

JRPP No:	2010SYE102
DA No:	DA/974/2010
PROPOSED DEVELOPMENT :	Demolition of existing structures on site and construction of a residential aged care facility with 63 beds and 4 x buildings containing a total of 76 independent living units, car parking for 101 vehicles, associated communal facilities, landscaping and subdivision - 220-230 Maroubra Road, Maroubra
APPLICANT:	Greengate Development Pty. Ltd
REPORT BY:	Senior Environmental Planning Officer – Randwick City Council

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

Council is in receipt of a development application proposing the demolition of existing structures on site, construction of a residential aged care facility (RACF) containing 63 beds and 4 buildings containing 76 independent living units (ILU), car parking for 101 vehicles, associated communal facilities, landscaping and subdivision.

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.

The subject application was advertised and notified from 17 November to 1 December 2010 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. At the conclusion of the public consultation process, a total of 43 submissions were received, which express support for the proposal. A total of 6 submissions and 2 petitions with 18 signatures objecting to the proposal were also received. One of the objections was later withdrawn. The issues raised in the objections are primarily related to building height and scale, streetscape, traffic and parking, safety and security, overshadowing, privacy, view loss, planning precedent and property devaluation.

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 subject site is partly zoned Special Uses No. 5 (being Nos. 220-224 Maroubra Road) and Residential No. 2C (being Nos. 226 to 230 Maroubra Road) under Randwick Local Environmental Plan 1998 (Consolidation). “Housing for seniors or people with a disability” is not defined in the LEP and “residential care facilities”, which are defined under Clause 49, are not listed as a permissible use within the above zones. The proposed development is therefore prohibited under the current zoning control.

However, the zoning prohibition is remedied by the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which establish permissibility for aged care facility and self-care dwelling units. The proposal is considered to satisfy the relevant objectives, design principles and planning standards of the Policy, subject to the recommended conditions.

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 recommended various design changes, including the provision of a pedestrian through-site link adjacent to the western boundary of the site; deletion of the building mass between the RACF and ILU 2; provision of a public footpath and secondary entries to the dwelling units on the Green Street frontage; adjustments to the façade articulation and floor layout and changes to the roof form. The revised design scheme has fully addressed the key recommendations of the Panel.

Council's Subdivision Code contains provisions to require land dedication to widen existing laneways in the Randwick Local Government Area. The application does not propose any dedication of land in accordance with the Code. However, a 1350mm wide footpath will be constructed long the Green Street frontage of the site for access by the general public. Usage of the footpath by members of the public will be formalised via the creation of an easement burdening the subject site. This will be required as a condition of consent. Given the development pattern of the adjoining land parcels to the west, it is considered highly unlikely that continuous laneway widening would be successfully achieved along the southern side of Green Street, between Garden and Cooper Streets. Therefore, the proposal is considered to be acceptable in this regard.

The development scheme has appropriately distributed the floor space among 5 buildings with view corridors being reserved across the site, in lieu of a monolithic visual mass. The site planning positions the highest and bulkiest buildings (the RACF and ILU Building 1) along the Maroubra Road frontage. The above solution carries a key amenity advantage as the majority of the shadows will fall upon the road. The buildings are not considered to visually overwhelm the appearance of Maroubra Road given its generous width of approximately 30m. Adequate canopy trees will also be planted in this street frontage to provide screening for the physical structures.

The ILU buildings along Green Street are adequately stepped to follow the natural contours of the land. The average building height is maintained at 4 to 5 storeys. The buildings are separated by landscaped courtyards to provide visual relief. The above features will provide a suitable transition in scale towards the 2A zoned land to the north of the site.

The proposed built form has incorporated staggered wall planes, balconies, windows, sun hoods, screening devices and a combination of compatible surface finishes,

which will finely articulate the external facades and create visual interest. The design scheme adopts low profile skillion and flat roof forms. Clerestory windows are provided for the ILU buildings, which will enhance natural lighting and ventilation to the top floor units. The proposed roof form incorporates energy efficiency measures and will not exacerbate the visual scale of the buildings.

The proposed ILU Building 4 has implications on solar access to the adjoining residential flat building at No. 232 Maroubra Road, which currently contains 4 dwelling units. The submitted shadow diagrams show that the north-facing sunrooms of the rear dwelling units at both ground and first levels will receive direct sunlight for a minimum of 3 hours in mid winter. Additionally, the east-facing living room windows of these units will not have their existing level of solar access reduced.

The revised design scheme has deleted the topmost unit in the south-western part of Building 4. Although Building 4 is generally setback only 1.5m to 3m from the shared boundary with No. 232 Maroubra Road, the building height has been appropriately reduced, which as a result will retain some sunlight to the car parking areas. The development scheme demonstrates a skilful design with appropriate stepping to the built form and will not result in unreasonable shadow impacts.

The development will completely obstruct distant CBD views from Unit 5, No. 285 Maroubra Road, which is located on the southern side of the street opposite to the subject site. It is also likely that up to 4 other top floor dwelling units on the southern side of Maroubra Road would suffer from similar view loss impacts.

Notwithstanding, the proposed development does not entail non-compliance with any applicable height controls. The submitted view analysis shows that even when the proposed roof ridge and external wall heights were reduced to meet the LEP standards that apply to residential flat buildings in a 2C Zone, the existing CBD and district views from Unit 5 would still be overwhelmingly obscured.

It should be noted that the distance between No. 285 Maroubra Road (and other apartment buildings nearby) and Sydney CBD amounts to approximately 8 to 9 kilometres. The view corridor traverses a large number of properties. The expectation to permanently retain distant City views is not considered to be realistic in this instance. In the light of the applicable planning controls, the circumstances where the views are obtained, and the social benefits delivered by the proposed development, the anticipated view loss is considered to be justified and within reason.

The proposed housing density is justified by the site's proximity to Maroubra Junction Town Centre and public transport services along the surrounding road network. Furthermore, the development will deliver a material social benefit as it would address the current shortfall in specialist aged care accommodation in the Eastern Suburbs. The proposal will enable local senior persons to "age in place" without having to relocate to other suburbs with a higher supply of retirement services.

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 conditions.

2. DESCRIPTION OF SUBJECT SITE AND LOCALITY

The subject site is located at No. 220-230 Maroubra Road, Maroubra, and has frontages to Maroubra Road, Cooper Street and Green Street. The site consists of the following allotments:

Street Number	Lot & DP Number
<i>Maroubra Road</i>	
No. 220	Lot B DP 371557
No. 222	Lot 1 DP 961911
No. 224	Lot 2 DP 961911
No. 226	Lot 5 DP 925183
No. 228	Lot 4 DP 925183
No. 230	Lot 3 DP 925183
<i>Cooper Street</i>	
----	Lot 6 DP 925183
----	Lot 7 DP 925183
----	Lot 8 DP 925183
Total land area: 6214.6m²	

The site is in single ownership of the Roman Catholic Archdiocese of Sydney and the Holy Family Parish of Maroubra, and will be leased to the Greengate Property Group for 99 years.

At present, the site accommodates a number of buildings of varying ages and condition, which are all proposed to be demolished, including:

<i>Maroubra Road</i>	
No. 220	Parish Office
No. 222	Demountable office
No. 224	Disused bitumen sports courts
Nos. 226 - 230	3 x detached dwelling houses
<i>Cooper Street</i>	
Lots 6 - 8	Decommissioned school buildings and playground

The surrounding land uses are described as follows:

North	To the north of the site on the opposite side of Green Street are a number of single- and double-storey dwelling houses.
East	Immediately to the east of the site is a 2-storey residential flat building containing 4 dwellings, which has recently been refurbished (No. 232 Maroubra Road). Further to the east at the corner of Cooper Street and Maroubra Road is a 2-storey commercial building with shop top housing above (No. 234 Maroubra Road).
South	To the south on the opposite side of Maroubra Road are a number of 3- and 4-storey residential flat buildings constructed in the 1960's to 70's.
West	To the west is a senior living development comprising independent dwelling units and hostel rooms with associated car

parking (Southern Cross Care, No. 216-218 Maroubra Road).

The subject urban block is predominantly characterised by religious and community related uses, including Holy Family Church, church presbytery, St. Aidan's Primary School and Southern Cross Care senior housing. Holy Family Church, which is situated at the corner of Garden Street and Maroubra Road, is listed as a heritage item under Randwick Local Environmental Plan 1998 (Consolidation).

Maroubra Junction contains a mixture of commercial, retail and multi-unit residential developments and is located within 400m to the west of the site.



Aerial view of the subject site and surrounding built environment



1. Maroubra Road frontage of the subject site



2. The subject site as viewed from the corner of Cooper Street and Green Street



3. The adjoining residential flat building at No. 232 Maroubra Road



4. The adjoining aged care housing at No. 216-218 Maroubra Road

3. PROPOSED DEVELOPMENT

The proposed development includes the following components:

- Demolition of all existing structures on the site.
- Construction of a part 4- and part 5-storey residential aged care facility (RACF) containing 63 beds.
- Construction of 4 x buildings containing 76 independent living units (ILU) and communal facilities ranging from 2 to 6 storeys in height.
- Provision of underground car parking for 101 vehicles.
- General landscape works.
- Land subdivision.

The proposed dwelling mix is as follows:

Apartment Type	Number
1-bedroom	14
2-bedroom	57
3-bedroom	5
Total	76

The proposed car parking allocation is as follows:

Use	Number
<i>Independent living units</i>	
Building 1	27
Building 2	14
Building 3	13
Building 4	18
Visitors	7
Staff	2
<i>Residential Aged Care Facility</i>	
Staff	13
Visitors	7
Total	101

On-site services:

- The RACF will offer high and low care services to the residents.
- The serviced self-care apartments will allow both independent and assisted living.
- The on-site facilities include communal gardens, dining rooms, activity rooms, consulting rooms, a hairdressing salon and a chapel.

Land subdivision:

The application seeks approval for the subdivision of the site in two stages.

The first stage involves the consolidation of the existing land parcels and subdivision of the amalgamated site into 2 allotments. The purpose of the subdivision is to isolate the RACF above-ground elements (to be designated Lot 1) from the remaining portions of the land (to be designated Lot 2).

The second stage involves the stratum subdivision of Lot 2 into 3 allotments, in order to separate the respective elements of the RACF, ILU and communal facilities.

4. HISTORY

4.1 Design amendments

The applicant submitted revised drawings on 4 March 2011, which include the following changes:

- Reduction of the number of aged care beds from 84 to 63.
- Reduction of the number of dwelling units from 80 to 76.
- Reduction of the number of car spaces from 120 to 101.
- Separation of the RACF from ILU Building 2 to create a view corridor.
- Reduction to the height of the south-western section of ILU Building 4 from 3 to 2 storeys.
- Reconfiguration of the building footprints, façade articulations and roof form.
- Amendments to the exterior colours and finishes scheme.
- Construction of a public footpath along the Green Street frontage of the site.
- Construction of a pedestrian through site link along the western boundary of the site.
- Deletion of the driveway exit to Green Street.

The amended development scheme forms the subject of this assessment.

5. NOTIFICATION AND ADVERTISING

The subject application was advertised and notified from 17 November to 1 December 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:

Support

- 9/857 Anzac Parade, Maroubra
- 3/863 Anzac Parade, Maroubra

- 9/863 Anzac Parade, Maroubra
- 348 Arden Street, Coogee
- 11 Bell Street, Maroubra
- 2/159 Belmore Road, Randwick
- 401/97 Boyce Road, Maroubra
- 606/91 Brompton Road, Kensington
- 7/109 Brook Street, Coogee
- 4/87-89 Burns Bay Road, Lane Cove
- 9 Byrne Avenue, South Coogee
- 3/280 Carrington Road, Coogee
- 9 Cooper Street, Maroubra
- 2 Davidson Crescent, Maroubra
- 2 Farthing Place, Maroubra
- 2/32 Flower Street, Maroubra
- 14 Fowler Crescent, South Coogee
- 21 French Street, Maroubra
- 55 Gale Road, Maroubra
- 210 Gale Road, Maroubra
- 10/122 Garden Street, Maroubra
- 53 Haig Street, Maroubra
- 56 Haig Street, Maroubra
- 53 Hannan Street, Maroubra
- 19 Henning Avenue, Maroubra
- 9 Larose Avenue, Matraville
- 78 Loch Maree Street, Maroubra
- 903/98 Maroubra Road, Maroubra
- 105/116 Maroubra Road, Maroubra
- 216/116 Maroubra Road, Maroubra
- 337 Maroubra Road, Maroubra
- 10 McLennan Avenue, Randwick
- 11A Mooramie Avenue, Kensington
- 39 O' Sullivan Avenue, Maroubra
- 4 Oxley Street, Matraville
- 52 Robey Street, Maroubra
- 123A Robey Street, Maroubra
- 168 Storey Street, Maroubra
- 9 The Corso, Maroubra
- 14/13 Tyrwhitt Street, Maroubra
- 17 Wise Street, Maroubra
- 506/91 Brompton Road, Kensington NSW 2033
- 2 Lindsay Avenue, Kiama Down NSW 2533
- 167 Boyce Road, Maroubra NSW 2035
- 3 x submissions with undisclosed address

Object

- 218 Maroubra Road, Maroubra (Southern Cross Care), Cardinal Gilroy Village, Barcom Street, Merrylands

- 167 Boyce Road, Maroubra (objection withdrawn by email dated 22 February 2011)
- 56 Green Street, Maroubra
- 3/232 Maroubra Road, Maroubra (on behalf of the owners of all units within 232 Maroubra Road) and 1 x petition with 3 signatures from dwelling units within 232 Maroubra Road, Maroubra
- 3/273 Maroubra Road, Maroubra
- 5/285 Maroubra Road, Maroubra
- 1 x petition with 15 signatures from properties in Boyce Road, Cooper Street and Green Street

The issues raised in the submissions are addressed as follows:

Issues	Comments
There is a shortage of retirement homes with in-house support facilities in the area. The approval of the proposed development would contribute to the supply of residential accommodation for senior people.	Agreed. The social implications of the proposed development are detailed in the “Environmental Assessment” section of this report.
The height and scale of the proposed buildings are excessive and are not compatible with the existing character of the locality.	The density, scale and form of the proposed development are considered to be satisfactory, and will not adversely affect the character of the streetscape and the wider locality. Refer to the “Environmental Assessment” section of this report for details.
The approval of the subject proposal will establish an undesirable planning precedent for similarly scaled developments in the area.	Council assesses each development application having regard to its merits and compliance with relevant planning controls. The approval of the subject proposal will not create any undesirable planning precedent.
The front setback to Maroubra Road is not consistent with the adjoining properties.	The proposed front setback to Maroubra Road is considered to be compatible with the adjoining premises. Refer to the “Environmental Assessment” section of this report for details.
The proposal involves significant tree removal and will result in the loss of habitat for the local wildlife.	A landscape plan has been submitted, which shows the provision of various landscaped open space on the site. A range of canopy trees, shrubs and ground covers will be planted to provide a landscape ambience to the buildings and to compensate for the loss of established vegetation as a result of the development.
The development scheme includes a	The revised development scheme

<p>vehicular exit to Green Street.</p> <p>Green Street has a narrow configuration and does not have sufficient capacity to channel the expected increased level of traffic.</p> <p>The development will result in traffic congestion, reduce kerb side parking and adversely affect the safety of Green Street.</p> <p>Vehicles exiting the site to Green Street will cause noise and headlight glare that adversely affect the amenity of the nearby dwellings.</p>	<p>has deleted the vehicular egress to Green Street. Vehicular access to the site will be obtained via the driveway off Maroubra Road. The amended proposal is not considered to generate any material traffic impacts on the dwelling houses in Green Street.</p>
<p>The development scheme has not provided sufficient on-site parking facilities.</p>	<p>The development scheme has provided adequate on-site parking facilities. Refer to the “Environmental Planning Instruments” section of this report for details.</p>
<p>The proposal should provide a new footpath along the southern side of Green Street.</p>	<p>The revised proposal includes the construction of a new footpath along the Green Street frontage of the site.</p>
<p>The development will result in detrimental shadow impacts on the adjoining properties, including the residential flat building at No. 232 Maroubra Road and the retirement home at No. 216-218 Maroubra Road.</p> <p>In particular, the development will cast shadows on potential roof-mounted solar panels at No. 232 Maroubra Road.</p>	<p>The proposed development will not create unreasonable shadow impacts on the adjoining properties. Refer to the “Environmental Assessment” section of this report for details.</p>
<p>The proposed development will overlook the adjoining and nearby residences and cause adverse privacy impacts.</p>	<p>The proposed development will not result in detrimental privacy impacts on the adjoining and nearby residences. Refer to the “Environmental Assessment” section of this report for details.</p>
<p>Suitable screen planting should be provided along the western boundary of the subject site.</p>	<p>A continuous landscape strip planted with shrubs (including 7 x Blueberry Ash, mature height 6m) will be provided along the western boundary of the site.</p>
<p>The proposal will obstruct the distant City views currently available to the dwelling unit at 5/285 Maroubra Road.</p>	<p>A detailed assessment of view loss issues is provided in the “Environmental Assessment” section of this report.</p>
<p>The proposal will obstruct distant</p>	<p>The proposed development will not</p>

views to Bondi Junction from the dwelling unit at 3/273 Maroubra Road.	obstruct any significant district views currently available to 3/273 Maroubra Road.
The service vehicle access is located in close proximity to the retirement home on the adjoining site to the west. The driveway should be relocated; or alternatively, suitable restrictions should be placed on the loading and unloading hours.	A special condition is recommended to restrict the loading and delivery hours during the operational phase of the development. Subject to the above condition, the proposal is not considered to result in detrimental noise impacts on the adjoining retirement home at 216-218 Maroubra Road.
The mechanical plant and equipment will generate significant noise impacts on the adjoining residential properties.	A specific condition is recommended to ensure noise emission from the mechanical plant and equipment within the development complies with relevant industry standards.
The proposed development will generate significant traffic noise during the operational phase.	<p>The proposed development will generate an increased level of traffic in the area.</p> <p>Notwithstanding, the proposed driveway is located off Maroubra Road. Vehicular traffic will be channelled directly to this existing arterial road and will not unduly affect the amenity of the nearby local streets.</p> <p>It is considered that the traffic noise level in Maroubra Road will not be significantly increased following the development.</p>
The exhaust stack for the basement car park will result in air pollution.	A standard condition is recommended to ensure the development works, including exhaust and ventilation systems, comply with the Building Code of Australia. Subject to the above condition, the proposal is not considered to result in unreasonable environmental impacts on the surrounding areas.
The proposed buildings will adversely affect air quality and circulation in the area.	The development scheme has incorporated appropriate landscaping and setbacks. There is no clear evidence to suggest that the proposed buildings will significantly affect air quality in the area.
The construction traffic will cause congestion in the surrounding road	Standard construction management conditions are recommended to

network and adversely affect the amenity of the nearby residences.	ensure an appropriate traffic management plan is prepared prior to the commencement of works on the site.
There are concerns that contractors and tradesmen will illegally park in Green Street during the operational phase of the retirement home.	The proposal has included adequate visitor parking and loading docks within the development. There is no convincing evidence to suggest a nexus between illegal parking and the proposed development.
The proposed development will adversely affect the safety and security of Green Street.	The proposal involves the construction of a new footpath and provision of high quality planting along the Green Street frontage of the site. The development will significantly upgrade the amenity of Green Street and promote a sense of territorial ownership that contributes to community safety.
“No Standing” signs should be installed on Cooper Street.	<p>The application has included a traffic study which demonstrates that the surrounding road network has sufficient capacity to support the additional traffic generated by the development.</p> <p>Vehicular access to the development will be obtained via a driveway off Maroubra Road.</p> <p>The installation of “No Standing” signs in Cooper Street is not considered to be necessary.</p>
Additional street lights should be installed in Maroubra Road to improve safety.	This matter is not relevant to the assessment of the subject application.
The proposed development will reduce the values of the surrounding residential properties.	Variations in property values are not considered to be a valid objection on town planning grounds.

6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

6.1 Development Engineer and Landscape Development Officer

The proposed development includes the following components:

- Demolition of all existing structures on the site.
- Construction of a 4-storey residential aged care facility (RACF) containing 63 beds.

- Construction of 4 x buildings containing independent living units (ILU) and community facilities ranging from 2 to 6 storeys in height.
- Provision of underground car parking for 101 vehicles.
- General landscape works.
- Land subdivision.

The proposed dwelling mix is as follows:

Apartment Type	Number
1-bedroom	14
2-bedroom	57
3-bedroom	5
Total	76

The proposed car parking allocation is as follows:

Use	Number
<i>Independent living units</i>	
Building 1	27
Building 2	14
Building 3	13
Building 4	18
Visitors	7
Staff	2
<i>Residential Aged Care Facility</i>	
Staff	13
Visitors	7
Total	101

On-site services:

- The RACF will offer high and low care services to the residents.
- The serviced self-care apartments will allow both independent and assisted living.
- The on-site facilities include communal gardens, dining rooms, activity rooms, consulting rooms, a hairdressing salon and a chapel.

Land subdivision:

The application seeks approval for the subdivision of the site in two stages.

The first stage involves the consolidation of the existing land parcels and subdivision of the amalgamated site into 2 allotments. The purpose of the subdivision is to isolate the RACF above-ground elements (to be designated Lot 1) from the remaining portions of the land (to be designated Lot 2).

The second stage involves the stratum subdivision of Lot 2 into 3 allotments, in order to separate the respective elements of the RACF, ILU and communal facilities.

- **Landscape/Tree Comments**

The row of five, semi-established, Council owned Gum trees along the Maroubra Road frontage will be preserved and retained in the streetscape, with a large Camphor Laurel (tree 21), on an adjoining property to the west, against the common boundary, to be protected.

No objections are raised to removing all existing trees within the site (39 in total), as the majority were observed to be either too small or weed species, with those more desirable native species not able to be retained due to their direct conflict with the proposal, and given the scope of works and substantial re-planting and landscaping that is proposed, and the fact they are not overly significant specimens, a re-design to ensure their preservation is not warranted.

- **Drainage Comments**

Standard drainage conditions have been included within this report. Onsite stormwater detention is required and flows from the site will need to be connected to the kerb and gutter in Maroubra Road and / or Green Street. There is no underground drainage system fronting the development site in either of these streets.

Basement levels must be fully tanked and no seepage water is to be discharged from the site.

- **Traffic comments**

Assessment of the parking provision has been undertaken elsewhere within this report. The parking provision meets the relevant SEPP.

All entry exit movements for the development must be left in / left out and conditions aimed at ensuring compliance with this requirement have been included within this report.

- **Civil Works / Road Widening comments**

Significant civil works have been conditioned along all site frontages. The site is covered by council's subdivision policy and strict compliance with the policy would require the applicant to dedicate a 4.57 metre wide strip of land along the full site frontage in Green Street (policy number 6.01.22). The Development Engineer had a preference for this to occur however it has been agreed that this requirement would be overly onerous on the applicant, particularly given that council has very little opportunity to obtain the road widening in Green Street, west of the development site. The applicant has been conditioned to make provision for a minimum 1.3 metre wide footpath along the Green Street site frontage.

6.2 Building Surveyor

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

BCA Building Classification

Class 9c - Residential aged care facility

*Class 9b - Communal room
Class 2 - Residential units
Class 7a - Car park*

Background

Existing dwellings, school building, parish office building, a demountable office and tennis court

Key Issues

Noise, site management, environmental health, public health, public safety and amenity, building and development control and compliance, construction site management, fire safety, access and facilities for people with a disability and DDA issues and BCA matters.

6.3 Environmental Health Officer

Council's Environmental Health Officer has raised no objections to the proposed development, subject to the recommended conditions.

6.4 Design Review Panel

The comments provided by the Design Review Panel are addressed under the "Environmental Planning Instruments" section of this report.

6.5 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.

6.6 Sydney Airport Corporation Limited

Under the provisions of the Civil Aviation (Buildings Control) Regulation, the concurrence of the Sydney Airport Corporation Limited (SACL) is required as the proposed buildings have maximum height in excess of 15m and may fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport.

A letter has been received from SACL advising that no objections are raised against the proposal, subject to the recommended height restrictions and 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) (Housing for Seniors or People with a Disability) 2004

SEPP (Housing for Seniors or People with a Disability) applies to the proposed development. The proposed RACF and ILU are defined as "residential care facility" and "self-contained dwellings" under Clauses 11 and 13 of the SEPP respectively.

The relevant provisions of the SEPP are addressed as follows:

Clause	Requirement	Proposal	Compliance
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Chapter 1 Preliminary			
2	Aims of Policy		
	(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability,	The proposal will increase the supply and diversity of residential accommodation for seniors or people with a disability.	Complies
	(b) make efficient use of existing infrastructure and services, and	The site is located in close proximity to the Maroubra Junction Town Centre and has convenient access to major roads and public transport services. The development will make efficient use of existing infrastructure and services.	Complies
	(c) be of good design.	As is discussed within the body of this report, the proposed development is considered to be of good design.	Complies
Chapter 2 Key concepts			
15	<p>This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:</p> <p>(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing</p>	The subject site is located within land zoned for urban purposes. Development for the purpose of seniors housing is made permissible pursuant to Clause 15 of the SEPP.	Complies
Chapter 3 Development for seniors housing			
Part 1 General			
24	Site compatibility certificates		
	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if:</p> <p>(a) the development is proposed to be carried out on any of the following land to which this Policy applies:</p> <p>(ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for</p>	<p>Part of the site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). Under the land use table for Special Uses Zone, development for the purposes of hospitals is permissible with consent.</p> <p>Therefore, a Site Compatibility Certificate from the Director-General of the Department of Planning is not required in this instance.</p>	Complies

	the purposes of hospitals is permitted)		
Part 2 Site-related requirements			
26	Location and access to facilities		
	<p>(1) Residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner</p>	<p>The subject site is located within 400m from the Maroubra Junction Town Centre, which contains a range of commercial and retail services.</p> <p>A sealed footpath is available along Maroubra Road which has a gentle gradient.</p> <p>Public bus stops are located on both sides of Maroubra Road within 400m from the site.</p> <p>The proposed development also provides communal gardens, activity rooms and dining facilities for the residents.</p>	Complies
27	Bush fire prone land	The site is not located within bush fire prone land.	N/A
28	Water and sewer		
	The consent authority must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The provision of civil and utility services will be required by standard conditions.	Complies, subject to conditions
29	<p>Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</p> <p>The consent authority is to be satisfied that the proposed development is compatible with the surrounding land uses having regard to:</p>	Addressed below.	
	(i) the natural environment (including known significant environmental values, resources or hazards) and	The site is not identified to contain any threatened ecological species or significant natural	Complies

	the existing uses and approved uses of land in the vicinity of the proposed development	<p>topographical features.</p> <p>The landscape plan shows the provision of adequate replacement planting throughout the site, which will appropriately mitigate any visual impacts upon the adjoining residential premises.</p>	
	(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in Clause 26) and any proposed financial arrangements for infrastructure provision	<p>The site is located within walking distance from Maroubra Junction Town Centre, which accommodates a range of commercial and retail uses, as well as public bus services along Maroubra Road.</p> <p>The proposed development contains both aged care beds and independent living units, which offer different level of care services for the residents depending on their age brackets and needs.</p> <p>In addition, the proposal incorporates communal gardens, lounges, dining rooms and activity spaces, which will provide convenient in-house recreational facilities for the residents.</p>	Complies
	(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development	<p>The proposed built form, scale and bulk are not considered to generate unreasonable adverse impacts on the streetscape character or the amenity of the adjoining properties. Refer to the "Environmental Assessment" section of this report for details.</p>	Complies
Part 3 Design requirements			
30	Site analysis		
Division 1 general			
	(1) The consent authority is to be satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A detailed site analysis has been provided in the Statement of Environmental Effects, which is supported by concept and contextual analysis drawings. The	Complies

	<p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4).</p> <p>(b) be accompanied by a written statement:</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p>	design scheme has made appropriate response to the information contained in the site analysis.	
32	<p>Design of residential development</p> <p>The consent authority is to be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	Addressed below.	
Division 2 Design principles			
33	<p>Neighbourhood amenity and streetscape</p> <p>The proposed development should:</p>		
	<p>(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and</p>	<p>The existing buildings in the vicinity to the site do not demonstrate any architectural qualities or themes that deserve repetition or attention.</p> <p>The proposed floor space is adequately distributed among five buildings with view corridors being reserved to minimise their visual mass. The building facades are carefully articulated and will contribute to the character of Maroubra Road and Green Street.</p>	Satisfactory
	<p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p>	<p>The site is not located within or in proximity to any heritage conservation areas.</p> <p>Holy Family Church, which is identified as a local heritage item under RLEP</p>	Satisfactory

		1998 (Consolidation) is situated over 100m from the site. Given the degree of spatial separation, the proposed development is not considered to generate any material impacts on the heritage significance of the item.	
	<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p>	<ul style="list-style-type: none"> • Appropriate building setbacks have been reserved to minimise adverse visual and amenity impacts on the adjoining properties. Refer to the "Environmental Assessment" section of this report for details. • The proposed floor space is distributed among five buildings with view corridors being reserved across the site, in lieu of a monolithic visual mass. The built form and height are appropriately configured to respect the natural slope of the land. • The highest and bulkiest built elements have frontage to Maroubra Road. The buildings facing Green Street have a reduced height to provide a transition in scale to the lower density residential zone to the north. The scale and bulk of the buildings are considered to be acceptable given the aggregate size of the site and frontage to an arterial road. Adequate landscaped open space and planting have been provided to visually soften the building structures. Refer to the "Environmental Assessment" section of this report for details. 	Satisfactory

		<ul style="list-style-type: none"> The proposed buildings incorporate varying degree of setbacks from the property boundaries. No substantial boundary walls are proposed. 	
	(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line, and	The site has frontages to Maroubra Road, Cooper Street and Green Street. Appropriate front setbacks have been provided to complement the existing streetscape character. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	The landscape plan has provided a suitable combination of trees, shrubs and ground covers to provide an aesthetically pleasing presentation to the streets.	Satisfactory
	(f) retain, wherever reasonable, major existing trees, and	Given the scope of the development, the majority of the existing mature trees on the site will be removed. However, the landscape plan has provided adequate replacing planting to provide a green ambience to the development.	Satisfactory
	(g) be designed so that no building is constructed in a riparian zone.	Not applicable.	N/A
34	Visual and acoustic privacy		
	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways,</p>	<ul style="list-style-type: none"> The design scheme have incorporated suitable setbacks and utilised various measures to minimise privacy impacts on the neighbouring properties, including landscaping, screening devices and location of windows. Noise impact on the proposed residential accommodation is minimised by the location of the driveway on the 	Satisfactory

	parking areas and paths.	<p>western extremity of the site, with the parking facilities being contained within the basement.</p> <ul style="list-style-type: none"> • A condition is recommended to specify the maximum internal noise levels within the accommodation units to ensure adequate living amenity is achieved. 	
35	Solar access and design for climate		
	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<ul style="list-style-type: none"> • The proposed development will retain an acceptable level of direct sunlight to the adjoining residential properties. A detailed discussion is provided in the “Environmental Assessment” section of this report. • The vast majority of the dwelling units have dual aspects and will facilitate cross ventilation. In addition, a high proportion of the units have northern aspects, which will enjoy suitable solar access in mid winter. • The proposed floor space is distributed among five buildings with view corridors being reserved across the site. The disposition of buildings will allow natural breezes and maximise daylight access to the central courtyard. • Clerestory windows have been provided above the topmost levels of the ILU buildings to further improve solar access to the dwellings and energy efficiency. 	Satisfactory

36	Stormwater		
	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practicable, on-site stormwater detention or re-use for second quality water uses.</p>	Standard conditions are recommended to ensure the development complies with Council's stormwater management requirements.	Satisfactory, subject to conditions
37	Crime prevention		
	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:		
	(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	The orientation and configuration of the proposed buildings provide adequate casual surveillance of the surrounding public domain, including Maroubra Road, Cooper Street and Green Street, as well as the internal courtyard and driveway areas of the development.	Satisfactory
	(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	The lift lobbies on each level of the ILU buildings only provide access to a limited number of dwelling units. The lobbies have been configured to maintain clear sightlines.	Satisfactory
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	<p>The perimeter of the development will be secured and the principal visitor entry will be via the main lobby facing Maroubra Road.</p> <p>Security gates will be provided at the secondary entries on the Cooper Street</p>	Satisfactory

		and Green Street frontages to provide access control.	
38	Accessibility		
	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<ul style="list-style-type: none"> The principal entries to the development are clearly identifiable. The footpaths on Maroubra Road are overlooked by the windows of the buildings. Separate access has been provided for pedestrian and vehicular traffic. 	Satisfactory
39	Waste management		
	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	<p>The submitted drawings show the provision of garbage rooms within the basement areas.</p> <p>A standard condition is recommended to ensure adequate waste management measures are implemented during the operational phase.</p>	Satisfactory, subject to condition
Part 4 Development standards to be complied with			
Division 1 General			
40	Development standards – minimum sizes and building heights		
	(2) The size of the site must be at least 1,000 square metres.	The land area of the site is 6214.6m ² .	Complies
	(3) The site frontage must be at least 20m wide measured at the building line.	<p>Maroubra Road frontage: 81.38m</p> <p>Cooper Street frontage: 30.4m</p> <p>Green Street frontage: 105.76m</p>	Complies
	(4) Height in residential zone where residential flat buildings are not permitted	The site is partly zoned Residential 2C, where residential flat buildings are permissible with consent. This clause is therefore not applicable to the proposal.	N/A
Division 2 Residential care facilities – standards concerning accessibility and useability			
	Refer to the Commonwealth aged care accreditation	A standard condition is recommended to require	Complies, subject to

	standards and the Building Code of Australia.	compliance with the Building Code of Australia.	condition
Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability			
41	Standards for hostels and self-contained dwellings		
	(1) A consent authority must not consent to a development application unless the proposed development complies with the standards specified in Schedule 3 for such development.	Specific conditions are recommended to ensure compliance with the standards stated under Schedule 3 of the SEPP.	Complies, subject to conditions
Part 6 Development for vertical villages			
45	Vertical villages		
	A consent authority may consent to seniors housing development having a density and scale that exceeds the floor space ratio permitted under another environmental planning instrument by a bonus of 0.5 added to the gross floor area component of that floor space ratio.	<p>The development standards contained within RLEP 1998 (Consolidation) do not apply to the proposal as it is made pursuant to the provisions of the SEPP for permissibility.</p> <p>The development scheme does not propose any affordable places as defined under the SEPP.</p> <p>Therefore, the provisions of Part 6 do not apply to the subject proposal.</p>	N/A
Part 7 Development standards that cannot be used as grounds to refuse consent			
Division 2 Residential care facilities			
48	Standards that cannot be used to refuse development consent for residential care facilities A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:	Addressed below.	
	(a) building height: if all proposed buildings are 8m or less in height, or	The proposed RACF building will exceed 8m in height. The height and scale of the proposed development are considered to be satisfactory. Refer to the "Environmental	N/A

		Assessment" section of this report for details.	
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	RACF: 0.58:1 (3587m2 GFA divided by 6214.6m2 site area) The scale and density of the development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Complies
	(c) landscaped area: if a minimum of 25m2 of landscaped area per residential care facility bed is provided,	Approximately 32m2 of soft landscaped area per aged care facility bed is provided (being 2031m2 soft landscaped area divided by 63 beds).	Complies
	(d) parking for residents and visitors: if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	(i) The development allocates 20 car spaces for the RACF (being 13 for staff members and 7 for visitors). No car spaces are reserved for the residents / patients. The car parking allocation is considered to be satisfactory as the residents within the RACF are unlikely to drive. (ii) The Statement of Environmental Effects mentions that approximately 25 staff will be present at the RACF during peak hours. The proposal has reserved 13 staff parking spaces for the RACF, which are equivalent to 1 parking space per 2 employees, consistent with the provisions of the SEPP. (iii) An ambulance can be parked at the drop-off / pick-up zone at the principal entry of the development off Maroubra Road.	Complies
Division 4 Self-contained dwellings			
50	Standards that cannot be used to refuse development consent for self-contained dwellings A consent authority must not refuse consent to the	Addressed below.	

	carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:		
	(a) building height: if all proposed buildings are 8m or less in height,	All of the ILU buildings are more than 8m in height. The height and scale of the proposed development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	1.16:1 (being 7219m ² GFA divided by 6214.6m ² site area) The proposed development scale and density are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(c) landscaped area if: (ii) a minimum of 30% of the area of the site is to be landscaped	Approximately 32.7% of the site is soft landscaped.	Complies
	(d) deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3m.	Approximately 16.4% of the site is reserved as deep soil zones. The landscape plan shows the provision of deep soil planting along the perimeter of the site, and will provide a green ambience to the buildings.	Complies
	(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The application does not contain elevational shadow diagrams describing the sunlight conditions of the proposed buildings. However, based on the layout and height of the buildings, it is anticipated that all of the north- and	Complies

		east-facing units within Buildings 2, 3 and 4, as well as the north-facing units from level 2 and above within Building 1, will receive a minimum of 3 hours of sunlight on 21 June. This accounts for approximately 88% of all proposed dwelling units.	
	<p>(f) private open space for in-fill self-care housing if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15m² of private open space per dwelling is provided and, of this open space, one area is not less than 3m wide and 3m long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10m² (or 6m² for a 1-bedroom dwelling), that is not less than 2m in either length or depth and that is accessible from a living area,</p>	<p>(i) The dimensions of the terraces to some of the ground floor units do not meet the standard. However, all of the ground level terraces have functional dimensions, and are capable of supporting passive recreational activities and accommodating outdoor furniture.</p> <p>(ii) The balconies of some of the 1-bedroom dwellings do not meet the SEPP standard. Notwithstanding, all of the balconies have functional dimensions and are capable of supporting passive recreational activities and accommodating seatings.</p>	Satisfactory
	(g) repealed	N/A	N/A
	<p>(h) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider</p>	The ILU buildings contain a total of 143 bedrooms. The number of residents' parking spaces within the ILU buildings amounts to 72. This is equivalent to 0.5 car space per bedroom.	Complies

7.2 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.

7.3 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 Soil Contamination Investigation 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.

7.4 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 (DRP) for assessment in December 2010. Following the preparation of a draft amended scheme, the application was forwarded again to the DRP for review in February 2011. The Design Quality Principles and the comments provided by the Panel are addressed as follows:

Principle 1: Context

- The DRP considers that the proposed development is suitable to the site location and the surrounding context.

Principle 2: Scale

- The DRP has raised issues relating to potential view loss from the upper levels of the residential flat buildings on the southern side of Maroubra Road. A detailed assessment on view sharing is provided in the “Environmental Assessment” section of this report. It is considered that the expected view loss impacts on the nearby residential properties are within reason.
- The DRP has raised issues relating to overshadowing on the adjoining residential flat building at No. 232 Maroubra Road following the proposed development. A detailed assessment on solar access is provided in the “Environmental Assessment” section of this report. It is considered that the proposal will not result in unreasonable overshadowing on the adjoining properties.

Principle 3: Built form

- The DRP has recommended that the building block between the RACF and ILU 2 be deleted to create an open landscaped corridor, with a view to improving solar access and ventilation to the central courtyard. This has been achieved in the revised design.

The lift core and stairwell of ILU 2 will encroach onto the aforementioned open space (between the RACF and ILU 2). Notwithstanding, the extent of protrusion of the above structures is relatively minor in nature. The landscape plan shows that adequate planting, including a feature Illawara Flame Tree and various Tree Ferns, will be provided to enhance the visual amenity of the view corridor.

- The revised proposal includes a 1.8m high palisade fence in the northern section of the pedestrian through-site link to provide access control to ILU Building 2. A special condition is recommended to ensure an adequate level of transparency is retained in the fencing structures to avoid a blank wall effect and to enhance casual surveillance.
- The DRP has recommended further reduction to the width of the access driveway. The driveway has been configured to enable efficient manoeuvring of service vehicles and any reduction to its width is not warranted. The amended design scheme has reserved a continuous planting strip along the western boundary, which will improve visual amenity to the immediate surroundings.
- As per the recommendation of the DRP, pedestrian entries to 6 of the ground floor apartments have been created in the Green Street frontage of the site.
- Mass planting, including a range of shrubs and canopy trees, will be provided along the Green Street frontage to screen the car park enclosing walls and ventilation grilles.
- The Maroubra Road entry to the development incorporates a glazed roof and is clearly identifiable from the public domain.
- The ground floor office within the RACF is provided with operable louvred windows in accordance with the recommendation of the Panel.
- The articulation to the western façade of the RACF has been improved with appropriate sunshade devices, feature blade walls and a combination of compatible surface finishes.
- The revised proposal has deleted the south-western unit at Level 2 of ILU 4, which will improve solar access to the adjoining property at No. 232 Maroubra Road. Detailed comments on solar access are provided in the “Environmental Assessment” section of this report.

Principle 4: Density

- The DRP considers the proposed density as being reasonable.

Principle 5: Resource, energy and water efficiency

- The amended proposal has included a combination of double awning windows, louvred windows and sliding balcony doors to facilitate cross ventilation for the apartment units. Details of window operation have been added to the drawings. The revised design will ensure adequate natural ventilation for the dwellings.
- Operable windows have been provided to the dining rooms and bedrooms of the RACF. Sliding doors have also been provided to those bedrooms with balconies. The above measures will offer an option for natural ventilation when desired.

- The ILU buildings incorporate a clerestory roof design, which will enhance natural lighting and ventilation of the top floor apartments.

Principle 6: Landscape

- A new footpath is proposed along the Green Street frontage of the site as per the recommendation of the DRP.
- The submitted landscape plans clearly describe the details of planting and hard surface treatment and are considered to be satisfactory.

Principle 7: Amenity

- The DRP has raised issues relating to some apartment types, where the kitchen is internalised with no access to windows. The revised design has provided additional south-facing windows near the doorways to the units, which would provide a degree of improvement to the internal amenity.
- Apartments 4 and 5 of ILU 4 have been reconfigured so that direct access is provided to the southern courtyard space from the bedroom areas. The above change will increase outdoor living space for these units.
- The bedrooms of Apartments 04 and 05 within ILU 4 only provide doorways to the external courtyards without any windows. A special condition is recommended to require operable windows to be installed to ensure a suitable level of living amenity.
- Bedroom 2 of Apartment 04 within ILU 2 does not contain any windows and is not considered to be suitable for habitable purposes. A special condition is recommended to require deletion of this bedroom. The space in question is to be reconfigured as storage units accessible from the car park.

Principle 8: Safety and security

The DRP recommends that BCA advice be obtained in relation to the paths of egress and window positions. To address this matter, a standard condition is recommended to require compliance with the BCA, with details being provided at the Construction Certificate stage.

Principle 9: Social dimensions

The proposal is considered to deliver positive social benefits to the community.

Principle 10: Aesthetics

- The DRP supports the overall design strategy of subtly differentiating the form and façade treatment of the buildings on the site.
- The amended development scheme has significantly improved the façade articulation and roof form and is considered to carry positive design merits.

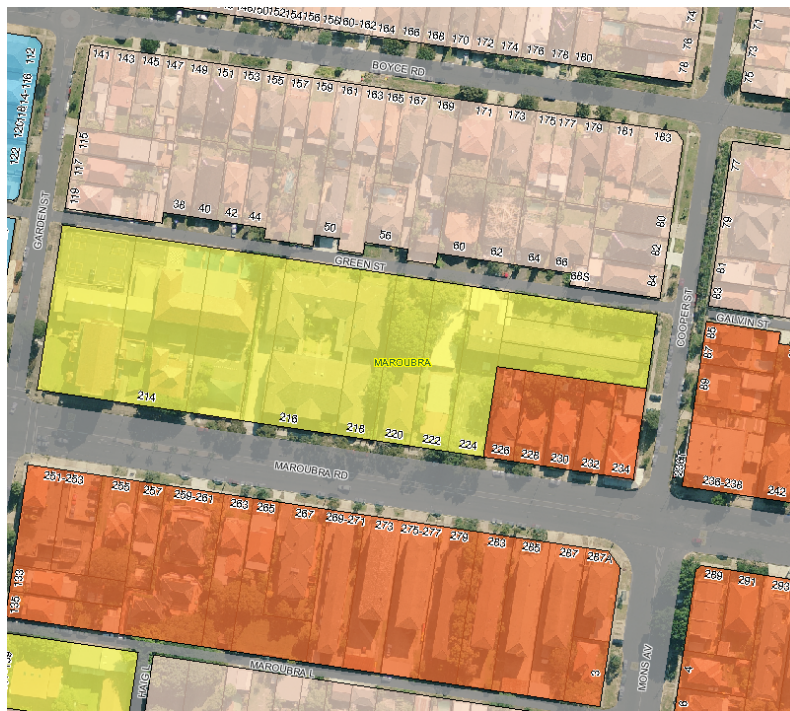
7.5 State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004

SEPP: BASIX applies to the proposed development. The development application is accompanied with BASIX Certificate numbered 343767M_03. 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.

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

The subject site is partly zoned Special Uses 5 (Nos. 220-224 Maroubra Road) and partly Residential 2C (Nos. 226-230 Maroubra Road) under RLEP 1998 (Consolidation). Refer to zoning map below.



Zoning map

Yellow denotes Special Uses Zone No. 5, and dark orange denotes Residential Zone No. 2C

“Housing for seniors or people with a disability” is not defined in the LEP. “Residential care facilities”, which are defined in Clause 49 of the LEP, are not listed as a permissible use pursuant to the land use tables of Clauses 12 and 17. The proposed land use is therefore prohibited. However, this restriction is remedied by the provisions of the SEPP (Housing for Seniors or People with a Disability).

7.6.1 Clause 12 Zone No. 2C (Residential C Zone)

The objectives of the Residential 2C Zone are addressed as follows:

(a) To provide for a medium density residential environment, and

The Residential 2C Zone envisages a variety of housing developments in medium density form. The proposal introduces independent living units and aged care accommodation with ancillary support facilities that are catered for seniors and people with a disability. The proposed land use is compatible with the predominant residential character of the locality.

(b) To maintain the desirable attributes of established residential areas, and

The proposed development has frontage to Maroubra Road, which is an arterial road with reserve width of 30m. The site covers a number of land parcels and has an aggregate area of 6214.6m². The proposed residential accommodation will be contained in five separate buildings, where the floor space is distributed appropriately

across the site. The built form, scale and façade articulations have adequately considered the contextual environment and will not result in unreasonable impacts on the streetscape and the amenity of the surrounding premises.

(c) To protect the amenity of existing residents, and

The proposal will not generate unreasonable adverse impacts on the surrounding residences. Refer to the “Environmental Assessment” section of this report for details.

(d) To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and,

The development scheme incorporates a range of in-house services to support the residents of the estate. The nature of the use is in high demand and is suitable to the community.

(e) To encourage housing affordability, and

The proposed development incorporates a range of dwelling and accommodation types that cater for the varying needs of the ageing population. The proposal is not considered to generate adverse impacts on housing affordability.

(f) To allow people to carry out a range of activities from their homes, where such activities are not likely to adversely affect the environment of the locality.

This matter is not related to the proposed development.

7.6.2 Clause 17 Zone No. 5 (Special Uses Zone)

The objectives of the Special Uses 5 Zone are addressed as follows:

(a) To accommodate development by public authorities on publicly owned land, and

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

(b) To accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and

The subject urban block presently contains a variety of religious and community uses, including Holy Family Church, St. Aidan’s Primary School and a church affiliated retirement home. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

(c) To enable associated and ancillary development, and

The development scheme incorporates a range of in-house services to support the residents of the estate.

(d) To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and

The development scheme incorporates a range of in-house services to support the residents of the estate.

(e) To allow for the redevelopment of land no longer required for a special use.

The primary school facility and parish office on the site have been decommissioned and are no longer in use. The proposal will facilitate the redevelopment of the land for a special housing purpose that is in high demand and is suitable to the community.

7.6.3 Development standards

The proposal is made pursuant to SEPP (Housing for Seniors or People with a Disability). 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 otherwise apply to part of the subject site, and any future residential developments within the surrounding 2C zoned land to the east and south:

Clause	Requirement	Proposal
20E Landscaped area	(2) Minimum 50% of site area in 2C Zone	Soft landscaped area 2031m ² or 0.33:1*
	(3) Landscaped areas over podiums or excavated basements do not exceed 50% of required provision	Deep soil planting 1020m ² or 16% of site area
20F Floor space ratio	Maximum 0.9:1 in 2C Zone	11384m ² GFA or 1.83:1
20G Building heights	(2) Maximum building height 12m in 2C Zone	RACF: approx. 21.6m (RL60.00) ILU Building 1: approx. 20.4m (RL63.70) ILU Building 2: approx. 16.4m (RL53.80) ILU Building 3: approx. 16.3m (RL56.50) ILU Building 4: approx. 18.4m (RL60.90)
	(4) Maximum external wall height 10m in 2C Zone	RACF: approx. 19.0m ILU Building 1: approx. 20.0m ILU Building 2: approx. 15.3m ILU Building 3: approx. 15.0m ILU Building 4: approx. 16.4m

*Note: total landscaped area data not available in the application.

7.6.4 Clause 21 Subdivision – consent requirements

The proposal seeks approval for subdivision of the subject land. Council's Development Engineer has reviewed the subdivision scheme and raised no objections subject to the recommended conditions.

7.6.5 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.

Standard conditions are recommended to ensure adequate civil and utility services are provided to the site.

7.6.6 Clause 37A Development in Special Uses Zone

Clause 37A requires Council to be satisfied that a proposed development in Zone No. 5 is compatible with the character of the locality and will not adversely affect the amenity of the nearby and adjoining development.

The proposal introduces independent living units and aged care accommodation with ancillary support facilities that are catered for senior persons. The proposed land use is compatible with the predominant residential character of the wider locality.

The subject urban block presently contains a variety of religious and community uses, including Holy Family Church, St. Aidan's Primary School and a church affiliated retirement home. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

As will be discussed in the "Environmental Assessment" section of this report, the proposed development will not result in unreasonable impacts on the amenity of the adjoining residences.

7.6.7 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 the basement car parks, loading docks, service facilities and part of the ground floor level. Specific conditions are recommended to ensure that suitable retaining walls and protection measures are implemented during the construction stage. 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.

7.6.8 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 a Soil Contamination Investigation to address contamination issues on the subject site. Council's Environmental Health Officer has reviewed the submitted information and advised 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.

7.6.9 Clause 43 Heritage conservation

The site is located approximately 106m to the east of Holy Family Church, which is listed as a local heritage item under the LEP (Inventory No. 316: Neo-Romanesque style, c 1940). Given the degree of spatial separation, the proposed development is not considered to result in material impacts on the curtilage to the heritage item.

8. POLICY CONTROLS

8.1 Randwick Subdivision Code

The proposal involves amalgamation and re-subdivision of the site. Council's Subdivision Code is relevant to the consideration of the development scheme.

Part C of the Code provides for the following:

That the Council favourably considers proposals submitted for the subdivision of land with frontages to roads 6.09m in width, under the following conditions.

1. The applicant must agree to dedicate, for road widening purposes, a strip of land 4.57m in depth along the frontage of the lane.

The application does not propose any dedication of land in accordance with the Code. However, a 1350mm wide footpath will be constructed along the Green Street frontage of the site for access by the general public. Usage of the footpath by members of the public will be formalised via the creation of an easement burdening the subject site. This will be required via a condition of consent.

It is considered that the proposal is acceptable for the following reasons:

- The adjoining allotments to the west have been developed in a manner, which would have little prospect for allowing continuous widening on the southern side of Green Street, between Garden and Cooper Streets:

No. 216-218	Landscaped courtyards have been constructed in the setback areas behind the Green Street alignment of No. 216-218. It is highly unlikely that these courtyards would be removed with the land dedicated for the purpose of road widening.
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Fenced courtyards of the aged care housing facility at No. 216-218 Maroubra Road, as viewed from Green Street

No. 214	The St. Aidan's Primary School has developed playgrounds and outdoor recreational and shelter
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facilities adjacent to the Green Street frontage of the land. It is highly unlikely that these facilities would be removed with the land dedicated for the purpose of road widening.

- The development scheme will reserve a setback of minimum 3m in width from Green Street with mass planting, which will significantly improve the visual amenity of the lane.
- The proposal will amalgamate the existing 9 land parcels and re-subdivide into 2 Torrens Title allotments (and then stratum subdivision of one the aforementioned Torrens Title allotments). The proposal does not increase the number of Torrens Title allotments currently present on the site.
- The proposal has incorporated adequate off-street parking facilities, and is highly unlikely to significantly reduce kerb side parking in the area.
- The strict compliance with the land dedication requirement would significantly impact on the size and functionality of landscaped open space within the development.

8.2 Randwick Section 94A Development Contributions Plan

The Section 94A Development Contributions Plan, effective from 2 July 2007, applies to the proposal.

Under Clause 11.2 of the Plan, development for the purposes of seniors housing, as defined under SEPP (Housing for Seniors or People with a Disability), may be exempted from a levy subject to Council's consideration.

Clause 11.3 states that those applicants who seek exemption from a levy under the Plan must provide a comprehensive submission to Council, which clearly demonstrates how the proposed development falls within one of the development types as defined in Clause 11.2, prior to Council determining whether such an exemption applies.

The applicant has provided the following justifications for exemptions from Section 94A contributions:

This development application seeks approval for seniors housing in the form of a residential aged care facility and independent living units. Consent is sought under the provisions of the SEPP HS and consequently the development clearly falls under the exemption provisions.

Supporting this exemption is the fact the project will:

- *Provide significant social and economic benefit;*
- *Include a series of services and amenity wholly within the project to support this group meaning little if any impact on existing Council services, moreover we expect this project will provide relief on existing Council services;*

- *The majority of residents living in the complex will be long term residents of Randwick Council; and*
- *The site is continuing to be used for social activities.*

The proposed development is made pursuant to the SEPP (Housing for Seniors or People with a Disability) and falls within the category of land use that qualifies for exemption from Section 94A levy. The proposal addresses the perceived shortage in aged care accommodation in the Randwick Local Government Area and is considered to deliver positive social benefits. The justifications presented in the application have been reviewed and are considered to be reasonable. Therefore, Section 94A levy is not required for the proposed development.

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.

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	Not applicable.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant provisions of the Environmental Planning and Assessment Regulation 2000 are addressed by the recommended standard conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental, social and economic impacts of the proposed development, which are otherwise not discussed within the body of this report, are addressed below.
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established residential neighbourhood with convenient access to Maroubra Junction Town Centre and public transport services. The site has sufficient area to accommodate the proposed land use and physical structures. The subject urban block currently accommodates a range of

Section 79C Consideration'	'Matters for	Comments
		<p>social, community and religious worship uses and the proposed seniors' housing development will be complementary to the function of the adjoining land.</p> <p>Therefore, the site is considered to be suitable for the proposed development.</p>
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation		The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest		The proposal is not considered to result in unreasonable adverse environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is considered to be within public interest.

9.2 Site planning, built form and urban design



Photomontage 1: Maroubra Road frontage of the proposed development as viewed from the intersection of Maroubra Road and Cooper Street, looking north-west (Source: Greengate)



Photomontage 2: Maroubra Road frontage of the proposed development as obliquely viewed from the southern side of Maroubra Road, looking north-east (Source: Greengate)



Photomontage 3: Green Street frontage of the proposed development as viewed from the northern side of Green Street, looking south-west (Source: Greengate)

Scale and massing

The subject site has frontage to Maroubra Road, which is a 6-lane arterial road of approximately 30m in width (a 20m wide carriageway plus 5m wide footpaths on

either side). At present, the southern side of Maroubra Road is predominantly characterised by residential flat buildings of 3 and 4 storeys in height. The northern site boundary adjoins Green Street, which is a 6m wide lane allowing two-way vehicular traffic. The northern side of Green Street is occupied by single- and double-storey detached dwellings. To the east of the site is Cooper Street, which is a local distributor road with a reserve width of approximately 20m.

The site planning distributes the floor space among 5 buildings of differing scale and height as follows:

Building	No. of storeys	Wall height in metres as measured from nearest footpath / road level
RACF	Part 4 / part 5 storeys	Approx. 16.6m (above Maroubra Road footpath)
ILU 1	Part 5 / part 6 storeys	Approx. 20.0m (above Maroubra Road footpath)
ILU 2	Part 3 / part 4 storeys	Approx. 14.1m (above Green Street carriageway)
ILU 3	Part 4 / part 5 storeys	Approx. 15.0m (above Green Street carriageway)
ILU 4 Northern block	Part 4 / part 5 storeys	Approx. 16.4m (above Green Street carriageway)
Southern block	Part 2 / part 4 storeys	Approx. 16.0m (above Cooper Street footpath)

*Note: The above external wall height data are taken from the nearest footpath level to the topmost point of the external wall. The intention is to demonstrate the wall height as perceived from the public domain.

These height measurements are different from those as shown in the "RLEP" section of this report. The latter are taken from the natural ground level to the topmost point of the external wall, and are intended to demonstrate the maximum wall height, which may occur deep within the site away from the street frontages.

It is considered that the scale and massing of the development are satisfactory for the following reasons:

- The majority of the site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). The nature of the zone typically envisages a more intense development density and larger institutional built form. There are no statutory maximum height limits under both the LEP and the SEPP (Housing for Seniors or People with a Disability) that apply to the proposal. Accordingly, the proposal does not entail non-compliance with any applicable height limits.

Note: Part 7 of the SEPP (standards that cannot be used as grounds to refuse development consent) operates in a manner where a development proposal complies with the standards relating to building height, density and scale, landscaped area and parking, the consent authority cannot refuse the application based on the aforementioned grounds. However, where there is a non-compliance with any of those standards, it will be capable of being used

as a ground for refusal. These standards do not impose maximum limits on the permissible building height and FSR. In this instance, the proposed scale and density are considered to be satisfactory and are supported.

- The development scheme has appropriately distributed the floor space among 5 buildings with view corridors being reserved across the site in both east-west and north-south directions, in lieu of a monolithic visual mass.
- The site planning positions the highest and bulkiest buildings along the Maroubra Road frontage. The 6-storey portion of ILU 1 is located on the higher ground on the eastern end of the site, and is recessed from the street alignment. The lower 4-storey RACF (as appeared on Maroubra Road) will be situated on the western end. The height profile of the development is considered to respect the natural gradient of the site. The proportions and massing of the buildings will not visually overwhelm Maroubra Road given its generous width of 30m. Furthermore, the above solution will deliver material amenity benefits as the majority of the shadows will fall upon the road.
- The ILU buildings along Green Street are adequately stepped to follow the natural fall of the land. The average building height is maintained at 4 to 5 storeys with the uppermost levels being setback from the external wall alignments below. The buildings are separated by landscaped courtyards to provide visual relief. The above features will provide a suitable transition in scale towards the 2A zoned land to the north of the site.
- The proposed housing density is justified by the site's proximity to Maroubra Junction Town Centre and public transport services along the surrounding road network. The proposal is considered to introduce a suitable amount of residential population to a locality, which is highly accessible to retail, commercial and community services and public transport. The development scheme represents an orderly and economic use of the land for urban consolidation.

Built form and articulations

- The buildings are positioned near the perimeter of the site around a central courtyard. The building disposition will maximise the size and functionality of the communal open space with good casual surveillance.
- The floor plates of the ILU buildings have been configured to maximise opportunities for daylight access and cross ventilation.
- The design scheme adopts low profile skillion and flat roof forms. Clerestory windows are provided for the ILU buildings, which will enhance natural lighting and ventilation to the top floor units. The roof of the RACF has been configured to allow the installation of solar panels. The proposed roof form incorporates energy efficiency measures and will not exacerbate the visual scale of the buildings.
- The proposed built form has incorporated staggered wall planes, balconies, windows, sun hoods, screening devices and a combination of compatible

surface finishes, which will finely articulate the external facades and create visual interest.

- The façade articulations of all buildings demonstrate a similar expression, with subtle changes and highlight colours to facilitate identification by the elderly residents.
- The southern elevation of the development will maintain an active frontage to Maroubra Road. Specifically, the ground floor level of the RACF and ILU 1 accommodates various administrative and communal services uses that are oriented to the street and will provide casual surveillance. The primary entrance to the development is clearly identifiable from Maroubra Road and will promote a sense of safety and security for the residents and the general public.

The subject section of Maroubra Road does not demonstrate any consistent architectural style that deserves repetition. The existing premises on the site do not carry significant architectural merits and suffer from poor maintenance. It is considered that the proposal will contribute to the local character and revitalise the existing streetscape.

Setbacks

Maroubra Road:

The proposal has a setback of 1.8m (to balconies) to 3.0m (to walls) from the Maroubra Road alignment. The adjoining buildings to the east at Nos. 232 and 234 Maroubra Road have front setbacks of 3m and 0m respectively. The retirement home at No. 216-218 Maroubra Road has front setback of approximately 6.2m.

The proposed front setback is commensurate with that of the adjoining premises to the east. Given the site location in close proximity to Maroubra Junction Town Centre and the frontage to an arterial road, it is considered that the setback distance is satisfactory and will contribute to an appropriate urban character to the street.

The landscape plans show the provision of a row of canopy trees along the Maroubra Road frontage, which will attain a mature height of 5m to 7m. The landscape design also proposes the planting of Spotted Gum (mature height 8m) within Council's footpath nature strip. It is considered that the proposed tree planting will visually soften the building structures on the site.

Green Street:

ILU Buildings 2, 3 and 4 have minimum setbacks of 3m (to balconies) to 5m (to walls) from the Green Street boundary. The setback distance is considered to be satisfactory for the following reasons:

- ILU Buildings 2, 3 and 4 will have no shadow impacts on the existing dwelling houses on the northern side of Green Street.
- The ILU buildings are divided by communal courtyards and will not present a continuous monolithic mass to Green Street.

- The proposed setback is sufficient to allow the construction of a public footpath along the Green Street frontage.
- The landscape plans show the planting of a row of Scribbly Gum and Red Iron Bark, which will attain a mature height of approximately 10m. The above canopy trees will visually soften the building structures on the site and provide privacy screening for the neighbours. Mass shrub planting will also be provided to buffer against the car park enclosing walls and ventilation grilles. The landscape treatment will significantly upgrade the environmental amenity of Green Street.

Cooper Street:

ILU Building 4 has a minimum setback of approximately 1.0m (to balconies) to 2.5m / 3.0m (to walls) from the Cooper Street frontage. The proposed setback is considered to be satisfactory for the following reasons:

- ILU Building 4 is situated at the corner of Cooper and Green Streets. The proposed building alignment will contribute to the definition of the street corner without resulting in detrimental visual impacts.
- The existing building at No. 234 Maroubra Road (corner of Cooper Street and Maroubra Road) is setback 0m to 1.6m from the Cooper Street alignment. The proposed setback is not inconsistent with that of the adjoining premises.
- The northern section of ILU Building 4 is 5 storeys in height. The southern section has a height of 4 storeys where the topmost floor is setback 3m (balcony) to 5m (wall) from the Cooper Street alignment. The stepping of Building 4 will provide a suitable transition in scale to the two-storey development at No. 234 Maroubra Road.

Shared boundary with No. 216-218 Maroubra Road:

The proposal incorporates the following setbacks from the western shared boundary:

Building	Level	Setback
RACF:	All levels	Approx. 8.5m to wall
ILU Building 2:	Basement to level 1	Approx. 3.7m / 4.2m to wall Approx. 3.0m to balcony
	Level 2	Approx. 12.5m to wall and balcony

The proposed setback is considered to be satisfactory for the following reasons:

- The RACF has a building depth of 37m and is setback uniformly at approximately 8.5m from the shared boundary. The building separation between the adjoining retirement home and the RACF is approximately 14.5m, which is more than the 12m guideline as recommended in the Residential Flat Design Code.
- ILU Building 2 has a shorter setback to the western boundary. Notwithstanding, Building 2 has a depth of only 13.2m (from wall to wall,

excluding balconies and lift core) and the western setback of the uppermost level is increased to 12.5m. There will be a minimal separation between Building 2 and the adjoining neighbour of 7m. It is considered that the degree of spatial separation is satisfactory and will not adversely affect the amenity of the neighbouring retirement home.

- A landscape strip will be provided along the western boundary of the site. A total of 7 x Blueberry Ash (mature height 6m) will be planted adjacent to the shared boundary. The proposed landscaping will contribute to mitigating any adverse visual and privacy impacts.

Eastern shared boundary with No. 232 Maroubra Road:

ILU Building 1 is setback 4.1m to 6.1m from the shared boundary with No. 232 Maroubra Road. The separation between Building 1 and No. 232 is approximately 5m to 7m. The proposed setback distance is considered to be satisfactory for the following reasons:

- The existing part 1- and part 2-storey dwelling at No. 230 Maroubra Road is setback approximately 2.8m from the shared boundary. The subject proposal will significantly increase the degree of building separation as compared to the status quo.
- The landscape plan shows the provision of mass planting with a range of shrubs along the setback areas. A total of 7 x Tree Ferns, capable of reaching a mature height of 4m at maturity, will be planted adjacent to Building 1. The proposed landscaping will provide adequate screening of the building structures and improve outlook from the side windows of No. 232.
- The proposal will not result in unreasonable shadow and privacy impacts on the neighbouring properties. Refer to the following paragraphs for details.

Southern shared boundary with Nos. 232 and 234 Maroubra Road:

The southern section of ILU Building 4 incorporates the following setback from the southern shared boundary:

External walls	Ground level	1.5m – 3.0m
	First level	1.5m – 3.0m
	Second level	1.5m – 6.5m
	Third level	3.0m – 6.5m
Balcony	Ground level	0m
	First level	2.6m
	Second level	2.6m
	Third level	3.6m

The Residential Flat Design Code recommends a building separation of 12m between buildings of up to 12m / 4 storeys in height.

The adjoining residential flat building at No. 232 Maroubra Road contains a hard-paved parking lot at the rear. The resultant separation between the southern section

of ILU Building 4 and the neighbouring block of flats is approximately 9.6m, and does not meet the recommendation of the Code.

The separation between ILU Building 4 and No. 234 Maroubra Road is approximately 15.6m.

The proposed side setback is considered to be acceptable for the following reasons:

- The design scheme only provides bedroom and bathroom windows on the southern elevation of ILU Building 4. The principal living room windows are oriented to the east and west. There will be no material privacy impacts on the neighbouring premises.
- The proposal will not result in unreasonable overshadowing of the adjoining properties at Nos. 232 and 234 Maroubra Road. Refer to the following paragraphs for details.
- The landscape plan shows the planting 2 x Queensland Firewheel Trees (mature height 7m) and a row of low shrubs along the southern setback areas. The landscaping will provide visual relief and contribute to the softening of the building structures.
- The south-western section of ILU Building 4 has a height of only 2 storeys. Whilst the front portion of Building 4 is 4 storeys in height, the uppermost floor is setback from the southern external wall alignments below. Furthermore, Building 4 is situated at lower ground as compared to Nos. 232 and 234, and the ground floor level is located partially below the existing ground line. It is considered that the design scheme has minimised the bulk of the structures as viewed from the neighbouring premises and the street.
- The existing premises at Nos. 232 and 234 are below the permissible height limits stipulated under RLEP 1998 (Consolidation) and have potential for complete redevelopment. Given the corner location of these properties and the emerging character of the area, it can be reasonably expected that any future development would be built up to the street boundaries with open areas being reserved at the rear. The future building would receive satisfactory morning sun and a degree of afternoon sun on the winter solstice.

In this respect, the scale and bulk of ILU Building 4 are not considered to create unreasonable constraints on future redevelopment of the adjoining sites.

Circulation

- The principal entrance, vehicular drop-off zone and driveway crossing of the development are located on the Maroubra Road frontage and are clearly identifiable from the public domain. The provision of primary access from the main road will promote safety and minimise adverse noise impacts on the neighbours.

- A new public footpath will be constructed along the Green Street frontage of the site. Secondary pedestrian entries to a number of apartment units in conjunction with high quality planting will also be provided on this frontage. The proposal is considered to materially improve the amenity and safety of the laneway.
- The originally proposed vehicular egress to Green Street has been deleted. The proposal will channel the vehicular traffic to Maroubra Road and will not adversely affect the amenity of the dwellings in Green Street.
- A footpath will be created along the western boundary of the site linking Maroubra Road with Green Street, and will significantly improve permeability of the subject urban block. A special condition is recommended to require adequate lighting to this through-site link to improve safety and security.

9.3 Retention of solar access

Clause 35 of SEPP (Housing for Seniors or People with a Disability) provides the following criteria relating to solar access to neighbours:

35(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.

The expected shadow impacts on the adjoining and nearby properties are as follows:

No. 216-218 Maroubra Road:

The proposed development will cast shadows on the eastern elevation of the adjoining retirement home at No. 216-218. The eastern elevation primarily contains bedroom and bathroom windows only. Therefore, the proposal is not considered to create detrimental impacts on the amenity of the western neighbour. No further consideration of this property is necessary.

Nos. 267-287A Maroubra Road:

The development will cast shadows on the northern façades of the residential flat buildings at Nos. 267-287A Maroubra Road at 9 am, mid winter. However, no impacts on these buildings will occur at 12 noon and 3 pm, mid winter. These buildings will enjoy a minimum of 3 hours of direct sunlight to their northern windows in mid winter. No further consideration of these properties is necessary.

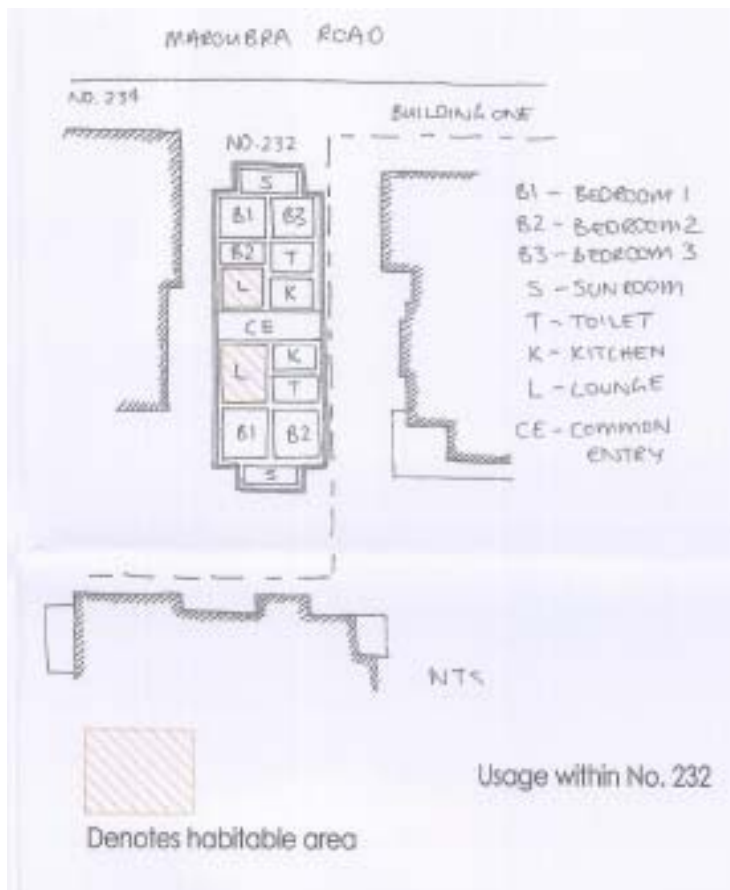
No. 232 Maroubra Road:

Impact on unbuilt upon areas:

The majority of the surface car park at the rear of No. 232 will be overshadowed throughout the day in mid winter.

Impact on windows:

The window locations of the residential flat building in question are described in the following diagram:



Room and window location of No. 232 Maroubra Road
(Source: Greengate)



Northern façade, driveway and car parking area of No. 232 Maroubra Road

The expected shadow impacts on the living room windows are as follows:

- Following the proposed development, the majority of the glazed areas to the north-facing sunroom windows at both the ground and first levels will receive 3 hours of direct sunlight in mid winter.
- At present, the two rear (northern) dwelling units at ground and first levels of the building receive direct sunlight to their east-facing living room windows at 9am and 10am, mid winter. Following the proposed development, the majority of the glazed areas to these windows will continue to receive direct sunlight at 9am and 10am, mid winter.

- At present, the front dwelling unit (southern unit fronting Maroubra Road) at first level of the building receives a degree of sunlight to its east-facing living room window at 9am and 10am in mid winter. Following the proposed development, this window will be completely overshadowed.

Following the proposed development, the northern roof pane of the building will receive direct sunlight between 9am and 3pm in mid winter. The eastern roof pane will receive direct sunlight between 9am and 12noon in mid winter. It is considered that a satisfactory level of sunlight will be retained for any future roof-mounted solar panels at No. 232.

No. 234 Maroubra Road:



Northern elevation of the existing mixed use building at No. 234 Maroubra Road, as viewed from the car parking area of No. 232 Maroubra Road; the outbuilding within No. 234 is seen on the left hand side of the photograph

Impact on unbuilt upon areas:

The proposed development will cast shadows on the entire open area at the rear of No. 234 at 9am and 12noon, mid winter. A portion of the open area will receive direct sunlight at 3pm, mid winter.

Impact on windows:

- There are two north-facing habitable room windows at the upper level of No. 234. Following the proposed development, these windows will continue to receive direct sunlight between 9am and 3pm, mid winter.
- The proposed development will not have any impact on the existing east-facing windows of No. 234.
- At present, solar access to the western windows of No. 234 are significantly constrained by the block of units at No. 232. Following the proposed development, these windows will be substantially overshadowed throughout the day in mid winter.

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 subject site is partly zoned Special Uses 5 and partly Residential 2C under RLEP 1998 (Consolidation). The adjoining buildings at Nos. 232 and 234 Maroubra Road, which will be impacted the most by the proposal, are both zoned Residential 2C.

The nature of the Special Uses Zone typically envisages a more intense development density and larger institutional built form; whereas the objective of the 2C Zone aims at enabling residential development in a variety of medium density housing forms. As previously discussed, the proposed building height and density are considered to be satisfactory given the generous site area and the highly accessible location of the site with frontage to an arterial road. The proposal represents an acceptable attempt to realise the full development potential of the site, and will contribute to the diversity of housing form in the locality.

Given that the land use zoning envisages higher density developments, it is much more difficult to retain solar access to the side windows and open areas of the adjoining premises, as compared to the scenario of a lower density residential zone.

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

Comments

In relation to the mixed commercial and residential building at No. 234 Maroubra Road, both the north- and east-facing windows will continue to receive a reasonable level of direct sunlight in the winter solstice.

In relation to the residential flat building at No. 232 Maroubra Road, the north-facing sunrooms of the rear (northern) dwelling units at both ground and first levels will receive direct sunlight for a minimum of 3 hours in mid winter. The east-facing living room windows of these units currently receive direct sunlight at 9am and 10am. The proposal will not further reduce solar access to these living room windows.

The front dwelling units (fronting Maroubra Road to the south) will not receive any sunlight to their east-facing living room windows following the proposed development. These windows are situated deep within the allotment and are oriented towards the side boundary. It is highly difficult to retain solar access to these side windows unless a substantial reduction to the development potential is required, which is unreasonable in this instance.

It should be noted that the northern and eastern roof panes of No. 232 will continue to receive satisfactory solar access in mid winter. Skylights could be installed to reinstate sunlight to the front dwelling unit at the first level.

The front dwelling unit at the ground level currently does not receive sunlight to its eastern living room window in mid winter by virtue of its location within the site. The proposal will not create any perceivable additional impact on this unit.

- *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 revised design scheme has deleted the topmost unit in the south-western part of ILU Building 4. The southern section of Building 4 now has a height of 4 storeys fronting Cooper Street, stepping down to 2 storeys at the rear.

Building 4 is generally setback 1.5m to 3m from the shared boundary with No. 232 Maroubra Road, and has implications on solar access to the latter property. Despite the relatively narrow setback, the building height has already been reduced, which as a result will retain some sunlight to the car parking areas of No. 232.

The development scheme demonstrates a skilful design with appropriate stepping to the built form. Accordingly, the expected shadow impact is not considered to be a result of poor design.

- *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

In relation to No. 232 Maroubra Road, the proposal will retain direct sunlight to the majority of the glazed areas of the following windows:

Rear dwelling units at ground and first levels:

North-facing sunroom windows from 12noon to 3pm, mid winter

East-facing living room windows at 9am and 10am, mid winter

The sunlight angle is relatively direct and will offer a high degree of amenity.

- *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

In relation to No. 234 Maroubra Road, a portion of the existing rear courtyard will receive direct sunlight at 2pm and 3pm, mid winter, following the proposed development. It should be noted that there is a large outbuilding at the rear of No. 234, leaving only a limited amount of private open space. In the light of the large development footprints at No. 234, the degree of sunlight being retained is considered to be reasonable.

In relation to No. 232 Maroubra Road, the rear areas of the site are completely occupied by a hard paved parking lot. Following the proposed development, a strip of land adjacent to the northern façade will receive direct sunlight at 12noon, 1pm and 2pm, mid winter. The retention of this level of sunlight is achieved by the deletion of a top floor unit from ILU Building 4. It is considered that an acceptable level of amenity will be available for occasional recreational use of this parking area.

- *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 do not take into consideration impacts generated by vegetation. They relate to shadows created by the proposed buildings.

- *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.*

Comments

The existing premises at Nos. 232 and 234 are below the permissible height limits stipulated under RLEP 1998 (Consolidation) and have potential for complete redevelopment. Given the corner location of these properties and the emerging character of the area, it could be reasonably expected that any future development would be built up to the street boundaries with open areas being reserved at the rear. The future building would receive satisfactory morning sun and a degree of afternoon sun on the winter solstice.

In this respect, the scale and bulk of ILU Building 4 are not considered to create unreasonable constraints on future redevelopment of the adjoining sites.

9.4 View sharing

Submissions have been received from the following properties raising view loss issues:

- 5/285 Maroubra Road
- 3/273 Maroubra Road

The following paragraphs provide a four-step analysis of view loss established in the NSW Land and Environment Court case *Tenacity v Warringah Council* (2004):

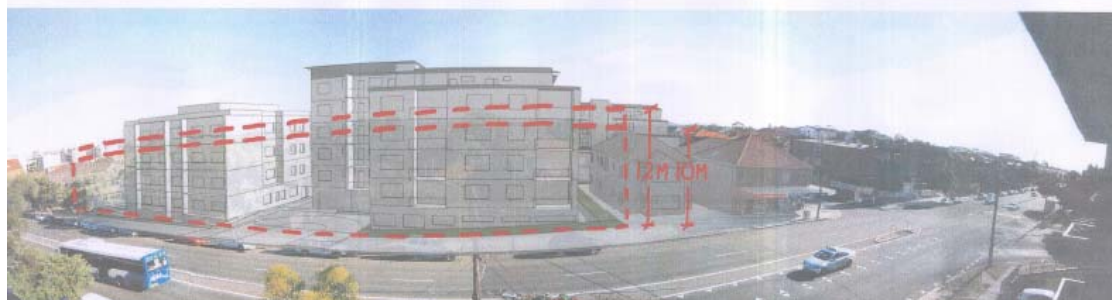
Step 1: *"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."*

The existing views currently available to the neighbouring properties in question are described below:

5/285 Maroubra Road (top storey – 4th level)
--



01 View
From Unit 5, 300 Berrigara Road



Photomontage showing the proposed development as viewed from the balcony of Unit 5 (Source: Greengate)

Note:

The above photomontage has been prepared based on the photographs included in the submission from Unit 5.

The dotted lines denote the 12m building height (to the roof ridge) and 10m external wall height controls under RLEP 1998 (Consolidation), which are applicable to residential flat developments in Residential 2C Zones.



Photograph taken from the balcony of Unit 5



Photograph taken from the north-facing kitchen window of Unit 5

Current views:

The current views obtained from the balcony, living room window and kitchen window of Unit 5 consist of:

- Unbroken view of the Sydney CBD skyline. The silhouettes of the CBD buildings are clearly visible. The Centrepont Tower is clearly identifiable in the view. The other CBD buildings are more blurry and less readily distinguishable.
- District views of the surrounding suburbs to the north. The Main Library at the UNSW campus is clearly visible.
- A glimpse of buildings within Bondi Junction, which is significantly punctuated by vegetation in the locality.
- An oblique view of buildings within Maroubra Junction Town Centre towards the west.
- An oblique, partial view of Holy Family Church towards the west.
- Maroubra Road streetscape.

Anticipated impacts:

Based on the submitted photomontage, it is anticipated that the entire CBD views, the majority of the district views and glimpse of Bondi Junction will be obstructed following the proposed development.

3/273 Maroubra Road (3rd level)



Photograph taken from the west-facing balcony of Unit 3



Photograph taken from the north-facing bedroom window

Current views:

The views currently obtained from the balcony of Unit 3 consist of:

- Buildings on the opposite side of Maroubra Road, including a glimpse of the roof and side wall of Holy Family Church.
- Restricted district views of buildings within Maroubra Junction Town Centre and distant suburbs.

The submission from Unit 3 raises issues about obstruction of views to Bondi Junction. However, buildings within Bondi Junction could not be identified during site inspection of this property.

The views currently obtained from the north-facing bedroom window consists of:

- Buildings on the opposite side of Maroubra Road, including a glimpse of the roof and side wall of Holy Family Church.
- Restricted district views of buildings within Maroubra Junction Town Centre and distant suburbs.

Anticipated impacts:

The district views from the balcony and bedroom window are obtained across the retirement home at 216-218 Maroubra Road and properties further to the west. It is anticipated that none of the district views will be affected following the proposed development.

The proposed buildings will obstruct views to some of the local vegetation and will be visible from the balcony and bedroom window in question. However, they will not obstruct any significant elements of the existing views.

Step 2: *“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”*

5/285 Maroubra Road	
Balcony and living room window	<ul style="list-style-type: none"> • Views obtained across the front boundaries of the subject site; • Standing and sitting views
Kitchen window	<ul style="list-style-type: none"> • Views obtained across the front boundaries of the subject site; • Standing and sitting views
3/273 Maroubra Road	
Balcony	<ul style="list-style-type: none"> • Views obtained across the front boundaries of the adjoining sites to the west; • Standing and sitting views
Bedroom window	<ul style="list-style-type: none"> • Views obtained across the front boundaries of the adjoining sites to the west; • Standing views only

Step 3: *“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though*

views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Location	Extent of impact
5/285 Maroubra Road	
Balcony, living room window and kitchen window	It is anticipated that the entire CBD views, the majority of the district views and glimpse of Bondi Junction will be obstructed following the proposed development. The impact is considered to be devastating.
3/273 Maroubra Road	
Balcony	It is anticipated that there will be no material impact on the district views currently obtained from the balcony.
Bedroom window	It is anticipated that there will be no material impact on the district views currently obtained from the bedroom window.
No further consideration of view loss impact on 3/273 Maroubra Road is considered necessary.	

Step 4: *“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”*

The view from Unit 5/285 Maroubra Road is not dominated by any highly distinctive natural or artificial elements, such as Opera House, Harbour Bridge, North and South Heads and the like. There are no water elements in the view. However, the view contains the unbroken skyline of Sydney CBD with a clear outlook of the building silhouette. The Centrepont Tower is clearly identifiable in the view. Accordingly, the City view in question is considered to be iconic in nature having regard to the planning principle.

The topmost storeys of the existing residential flat buildings at Nos. 275-277, 279, 283 and 287 are situated at the fourth level (i.e. the third residential level above the ground floor garage). It follows that these uppermost dwelling units would obtain some distant views, which may cover the Sydney CBD similar to that of 5/285

Maroubra Road. The proposal will therefore potentially affect or obstruct views from 4 additional dwellings.

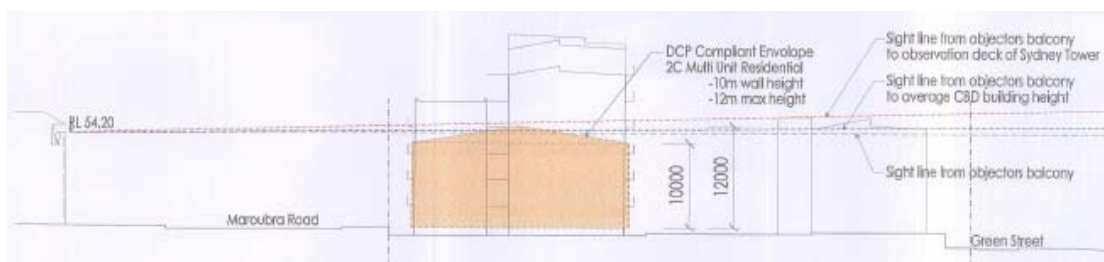
Although it is desirable to retain the aforementioned views for the benefits of the property owners and occupants, the loss of which is not considered to be unreasonable for the following reasons:

- a) The subject application is made pursuant to SEPP (Housing for Seniors or People with a Disability) as the proposed land use is not permissible under the Special Uses 5 and Residential 2C Zones under RLEP 1998 (Consolidation). Accordingly, the development standards stipulated under Clauses 20F(5), 20G(2) and 20G(4) of the LEP, relating to floor space ratio for Special Uses Zone and building and external wall heights for Residential 2C Zone respectively, do not apply to the proposal.

Given that residential flat buildings are permissible within Residential 2C Zones, the height standard stipulated under clause 40(4) of SEPP (Housing for Seniors or People with a Disability) do not apply.

Therefore, in this instance, there are no building height limits that are applicable to the proposal. The development scheme does not contain non-compliance with any applicable building height restriction in the planning controls.

- b) The applicant has submitted a view analysis demonstrating the potential impacts on Unit 5/285 Maroubra Road when a building with maximum ridge and external wall heights of 12m and 10m respectively is constructed on the subject site. The above building heights correspond to the development standards under RLEP 1998 (Consolidation), which currently apply to residential flat buildings within Residential 2C Zones. The adjoining allotments to the east of the subject site and land parcels on the southern side of Maroubra Road are zoned Residential 2C. The study provides a reference to the height and scale of buildings, which would reasonably occur in the area.



Cross section demonstrating view corridor from balcony of 5/285 Maroubra Road (Source: Greengate)

The analysis shows that even when a building, which fully achieves the required height envelope for residential flat buildings in 2C zoned land, were constructed on the subject site, the existing CBD and district views from Unit 5 would still be overwhelmingly obscured. Therefore, the building height as proposed in the current design will not have a view loss impact that is more severe than a hypothetical design with “compliant” building heights.

In this respect, the height and scale of the proposed buildings are not considered to be unreasonable having regard to view sharing.

The DRP has provided the following comments relating to view sharing:

Issues of view loss have been raised since the first Panel reviews. Some existing apartments on the southern side of Maroubra Road may lose a small proportion of their views. Whether the proportion of the view containing the city is considered an iconic view, and therefore loss of this view is a potential problem, the Applicant should discuss with the Council assessing officers.

This raises the issue of view loss relative to a desirable urban form. The Panel considers that a 4 storey building opposite a 4 storey building is a desirable and equitable outcome.

The above view study shows that a four-storey building scale (assuming typical floor to ceiling height) would not protect the current City views from 5/285 Maroubra Road.

- c) The distance between the objecting property and Sydney CBD amounts to approximately 8 to 9 kilometres. The view corridor from Unit 5 traverses a large number of properties within the inner part of Sydney.

The intervening properties also include the UNSW campus, which in recently years have involved in a number of large scale development projects. The UNSW Kensington Campus DCP envisages developments with a wall height of up to 24m in an east-west axis near the High Street side of the campus.

In the light of the long distance between the iconic elements in the CBD and the objecting property in question, and the contextual threats to the existing view corridor, the expectation to permanently retain distant CBD views is not considered to be realistic.

- d) The CBD elements of the existing views from Unit 5 are obtained across that part of the site which is zoned Special Uses 5 under RLEP 1998 (Consolidation). There are no height limits in the LEP that apply to Special Uses 5 Zones, no matter whether residential or other institutional uses are proposed.

Developments in Special Uses Zones are commonly associated with larger and bulkier institutional buildings, such as schools, hospitals or in this case, an aged care residential accommodation. These types of buildings also require higher floor to ceiling heights than standard residential premises.

Therefore, the expectation to maintain distant views to the CBD across the Special Uses Zone permanently is not considered to be realistic given the nature of the land use zoning.

- e) In order to fully retain the CBD views from 5/285 Maroubra Road, it is anticipated that one or more levels of RACF and 2 levels from part of ILU Building 1 would need to be deleted. The applicant has suggested that the loss would be equivalent to 26 dwelling units and 34 beds (Addendum to Statement of Environmental Effects, BBC Planning, page 36).

The subject site is highly suitable to the proposed land use as it is in close proximity to Maroubra Junction Town Centre, local community and retail services and public transport. The development complex will offer a range of accommodation to suit the varying needs and capabilities of the elderly and will facilitate the local senior population to “age in place”. The application has provided detailed information to demonstrate that there is a high demand for specialist aged care facilities in the area. The number of supporting submissions received by Council also provides evidence in support of this argument.

The retention of views from existing dwellings should be weighted against the material social benefits delivered by the proposed development and its density. It should be noted that there is only 1 submission with valid objection on view loss grounds received by Council. In this instance, the expected dramatic decrease in accommodation number for the sole protection of distant City views for up to only 4 to 5 dwellings, is not considered to achieve a proportionate and reasonable planning gain for the wider community.

In the light of the applicable planning controls, the circumstances where the views are obtained, and the social benefits delivered by the proposed development in its current form, the anticipated view loss is considered to be justified and warranted.

9.5 Visual and acoustic privacy

Maroubra Road frontage:

The proposed development is not considered to have any material privacy impacts on the residential buildings on the southern side of Maroubra Road given the significant spatial separation across a main road.

Green Street frontage:

The detached dwellings on the northern side of Green Street are separated from the site by a 6m wide lane. The landscape plan has also proposed a row of canopy trees along the northern site boundary, which will provide appropriate visual screening. Therefore, the proposal is not considered to create detrimental privacy impacts on the Green Street dwellings.

Western boundary:

The RACF is separated from the nearest external walls of the aged care facility at 216-218 Maroubra Road by more than 14m. The degree of spatial separation means that potential visual and acoustic privacy impacts will be minimal.

A special condition is recommended to restrict the loading and delivery hours. Subject to the above condition, the delivery traffic at the operational phase of the

development will not result in unreasonable noise disturbance to the neighbouring aged care facility.

In relation to ILU Building 2, the proposed balconies are generally oriented towards Green Street. The west-facing windows are attached to the bedroom and bathroom areas, which are low intensity use space within the dwelling units. Therefore, the above elements are not considered to result in detrimental privacy impacts.

Shared boundaries with Nos. 232 and 234 Maroubra Road:

The balconies to the north-eastern units at levels 1, 2, 3 and 4 of ILU Building 1 are capable of overlooking the bedroom windows at the rear portion of No. 232 Maroubra Road. A special condition is therefore recommended to require the installation of suitable privacy screens to minimise adverse privacy impacts. Although the balconies are attached to the living areas, due to the nature of the use as aged care accommodation, the proposal is not considered to generate significant level of noise.

The living room windows to the south-eastern units of ILU Building 1 are provided with external louvre screens, and will not result in detrimental privacy impacts on No. 232 Maroubra Road.

The southern elevation of ILU Building 4 contains minimal window openings, and will not result in significant privacy impacts on Nos. 232 and 234 Maroubra Road.

9.6 Parking

The car parking requirements stipulated in the SEPP (Housing for Seniors or People with a Disability) have already been addressed under the “Environmental Planning Instruments” section of this report.

In order to encourage sustainable modes of transport, a special condition is recommended to require the installation of a minimum of 10 bicycle parking spaces within the development for use by the staff and visitors.

9.7 Social and economic impacts

The application has included a Social Impact Statement, dated November 2010 and prepared by BBC Consulting Planners. The Statement has provided detailed information demonstrating that there is a shortfall in the supply of adequate aged care accommodation in the Randwick LGA. The following summary information is extracted from the Statement:

“Relying on ABS data and Retirement Village Association of Australia, the demand for seniors accommodation in Eastern Sydney (Waverley, Woollahra, Randwick and Botany LGA’s) is estimated to be 1500 dwellings.

The supply of (mostly older) retirement village accommodation in the region is 620 dwellings, which is only 40% of estimated demand. There are a further 410 units currently subject to development applications in the region, most of which are located in the Waverley and Woollahra Council catchment.

In the event all of these projects come to fruition, there will still be a shortfall of 470 units or a 30% shortfall for the elderly of Sydney’s eastern suburbs.”

The claim that a significant demand for elderly accommodation exists in the Randwick area is evidenced by the large number of submissions received which express support for the proposal.

The proposed development is considered to deliver a material social benefit as it would address the current shortfall in specialist aged care accommodation in the Eastern Suburbs. It will provide a continuum of independent living units to low and high care residential places within a single complex for seniors requiring different levels of assistance. The proposal will enable local senior persons to “age in place” without having to relocate to other suburbs or regions with a higher supply of retirement services.

The development will generate demand for services within the Maroubra Junction Town Centre and contribute to its viability and vibrancy. The operational phase of the aged care facility will also generate employment opportunities for specialised nurses, administrative and clerical personnel, catering and personal service staff and landscape maintenance contractors.

The proposal is considered to generate positive social and economic impacts on the locality.

Relationship to City Plan

The relationship with the City Plan is as follows:

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

There is no direct financial impact for this matter.

Conclusion

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls.

The site planning, built form, massing and façade articulations will create a satisfactory streetscape outcome for Maroubra Road, Green Street and Cooper Street. The development scheme will not result in unreasonable impacts on the amenity of the surrounding properties in terms of visual bulk and scale, view loss, solar access and privacy.

The proposed development density is justified by the site's proximity to the Maroubra Junction Town Centre, retail and community services and public transport. The proposal represents an economic and orderly use of the site and will deliver material social benefits for the senior population in the area.

Therefore, the proposal is recommended for approval subject to conditions.

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. 974/2010 for demolition of existing structures on site and construction of a residential aged care facility with 63 beds and 4 x buildings containing a total of 76 independent living units, car parking for 101 vehicles, associated communal facilities, landscaping and subdivision, at No. 220-230 Maroubra Road, Maroubra NSW 2035, 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
DA01(D)	03-03-11	4 March 2011	Architect: Greengate Design Pty. Ltd. Consultant Architect: Olsson Associates Architects Pty. Ltd.
DA04(D)	03-03-11	4 March 2011	
DA05(G)	03-03-11	4 March 2011	
DA06(G)	03-03-11	4 March 2011	
DA07(G)	03-03-11	4 March 2011	
DA08(F)	03-03-11	4 March 2011	
DA09(F)	03-03-11	4 March 2011	
DA10(F)	03-03-11	4 March 2011	
DA11(F)	03-03-11	4 March 2011	
DA12(F)	03-03-11	4 March 2011	
DA13(F)	03-03-11	4 March 2011	
DA14(E)	03-03-11	4 March 2011	
DA15(E)	03-03-11	4 March 2011	
DA16(E)	03-03-11	4 March 2011	
DA17(E)	03-03-11	4 March 2011	
DA19(B)	03-03-11	4 March 2011	
DA20(B)	03-03-11	4 March 2011	
DA21(B)	03-03-11	4 March 2011	
DA22(A)	03-03-11	4 March 2011	
L01(B)	02.03.11	4 March 2011	POD Landscape Architecture Pty. Ltd.
L02(B)	02.03.11	4 March 2011	
L03(A)	02.03.11	4 March 2011	
L04(A)	02.03.11	4 March 2011	

L05(A)	02.03.11	4 March 2011	
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, 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.
3. This development consent does not approve the use and occupation of any part of the proposed buildings for the purpose of a hair dressing / beauty salon, no matter whether it is independent or ancillary to the primary aged care use. A separate development application must be submitted to, and approved by, Council prior to the provision of such facilities within the site.

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:

4. Bedroom 2 of Unit 04 at the basement level L1 of ILU Building 2 shall be DELETED. The space in question shall be converted to storage areas, which are directly accessible from the car park, and shall be fully separated from the floor space of Unit 04. Details demonstrating compliance shall be incorporated in the Construction Certificate drawings, to the satisfaction of the Council / Accredited Certifier.
5. An operable window with a minimum glazed area of 1m² shall be installed on the southern walls to Bedroom 1, Unit 04 and Bedroom 1, Unit 05, at the ground level of ILU Building 4. Details demonstrating compliance shall be incorporated in the Construction Certificate drawings, to the satisfaction of the Council / Accredited Certifier.
6. A fixed privacy screen shall be installed on the eastern elevation of the balconies attached to Units 05 (level 1), 11 (level 2), 17 (level 3) and 23 (level 4) within ILU Building 1.

The screens shall have a minimum height of 1800mm, and extend for a distance of not less than 2500mm as measured from the northern windows of Bedrooms 1 of the aforementioned units.

The screens shall be constructed with fixed vertical louvre blades that are oriented away from the western windows of No. 232 Maroubra Road, or another appropriate design that effectively restricts cross viewing from the balconies.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

7. A minimum of ten (10) bicycle parking spaces are to be provided within the development for use by the staff and visitors. The design and construction of

the bicycle parking facilities are to be compliant with Australian Standard 2890.3: Bicycle Parking Facilities. Details demonstrating compliance are to be included in the Construction Certificate application.

8. The recommendations contained in the "Crime Prevention Through Environmental Design" report, prepared by Greengate Consulting, and stamp-received by Council on 4 March 2011, are to be incorporated in the development. Details demonstrating compliance are to be shown in the Construction Certificate drawings to the satisfaction of the Council / Accredited Certifier.
9. The proposed metal palisade fence, denoted as "F5" on the landscape plans, which will be installed adjacent to the northern section of the pedestrian through-site link (between Maroubra Road and Green Street), shall be configured so that it is at least 75% open.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

10. Any boundary fencing proposed for the Green Street frontage of the site, which exceeds 1200mm in height as measured from the finished ground level, shall be configured as palisade fence that is at least 75% open. The location and alignment of the fence shall not obstruct public usage of the proposed footpath at the Green Street site frontage.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

11. Suitable security lighting shall be installed at regular intervals along the full length of the pedestrian through-site link (between Maroubra Road and Green Street) adjacent to the western property boundary of the site. Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.
12. 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.
13. The reflectivity index of glass used in the external façades of the proposed development must not exceed 20 percent.
14. 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.

The following condition is applied to meet the requirements of the Sydney Airport Corporation Ltd. (SACL):

15. The maximum height to the topmost points of the proposed buildings, including any rooftop installations, such as lift overruns, air conditioning plant and equipment, solar panels, vents, chimneys, aerials and the like, shall not exceed the following reference levels (to AHD):

ILU Building 1: RL63.700

ILU Building 2: RL53.800

ILU Building 3: RL56.500

ILU Building 4: RL60.900

RACF: RL60.000

Details demonstrating compliance shall be incorporated in the Construction Certificate drawings to the satisfaction of the Council / Accredited Certifier.

The following conditions are applied to address the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:

16. Pursuant to Clause 18 of State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004, the subject development may provide residential accommodation for the following kinds of people only:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under the aforementioned SEPP.

Seniors and people with a disability as referred to in this condition carry the same meaning as that stated in the SEPP.

17. A restriction as to user shall be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people allowed in this consent.
18. The proposed self-contained dwelling units must comply with the following design standards:

(1) Siting standards

- (1) Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

- (2) If the whole of the site does not have a gradient of less than 1:10:
- (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and
 - (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

(3) **Common areas**

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

(2) Security

Pathway lighting:

- (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- (b) must provide at least 20 lux at ground level.

(3) Letterboxes

Letterboxes:

- (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
- (b) must be lockable, and
- (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

(4) Private car accommodation

If car parking (not being car parking for employees) is provided:

- (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and
- (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and
- (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

(5) Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

(6) Interior: general

- (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

(7) Bedroom

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows:
 - (i) in the case of a dwelling in a hostel—a single-size bed,
 - (ii) in the case of a self-contained dwelling—a queen-size bed, and
- (b) a clear area for the bed of at least:
 - (i) 1,200 millimetres wide at the foot of the bed, and
 - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (f) wiring to allow a potential illumination level of at least 300 lux.

(8) Bathroom

- (1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:
 - (a) a slip-resistant floor surface,
 - (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
 - (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:

- (i) a grab rail,
- (ii) portable shower head,
- (iii) folding seat,

(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,

(e) a double general power outlet beside the mirror.

(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

(9) Toilet

A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

(10) Surface finishes

Balconies and external paved areas must have slip-resistant surfaces.

Note. Advice regarding finishes may be obtained from AS 1428.1.

(11) Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

(12) Ancillary items

Switches and power points must be provided in accordance with AS 4299.

(13) Living room and dining room

(1) A living room in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.

(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

(14) Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- (b) a circulation space at door approaches that complies with AS 1428.1, and
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),

- (ii) a tap set (see clause 4.5.6),
 - (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - (iv) an oven (see clause 4.5.8), and
- (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (e) general power outlets:
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

(15) Access to kitchen, main bedroom, bathroom and toilet

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.

(16) Lifts in multi-storey buildings

In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the *Building Code of Australia*.

(17) Laundry

A self-contained dwelling must have a laundry that has:

- (a) a circulation space at door approaches that complies with AS 1428.1, and
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and
- (c) a clear space in front of appliances of at least 1,300 millimetres, and
- (d) a slip-resistant floor surface, and
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling.

(18) Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

Building Regulation and Construction Management

19. 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.

20. 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 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, and
- 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.

Occupant Safety

21. 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.

B. OPERATIONAL MATTERS

Environmental Health & Amenity

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:

22. The hours for deliveries, loading and unloading shall be restricted to:

7:00am to 5:00pm, Monday to Saturday only

23. All loading and unloading associated with the use or operation of the premises shall be carried out within the loading dock of the development.
24. 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 and Regulations*.

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

25. There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
26. 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.
27. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.
28. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

C. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

Building Sustainability Index

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

29. 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.

Building Regulation and Construction Management

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

30. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.
31. 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.

32. A report or written correspondence from a suitably qualified *professional geotechnical engineer* shall 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.
33. 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.

Access & Facilities

34. Access, facilities and car parking for people with disabilities must be provided to new building work in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and conditions of consent, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

Remediation of Land

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

35. A Detailed Site Contamination Investigation Report must be submitted to the satisfaction of Council's Director of City Planning **prior to issuing any Construction Certificate** for the development. The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.
36. The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment & Climate Change (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. In addition, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.
37. Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 and it is not necessary to carry out any remediation work.
38. The written concurrence of Council must be obtained **before any Construction Certificate is issued** for the development.
39. Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site

Contamination) Measure (NEPM) 1999, the following matters must be complied with:-

- a) A Remediation Action Plan (RAP) is required to be submitted to the Council **prior to commencing any remediation works and prior to issuing any Construction Certificate**. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from 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 will be suitable for the intended development and use.
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment & Climate Change (DECC), including the Guidelines for Consultants Reporting on Contaminated Sites.

40. This RAP is to include procedures for the following:

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

41. A NSW Department of Environment & Climate Change Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.

42. The land must be remediated to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

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

44. A Site Audit Statement (SAS) and Site Audit Report must be submitted to Council, **prior to:**

- **a *construction certificate* being issued for any building work** (other than shoring work, piling work, retaining structures or other work which is necessary to carry out the remediation works).
45. Remediation works are to be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW EPA/DECC and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
 46. Should the approved remediation strategy include the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.
 - Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.
 47. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
 - general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting, and
 - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.
 48. A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.
 49. 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 detailed in the NSW DECC Waste Classification Guidelines (2008).
 50. Hazardous or intractable wastes arising from the demolition, excavation and remediation process shall be 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*
 - *NSW DECC Waste Classification Guidelines (2008).*
51. The works must not cause any environmental pollution, 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)*.
52. Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy, shall be notified to the Site Auditor and Council immediately in writing.
53. The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan or strategies.
54. The Site Audit Statement must, where no guideline made or approved under the *NSW Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.
55. In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.
56. The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

Noise Control

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:

57. The proposed use of the premises and 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* and Regulations.

58. In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).
59. The residential units are to achieve the following internal acoustic amenity criteria:
- In naturally ventilated residential units, the repeatable maximum $L_{Aeq} (1 \text{ hour})$ 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.
60. In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum $L_{Aeq} (1 \text{ hour})$ shall not exceed:
- 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).
61. Details of compliance with the relevant acoustic criteria are 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.**

Building Services

62. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans/specifications for the **construction certificate.**
63. An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999, must be submitted to and approved by Council prior to a **Construction Certificate** being issued for the development, for the installation and operation of a Greywater Treatment/Diversion System. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application.
64. The greywater system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Greywater and Sewage Recycling systems and devices.

65. Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).

Details of compliance must be provided with the construction certificate application.

66. Waste water from cooling tower warm water systems is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

Food Premises

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

67. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
68. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.
69. A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.
70. The design and construction of food premises must comply with the following requirements, as applicable:-
- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
 - The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.

- Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
- The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework or the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand

basins through an approved mixing device.

- Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
 - A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
 - All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.
71. Details of proposed mechanical ventilation systems, demonstrating compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.
72. Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.
73. Details of the proposed emission control equipment must be provided in the documentation for the construction certificate and be approved by the certifying authority in accordance with section 80A(2) of the Environmental Planning & Assessment Act 1979, **prior to issuing the construction certificate.**

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):

74. 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. 94.0 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

The area in which the proposed development is located is within the vicinity of Sydney (KS) Airport.

To minimise the potential for bird habitation and roosting, the Proponent must ensure that non-bird attracting plant species are used in any landscaping design.

Any landscaping design must minimise the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.

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

Services

75. 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**.

Construction Management

The following conditions are applied to ensure that the construction works are executed in a proper manner:

76. **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.

77. **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, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, 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.

78. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) must be provided to the Principal Certifying Authority and Council **prior to commencement of works.**

79. 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.**

80. 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 all of the 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.*).

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.**

81. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials

- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council.

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

82. 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.

83. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Environment and 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.

84. A *Construction Site Management Plan* is to be developed and implemented **prior to the commencement of any site 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 Council and the Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

85. Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works**

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

Hazardous Materials

86. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Relevant Department of Environment & Climate Change / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

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

87. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and carried out in accordance with document titled "Attachment 19 Hazardous Material Survey" dated October 2010 prepared by EIS.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust

- Methods and location of disposal of any asbestos or other hazardous materials
 - Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
 - Date the demolition and removal of asbestos will commence
88. The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant Work Cover licences and permits.

89. 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 provided in a *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.

E. DURING CONSTRUCTION WORKS

The following conditions are applied to ensure that the construction works are executed in a proper manner:

90. 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.
91. 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”.
92. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
 - Relevant Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
- A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council’s Customer Service Centre.*
93. 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.
94. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 5.00pm Saturday - No work permitted Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> Monday to Saturday - No time limits (subject to column 1) Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

95. 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.

- 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.

- i) A 'B Class' overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-
- any works or hoisting of materials over a public footway or adjoining premises, or
 - any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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.

- j) 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.
- k) 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.
- l) 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.

- m) 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.
96. 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 of 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.

Hazardous Materials

97. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - b) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

- c) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
 - d) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of any asbestos related works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.
98. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
99. 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.
100. Any hazardous and/or intractable wastes arising from any demolition, excavation, building and any remediation works are to be managed and disposed of in accordance with the requirements of Work Cover NSW and the Department of Environment and Climate Change (formerly EPA), including 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)
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)
 - Randwick City Council's Asbestos Policy

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:

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

F. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

102. 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.

103. 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 buildings, 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.

104. **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.

105. **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*.

106. 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 structural design documentation.
107. 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 from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

108. Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.
109. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations**.
110. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

G. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

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

111. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the 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) \$20,000.00 - 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.

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

112. 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 construction certificate demonstrating compliance with this requirement.
113. The vehicular access driveways and the carpark area, (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 internal ramp linking Maroubra Road with the basement carpark must be designed for two way traffic flows along its entire length. The Construction Certificate plans must demonstrate compliance with these requirements.
114. The driveway opening at the Maroubra Road frontage for the basement carpark must be a minimum of 6.0 metres wide and located at least 1.5 metres clear of the side property.
115. Entry and exit movements for the development site must be left in and left out. The internal driveway and the driveways serving the entry court must be suitably sign posted to this effect and the development's Operational Traffic Management Plan must include this requirement. The applicant must meet the full cost for construction / installation of any traffic measures in Maroubra Road as required to ensure compliance with this condition and as approved by the Randwick Traffic Committee. The construction certificate plans must demonstrate compliance with this requirement.
116. Prior to the issue of a construction certificate, 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 traffic management plan.

117. A 3 metre by 1.5 metre splay corner must be provided at the intersection of Cooper Street and Green Street. The splay must be to council's satisfaction and details of the splay must be shown on the Construction Certificate plans.

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

118. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Maroubra Road property boundary for driveways, access ramps and pathways or the like, must be 2.5% above the top of the existing kerb level at all points opposite the kerb along the full site frontage. The design alignment level at the property boundary must be strictly adhered to.
119. The design level along the southern edge of the new footpath to be constructed in Green Street shall be generally 40mm above the existing top of kerb opposite at all points along the kerb. The design level must be strictly adhered to. The applicant is advised to contact Council's Development Engineer to discuss this design level prior to lodging a construction certificate application.
120. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Cooper Street property boundary for driveways, access ramps and pathways or the like, must be 20mm above the back of the existing footpath along the full Cooper Street site frontage. The design alignment level at the property boundary must be strictly adhered to.
121. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the Construction Certificate.
122. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$3581.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Maroubra Road. This amount is to be paid prior to a construction certificate being issued for the development.

The following conditions are applied to provide adequate consideration for service authority assets:

123. 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.

124. 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.
125. 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.
126. Any electricity substation required for the site as a consequence of this development shall be located within the site 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 construction certificate to determine whether or not an electricity substation is required for the development.
127. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

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

128. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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 the issuing of an occupation certificate.

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

129. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if 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 "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- 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.
130. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
131. All site stormwater must be discharged (by gravity) to the kerb and gutter or drainage system in Maroubra Road and / or Green Street. The point of connection at the kerb must be in front of the development site.
132. On-site stormwater detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition. Where possible the detention tank/s must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum have to be a minimum of 2.0 metres below the base of the tank.

133. The rate of discharge from the site to Council's kerb and gutter in Maroubra Road or Green Street must not exceed 25 litres/second during the 1 in 20 year storm event. The construction certificate drainage plans must demonstrate compliance with this requirement.
134. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design. Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
135. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)

- ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- iii. 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

- It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.
 - Mulch/bark must not be used in onsite detention areas
136. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.
- (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).
137. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
138. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

139. A sediment/silt arrester pit must be provided:-
- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
 - b) prior to stormwater discharging into any absorption/infiltration system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

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

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

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

140. Landscaping at this site must be installed substantially in accordance with the Landscape Plans by POD Landscape Architecture, drawing no’s L01-05, issue B, dated 02.03.11, with suitable strategies to be put in place by the owners (or a body representing the owners) to ensure that it is maintained in a healthy and vigorous state, for the life of the development.
141. The landscaping will also need to comply with the following requirements:
 - i. Any new tree plantings which will be covered by Council’s Tree Preservation Order (TPO), that is; a minimum of 6 metres in height or a canopy spread of 4 metres upon maturity, must be planted a minimum distance of 2.5 metres from the walls, gutters or eaves of the proposed building in order to avoid future maintenance issues.
 - ii. 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.
 - iii. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving

shall be used in all hard surfacing not over slab.

- iv. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - d. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
 - e. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.
142. Upon completion of the landscaping, but prior to issuing a Final (or any other type of Interim) Occupation Certificate/s, a separate Certificate of Compliance must be obtained from the Landscape Architect; or; another person/firm from the Landscape/Horticultural industry who holds formal qualifications, and is also a registered member of a nationally registered organization such as AILDM, AILA or similar, which confirms that the landscape works have been completed in accordance with the plans and relevant conditions of consent.
143. That part of the nature-strip upon either of Council's footways' which are damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Soft Leafed Buffalo (Sir Walter or approved alternative) Kikuyu turf or similar. Such works shall be completed at the applicant's expense, prior to the issue of a Final Occupation Certificate.

Tree Removals within the site

144. Approval is granted for removal of the following trees within the site, as identified in the Arboricultural Impact Assessment by Redgum Horticultural, reference no. 6006, dated 9th August 2010 (*'the Arborists Report'*), in order to accommodate the proposed works as shown:

Trees: 1, 5, 9, 10-20, 22-44 & 45.

Removal of Street Tree

145. Approval is granted for the applicant to also remove and dispose of (at their own cost) the *Eucalyptus robusta* (Swamp Mahogany, **tree 2**), during excavations for the new crossing as shown, and must satisfy themselves as to the location of all services prior to the commencement of any works on public property.

New Street Trees

146. The applicant shall submit a total payment of **\$429.00** (including GST), being the cost for Council to supply and install 4 x 25 litre street trees selected from our adopted Street Tree Masterplan, on the Cooper Street verge, between the southern site boundary/existing vehicle crossing and corner of Green Street.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for planting of the new street trees upon completion of all works.

Pruning of neighbouring tree

147. Approval is granted for the minimal and selective pruning of branches from the western aspect of the *Cinnamomum camphora* (Camphor Laurel, **Tree 21**), which is located on the adjoining property to the west, 218 Maroubra Road, against the common boundary, only where they overhang the common boundary into the subject site and need to be pruned in order to avoid damage to the tree or conflict with the proposed works.
148. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
149. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level V in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Protection of Street Trees

150. In order to ensure retention of the row of five street trees within the Maroubra Road footpath, being **trees 3-4, 6-7 & 8** (as identified in the 'Arborists Report') in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these street trees, with the position and diameter of both their trunks and canopies to be clearly shown on all drawings.

- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar that need to be installed over public property, must be located an equal distance between their trunks so as to avoid root damage and future maintenance issues.
- c. Each tree is to be physically protected, individually, by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their east and west (measured off the outside edge of its trunk at ground level), as well as against the northern edge of the nature strip to their north, and against the back of the kerb to their south, in order to completely enclose each tree for the duration of works.
- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. The applicant is not authorised to perform any works to any of these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- f. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge this requirement.
- g. Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- h. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a construction certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of a final occupation

certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Protection of neighbouring tree

151. 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 throughout the course of the works for the purpose of establishing, monitoring and implementing Tree Protection Zones or Tree Protection 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 the instruction given by the 'site Arborist'.
152. In order to ensure retention of the large *Cinnamomum camphora* (Camphor Laurel, **tree 21**) located on the adjoining property to the west, 216 Maroubra Road, against the common boundary in good health, the requirements of points **5.6 – 5.8, Section 4.0 as well as Appendices E & F** of the 'Arborists Report' must be adhered to at all times.
153. Excavations for the western edge of the proposed driveway must be setback a minimum distance of **2.9 metres** from its trunk (mapped Critical Root Zone) and the section within its dripline to be constructed using a pier and beam system with a suspended slab, in accordance with **Appendix F, Section 1.4.2.2** of the 'Arborists Report'.
154. The site Arborist and site Engineer will need to liaise with each other over the preparation of a suitable design as described above, with construction details to be submitted to, and be approved by the PCA, prior to the commencement of site works.
155. Points 7.3 – 7.8 of Recommendations made in point 7.0 of the Arborists Report must also be complied with as part of the development.
156. Prior to the PCA issuing a Final Occupation Certificate, the site Arborist must submit a written Certificate which confirms that all Tree Management and Tree Protection requirements described in both the Arborists Report and relevant conditions of consent were complied with during the works.
 - Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

H. PRIOR TO ANY WORK COMMENCING ON THE SITE

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

157. A Works Zone is to be provided in Maroubra Road for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

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

158. As the above site is likely to encounter seepage water within the depth of any excavation the basement structures/structures below natural ground level are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify that 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 seepage water to drain around the basement (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage water must not to be collected and discharged from the development site

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

159. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a detailed 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 for the development.

NOTE: The applicant is advised to refer to the Council document 'Waste Management Guidelines for Proposed Developments' available from the

Development Engineer and Manager of Waste. Standard templates for Waste Management Plans are also available.

160. All waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water. The waste storage areas shall be clearly signposted.

I. DURING CONSTRUCTION WORKS

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

161. The applicant shall repair/replace any damaged sections of 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 the footpath and roadway.

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

162. If required, reflux valves shall be provided (within the site) over the pipelines discharging from the site to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.

J. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

163. A formal subdivision application for the consolidation of the existing land parcels and subdivision of the amalgamated site into 2 allotments is required to be submitted to and approved by the Council and all the relevant conditions of this development consent must be satisfied and their compliance verified by the Principal Certifying Authority prior to endorsement of the subdivision plans. This includes restoration of all public roads and reserves and creation of suitable rights of carriageway, easements for access, services and internal stormwater lines, as required.
164. A formal stratum subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all the relevant conditions of this development consent must be satisfied and their compliance verified by the Principal Certifying Authority prior to endorsement of the stratum subdivision plans. This includes restoration of all public roads and reserves and creation of suitable rights of carriageway, easements for access, services and internal stormwater lines, as required.
165. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to “Water Servicing Coordinator” under Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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 release of the plan of subdivision.

166. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and the construction certificate for the building.
167. Prior to the endorsement of the stratum plans, all facilities required under this development consent (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements. All parking spaces must be allocated in accordance with this development consent.
168. The applicant shall create suitable rights of carriageway and easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
169. All roads and reserves must be satisfactorily restored prior to endorsement of the stratum subdivision plans.
170. The applicant shall provide Council with the finalised stratum subdivision plans of the property prior to their endorsement.
171. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a stratum subdivision certificate.

K. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

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

172. Prior to the issuing of an occupation certificate, 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. Finished site contours at 0.2 metre intervals;
 - b. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - c. Details of any infiltration/absorption systems; and
 - d. Details of any pumping systems installed (including wet well volumes).
173. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
174. Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
175. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- Construct full width concrete heavy duty vehicular crossings and laybacks at kerb in Maroubra Road opposite the vehicular entrances to the site.
 - Remove any redundant vehicular crossings in Maroubra Road, Green Street or Cooper Street and to reinstate the area to Council's satisfaction.
 - Reconstruct the kerb and gutter along the full Maroubra Road site frontage.
 - Reconstruct kerb and gutter along the full Cooper Street site frontage.

Note: the kerb return and alignment of the reconstructed kerb at the corner of Cooper Street and Green Street are likely to be altered from existing conditions to improve vehicular circulation / traffic conditions at this intersection.

- Reconstruct kerb and gutter along the full Green Street site frontage.
 - Carry out a full depth, minimum 1.0 metre wide, road construction in front of the reconstructed kerb and gutter along the full Maroubra Road, Cooper Street and Green Street site frontages.
 - Construct a minimum 1.3 metre wide footpath along the full green Street site frontage, (measured from the back of the reconstructed kerb).
 - Reconstruct the concrete footpaths along the Cooper Street and Maroubra Road site frontages to Council's satisfaction.
176. Prior to the issuing of an Occupation Certificate the applicant must either dedicate sufficient land to Council along the full Green Street site frontage to ensure that the new footpath is wholly within the Green Street road reserve or alternatively create suitable easements for access / rights of footway over the footpath. The extent of dedication or wording of the easement / right of footway shall be to Council's satisfaction.
177. 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.
178. 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.

L. 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).

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 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.
- A3 The following advisory conditions are recommended by the NSW Police in order to minimise crime risk in the development:
- a) 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.
 - b) 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.
 - c) 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 premises 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.
 - d) 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.

- e) Entry points to foyers and lifts should be supervised naturally with the use of capable guardians, neighbours, caretakers and supervisors; this can minimize the risk of criminal activity.
- f) The use of internal mirrors in the underground parking facilities improves lines of sight and increase surveillance.
- g) A balance between privacy and security should be considered with the use of visually permeable fences. Slatted fences, dark in colour, can increase natural surveillance by others as opposed to fences which are light in colour and reflective.
- h) 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."
- i) 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.
- j) 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.
- k) Workers should be used to supervise spaces within and around the building. This encourages formal guardianship and is more effective than natural surveillance from others who walk by. Formal guardianship increases the chances of the offender being seen and apprehended.
- l) Signs should be used at entry-exit points and along access points to assist residents in finding their way. This is an important consideration for large multi-level buildings. Signs should be clear, legible and positioned in an easily sighted area. This can reduce the vulnerability of residents and can lower opportunities for crime.
- m) Fences should be installed around the perimeter of the development to clearly define the property boundaries and restrict access to the property. Optically permeable (open design) should be considered to increase surveillance and reduce concealment opportunities. Fences and gates should be maintained in good condition and should be checked regularly to assist with the protection of your property. Gates of similar construction to the fence should be installed to control access to and from the property. Gates should be secured with quality locks which comply with the Australian Standards, Lock Sets, AS:4145 to restrict access.

- n) The doors and door-frames to these premises should be of solid construction. These doors should be fitted with locks which 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 as 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).
- o) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks which 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 as 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).
- p) 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.
- q) Underground parking spaces should have vehicle and pedestrian control systems installed. Residents can be encouraged to access such spaces through the building's interior which minimizes opportunities for vehicles to be stolen or for offenders to entrap others. Such spaces can be planned to minimize obstruction.
- r) Studies show: crime such as assaults, break-ins and vandalism occur more commonly in areas joined to uncontrolled walkways. Safe routes encourage pedestrians to use designated paths; consider the use of low barrier vegetation, bright / even lighting, and side / even paving. These paths encourage natural surveillance and minimize the risk of offenders entrapping others.