter groundwater, (i.e. excavation will be within the water table), the basement carparks or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

    Notes:-

    a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or

underground drainage system.

b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

64. The Construction Certificate Application for the Stage 2 Development and all works on the development site must comply with the Office of Water's General Terms of Approval issued for this development, (issued by letter to Council dated 3 September 2010 and have been reproduced in this Notice of Determination).

65. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing of a Construction Certificate for Stage 2 Development, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and

should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

A copy of the report is to be forwarded to Council, (should Council not be the Certifying Authority), prior to the issuing of a Construction Certificate for Stage 2 Development.

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

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

Waste Management Conditions

The following conditions are applied to provide adequate provisions for waste management:

66. Prior to the issuing of a construction certificate for the Stage 2 Development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

Landscape Conditions

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

67. Landscaping at the site shall be installed substantially in accordance with the Landscape Plans by Aspect Studios, drawings LA01 (Rev 01.10.2010), LA02 (Rev 11.10.2010), LA03 (Rev 11.10.21010) and LA04 (Rev 11.10.2010), dated 11.10.2010, subject to the following additional details being provided on amended plans, which must be submitted to, and be approved by, the Certifying Authority, prior to the issue of a Construction Certificate, including:

    a. The species selection and positioning of new trees proposed for Brush Box Park must be mindful of the need to maintain vistas of the Turnstile Building, which is located adjacent to the eastern edge of Turnstile

Park, when viewed from Brush Box Park. Any proposed canopy trees within Brush Box Park shall have a minimum branching height of 2m at maturity, so that sightlines to the Turnstile Building will be maintained.

b. The Eucalyptus leucoxylon (Yellow Gum) proposed as a street tree within the site is considered unsuitable for this particular site, and shall be replaced with one of the following species that are nominated for this precinct in Council's Street Tree Masterplan:

- Lagerstroemia indica (Crepe Myrtle);
- Bauhinia galpinii (Orchid Tree);
- Gleditsia triacanthos 'Sunburst' (Honey Locust)
- Eucalyptus sideroxylon (Ironbark)
- Lophostemon confertus (Brush Box);

c. Any playground areas or items of play equipment proposed within the site must comply with the requirements of the relevant Australian Standards that govern both design and safety, with certification to be provided to the PCA.

d. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.

e. An additional feature tree that will both provide shade for park users as well as screen the proposed Block E, shall be provided around the southeast corner of Bridge Ramp Park.

f. For both access and maintenance reasons, those main pathways proposed within the public parks shall be constructed using concrete rather than permeable, decomposed granite as shown. (This does not apply to beneath purely seating areas).

g. For both maintenance and environmental reasons, any timber benches or elevated timber accesses within public areas shall consist of a reconstituted or recycled material that will not require sanding, staining or similar.

h. Bins, signage, taps/drinking fountains and other elements, to Council's satisfaction, must be incorporated into the public parks, at the applicant's cost.

i. The planting plans and plant schedules must clearly indicate the exact location and quantity of all proposed planting.

68. Prior to issuing a Final Occupation Certificate for the development, the PCA must obtain certification from a qualified professional in the Landscape industry (registered member of either AILA or AILDM) which confirms that the landscaping has been inspected, and has been completed in accordance with the approved documentation and relevant conditions of development consent.

69. All costs associated with the installation of landscape elements/treatments within the development site must be met by the applicant. Council will not accept dedication of the parks or roads until such time as all works within the parks and road reserves have been completed to Council's satisfaction.

70. Approval is granted for removal of the following trees as shown, subject to suitable replacement planting being provided in their place in this area of the site as part of the overall landscape works:

    a) The row of three *Lophostemon confertus* (Brush Box's), adjacent the western edge of Block A1, being trees 27-29, due to their proximity to the basement wall of proposed Building A1.

Tree Protection Measures

71. Prior to the commencement of any site works, the PCA must ensure that a professional Arborist who holds a minimum of AQF Level 5 in Arboriculture has been engaged for the course of the works for the purpose of establishing, monitoring and implementing Tree Protection Zones or Measures as necessary, as well as performing or supervising any works that may have an impact on those trees listed for retention, with all site staff to comply with any instructions given by the 'site Arborist'.

72. Any pruning required must only involve only those lower growing branches which specifically need to be pruned in order to avoid damage to the trees, or, conflict with the proposed works, and must only be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

73. Those trees listed for retention on drawing tsti 2.01, revision 0.1, sheet 6 of 7 of the Arborist Report by Footprint Green dated 22/07/10 must be retained in accordance with the Tree Protection Measures & Report Summary shown on sheet 7 of 7 of the same document.

74. Prior to the issue of a Final Occupation Certificate, the PCA must obtain written certification from the site Arborist, which confirms that all measures and conditions have been complied with in regards to the Protection of Trees at the site.

75. Brush Box Tree Number 6 as shown on the approved drawings must be retained on the site. The site Arborist must ensure that relevant measures are implemented to ensure its preservation. Tree protection measures must be submitted to the certifying Authority for approval with the Construction Certificate Application for the Stage 2 Development.

The following conditions are applied to ensure compliance with the Environmental Planning and Assessment Act and Regulation:

76. 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 legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

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

78. A Registered Surveyor's check survey certificate or *compliance certificate* is to be obtained at the following stage/s of construction, to demonstrate compliance with the approved setbacks, levels, layout and height of the building, to the satisfaction of the Principal Certifying Authority:

- prior to construction of the first constructed floor/floor slab (prior to pouring of concrete),
- prior to construction of each additional new floor level,
- upon completion of the building, prior to issuing an occupation certificate,
- as may be required by the Principal Certifying Authority.

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

B. OPERATIONAL MATTERS

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

79. The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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.*

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

81. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following condition is imposed to promote ecologically sustainable development and energy efficiency:

82. In accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

The following conditions are applied to ensure compliance with the Environmental Planning and Assessment Act and Regulation:

83. 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.

84. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, **prior to the issuing of a Construction Certificate**, 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.

85. A report or written correspondence must be obtained from a suitably qualified *professional geotechnical engineer* and be submitted to the certifying authority **prior to the issuing of a construction certificate**, confirming the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

86. A report shall be prepared by a *professional engineer* and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to

overcome any potential damage to nearby land/premises.

Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

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

87. **Prior to issuing a construction certificate [or subdivision certificate] for the development whichever occurs first** the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:

a) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.

b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil,
- Site management planning,
- Validation sampling and analysis,
- Prevention of cross contamination and migration or release of contaminants,
- Ground water remediation, dewatering, drainage, monitoring and validation,
- Unexpected finds.

c) Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.

d) The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50 of the of the *Contaminated Land Management Act 1997*. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council **prior to a construction certificate [or subdivision certificate] being issued whichever occurs first.** The Site Audit Statement and Summary Site Audit Reort shall confirm that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.

e) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.

f) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

g) The site remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate or subdivision certificate whichever occurs first.

h) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.

i) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.

j) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened

down to reduce odour and dust impacts.

On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Health, Building & Regulatory Services.

k) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:

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

l) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.

m) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.

n) Remediation work shall be conducted within the following hours:

Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays

o) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

p) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the

Council and the Principal Certifying Authority immediately.

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:

88. The residential units are to achieve the following internal acoustic amenity criteria:

In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:

- 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
- 45 dB(A) in sleeping areas when windows are open;
- 45 dB(A) in living areas (24 hours) when the windows are closed, and
- 55 dB(A) in living areas when the windows are open.

In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum $L_{Aeq\ (1\ hour)}$ shall not exceed:

- 38 dB(A) between 10pm and 7am in sleeping areas;
- 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued**.

D. PRIOR TO ANY WORK COMMENCING ON THE SITE

The following conditions are applied to address the requirements of the Sydney Airport Corporation Ltd. (SACL):

89. Should the height of any temporary structure and/or equipment be greater than 150 feet (45.72 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- The location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- The swing circle of any temporary structure / equipment used during construction;
- The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure / activity;
- The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynn Barrington on (02) 9667-9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is approx. 82.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

Bird and Obstacle Hazard Management

To minimise the potential for bird habitation and roosting, the Proponent must ensure that the following plans are prepared prior to construction commencing:

- Landscape Plan which only includes non-bird attracting plant species.
- Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.
- The proposed development incorporates anti-bird roosting measures to discourage bird habitation.

The Proponent must consult with Sydney Airport Corporation Ltd. on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

The following conditions are applied to ensure appropriate services are provided to the site and that the construction works are executed in a proper

manner:

90. 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 applicable, the Construction Certificate plans and Structural Engineering details must be amended to satisfy the requirements of Sydney Water.

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

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

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

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

92. **Prior to the commencement of any excavation or building works**, the person having the benefit of the development consent must:-

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

93. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying

authority **prior to the commencement of any excavation or building works.**

94. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings and ancillary structures located upon the following premises adjoining the subject site (eg. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.):-

No's 42-68 Doncaster Avenue, the workshop buildings within 20m of the proposed excavation on the Centennial Park Trust land and the AJC land, the 2 storey accommodation building , historical tramway turntable building and roadways on the AJC land adjoining the site.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovementioned premises, **prior to the commencement of any works**.

95. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented **prior to commencing site work** and throughout the course of construction, to the satisfaction of the Council.

a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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

b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

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

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to the Council and Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

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

Details of the proposed sediment control measures are to be detailed in the *Construction Site Management Plan* and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout

construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

98. Details relating to the location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to the Certifying Authority **prior to the commencement of works.**

E. DURING CONSTRUCTION WORKS

99. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

100. 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 land and 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.

101. 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.

1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:

a) protect and support the adjoining premises from possible damage from the excavation, and
b) where necessary, underpin the adjoining premises to prevent any such damage.

2) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

102. 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)	• 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	• 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	• Saturdays and Sundays before or after 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.

103. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:

a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be

maintained in a clean condition and free from any obstructions, soil and debris at all times.

c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.

d) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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

e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.

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

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

i) 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.

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 an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

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

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

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

Dust control measures and practices may include:-

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

105. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

106. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

107. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- New South Wales Occupational Health and Safety Act, 2000;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection Of the Environment Operations Act 1997 (NSW) and
- Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid

Wastes (1999).

108. Any land to be dedicated to the Council must be remediated in accordance with the relevant legislative provisions and guidelines involving no capping or containment of contaminants and shall be subject to a Site Audit Statement.

- **Council will not accept the dedication of land the subject of any on-site containment or capping of asbestos or other contaminants.**

F. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

Occupant Safety

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

Options may include one or more of the following measures:

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

Building regulation conditions

110. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

111. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or

other suitably qualified independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

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

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

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

114. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

G. ADVISORY

A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

It is noted that a Building Code of Australia assessment accompanied this application.

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

A2 Access for persons with disabilities, suitable access ramp/s should be provided from the entry to the premises and to the building to the satisfaction of the certifying authority and details should be included in the construction certificate.

A3 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities:-

- Install or erect any site fencing, hoardings or site structures on any part of the nature strip, road or footpath
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip, bin or any other container or article on the road, nature strip or footpath.

A4 The following advisory conditions are recommended by the NSW Police in order to minimise crime risk in the development:

1. Lighting which has been designed to the Australian Standard should be installed in and around the proposed development. The light (lux) levels should be commensurate with a Moderate crime risk rating. Uniform lighting distribution should cover the entire property. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158 http://www.standards.org.au. The objective of lighting should be to deny criminals the advantage of being able to operate unobserved.

2. Luminaries (light covers) should be designed to reduce opportunities for malicious damage (vandalism). Lighting needs to be checked on a regular basis to ensure that it is operating effectively. The lighting sources should be compatible with requirements of any closed circuit television system installed. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the development.

3. A monitored intruder alarm system which complies with the Australian Standard – Systems Installed within Clients Premises, AS:2201 http://www.standards.org.au should be **installed within the proposed community centre** to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.

4. Detection devices should be strategically located throughout the premises to detect any unauthorised access. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.

5. The use of internal mirrors throughout the underground parking facilities would increase surveillance and improve sight lines helping lower the risk of criminal activity.

6. Warning signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespasser will be prosecuted. Warning, these premises are under electronic surveillance.

7. Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.

8. Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the property. Landscaping needs to be maintained on a regular basis to reduce concealment opportunities. Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling your building.

9. The doors and door-frames to these premises should be of solid construction. These doors should be fitted with locks with comply with the **Australian Standard – Mechanical Locksets for doors in buildings, AS:4145** http://www.standards.org.au to restrict unauthorised access and the Building Code of Australia (fire regulations)**.** This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such a wooden, glass or metal hinged swinging doors or sliding doors in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

10. The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks with comply with the **Australian Standard – Mechanical Locksets for windows in buildings, AS:4145** http://www.standards.org.au to restrict unauthorised access**.** This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).

11. Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the

existing glass with laminated glass, or by having quality metal security grilles or shutters installed to restrict access.