

<b>JRPP No:</b>	<b>2011SYE012</b>
<b>DA No:</b>	<b>DA/1005/2010</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Alterations and additions to the existing Flower Wards 2, 4, 5 and 6 and Hills Theatre 2 to create 42 residential units, garbage and storage areas located within existing undercroft areas, surface carparking for 48 cars, landscaping and strata subdivision (Integrated Development; State Heritage Register) - 8-18 Brodie Avenue, 8-18 Curie Street, 6-32 Darwin Avenue LITTLE BAY</b>
<b>APPLICANT:</b>	<b>Little Bay South 1 Pty Ltd</b>
<b>REPORT BY:</b>	<b>Willana Associates Pty Ltd – Randwick City Council</b>

## Assessment Report and Recommendation

### 1. EXECUTIVE SUMMARY

The subject DA proposes the adaptive reuse of five heritage buildings known as Flower Wards 2, 4, 5 and 6 and Hills Theatre 2 to provide 42 residential units, surface car parking for 48 cars and landscaping. The DA also proposes strata subdivision.

The proposed development is permissible with consent under *Randwick Local Environmental Plan 1998 (Consolidation)*. It has been assessed as being satisfactory with respect to the relevant provisions of the LEP, Prince Henry Development Control Plan, Prince Henry Master plan 2003 (as amended in 2005), as well as related heritage policies.

The main issues discussed in this report relate to the increased number of proposed surface car parking spaces and units, which represent an increase from that approved under a previous development consent. However this variance does not undermine the principles of the plan. The level of development can be accommodated on the subject site without resulting in an unacceptable level of adverse heritage impact. The development will not give rise to any detrimental impacts to surrounding development in terms of solar access, ventilation, privacy and views.

The proposal constitutes 'local integrated development' as the subject site is located within the Prince Henry conservation area gazetted in the State Heritage Register. Accordingly, the application was referred to the Heritage Council of NSW for approval, and notified and advertised for a period of 30 days in accordance with the Environmental Planning & Assessment Act 1979 (as amended). The Heritage Council has issued General Terms of Approval which have been incorporated as conditions of consent.

One submission was received in response to the advertising/notification process. The issue raised in the submission relates to the provision of surface parking as opposed to basement parking as per the previously approved development on the site.

The recommendation is for approval of the application subject to conditions.

## **2. SITE DESCRIPTION AND LOCALITY:**

The Prince Henry site, approximately 85 hectares, formerly consisted of the Prince Henry hospital grounds but is now being redeveloped to consist of housing, local retail, community facilities and open space. Many former hospital buildings and their landscape settings have been retained on the site, some of which have already been subject to refurbishment and adaptive reuse.

The site is located at the southern end of the Randwick local government area at Little Bay. Its main frontage occurs along Anzac Parade and Jennifer Street, which extend along the site's western edge. The site is bounded to the north by the University of NSW Little Bay Campus and existing residential housing of the suburb of Malabar. The Coast Golf Course and Little Bay beach extend along the eastern side of the site. St Michael's Golf course generally extends along its southeast side and a Golf Driving Range and Spinal Injuries Australia extend along its southern side. Further to the north, east and south is Long Bay Correctional Centre, Little Bay and Botany Bay National Park, respectively.

The subject DA only relates to 5 lots situated at the southern end of the Prince Henry site, in between Brodie Ave to the west and Ewing Ave to the east. The lots have a north-south orientation, slope from west to east and combined area of 13,954sqm. They consist of four (4), almost identical, former ward buildings (being a part of a group of six buildings) and an operating theatre. The lots are described in more detail below.

### ***Lot 52 DP 270427 - 8-18 Brodie Ave***

Lot 52 in DP 270427 (8-18 Brodie Avenue) has a length of 99m, width of 32m and total area of 3,261 sqm. It is bounded by Brodie Avenue to the west, Curie Ave to the east, Fleming Street to the south and Lot 46 (2-6 Brodie Ave) to the north. Lot 46 consists of a museum within the former hospital ward building known as Flower Ward 1.

Lot 52 consists of the former hospital ward building known as Flower Ward 2. The building is a long single storey building of face brick construction, with a central core (which once housed ward offices, food preparation facilities and private or single rooms), central entry porches, block extensions on each corner (former ablutions blocks) and an undercroft area along its eastern side. The building has a main hipped slate roof and attached smaller hipped roofs (over each ablution block). Enclosed verandahs extend along the eastern and western facades of the building.

The building surrounds is predominantly turfed with some ramped access ways to the eastern and southern sides and one established tree, being the only significant tree on the subject site. This tree is a mature NZ Christmas Bush, identified under Council's development control plan for the Prince Henry site as being a 'heritage tree'. It has an approximate height and spread of 5m and 4m respectively.

On the opposite side of Brodie Ave are aged care and aged housing facilities.

### ***Lot 53 DP 270427 – 8-18 Curie Avenue***

Lot 53 in DP 270427, addressed as 8-18 Curie Ave, has the approximate dimensions of 90m x 35m and an area of 3,261 sqm. It is bounded by Curie Avenue to the west, Fleming Street to the south and Darwin Ave to the east. It consists of the former hospital ward building known as Flower Ward 4. The building is almost identical to that of Lot 52, i.e it is long, single storey, of face brick construction, with a central core, block extensions at corners and an undercroft along its eastern side. It also has a hipped slate roof and enclosed verandahs along its eastern and western sides. However centrally along the buildings eastern elevation is an extension (a former a student room annexe). The building surrounds is predominantly turfed. The building known as Flower Ward 3 is located on the adjoining lot to the north. This building has been refurbished and adapted for use as a senior citizens centre.

Opposite Lots 52 and 53, on the opposite side of Fleming Street at 1 Fleming Street, is a three storey, former hospital building of heritage significance, known as the Heffron Building.

### ***Lot 57, Lot 58 and Lot 59 DP 270427 – 6-16 Darwin Ave, 18-20 Darwin Ave, 22-32 Darwin Ave***

Lots 57, 58 and 59 extend from north to south, along the eastern side of Darwin Ave, opposite Lot 53. Ewing Ave extends along the western side of the lots.

Lot 58, being the central lot addressed as 18-20 Darwin Ave, consists of the Hills Theatre building and has an area of 813sqm. The building has a main single level plus a basement below and attic level above. It is of face brick construction and has a hipped roof with dormer extensions to the east and west. Wings extend from the west and adjoin the sides of former ward buildings located on Lots 57 and 59. There is an outdoor car park area to the west side of the building, adjacent to the front entry porch.

Lot 57 in DP 270427 (addressed as 6-16 Darwin Ave) has the approximate dimensions of 94m x 34m and an area of 3,386 sqm. Lot 59 (addressed as 22-32 Darwin Ave) has the approximate dimensions of 89m x 35m and an area of 3,258 sqm. Lot 57 consists of the building known as Flower Ward 5 and Lot 59 consist of the building known as Flower Ward 6. Both buildings are like those of Lots 52 and 53. It is noted that some buildings are characterised by roof features such as chimneys, vent, and cupolas, in particular Flower Wards 5 and 6.

Lot 57 is adjoined to its north by Lot 43 (2-4 Darwin Ave), which is a vacant lot. The master plan for the site allows for residential development on this lot.

Gull Street bounds the southern side of Lot 59, which is an unformed street. On the opposite side of this street, at 30-36 Harvey Street (Lot 55) is a former hospital building of heritage significance, known as the Delaney Building. This building and the Heffron building are expected to be converted for residential use.

Adjacent to the subject site, on the opposite side of Ewing Ave, land is being developed to comprise of single dwellings. Further east is open public space, a minor waterway and golf course areas. Some remnant bushland is located further to the south and southwest.

Anzac Parade is approximately 400m to the west of the site. It consists of bus services that provide direct connectivity to various retail and commercial centres, community facilities, open / recreational areas and the CBD. There is primary pedestrian access that links the site to Anzac Parade, along Pine Ave

### **3. HISTORY:**

#### **3.1 General Background**

Until 1934, the Prince of Henry Site was originally known as the Coast Hospital. The hospital was established in 1881 for the isolation and treatment of infectious diseases. It was expanded during 1915-1934 with the construction of additional buildings. Between 1935-1959 the hospital's capacity increased, facilities were shifted, a program of works was commenced which all resulted in the erection of more buildings. Between the 1960's and 2003 the role of the hospital changed to a general and major teaching hospital. The hospital use ceased in 2003.

Flower wards 1-6 were constructed during the First World War, between 1914 and 1918. They were intended to be part of a grand scheme of 20 wards but no more than 6 wards were built due to the economic impact of the war. The six wards were built in two stages, with Flower Wards 4, 5 and 6 built within the first stage.

The Hills Theatre building was constructed in 1937 as a consequence of an extensive program of rebuilding works at Prince Henry hospital in the late 1930's. There were few external changes to the Flower Ward buildings during the 1930's. In 1937 the interiors were subject to major upgrading and modernising.

During the 1960's, an off road parking area was provided on the western side of the Hills Theatre. Some post 1964 car parking areas were added along the eastern sides of the Flower Wards.

In 1972, as part of a mandate to increase patient capacity and meet increasing demand for additional teaching and student rooms, the verandahs of the Flower Wards were enclosed with timber framed glazing and sheeting. Several of the verandah spaces were subdivided by stud walls. There were other associated changes such as the addition of shower and toilet facilities on verandahs, addition of louvred screens to verandahs and the creation of new verandah entrances.

Since closure of the hospital, some works have been undertaken as part of the redevelopment of the Prince Henry site such as re-roofing and replacement of slates and rainwater guards, and reconfiguration of interiors to serve as temporary office sites. The Flower Ward buildings, however, are currently vacant and in a poor state of repair. The Hills Theatre 2 building is the only building that is occupied and used as a temporary office space. The buildings have been fenced with security fencing.

The Master Plan for the Prince Henry site was adopted with variations by Council early 2003. The master plan prescribed the controls and large scale design of the site as a whole including the Flower Wards and the Hills Theatre 2. It incorporated residential (789 dwellings), aged care (89 dwellings and 100 assisted car beds), commercial and retail space (2385sqm) and community uses, as well as off-street parking (1599 spaces). An amended master plan was approved in August 2003, which incorporated a similar development yield, with a 22% increase in dwelling yield and off-street parking for 1,475 spaces.

Due to amendments to the EPA Act in 2005, in particular cl 95(3) of Schedule 6, the 2003 Master plan became a deemed development control plan. On the 18 October 2005 and 30 May 2006, Council adopted further amendments to the master plan / deemed DCP subject to variations.

The site has also been subject to various heritage studies, including a Conservation Management Plan, Archaeological Management Plan and Specific Element Conservation

Policies. There is evidence of Aboriginal occupation, predating European settlement by many years. This includes a collection of middens, open campsites, rock engravings, axe grinding grooves, a possible fish trap and an ochre supply.

### 3.2 Application History

Numerous applications have been submitted for various parts of the Prince Henry site. These have included general applications for the demolition of buildings, decontamination and rehabilitation, erection of specific buildings for community / social bodies, the provision of road and service infrastructure, and streetscape works. Applications have also included the provision of various types of residential accommodation ranging from detached dwellings, multi unit housing to aged housing. There have also been a number of specific applications relating to the subject site. They are briefly outlined below.

**DA No. 187/2006** – DA No 187/2006 for the demolition, restoration and reconstruction of the buildings on the subject site, to accommodate residential units was approved on 13 June 2006. Building works included:

- Provision 3.5m wide driveways for undercroft parking and a 4.4m wide garage for each of the Flowers Wards.
- Provision of surface parking for 4 cars south of both Wards 2 and 4 and 2 spaces south of Ward 6.
- Relocation of end stairs on the eastern side of Flowers Ward 2 to allow balcony access
- Erection of privacy screens and fabric blinds to balconies.
- Erection of decks to the eastern side of the link corridor to Hill Theatre 2.
- Addition of pedestrian ramps.

**DA 207/2008** – Development consent was granted on 3 November 2008 to DA No. 207/2008 for the adaptive re-use of Flowers Wards 2, 4, 5 and 6, and Hill Theatre 2 to provide 18 residential units (4 x 3 bedroom apartments in each Flowers Ward and 2 x 2 bedroom apartments in Hills Theatre 2), with car parking for 45 vehicles (37 undercroft spaces under the Flowers Wards and 8 surface spaces adjoining Hills Theatre 2), landscaping and strata subdivision. Building works included:

- Alterations and additions to the existing heritage buildings to create 18 residential units (4 x 3 bedroom apartments in each Flowers Ward and 2 x 2 bedroom apartments in Hill Theatre 2).
- Provision of undercroft garbage rooms, storage areas and plant rooms.
- Provision of 10 bicycle spaces adjacent to Flowers Ward 2.
- Landscaping of private open spaces around each building.

The Heritage Council provided conditions that were included in the development consent. The conditions required no fixed shutters and doors on the verandahs (Condition 3), and no hedges, fences, shrubs, trellises, ground cover plants or other fixtures in the open space area abutting the Flower Wards (Condition 4).

Three modifications to the development consent of DA 207/2008 have been subsequently approved, as listed below.

1. DA 207/2008/A – Deletion of Condition 7, relating to the reflectivity index of glass used in the external facade of the development.
2. DA 207/2008/B – Amendment to Condition 4, regarding planting against the walls of the building. In November 2009, the NSW Land and Environment Court approved further amendment of Condition 4 to allow hedges to be planted to delineate private open space areas.

3. DA 207/2008/C – Amendment to Condition 72, to ensure consistency between the development consents.

**DA 963/2009** – On 22 December 2009, DA 963/2009 was lodged proposing the adaptive reuse of the Flowers Wards 2, 4, 5 and 6 and Hills Theatre 2 for residential development and strata subdivision. The proposal included:

- 58 units (2 x 2 bedroom units, 4 x 1 bedroom units and 8 x 1 bedroom loft units in each Flowers Ward and 2 x 2 bedroom units in the Hills Theatre 2).
- Garbage and storage rooms within existing undercrofts.
- At grade parking for 60 cars.
- Removable privacy screens to provide separate verandah space for each unit.
- Landscaping works.

The application, an integrated development application, required the general terms of approval from the NSW Heritage Council. However the Heritage Council raised concerns regarding the impact of the development on the heritage significance of the buildings and the adequacy of onsite parking in proportion to the number of apartments. The issue of the proposed number of verandah partitions between the apartments was also raised.

Subsequently the application was subject to a ‘deemed refusal’ appeal in the NSW LEC. The appeal was dismissed and application refused on 29 October 2010.

#### **4. THE PROPOSED DEVELOPMENT**

The subject DA proposes the adaptive reuse of the heritage buildings Flower Ward 2, 4, 5 and 6 and Hills Theatre 2 to provide 42 residential units, surface carparking for 48 cars, landscaping and strata subdivision. The unit composition will be 16 x 1 bedroom units, 8 x 1 bedroom units each with a study, and 18 x 2 bedroom units.

All the units except one will be single level. Apartment 1 in Hills Theatre 2 will have access to an ‘Attic Studio’ level. The undercrofts of the Flower Wards will be fit-out to consist of separate storage rooms, a communal garbage storage room and a common plant room. This will generally require excavation and provision of concrete floor slabs. Each unit within the Flower Wards building will be allocated a storage room in the undercroft.

Turfed areas, pathways and new feature trees will be established around the buildings. The only significant tree on the site, identified as a ‘heritage tree’ under Council’s DCP for the Prince Henry site, will be retained. Additional planting will consist of up to 6 symmetrically placed trees along the east and west sides of the lots.

New crossings will be located to the southern ends of Flower Wards 2, 4 and 6. Road access to the car park of Flower Ward 6 is via an unconstructed street known as Gull Street. The street runs east-west from Ewing Ave to Brodie Ave. A new crossing is also proposed to the northern side of Flower Ward 2. Another narrower crossing and driveway is proposed off Ewing Ave to provide access to the proposed parking area to the north of Flower Ward 5.

Below is a list of the internal and external changes to the buildings.

<i>Conservation Restoration, Replacement and Reconstruction of elements generally as prescribed in the Specific Elements Conservation Policies</i>
--

- |  |
|--|
| <ul style="list-style-type: none"><li>- Removal of intrusive elements including verandah infills; partitions and walling within the verandahs, ward spaces and theatre building; infills to original doors and windows; external access ramps; external steel stairs; later pipe balustrade / steel handrails and intrusive modifications.</li></ul> |
|--|

-	Repair and/or replacement of external face brick as required.
-	Repair and/or reconstruction of verandah columns and balustrades as required.
-	Repair and/or reconstruction of external joinery including windows, doors, entry pediments, timber boarding of verandah soffits, slatted eaves and fascia boards.
-	Repair of existing plaster wall and ceiling finishes.
-	Removal of intrusive infill's to arch openings to ablution pavilions.
-	Removal of student annex on the eastern side of Flower Ward 4 and Flower Ward 6.
<i>Repair of Structural Elements in the Buildings</i>	
-	Repair of spalling concrete to the soffit of floor slabs.
-	Repair of spalling to concrete beams on the soffit of floor slabs.
-	Replacement of concrete slabs and slab holes, where required.
-	Repair of exposed slab edges where there is exposed reinforcement, rusting or cracks.
-	Repair of concrete lintels, stairs and sills.
<i>Installation of New Elements within and around Ward Buildings</i>	
-	Installation of internal brick division walls in each ward to create ten units and installation of internal partition walls within each unit to create separate rooms such as living, dining, bedroom, kitchen and bathroom. There will be four east-west and two north-south brick party walls.
-	Provision of new stairs and landing on the south elevation of Flower Ward 2, 4 and 6 to allow undercroft access (near southeast ablution blocks). Similarly, provision of new stairs and landing on the north elevation of Flower Ward 5 to allow undercroft access (next to northeast ablution block).
-	Relocation of stairs at each end of the east elevations to enable the construction of new landings and removal of sections of the balustrade (one bay) to provide direct access to the verandah / unit entries. This will include the removal of original access doors from former drying rooms and the blocking up of openings.
-	Removal of sections of the balustrade (one bay) on the outer ends of the west elevations and to allow entry to units via the verandah.
-	Construction of new paths on the western and eastern sides and reinstatement of the 'hourglass' paths on the east sides of lots.
-	Installation of new removable canvas privacy screens along open verandahs to divide verandahs into private open areas of approximately 30sqm for allocation to units. The screens of the eastern elevation will extend the full width and those on the western elevation will extend part and the full width. The screens will have aluminium framing.
-	Reinstatement of verandah columns, provision of new verandah columns and steel balustrades to some sections.
-	Provision of new decks to the north and south elevations, in the area of the ablution blocks.
-	Reinstatement of original slot openings to western facade of undercroft areas.
-	Verandah roofs to be made good and verandah ceiling lining reinstated.
-	Provision of wall and ceiling insulation.
-	Installation of air conditioning to all unit living and bedroom areas.
-	Provision of exhaust to switch rooms
-	Provision of bathroom /laundry exhausts, involving the reconstruction of removed chimneys to accommodate exhausts.
-	Provision of sheltered clothes drying area for each unit.
-	Provision of new flooring over existing.
-	Installation of Energy Australia meter box on the rooftop and wall of the southeast ablution blocks of Flower Wards 2, 4, and 6 and north east ablution block of

Flower Ward 5.
- Provision of opaque glass to some windows on the west and side elevations.
- Provision of new doors and timber louvres
<i>Hills Theatre 2 Building Works</i>
- Part demolition of existing walls and installation of new partition walls to create two new dwelling units.
- Utilise existing attic space and creation of an 'Attic Studio' for one of the units.
- Construction of a new timber deck on the northern elevation.
- Removal of two windows on the east elevation and provision of glass balustrades.
- Construction of a new pedestrian ramp at the main western entry.
- Establishment of new low level planting in spaces between Wards 5 and 6 on the north and south elevation and low level accent planting along the west elevation of the Hills Theatre 2 Building.
- Construction of a bin enclosure along the east side.
- Provision of wall and ceiling insulation.
- Installation of air conditioning to all unit living and bedroom areas.
- Provision of exhaust for switch rooms.
- Provision of bathroom ventilation ducted to facade / roof.
- Provision of sheltered clothes drying area for each unit.
- Provision of new flooring over existing.
- Repair or replacement of gutters, flashings, fascias, as required.
- Reconstruction of window openings, including three large windows and skylights in contemporary materials.
- Restoration of original entry doors from the west and replacement of modern doors with doors reflective of the original architectural character.
- Removal of intrusive elements, including blocked doorways and windows, later inserted doorways and windows, modified doors and windows, later finishes and partitions, kitchen fitout, steel stairs and external ramp as well as redundant services.
- Installation of Energy Australia meter box on the north elevation

## 5. STATE ENVIRONMENTAL PLANNING POLICY NO 1 OBJECTIONS

The proposal does not seek to vary a development standard and therefore no SEPP 1 objection is required with this application.

## 6. NOTIFICATION / ADVERTISING

The owners of surrounding properties were notified of the proposed development in accordance with Development Control Plan – Public Notification of Development Proposals from 24 November 2010 to 24 December 2010. One objection was received during the notification period, which is detailed in the section below.

### Objections

Issue	Comment
Surface car parking. In the previous DA, car parking was underneath the development out of site of the heritage buildings. The car parking is now surface and would be detrimental to the look and feel of the heritage Flower Wards.	The proposed surface car parking has been considered by the Heritage Council and Council's Heritage planner as being acceptable. The matter has been further discussed in the assessment below.

## **7. TECHNICAL OFFICER AND EXTERNAL COMMENTS**

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided:-

## Heritage Officer Comments

### *Landscaping:*

*Concerns have been raised in relation to previous applications that proposed fencing and planting would considerably alter the historic open landscape setting of the buildings. The current application proposes minimal new tree planting, with no fencing or hedging, maintaining the landscape setting of the buildings in the group.*

### *Paths:*

*New paths are to be provided at the kerb edge and at the pavilion ends. The 'hourglass' paths on the eastern elevations are to be reinstated. While the proposed additional paths will somewhat detract from the visual and physical extent to the existing lawn areas identified in the CMP, it is noted that the new paths are confined to the ends of the buildings, maximising open lawn areas.*

### *External at grade carparking:*

*External at grade carparking is proposed at the northern and southern ends of Flowers Ward 2, at the southern end of Ward 4, at the northern end of Ward 5, at the southern end of Ward 6, and to the west of Hills Theatre 2, (between Wards 5 and 6). As compared to the previous proposal, the current proposal has reduced the carparking provision from 60 to 48 cars, apparently deleting parallel parking to Curie Avenue and Darwin Avenue. While the proposed carparking will somewhat erode the grassed soft landscape setting and perceived curtilage of the historic Flowers Wards, the current carparking configuration will better satisfy the CMP requirement to conserve the configuration and visual character of the significant roads within the Flowers Ward Group than the previous proposal.*

### *Adaptation and New Work:*

*The HIA notes that proposal will maintain general external configuration, character and detail of the ward buildings and the main fabric which defines the core, ward wings and ablution blocks, but the character of the main open wards will be lost by the introduction of new walls.*

### *Verandahs:*

*The proposal includes privacy screens between units to the eastern and western balconies, extending the full width of the eastern balconies and part and full width of the western balconies. As compared to the previous proposal the current proposal has reduced the number of screens to the eastern balconies from 12 to 8 and to the western balconies from 10 to 6. The screens comprise canvas in aluminium frames. It appears that fabric blinds are proposed to the verandah edges above the balustrades and between the columns. There are concerns that the number and extent of these divisions may detract from the open character of the verandahs and will not be consistent with the CMP requirement for only a limited number of partitions across the verandahs.*

### *Main wards:*

*The open wards will be divided into separate units and individual rooms by brick and plasterboard partitions. Four east-west and two north-south brick party walls are proposed, as well as additional plasterboard partitions within separate units. As compared to the previous proposal, the current proposal has deleted the proposed mezzanines with associated lowered ceilings and removal of original roof trusses, and has reduced the number of units within each Ward building from 14 to 10. The proposal to divide each open ward, originally a single space, into five separate apartments will somewhat detract from the spatial configuration and character of the main wards. It is noted however that the current layout will better allow the appreciation of perimeter walls and the full width of the space.*

### *Administrative core and Ablution blocks:*

*The proposal will retain the axis between the eastern and western entries, through the administrative core. The proposal will retain the arches to the original drying areas to the original eastern ablution blocks which are to be reinstated as terraces. The entry to the end units on the eastern elevation will not be via these terraces however, but via the balconies, requiring removal of sections of the balustrade and relocation of the original stairs. If the number of proposed apartments were reduced from 10 to 8 by combining each of the two smaller end apartments into one larger apartment, the entry could be configured via the terraces rather than the balconies, reducing the impact on this part of the fabric.*

#### *Hills Theatre 2:*

*Demolition of existing walls and construction of new walls will result in the removal of significant fabric and change the spatial configuration of the theatre and sterilising spaces and the central lobby. The link corridor between Flowers Wards 5 and 6 will be maintained, as well as the axis of the main lobby, although its width will be reduced by half. Most external openings are retained and a new projecting balcony proposed on the northern elevation.*

#### *New decks:*

*The proposal includes areas deck areas to the north and south elevations of the ward buildings, in the area between the projecting ablution blocks. There are some concerns that any further enclosure of these deck areas through the provision of roofs or screens could detract from the clarity of the original building forms.*

#### *Restoration and Reconstruction:*

*The SECP requires that external form and fabric of the buildings, including brickwork, verandah details and external joinery, be restored and reconstructed in line with the scope of the existing development approval and SECPs, and intrusive elements removed. The SECP also requires the preparation of a Maintenance Plan for each of the Ward buildings. Although the HIA includes a section on Restoration and Reconstruction of Significant Areas, Features and Fabric- Flowers Ward 6 (Exterior and Interior) a Maintenance Plan has not been provided for each of the Ward buildings, nor any detail of required interpretation.*

#### *Interpretation:*

*The SECP requires interpretation of key historical themes of the Flowers Wards and their relationship to the hospital site as part of the development where possible.*

#### *Archival Recording:*

*The SECP requires archival recording of existing fabric before further work, including repairs are carried out.*

### **Environmental Health Officer Comments**

#### *Land contamination:*

*Various SAS have been issued for sites – lots 52, 53, 57, 58 & 59 by WSP Environmental, Rod Harwood, An unexpected finds protocol exists for this site. Appropriate conditions are to be imposed on any consent to address this issue.*

#### *Acoustics:*

*Acoustics has been considered in terms of mechanical plant. Appropriate conditions should be included in any proposal.*

#### *Rainwater Tanks:*

*Standard rainwater tank condition should be incorporated to any approval by the relevant planner.*

*Recommendation:*

*Should the application be approved, the following conditions should be included.*

### **Engineer Officer Comments**

#### *Carparking Comments*

*Strict compliance with Council's DCP-Parking would require provision of approximately 48 resident parking spaces and 11 visitor spaces. The applicant has provided 48 spaces and these would be allocated as 42 resident spaces, (i.e. one space per unit), and 6 visitor spaces.*

*Council is generally supportive of this lesser parking provision for the following reasons:*

- The subject development site forms a significant heritage item within the Prince Henry Development Site. The parking provision and location of parking spaces minimises the impact of carparking on the refurbished buildings;*
- The development site has been the subject of a previous appeal with the Land and Environment Court and both the parking provision and location of the carspaces tends to reflect the findings of the court;*
- The parking provision allows for each unit to have a carspace whilst still making provision for visitor parking.*

#### *Landscape Comments*

*Standard Prince Henry Development Site' landscape comments have been included within this report.*

*Council has conditioned retention of the significant *Metrosideros excelsa* (NZ Xmas Tree/Pohutukawa) located in front of Flowers Ward 2. Further assessment of its long term health and viability can be undertaken as part of the construction process.*

#### *Drainage Comments*

*Standard Prince Henry Development Site' drainage comments have been included within this report.*

### **NSW Heritage Council**

The proposed development constitutes Local Integrated Development under Section 91 of the EP & A Act, 1979 as the Prince Henry site is listed on the State Heritage Register and requires the separate terms approval of the NSW Heritage Council under the *Heritage Act 1977*.

The Heritage Council has reviewed the application and advised as follows '*the NSW Heritage Council hereby informs Randwick City Council that the following terms of approval are proposed to be granted*'. The general terms of approval are subject to 17 conditions.

## **8. RELEVANT ENVIRONMENTAL INSTRUMENTS**

The Development application has been assessed in accordance with the provisions of the following relevant planning documents:

1. Environmental Planning and Assessment Act 1979 as amended
2. Environmental Planning and Assessment Regulation 2000

3. State Environmental Planning Policy (Major Developments) 2005
4. State Environmental Planning Policy (Infrastructure) 2007
5. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
6. State Environmental Planning Policy No 55 – Remediation of Land
7. Randwick Local Environmental Plan 1998 (Consolidation)
8. Building Code of Australia
9. Development Control Plan – Prince Henry Site
10. Development Control Plan- Parking
11. Development Control Plan – Public Notification of Development Proposals
12. Asbestos Policy
13. City Plan

The subject site is zoned Residential 2D Randwick under *Local Environmental Plan 1998 (Consolidation)*. The proposal is permissible with development consent.

The following relevant clauses apply to the proposal (and are addressed in detail in Section 10.1 below):

Clause 9 - Objective  
 Clause 12A - Zone No 2D (Residential D – Comprehensive Development Zone)  
 Clause 20C – Site specific development controls  
 Clause 20D -Traffic and Transport measures in Zone 2D  
 Clause 21 - Subdivision  
 Clause 22 - Services  
 Clause 27 - Aircraft noise  
 Clause 28 - Tree Preservations Orders  
 Clause 40- Earthworks  
 Clause 40A - Site specific development control plans  
 Clause 42B - Contaminated land  
 Clause 43 - Heritage conservation

## **9. SECTION 79C CONSIDERATIONS:**

The following sections summarise the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

### **a) The provisions of:**

#### **(i) Any Environmental Planning Instrument**

##### **1. State Environmental Planning Policy (Major Development) 2005**

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

##### **2. State Environmental Planning Policy (Infrastructure) 2007**

The applicability of this SEPP is limited. Clause 115 (5) states that if development involves the erection of an aerial cable by a person other than a public authority, the cable must be

consistent with the ACIF Code. The development consent, if granted, will be conditioned accordingly.

### **3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)**

The proposed development is defined as a 'BASIX affected building' under the Environmental Planning and Assessment Regulation 2000. Clause 2A of Schedule 1 of Environmental Planning and Assessment Regulation 2000 requires the submission of a BASIX certificate issued no earlier than 3 months before the date on which the application is made.

Accordingly, the subject Development Application is accompanied by a BASIX Certificate (Certificate No. 287156M\_03) that lists commitments to ensure the water and energy targets are achieved. The commitments are also annotated on the submitted plans.

A condition is recommended for the implementation of the commitments listed in the BASIX Certificate (No.287156M\_03) and recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010. Another condition is recommended for the submission of compliance certificate verifying implementation.

#### **4. State Environmental Planning Policy No 55 – Remediation of Land**

The subject site has been cleared, remediated and ground levels have been established as required under Development Consent No. 1188/02 for demolition and remediation works. The following site audit statements have been issued for the subject site in accordance with the relevant standards for residential development contained in the Contaminated Lands Management Act 1997 and as per Council's consent: Lot 52 – Issued 30/10/2007; Lot 53 – Issued 14/9/2007; Lot 57 – Issued 17/7/2007; Lot 58 – Issued 30/7/2007; and Lot 59 – Issued 23/8/2007.

Given the minor office uses on the subject site, recontamination is unlikely. Council's Environmental Health Officer has reviewed the application and advised that the proposal is satisfactory subject to conditions.

Conditions are recommended to ensure the appropriate measures / safety standards are adhered to with respect to any lead paint and asbestos removal, as listed in the submitted Hazardous materials Survey Report prepared by Environmental Monitoring Services and numbered EMS08 6177.

#### **5. Randwick Local Environmental Plan 1998**

The site is zoned Residential 2D under Randwick Local Environmental Plan 1998 (Consolidation). The proposed residential development is defined as 'multi unit housing', which means 'two or more dwellings, whether or not attached'. Multi-unit housing is permissible with consent within the Residential D zone of the land.

Other relevant Clauses of the LEP 1998 are addressed below.

*Clause 9 – Objectives & Clause 12A – Zone No 2D (Residential D—Comprehensive Development Zone)*

Clause 9 – Objectives of the RLEP provides that development consent may be granted only after consideration of the extent to which the proposed development is consistent with the general aims of the RLEP and the specific objectives of the 2D zone.

Clause 2 of the RLEP lists the general aims which include the following aim:

- e) *To ensure the conservation of the environmental heritage and aesthetic character of the city.*

The specific objectives of the Residential D zone are listed under Clause 12A – Zone No 2D (Residential D—Comprehensive Development Zone) of the LEP. The relevant objectives include:

- a) *To allow the comprehensive redevelopment of land for primarily residential and open space purposes, and*
- b) *To enable development that is consistent with a development control plan prepared in accordance with clause 40A and approved by the Council, and*
- c) *To enable residential development in a variety of density and housing forms, where such development does not adversely affect the amenity and function of surrounding areas, and*
- f) *To encourage housing affordability.*

The proposed development will add to the existing and anticipated variety of housing densities and forms in the immediate area. The impact on the amenity and functioning of the surrounding area will be satisfactory, as discussed in the sections below. Affordable housing is necessitated under the subject DA. Compliance with the minimum requirement for the Prince Henry site for such housing has been addressed under separate applications.

The proceeding assessment indicates that the development will be consistent with the aim of the RLEP stated above and specifically objective (b) of the 2D zone. In general, the development will provide an appropriate balance between establishing an appropriate level of residential amenity for future residents and protecting the heritage significance of the site.

With reference to the judgment *Little Bay South 1 Pty Ltd v Randwick City Council*, the proposed development has addressed the elements that resulted in an unacceptable cumulative impact on the heritage significance of the site, namely the reduction to on-site parking, the reduction to the number of units and related number of internal and external partitions, and the deletion of loft areas.

In addition the Heritage Council of NSW has granted its support to the proposed development subject to conditions and Council's heritage officer has not raised any fundamental issues. The issues raised are discussed further in the section below 'Clause 43- Protection of heritage items, heritage conservation areas and relics'.

#### *Clause 20C – Site Specific development controls*

The subject site is indicated on the 'built form control map inset'. With reference to the maximum permissible floor space ratio, minimum permissible landscaped area and maximum permissible building and wall heights, any development on the subject sites is limited to the existing envelopes.

Whilst the proposed storage areas will add gross floor area to the buildings, they will be within the existing building envelopes. No changes are proposed to any external building and walls heights (as per definitions of ground level, wall height and building height) and therefore compliance will be achieved in this regard.

The proposed on-site car parking spaces will be located within lot boundaries but over existing turfed areas. This will result in the physical reduction of on-site landscaped area but will technically satisfy the landscaped area requirement of Clause 20C as the spaces will not extend the existing building envelope or add new envelopes. The reduction in on-site landscaping is discussed further in the section below Development Control Plan – Prince Henry Site.

#### *Clause 20D – Traffic and transport measures for Zone No. 2D*

Consent must not be granted under clause 20D unless it is satisfied that relevant traffic and transport measures that may apply will be met. Council's traffic engineer has reviewed the development and has provided comments that are referenced in the above section 'Technical Officers Comment'. No major concerns have been raised.

#### *Clause 21 – Subdivision – consent requirements*

Clause 21 requires that land may be subdivided only with consent. The proposal includes strata subdivision for the Flower Wards, as set out in draft strata subdivision plans. The draft plans indicate consistent unit layouts to those indicated in the submitted architectural plans for the Flower Wards.

Additional information provided by the applicant stated that *"the Theatre building is shown as a development lot (for later development) as it will not be constructed at the same time as the Flowers Wards. This lot will either be sold in its current state or renovated into 2 apartments at a later date"*. As such the strata subdivision application, for the Hills Theatre will be lodged when such works are undertaken.

The draft strata plans indicate that each unit within the Flower Ward buildings will have access to a storage room and terrace or both a terrace and deck, as well as one car parking space. This is satisfactory. They also indicate the allocation of 4 visitor spaces and one space for Lot 41, being Hills Theatre 2.

#### *Clause 22 – Services*

Clause 22 permits the granting of consent to a DA where it is satisfied that adequate facilities for the supply of water, removal of sewage and drainage are available.

The site is already serviced with water, sewer and drainage infrastructure. The infrastructure will be renewed or upgraded, where necessary. A condition is recommended to require the applicant to make all necessary arrangements with the relevant service authority for any adjustments to the utility services connections. A condition is also recommended to ensure that a Section 73 Certificate will be obtained from Sydney Water.

Council's engineer has reviewed the proposed stormwater drainage plans and has provided comments that are referenced in the above section 'Technical Officers Comment'.

#### *Clause 27 – Aircraft Noise*

This clause applies to land where the ANEF contour exceeds 20. The subject site is located below the 20 ANEF contour.

#### *Clause 28 – Tree Preservation Orders*

Conditions of consent are recommended to ensure that the existing heritage tree on Lot 52 DP270427 (8-18 Brodie Ave) is protected during and after works. Council's tree officer has also provided comments that are referenced in the above section 'Technical Officers Comment'.

#### *Clause 40 – Excavation and filling of land*

Clause 40 of the LEP contains provisions for undertaking excavation and filling of land. Excavation is required in the undercroft areas of buildings to provide the required storage and service / plant rooms. Council's engineer has reviewed the plans and provided comments as referenced in the above section 'Technical Officers Comment'. Conditions are recommended with regard to the provision of effective sediment and erosion control measures.

#### *Clause 40A – Site Specific development control plans*

A master plan was adopted for the Prince Henry Site on 27 May 2003, subject to certain amendments. It incorporated residential dwellings (789 dwellings), aged care facilities (89 dwellings and 100 assisted car beds), commercial and retail space (2385sqm) and community uses, as well as off-street parking for 1599 spaces.

An amended master plan was approved in August 2003, which incorporated a similar development yield, with a 22% increase in dwelling yield and off-street parking for 1,475 spaces.

The adopted Master Plan is now a deemed DCP pursuant to amendments to the Environmental Planning and Assessment Act 1979. On the 18 October 2005 and 30 May 2006, Council adopted further amendments to the deemed DCP subject to variations. The subject site is included in the area to which the deemed DCP applies. The deemed DCP as well as Development Control Plan – Prince Henry Site provide detailed controls and guidelines and therefore no further site specific DCP needs to be prepared under Clause 40A.

#### *Clause 42B – Contaminated Land*

Land contamination has been addressed in the below section 'State Environmental Planning Policy No 55 – Remediation of Land'.

#### *Part 4 – Heritage Provisions*

#### *Clause 43 – Protection of heritage items, heritage conservation areas and relics*

The subject site is located within the 'Prince Henry Site Conservation Area', which is listed as a heritage item under Schedule 3 of the LEP. The Prince Henry Site is also identified as a 'known or potential archaeological site' under Schedule 4 of the LEP. It is also listed on the State Heritage Register as an item of State Significance for its Aboriginal, natural, landscape and heritage values.

Clause 43(2) lists development that requires consent. It encompasses the proposed development. As required by sub-clause (5) a Heritage Impact Statement has been submitted with the subject DA.

Subclause (4) requires the consent authority to take into consideration the effect of the proposed development. Council's Heritage Planner has reviewed the effect of the proposed development on the heritage significance of the site. Council's heritage officer has not raised any fundamental issues to necessitate refusal of the application. The officer has acknowledged that the issues of contention raised in *Little Bay South 1 Pty Ltd v Randwick City Council* have been addressed by the proposed development, thus improving the impact. The officer has raised concerns to any further enclosure of verandah areas via the addition of blinds / sunscreens. Conditions are recommended to require any blinds/sunscreens to comprise of 'roll-up canvas blinds (or similar material) installed within the verandah framing'. The SCEP for the Flower Group buildings allows for such devices to be included 'for sun-control and privacy as shown in early photographs of the Wards, as originally placed'.

The issues noted by Council's Heritage Officer with respect to the number of partitions and new entry stairs on the east elevation have not been raised by the Heritage Council. The erosion of the internal open layouts via the inclusion of partitions is an expected outcome for the anticipated residential use. The SCEP for the Flower Wards aims for maximum reconstruction / restoration of the exterior of the buildings while allowing a greater degree of change internally. The SCEP does not quantify this. The proposed development has aimed to reduce the number of internal partitions via the reduction to the number of units. The reduction is that suggested by Council representatives in *Little Bay South 1 Pty Ltd v Randwick City Council*.

A further reduction to the number of units (i.e. which is expected to generally involve the amalgamation of end units and therefore an overall reduction in one to two units per Flower Ward) will not significantly improve the open layout and its legibility. End units extend into ablution blocks and therefore their amalgamation is of minimal importance to interpreting the open nature and full perimeter of the ward wings and separate components of the ablution blocks. In addition, the appreciation of the open ward format is not expected to be acknowledged by future occupants given that separate private ownership of units is likely to occur. Generally, the proposal maintains an appropriate degree of interpretation of the building width.

With respect to the proposed surface parking, Council's heritage officer has noted that whilst it will erode the landscape setting, it will better satisfy the CMP requirement to conserve the configuration and visual character of the significant roads within the Flower Ward Group than the previous proposal. The number and layout of the car parking spaces is accepted based on the following:

- The Heritage Council of NSW has supported the surface parking.
- The parking will not unreasonably interfere with any perception of the Flower Wards Group as a whole. Its consistency in layout/design and locations (i.e. at building ends) will reinforce the cohesiveness of the group.
- The car parking is reversible.
- No built structures will be included so the 'historically open character' important to the Flower Wards will be retained. Given this and the location of parking at the sides of the Flower Ward buildings, as well as the separation of parking into small pockets, will facilitate a subservient visual impact.
- The location, layout and design of the car parking area will maintain adequate definition of the curtilage, settings and road alignments.
- No significant kerbing will be removed.
- Section 6.3 of the Prince Henry DCP states that if parking cannot be provided under a building, it be located as close as possible to the building it serves. The proposed locations are the only locations that would achieve the requirement without introducing car parking on the east and west elevations of the Flower Wards, being the more important elevations with respect to heritage significance, views of the

- buildings and retaining a uniform appearance with Flower Wards 1 and 3. (Nb: Flower Ward 1 has a similar parking area to its southern side).
- The location of parking responds to the axial arrangement and symmetry of the Flower Wards.
  - The parking will not impact on any view corridors of the Heffron and Delaney buildings.
  - The SCEP for the Flower Wards group indicates all parking should be in designated open carpark areas and /street edges at the south ends of the Flower Wards.
  - The master plan (as amended in 2005) indicates surface parking locations at the south side of Flower Wards 2, 4 and 6 and west side of Hills Theatre 2. It is noted in the judgment for Little Bay South 1 Pty Ltd v Randwick City Council that 'It would appear to be preferred by the policies and the heritage experts to be located at the southern ends of Wards 2, 4 and 6 and adjoining the Hill Theatre 2'.
  - The location of parking to the north of Flower Ward 5 is preferred than providing parking along an east or west elevation. Parking for 16 cars in a similar location was originally anticipated under the master plan (2003) for Lot 43 but later amended (in 2005) to provide basement parking and relocated spaces within the Flowers Ward Group, with four additional spaces to the south of Flowers Ward 1 and four additional spaces to the east of the Hills Theatre. It is noted that some external spaces have been approved for Lot 43, however the proposed parking to the north will not have a cumulative visual impact or impact indifferent to that anticipated under the original master plan.

Sub-clause (6) provides that the consent authority may require the submission of a heritage conservation management plan before granting consent. A Conservation Management Plan (CMP), Archaeological Management Plan (AMP), and Specific Elements Conservation Policies exist for the subject site. They have been considered in the Heritage Impact Statement, by Council's Heritage Planner and the Heritage Council of NSW, as well as in the assessment of this report.

## **(ii) Any Draft Environmental Planning Instrument**

No draft Environmental Planning Instrument applies in the assessment of the subject DA.

## **(iii) Any Development Control Plan**

### **Development Control Plan – Prince Henry**

The table below assesses the proposal against the Preferred Solutions of the DCP – Prince Henry, and where variations occur, assessment is made against the relevant Objectives and Performance Requirements.

<b>Clause/ Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Precinct Objectives and Desired future Character</b>		
To conserve the heritage significance of the Historic Precinct and it's setting - To conserve	The proposed development is consistent with the objectives and desired future character for the Historic precinct.  It will add to the variety of residential development by appropriately adapting	Satisfactory

Clause/ Requirement	Proposal	Compliance
<p>significant built and landscape elements while adapting them to suitable new uses.</p> <p>- To ensure that new development respects the historic structure and layout of the precinct and relates sympathetically to significant built and landscape elements within the precinct.</p>	<p>the Flower Ward buildings 2, 4, 5, and 6 and Hills 2 Theatre building. Significant built and landscape heritage elements will be adequately conserved while allowing for an acceptable level of on-site amenity to be provided for future residents. Whilst it is acknowledged that there may be some erosion to the on-site landscaped area and open internal character of the buildings, it is not considered substantial. Refer to the discussion of 'Clause 43' above with respect to the heritage impact.</p>	
<b>4.1 Building Envelope</b>		
<p>Comply with the Built Form Table and envelopes indicated in Precinct Controls</p>	<p>There will be no change to the required envelopes created by main external elements.</p> <p>Flower Wards: The provision of new decks to the building ends of the Flower Wards and slight shifting of existing stairs with new landings on the east elevations will result in minor external changes of no significant consequence to the main footprints. The excavation required for the provision of rooms in the undercroft will not alter building setbacks. The setbacks of new decks on the Flower Wards will match that of the adjacent ablution blocks.</p> <p>Hills Theatre 2: The new terrace and garbage storage enclosure to the north of the Hills Theatre 2 building will result in minor external changes of no significant consequence to the main footprint.</p>	<p>Satisfactory</p>
<b>4.2 Height</b>		
<p>External wall height must not exceed the max. indicated in the Built Form Control Table. No. of storeys must not exceed number indicated in Precinct Control diagram.</p>	<p>The excavation required in undercrofts will not extend beyond the enclosing walls. It will add some length to the wall heights, some of which will be external length particularly in the case of Flower Ward 6, but it is required to establish adequate internal heights and external access. Nevertheless, given the definitions of 'ground level', 'wall height'</p>	<p>Satisfactory</p>

Clause/ Requirement	Proposal	Compliance
	and 'building height', there will be no change to the height of the buildings.	
<b>4.3 Building Depth</b>		
In multi unit housing, building depths must provide for dual aspect apartments.	Dual aspect units will be provided to encourage natural ventilation from two directions.	Satisfactory
<b>4.4 Density</b>		
The maximum FSR must not exceed FSR indicated in the Built Form Control Table.	Whilst the undercroft areas will add gross floor area, they will not significantly impact on the density requirement for the subject site which states that retained heritage buildings are limited to the existing building envelope. The proposal will be of minimal consequence to the envelopes. It will not alter any setbacks from boundaries or result in any amenity impacts that are likely to result from excess bulk/scale/height.	Satisfactory
<b>4.5 Setbacks</b>		
Must comply with the setbacks contained in the precinct controls.	The wall setbacks will be satisfactory. The proposed new decks to the north and south sides of the Flower Wards will match the setbacks of the ablution blocks. The changes to the stairs on the east elevations will maintain the same setbacks to the eastern boundary. The addition of a new terrace on the Hills Theatre 2 building will be located in between existing built forms and therefore have a negligible visual impact.	Satisfactory
<b>4.6 Building Articulation</b>		
Must be consistent with areas identified in the precinct controls and not extend forward of building articulation area.	Minor elements that will be added to the external sides of the buildings (such as decks) will add to the level of articulation, whilst maintaining a neat and uniform appearance between buildings.	Satisfactory
Must provide street entrances to at least 50% of units that face the street or public	All units will have a street entrance.	Y

<b>Clause/ Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
open space.		
<b>4.7 Landscaped area and private open space</b>		
A Landscape Plan, must be submitted with the DA.	A landscape plan has been submitted.	Y
Landscaped area and soft landscaped area on each site must not be less than the minimum indicated in the Built Form Control table.	No minimum percentage applies. The building envelopes will not be extended as to impact on existing landscaping, however the proposed car parking areas will remove some on site soft landscaping. This impact will not significantly compromise the heritage value of the site. The Heritage Council of NSW has not raised any concerns to the impact. Council's heritage planner has advised that the car parking configuration would better satisfy the CMP requirement to conserve the configuration and visual character of the Flower Wards than the previous proposal.	Satisfactory
At least 2/3 of area occupied by car parks, driveways, courtyards, pathways and the like are to be laid with porous paving.	Appropriate paving will be provided as per the requirements of the SCEP for the Flower Wards Group.	Satisfactory
Each apartment should have at least one balcony or courtyard directly accessible from the living area.	Each unit has at least one balcony or courtyard directly accessible from a living area.	Y
The minimum area for the main balcony must be: -10sqm for units up to 60sqm -12sqm for units > 60sqm.	Each unit in the Flower Ward will consist of compliant balcony/terrace areas.  Unit 1 will have access to a balcony with an area of 11.7sqm, whereas Unit 2 will have access to a balcony with an area of 10.4sqm. Due to the heritage nature of the site this lack of compliance is considered acceptable.	Satisfactory
Main balcony must: be adjacent to the	At least one terrace, balcony or courtyard area of each unit will achieve	Satisfactory

Clause/ Requirement	Proposal	Compliance
principal living area; be large and well proportioned for indoor / outdoor living; be able to accommodate a table and chairs; include sun screens, pergolas, shutters, operable walls, where appropriate; improve visual privacy and allow casual surveillance.	the requirements.  No access is proposed between the units of the Hills Theatre 2 building and private open spaces to the west of the Common Vestibule.	
<b>4.11 Solar Access</b>		
The principal living room/s of a new dwelling must be designed to achieve not less than 3 hours sunlight between 9am -3pm on 21 June. Dwelling orientation, siting, layout and landscaping are to ensure solar access to living areas and private open space, and maximise use of cooling breezes.	At least 70 % of the dwellings are orientated to achieve 3 hours sunlight between 9am -3pm on 21 June. This is consistent with the Residential Flat Design Code requirement.  Units will be positioned to have access to northerly, easterly or southerly breezes.	Satisfactory
Sunlight access to at least 50% of primary private and communal open space area of adjoining properties must be achieved for at least 3 hours between 9am-3pm on 21 June.	The buildings will not be extended or altered in such a manner as to result in any additional impact on neighbouring properties.	Satisfactory
<b>4.12 Acoustic privacy</b>		
A noise and vibration assessment report is to be submitted with the DA.	The layout of end units (northern and southern corners) with respect to acoustic amenity is not ideal as it includes a bedroom sharing a common	Subject to condition.

Clause/ Requirement	Proposal	Compliance
Developments are to be designed to minimise noise transition between apartments. Various internal noise levels for naturally ventilated and mechanically ventilated units are required.	wall with two adjoining kitchens / living / dining rooms, as well as sharing a common wall with an additional unit. However conditions are recommended to ensure appropriate internal noise levels and wall insulation.	
Noise transmission is to be reduced from common corridors or outside the building by providing seals at entry doors.	A consent can be conditioned accordingly.	Subject to condition.
Comply with BCA requirements for acoustic control of airborne noise and impact between apartments.	Refer to comments provided by Council's Building Surveyor, provided in the above section.	Satisfactory.
<b>4.13 Visual Privacy</b>		
Various requirements.	The development will provide adequate levels of privacy whilst maintaining sensitivity to the heritage value. The type and amount of partitioning between units is appropriate in this case. Opaque glazing will be provided to some windows, including the windows opposite the new terrace of the Hills Theatre 2 building. The buildings on the site are appropriately separated from each other to mitigate loss of privacy, as well as from neighbouring buildings, with the exception of the north end of Flower Wards 4. The proposed decks will be setback approximately 6.4m from the southern wall of Flower Ward 3. These decks are considered appropriate given: The decks will not be readily used as they will not be directly accessible from main living areas of the units, other private open spaces will be directly	Satisfactory

Clause/ Requirement	Proposal	Compliance
	accessible from living areas and the neighbouring building is a seniors citizen centre. Proposed door openings are largely door entries into units and to existing verandahs, set well behind the building lines.	
<b>4.14 Dwelling layout and mixed use</b>		
Layouts are to maximise natural ventilation and natural light, through the provision of corner apartments, cross-over or cross-through apartments, and split level or maisonette apartments.	Corner and cross through apartments are provided.	Y
Dwelling layouts to provide appropriate room size for their use; accommodate a variety of furniture layouts; ensure efficient circulation	The apartments will have sizes and layouts to cater for a variety of furniture arrangements and adequate circulation.	Satisfactory
The following minimum apartment sizes apply:  1 bedroom cross-through 50m <sup>2</sup>  2 bedroom cross-through 90m <sup>2</sup>  3 bedroom 125m <sup>2</sup>	Based on the areas provided by the applicant, the following units do not achieve compliance:  FW2-01 (1 bedroom): 49.7 m <sup>2</sup> FW4-01 (1 bedroom): 49.8 m <sup>2</sup> FW5-09 (1 bedroom): 49.5 m <sup>2</sup> FW6-01 (1 bedroom): 48.4 m <sup>2</sup>  No concerns are raised to the variances. They are minimal, without any material impact to the residential amenity of the units. In addition generous private open spaces will be provided.	Satisfactory
A mix of 1, 2 and 3 or more bedroom apartments is to be provided.	One bedroom and two bedroom units are provided. A unit in the Hills Theatre 2 building could cater as 3 bedroom unit. Adaptable units are also proposed. (1 per ward).	Satisfactory
<b>4.17 Safety and Security</b>		

<b>Clause/ Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
A formal crime risk assessment is to be carried out for all residential developments of 20 or more new dwellings.	The development will provide an appropriate safety and security outcome, as per recent residential development within the site. The buildings will have a high level of surveillance to surrounding streets and communal open spaces. No high walls or dense or excessive vegetation will obstruct views. Entrances and/or associated pathways to dwellings will be visible from street level. Demarcation between public, semi private and private spaces will be reasonable given the heritage limitation of the site.	Satisfactory
Buildings must overlook streets and public open spaces.	The design incorporates casual surveillance opportunities.	Y
Opportunities for concealment are to be minimised.	The landscape design is simple and does not promote concealment.	Satisfactory
Entrances to dwellings and buildings must be clearly visible from the street.	The main building entrances are clearly visible from the streets. Individual unit entrances will be defined by future building and unit numbering.	Satisfactory
The demarcation between public, communal and private areas is to be recognisable.	The verandahs provide the demarcation between communal and private areas.	Satisfactory
Shared entries should serve a limited number of dwellings and be able to be locked.	The shared entrances at the centre of the flower ward buildings and for the Hill Theatre serve a limited number of dwellings. The common entrances will be lockable.	Satisfactory
Large expanses of wall and fences which may attract graffiti are to be avoided.	Large expanses of wall are not proposed.	Y
<b>4.18 Materials and Finishes</b>		
A sample board, showing colours and finishes is to be submitted with the development	Conditions of consent have been recommended by the Heritage Council of NSW.	Subject to conditions.

Clause/ Requirement	Proposal	Compliance
application.		
<b>5.1 Energy &amp; Green House</b>		
Development applications for the adaptive re-use of existing heritage buildings must include a Sustainable Building Report.	The application is accompanied by a BASIX certificate. A condition is recommended for the implementation of the commitments listed in the BASIX Certificate (No.287156M_03) and recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010.	Subject to condition.
<b>5.2 Total water cycle management</b>		
DA to include a Sustainable Building Report, which demonstrates how the proposed development is consistent with the Total Water Cycle Strategy	A BASIX certificate has been provided with the application. The water efficiency targets are achieved by the proposal. A Sustainable Building Report has been submitted which addresses the Total Water Cycle Strategy.	Subject to condition.
In-sink food and waste disposal systems are not to be installed.	A condition is recommended to ensure in-sink food and waste disposal systems are not installed.	
<b>5.4 Waste Management and Minimisation</b>		
A Waste Management Plan (WMP) must be submitted with each DA.	A WMP has been submitted for ongoing wastes.  A condition is recommended to require a WMP for demolition and construction wastes to be submitted with an application for a construction certificate. Any demolition should be undertaken in accordance with AS 2601-1991 and the recommendations of the hazardous Materials Survey Report prepared by Environmental Monitoring Services.	Subject to condition.
Waste storage facilities in multi unit developments are to be provided in either a centralised garbage /recycling room	Flower Wards: Undercroft storage areas will be provided in each Flower Ward building. Conditions are recommended to ensure that they consist of appropriate internal fitouts, i.e. rendered smooth walls coved at the	Subject to condition.

Clause/ Requirement	Proposal	Compliance
<p>accessible to garbage compactors or in a facility where bins can be easily placed on the kerb for collection. Facilities are to be of sufficient size to meet the needs of the dwellings and the garbage/recycling collection service.</p> <p>Storage areas for garbage and recycling bins are to be located away from the front of the development and are to be appropriately screened.</p>	<p>intersection with the floor; a floor graded and drained to a sump and dry basket arrestor; a sump and dry basket arrestor not less than 300mm wide and 300mm deep, connected to the sewerage system; a hose cock and an adequate supply of water to facilitate easy cleaning; and artificial lighting activated from a switch located outside the room.</p> <p>Hills Theatre 2 building: A bin enclosure is proposed to the eastern side of the building. A condition is recommended to ensure the enclosure is similar to that provided for the refurbished Flower Wards and details to be provided to the satisfaction of Council. A condition is also recommended to advice of the caretakers responsibilities.</p>	
All dwellings are to have a waste storage cupboard in the kitchen of sufficient size to hold a single day's waste and that facilitates the separation of recyclable materials.	A condition is recommended to ensure that an indoor waste/recycling cupboard is provided within each kitchen, capable of holding a single days waste with separate storage areas for recyclable and non-recyclable wastes.	Subject to condition.
<b>5.5 Environmental Education</b>		
A draft environmental education package is to be submitted.	An environmental education tool kit has been provided with the application. The toolkit address the elements identified in the DCP.	Y
<b>6.2 Barrier free access</b>		
Provide 3 accessible units. The requirements of AS1428.1 and AS 4299 are to be incorporated.	There are no accessible units provided in the application. This is consistent with the previous approval on the site and the heritage nature of the proposal.	Satisfactory
Each accessible dwelling is to have an accessible parking space; Access to	The proposal includes one adaptable units in each of the Flower Wards but no accessible units. A condition is recommended to require at least 3 car	Subject to conditions.

<b>Clause/ Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
public areas of buildings and dwellings should be direct and without unnecessary barriers; Publicly accessible areas within private developments are to be provided in accordance with the BCA.	spaces to be accessible spaces and located close to accessible pathways to the building and adaptable units.	
<b>6.3 Vehicle Access and parking</b>		
Parking provision is to be in accordance with Parking DCP.	The Parking DCP is addressed in the section below.	
<b>6.4 Driveway Design</b>		
Driveway is to comply with AS 2890.1	A condition is recommended for compliance with AS 2890.1.	Subject to conditions.
Driveways, car parking spaces and car parking structures are not to occupy more than 35% of the width of the allotment.	The driveways at the southern sides of the lots will occupy more than 35%, however this is considered acceptable due to the limited choice in car parking layouts, conflict with pedestrians will be minimal, as main pedestrian access ways will be to the eastern and western sides of lots, the southern sides do not form main frontages as to have a dominant visual impact, no heritage concerns have been raised to this aspect, and the layout will be consistent with that established for Flower Wards 1.	Satisfactory.
<b>6.5 Utilities &amp; Site Facilities</b>		
Mailboxes are to be provided in accordance with the delivery requirements of Australia Post.	A condition is recommended to require details for mailboxes, building numbering and any unit numbering on external elevations to be submitted and approved by Council prior to obtaining a Construction Certificate.	Subject to conditions.
A single television /radio antenna per building, screened	No details have been provided. It is understood that the development will be serviced by the existing infrastructure provided within the Prince Henry site.	Satisfactory
Electricity services are to be provided in	Details are indicated on the submitted plans. The Heritage Council has not	Subject to conditions.

Clause/ Requirement	Proposal	Compliance
accordance with the requirements of Energy Australia. Meter boxes are to be in positions acceptable to the energy provider and screened from the street.	raised any concerns to the location of meter boxes.	
A reticulated gas supply to a meter for each dwelling, and to optimum service points for cooking and space heating is to be provided. - Water and sewerage are to be provided in accordance with the requirements of Sydney Water.	The SCEP does not allow for piping on external elevations of the buildings. It requires any external access to meters (required by a supply authority) to be discreetly located (e.g. within undercrofts or appropriate enclosures to limit visual impact). A consent can be conditioned accordingly.	Subject to condition.
Telephone lines are to be installed in accordance with the requirements of the service provider.	The SCEP prohibits cabled services to be connected above ground or surface mounted on external elevations, as well as any external access to meters (required by a supply authority) to be discreetly located (e.g. within undercrofts or appropriate enclosures to limit visual impact). A consent can be conditioned accordingly.	Subject to condition.
Laundry and drying facilities: Outdoor drying facilities are to be accessible to all residents.-OR retractable or demountable line be provided in courtyard or on service balcony.	The proposal will satisfy.	Y
<b>6.6 Storage</b>		
Accessible storage facilities are to be provided at the following minimum	An adequate amount of storage will be provided for the apartments in the Flower Wards. The apartments in the Hills Theatre 2 building will be large and	Satisfactory.

<b>Clause/ Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
rates: 1 bedroom: 8sqm 2 bedroom: 10 sqm	consist of many spaces to accommodate any additional storage demand. In addition, the wings of the Common Vestibule corridor will accommodate any required temporary storage for large items such as bicycles.	
<b>7.6 Historic Precinct</b>		
Building form Accord with Built Form Control Table, CMP, AMP, and any relevant SECP.	The built form controls have been discussed above. Consistency with the CMP, AMP and SCEPs has been considered in the above assessment.	Satisfactory
Landscaping - Planting complement Norfolk Island Pines along Pine Ave. - Open character of landscape should be retained. - New planting accord with species list of Appendix A.	The relevant matters have been considered by the Heritage Council of NSW and Council's Heritage Planner. No concerns have been raised to the proposed species, even though some vary from the species list.	Satisfactory
Parking Where surface parking is within private lots, it is not to detract from the setting.	The matter has also been addressed in the section ' <i>Clause 43</i> ' above.	Satisfactory

### **Prince Henry Master Plan 2003(as amended 2005)/ Deemed DCP**

The Master Plan for the subject site was adopted by Council on 27 May 2003. The adopted Master Plan is now a Deemed DCP pursuant to amendments to the Environmental Planning and Assessment Act 1979 gazetted on 16 June 2005. On the 18 October 2005, Council adopted amendments to the deemed DCP subject to variations.

The proposal proposes the following variations to the Historic Precinct Concept Plan and composition tables contained in the master plan.

- The number and location of surface parking: The concept plan indicates 8 spaces at the end of Flower Wards 2 and 4, 2 spaces at the end of Flower Ward 6, and 8 spaces at the western side of the Hills Theatre 2 building.
- The number of units: The master plan indicated 16 units in total within Flower Wards 2, 4, 5 and 6.

It should be noted that the dwelling numbers in the masterplan were included for indicative purposes. The objective of the number of units and location and limit to surface parking is related to the heritage impact on the site. The proposal has been found to be satisfactory with respect to its impact and heritage principles of the master plan. The Heritage Council of NSW has granted approval to the proposal subject to conditions. Given this and the discussion of 'Clause 43' above, the variances are accepted in this case.

### **Development Control Plan – Parking (DCP-Parking)**

Part 2 of the DCP for Parking provides a parking requirement for multi unit housing at a rate of 1 space per 1 bedroom dwelling, 1.2 spaces per 2 bedroom dwelling, 1.5 spaces per 3 bedroom dwelling, 1 visitor space per 4 dwellings and 1 car wash bay per 12 units. Clause 3.7.3 states that in certain circumstances the requirement for additional on-site parking may be waived, in order to maintain the heritage significance of the heritage item or its setting.

The proposal would require 46 spaces for the residential units and 11 visitor spaces. It provides a total of 48 surface car spaces and therefore has a shortfall of 9 spaces. Regardless, the proposed number of spaces is considered appropriate in this case given: the high frequency of public transport in the area; the oversupply of on-street parking, as indicated in the Master plan 2003 and 2005; the promotion of cycling and other modes of transport; and the heritage sensitivity of the development, i.e. any additional at-grade spaces would erode the heritage setting of the site. A condition of consent is recommended to allocate the spaces at a rate of 1 space per unit. The remaining spaces must be designed and allocated as visitor bays.

The DCP requires 1 disabled parking space to be provided for each adaptable unit. Accordingly, 3 disabled parking spaces need to be provided for the proposed development. A condition is recommended to require 3 spaces to be designed and allocated in accordance with the relevant provisions of the BCA, AS 1428.1 and AS 2890.1. The spaces must be in convenient and accessible locations to the adaptable units. They need to have a minimum width of 3.2m and level surface (less than 1 in 40 grade).

The DCP requires bicycle parking to be provided at a rate of 1 space per 3 units plus 1 space per 10 units. The storage areas proposed for each unit will provide adequate parking for residents. A condition is recommended to require 4 parking spaces for visitors in the form of racks or similar located within the main corridors or undercrofts or other common areas to the satisfaction of Council.

### **Development Control Plan - Public Notification of Development Proposals**

The proposal was notified under this development control plan.

#### **(iii) Any Planning Agreement**

No Planning Agreement is proposed between the developer and Council.

#### **(iv) The Regulations**

Section 79C (1) (a) (iv) requires the consent authority to consider the regulations where they prescribe matters for consideration under Section 79C (1) (a) (iv) that are or relevance. The regulations prescribes 2 matters relevant relating to: compliance with the provisions of Australian Standard AS 2601-1991; and consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

A condition is recommended in relation to demolition works. Conformity of the buildings with the BCA has been addressed by Council's building surveyor. Refer to above section 'Technical Officers Comments'.

**(b) Likely impact of the development - S79C(1)(b)**

**Views**

The proposal will involve minimal changes to the existing building envelopes. The surface parking will not include the erection of any protective structures. As such, there will be a negligible impact on views currently enjoyed from surrounding residential properties and the public domain.

**Traffic**

The traffic report submitted by the applicant indicates a very low traffic generation which would not have a significant effect on the operation or amenity of the surrounding road network and intersections. The assessment of the report is reasonable and adequate. Council's traffic engineer has reviewed the application and raised no concerns.

**Social and Economic Impacts**

The proposal will result in a positive impact. The proposal will also promote the principles of urban consolidation through the development of surplus Crown land for residential development in close proximity to urban facilities, services and infrastructure.

**(c) Suitability of the site**

The site is suitable for the proposed development given:

- The proposed development is permitted under the zoning and will be consistent with the objectives of the zone.
- The subject site is developable land which is specifically identified under the master plan as a location for dwelling units
- The proposal will not have an adverse impact on any item of environmental, archaeological, heritage or cultural significance.
- The development will appropriately respond to the environmental conditions and site constraints.
- The site consists of adequate water and sewage facilities that are capable of being adapted for the proposed development.
- The site will be adequately drained.
- There will be no prohibitive constraints posed by adjacent land uses.
- The development will not lead to unmanageable transport demands. There are adequate transport facilities in the area.
- Ambient noise levels, air quality and microclimate will be suitable for the development.
- Soil characteristics are appropriate for the development.

**(d) Any submissions made**

Refer to 'Section 4. Community Consultation'.

**(e) The public interest**

The proposed development will be consistent with the public interest primarily given the following:

- As indicated by the above assessment, the proposal will be consistent with the relevant statutory and non-statutory documents.
- There would be no significant affect on the health and safety of the public.

### **Relationship to City Plan**

The relationship with the City Plan is as follows:

*Outcome 4: Excellence in urban design & Outcome 7: Heritage that is protected and celebrated*

The proposal restores the heritage qualities of the Flowers Ward and Hill Theatre 2 Buildings whilst incorporating good sustainable design elements to the buildings for residential use that will enhance the streetscape in this part of Prince Henry Site thus contributing to the identified outcome for this thoroughfare.

*Outcome 10: A healthy environment.*

The proposal will promote the principles of environmental sustainable development, comply with BASIX and be undertaken on land that will be suitable as required under SEPP No. 55 - Remediation of Contaminated Land.

### **Financial Impact Statement**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

## **10. CONCLUSION**

The assessment above indicates that the proposed adaptive re-use of the Flower Wards 2, 4, 5 and 6 and Hill Theatre 2, whilst representing a variance to the Historic Concept Plan of the master plan (in terms of number of units and car parking layout), will be satisfactory. It has addressed the major issues of contention raised in Little Bay South 1 Pty Ltd v Randwick City Council. The Heritage Council of NSW has granted General Terms of Approval and Council's Heritage Officer has not raised any fundamental issues. Generally the extent to which the development will affect the heritage significance will not result in unacceptable level of adverse heritage impact. Furthermore, there are no existing residential properties adjoining the proposed development that will be adversely affected by the proposed development particularly in terms solar access, ventilation, privacy and views.

The proposal is recommended for approval subject to appropriate conditions.

## **11. RECOMMENDATION**

THAT the Joint Regional Planning Panel as the responsible authority grant its development consent under Sections 80 and 80A of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No DA/1005/2010 for alterations and additions to the existing Flower Wards 2, 4, 5 and 6 and Hills Theatre 2 to establish 42 residential units, surface car parking for 48 cars, landscaping and a strata subdivision scheme, at 8-18 Brodie Avenue, 8-18 Curie Street, 6-16 Darwin Avenue, 18-20 Darwin Avenue and 22-32 Darwin Avenue, Little Bay, subject to the following conditions:

### **A. GENERAL**

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

1. The development must be implemented substantially in accordance with the documents listed below and the application form, except as may be amended by the following conditions and as may be shown in red on the attached plans:
  - (a) Architectural Plans:  
Project No. S10882/05: Drawing Nos: DA-0-001[2]; DA-1-001[2]; DA-1-002 [2]; DA-2-200 [2]; DA-2-201[2]; DA-2-400 [2]; DA-2-401 [2]; DA-2-500 [2]; DA-2- 501[2]; DA-2-600[2]; DA-2-601[2]; DA-2-700 [2]; DA-5-210[2]; DA 5-410[2]; DA-5-510 [2]; DA-5-610 [2]; DA-5-710 [2]; DA-6-001[2]; DA-6-002 [2] dated 12/11/2010 by Bates Smart.
  - (b) Landscape Plans:  
Project No. 08502795.01: Drawing Nos: L-001, Issue G; L-301, Issue F; L-302, Issue G; L-303, Issue F dated 4/09/2008 by Edaw Aecom.
  - (c) Statement of Environmental Effects: Adaptive Reuse of Flowers Wards Prince Henry at Little Bay, November 2010 by RPS Group.
  - (d) Statement of Heritage Impact 'Flowers Wards and Theatre Building' dated November 2010 by Otto Cserhami & Partners.
  - (e) Drawing Nos: Internal Detail 2278DT-01 06 of 08 Rev 1; Levels and Contours 2278DT-01 Sheet 06 of 08 by Strata Surv dated December 7 January 2008.
  - (f) Finishes Schedule – External by Bates Smart dated 5/12/2008.
  - (g) Plan Showing Detail, Levels and Contours for Lots 52-55 & 57-59 in DP 270427, Drawing no 2278DT-01, Sheet 2 of 10, Rev. L1 dated 07/12/2008 by Strata Surv, Sydney.
  - h) Specific Element Conservation Policy for Flowers Ward 6 and Hill Building 2 dated March 2006 prepared by Godden Mackay Logan Pty Ltd.
  - i) Draft Maintenance Plan prepared by PTW Architects and GML Pty Ltd;
  - j) Access Assessment Report Multi Residential Development dated 8 March 2006 by prepared by Accessibility Solutions Pty Ltd.
  - k) Hydraulic Services Plans, Drawing Nos. 08S007-SKH01, Rev A; 08S007- SKH02 Rev A; 08S007-SKH03, Rev A; 08S007-SKH04 Rev A; 08S007-SKH05 Rev A; 08S007-SKH06 Rev A; 08S007-SKH07 Rev B; 08S007-SKH08 Rev B; 08S007-SKH09 Rev B; 08S007-SKH10 Rev A; 08S007-SKH11 Rev B dated 28 March 2008 prepared by Hughes Trueman Pty Ltd.

**The following conditions are applied to meet the requirements of the Heritage Council of NSW:**

2. The Foundation Stone must be reinstated in its original location in the centre of the east entry steps to Flowers Ward 5 building. The present doorway in the east stair to Flowers Ward 5 must be removed and the opening adapted to accommodate the foundation stone as originally detailed. This work must be implemented in accordance with clause 4.3.6 Foundation Stone, Flowers Ward Group SECP, April 2006.
3. The open space areas abutting the east and west facades of the Flowers Wards that are currently designated as court yard (cy) on the draft strata plans for the proposed development shall be placed in a common property strata title and the final subdivision plans and any subsequent title deeds.
4. A link between Flowers Ward 4 and Operating Theatre No. 2 must be established and details submitted for approval as part of a section 60 application.
5. A heritage consultant shall be nominated for the works. The consultant shall have

appropriate qualifications and experience commensurate with the scope of the works. The name and experience of this consultant shall be submitted to the Heritage Branch for approval with the section 60 application.

6. The consultant shall advise on the detail design resolution of new elements, undertake on site heritage inductions, inspect removal works, construction of new elements, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval).
7. All works are to be implemented in accordance with the Flowers Ward Group Specific Element Conservation Policy (SECP) dated April 2006, Flowers Ward 6 SECP dated March 2006 and Hill Theatre 2 SECP dated March 2006.
8. The conservation works must include proposed painting schedules guided by the historic colour scheme analysis and paint scrapes prepared in consultation with the nominated heritage consultant.
9. The conservation works must to be completed before the issue of an occupation certificate.
10. Any site specific interpretation (proposed themes and media), proposed way signage and street furniture at the Flowers Wards Group site are to be in accordance with the Prince Henry site Interpretation Strategy dated October 2005 prepared by Musecape and submitted to Randwick City Council for approval prior to works commencing.
11. Any ground disturbance and excavation undertaken as part of the proposed works is to be undertaken in consultation with the La Perouse Local Aboriginal Land Council (LPLALC) and, where requested, be subject to LPLALC and archaeological monitoring.
12. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.
13. If any relics of state significance are uncovered, further excavation must stop and the Heritage Office notified immediately. Further approval will need to be obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.
14. Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the relics provisions of the Heritage Act and the National Parks and Wildlife Act 1974.
15. Appropriate protective measures shall be included in the Master Program and Site Co-ordination Plan to ensure that significant built and landscape elements are not damaged during construction. Significant fabric (such as retaining walls, kerbs, gutters and significant paving) in the vicinity of the development and wherever construction vehicles are used should be protected during excavation and construction works.
16. A separate application needs to be submitted for any air-conditioning or any other mechanical services.

17. An application under section 60 of the NSW Heritage Act is to be submitted and approved by the NSW Heritage Council prior to work commencing.

**The following conditions are imposed to protect the heritage significance of the site and retain appropriate records**

18. A photographic archival record of both exteriors and interiors should be carried out in accordance with NSW Heritage Office guidelines prior to any work being commenced. Photographs should be taken progressively during the construction process to enable a record of exposed fabric which may be removed, reinstated or covered again as part of the works.
19. Any heritage fabric removed as part of the adaptation building works should be examined by a heritage consultant and if it is determined appropriate, be tagged and stored in a weather-tight repository on site.
20. All significant elements not necessarily affected by the works are to be retained.
21. Careful conservation and repair of all fragile external fabric is to be carried out in conjunction with the proposed works. In particular, advice from a qualified and experienced materials conservator is to be sought in relation to the sand-lime brickwork.
22. All building works to building elements identified in the SECPs as being significant are to be carried out by appropriately skilled and experienced trades people.
23. A Conservation Management Strategy (as referred to as a Master Program and Site Co-ordination Plan) should be developed to include Action Plans which covers the following:
  - Demolition/deconstruction methodology.
  - Removal and storage of fabric during the demolition process for later reinstatement, or removal from buildings.
  - Repair and conservation of original/early joinery including timber doors, windows, highlights, cupboards, verandah soffits as well as timber floors where relevant.
  - Repair and conservation of all metalwork items both internal and external.
  - A face brick repair and replacement strategy for the external facades.
24. Detail design resolution and contract documentation for the proposed adaptation works should be prepared in consultation with a heritage consultant so the original elements which are to remain are integrated into the new works in a meaningful way and interpreted so the cultural significance is not lost.
25. Careful design of the details of the proposed works is to be carried out, to ensure that original fabric is distinguished from reconstructed and new elements, in accordance with the principals of the CMP and SECPs. Original components are to be reused in reconstruction where possible.
26. Generally new services and fixtures should not be fixed to the original walls and ceilings. Fixings to heritage fabric should be minimal and should be made to floors, and to new elements in preference to the original walls and ceilings.
27. The Draft Maintenance Plan is to be finalised and submitted to Council prior to commencement of works. A positive covenant shall be created under Section 88E of

the Conveyancing Act to ensure that a specific sinking fund is established and allocated for ongoing repair and maintenance works to the heritage buildings. These works are to be in accordance with the Maintenance Plan. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be submitted for Council's approval prior to commencement of works.

28. Interpretative elements are to be installed in conjunction with the proposed works. Details of the interpretation proposal for the site are to be submitted to Council. The interpretation proposal should be prepared in accordance with the SECPs for the Flowers Ward group, for Flowers Ward 6, and for Hill Building 2 prepared by Godden Mackay Logan in March 2006, and with the Interpretation Strategy by Musecape (November 2004) and address the 'rationale for interpretation' in Section 12.11 of the Interpretation for the relevant sites where appropriate.
29. Street numbering, unit numbering and mailboxes must be provided in a prominent position. In this regard, details must be submitted and approved by Council prior to obtaining a Construction Certificate.
30. Any blinds/sunscreens to verandah areas shall comprise of roll-up canvas blinds (or similar material) installed within the verandah framing, as shown in early photographs of the Wards, as originally placed.
31. Any plant or services (including piping, cables, satellite dishes and tv/radio antennas) shall not be placed on the roof or external elevations of the buildings or located in open areas around the buildings unless the prior approval of Council has been obtained.
32. The original roofscapes and roof fabric shall be retained.

**The following conditions are imposed to promote ecologically sustainable development and energy efficiency.**

33. In accordance with Section 80A (11) of the *Environmental Planning and Assessment Act 1979* and Clause 97A of the *Environmental Planning and Assessment Regulation 2000*, it is a prescribed condition that all of the required commitments listed in the BASIX Certificate (No.287156M\_03) are fulfilled.

The additional recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010 (in particular the additional treatments) must be adhered to.

## **B. OPERATIONAL MATTERS**

**The following conditions are applied to provide adequate provisions for parking to the development: The following conditions are applied to provide access and facilities for people with disabilities:**

34. Parked vehicles must not protrude beyond the property boundary, onto the footpath, nature strip or driveway at any time.

**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:**

35. 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.

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 (LA90), 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 LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

36. 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.
37. The use and operation of the plant and equipment within the building shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

#### **C. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**

38. The residential units are to achieve the following internal acoustic amenity criteria:
  - a) In naturally ventilated residential units; the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:
    - 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
    - 45 dB(A) in sleeping areas when windows are open;
    - 45 dB(A) in living areas (24 hours) when the windows are closed, and
    - 55 dB(A) in living areas when the windows are open.
  - b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:
    - 38 dB(A) between 10pm and 7am in sleeping areas;
    - 46 dB(A) in living areas (24 hours).

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

39. Seals shall be provided at entry doors to units and common corridors.
40. In accordance with the provisions of the Environmental Planning & 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 and recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010 (in particular the additional treatments) 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 and additional recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010 may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

41. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

42. **Prior to the commencement of any 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 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

43. 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.*

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

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

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

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works**.

45. Car parking spaces shall be allocated at a rate of 1 space per unit. The remaining spaces must be designed and allocated as visitor spaces.

At least 3 of the car spaces shall be designed as accessible spaces. They shall be allocated at a rate of one space per adaptable unit. They shall be in convenient and accessible locations to the respective unit. Each space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard AS 2890.1 and AS 1428.1.

Details shall be indicated on the plans submitted with an application for a Construction Certificate to the satisfaction of the accredited certifier.

46. Four bicycle parking spaces for visitors, in the form of racks or similar, shall be located within the main corridors or undercrofts or other common areas to the satisfaction of the consent authority. Details shall be indicated on the plans submitted with an application for a Construction Certificate.

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

47. 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)       \$4,000.00       -       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:**

48. 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.
49. Prior to the issuing of a Construction Certificate the applicant must demonstrate to Council that the development site has use rights over Gull Street. This condition is

required because the proposed carspaces located to the south of Building 6 are accessed from Gull Street.

50. The car parking areas must be designed in strict accordance with the requirements of Australian Standard 2890.1:2004. The construction certificate plans must demonstrate compliance with this requirement.
51. The plans submitted for the Construction Certificate must identify the parking allocation for the proposed development. Forty two spaces (42) are to be allocated for resident parking, (i.e. one space per unit) and six spaces for visitor parking.
52. 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.

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

53. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Ewing Avenue property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage. The design alignment level at the property boundary must be strictly adhered to.
54. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Brodie Avenue property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage. The design alignment level at the property boundary must be strictly adhered to.
55. 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.
56. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$4,400 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Brodie Avenue. 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:**

57. 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.
58. 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.

59. 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.
60. 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.

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

61. 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.

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

62. Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Historic Precinct, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, **prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.**

The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- e. Position of existing and proposed site services including water, gas, electricity,

sewer, stormwater, etc.

- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- g. 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. Planter box details shall be submitted with the detailed landscape plans.
- h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
- i. Location of easements within the site and upon adjacent sites (if any).

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

- 63. The garbage room areas will have to be designed so as to be able to contain a total of 42 x 240 litre bins (21 garbage bins & 21 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate
- 64. 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.

**D. PRIOR TO ANY WORK COMMENCING ON THE SITE**

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

- 65. 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.
- 66. Prior **to the commencement of any building or fire safety works**, the person having the benefit of the development consent must:-
  - i) appoint a *Principal Certifying Authority* for the building work, and

- ii) appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) 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
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

67. 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.

## **E. DURING CONSTRUCTION WORKS**

68. 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.

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

69. Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for the site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. Copies of the SAS and Unexpected Finds Protocol shall be included in all leases and sales contracts.
70. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.
71. Details of any unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.

72. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
73. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
74. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

75. The applicant is to engage the services of a suitably qualified environmental consultant (or similar) to respond to enquiries and complaints made by the community, the general public or Council in relation to Noise, Contamination, remediation, excavation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number). A complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to these enquiries and complaints. This register shall be made available to council officers upon a reasonable request.

76. 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
- Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

77. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001 and carried out in accordance with the recommendations of the hazardous Materials Survey Report prepared by Environmental Monitoring Services. The Work Plan must include the following information (as applicable):
- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
  - Compliance with Hazardous Materials Survey Report prepared by EMS ref no. EMS08 6177
  - 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
78. 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.***

79. A Work Cover licensed demolition or asbestos removal contractor must undertake removal of more than 10 m<sup>2</sup> of bonded asbestos (or as otherwise specified by Work Cover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
80. On demolition 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.
81. 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.
82. At the completion of all demolition work and removal of hazardous materials a suitably qualified person shall submit a report to Council which demonstrates and certifies that hazardous materials from the development have been removed from the development in accordance with relevant criteria and conditions of Council's approval.
83. 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
- Hazardous Materials Survey Report No. EMS08 6177 prepared by Environmental Monitoring Services
- 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

84. Appropriate measures / safety standards with respect to any lead paint and synthetic mineral fibre removal, as listed in the Hazardous Materials Survey Report prepared by Environmental Monitoring Services and numbered EMS08 6177 shall be adhered to.

**The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:**

***Regulatory***

85. 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.

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the *Principal Certifying Authority*. Details of *critical stage inspections* carried out and copies of certification relied upon must also be forwarded to Council with the *occupation certificate*.

The *principal contractor* must ensure that the required critical stage and other inspections, as specified in the *Principal Certifying Authority's* "Notice of Critical Stage Inspections", are carried out to the satisfaction of the *Principal Certifying Authority*

and at least 48 hours notice (excluding weekends and public holidays) is to be given to the *Principal Certifying Authority*, to carry out the required inspection, before carrying out any further works.

87. 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”.

### ***Construction site management***

88. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- Randwick City Council Asbestos Policy (adopted 13 September 2005)
- WorkCover NSW Codes of Practice and Guidelines
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

89. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:

- a) Compliance with Randwick City Council's 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> 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.

- d) 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.
- e) 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.
- f) On demolition 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.
- g) A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that 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.

90. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*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.*

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

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

92. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

- 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) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
- c) 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.
- d) 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.
- e) 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 the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public access to demolition/building works, materials and equipment on the site is to be restricted and 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.

- g) Temporary fences or hoardings or the like 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.
  - h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
  - i) If it is proposed to locate any hoardings, site fencing 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.
  - j) 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.
  - k) 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.
  - l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:-
    - Install or erect any site fencing, hoardings or site structures
    - Operate a crane or hoist goods or materials over a footpath or road
    - Placement of a waste skip or any other container or article.
93. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
94. The carpark layout and access grades must be generally in accordance with Australian Standard 2890.1:2004 – Off-Street Parking and details (including any relevant vehicle manoeuvring diagrams) are to be submitted to and approved by the Certifying Authority with the Construction Certificate.
95. The **Principal Certifying Authority (PCA) will be required to ensure that the** approved landscape plan complies with the Landscape Performance Criteria and Controls for the Historic Precinct, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation

certificate and shall be maintained in accordance with those plans.

### **Tree Management**

96. Other than the *Metrosideros excelsa* (NZ Xmas Tree/Pohutukawa), located about halfway along the length of the western edge of the Flowers Ward 2 building, fronting Brodie Avenue, which is to be retained as an 'existing heritage tree' (refer Tree Protection Measures below), approval is granted for the removal of all other existing vegetation within the site in order to accommodate the proposed works as shown, but is subject to the full implementation of the approved landscape plans.
97. The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.
98. Permission is granted for the selective and minimal pruning of only those branches from the *Metrosideros excelsa* (NZ Xmas Tree/Pohutukawa), which is located about halfway along the length of the western edge of the Flowers Ward 2 building, fronting Brodie Avenue, which need to be specifically pruned in order to avoid damage/conflict with site machinery or similar during the course of the works.
99. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

### **Tree Protection Measures**

100. In order to ensure the retention of the 'heritage' *Metrosideros excelsa* (NZ Xmas Tree/Pohutukawa), located about halfway along the length of the western edge of the Flowers Ward 2 building, fronting Brodie Avenue in good health, the following measures are to be undertaken:
  - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this 'heritage tree', with the position of its trunk and full diameter of canopy clearly shown on all drawings.
  - b. All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any services, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile within a radius of 5 metres from the outside edge of its trunk, with all plans to be designed accordingly to reflect this requirement.
  - c. Only excavations specifically associated with the installation of approved landscaping (including fencing or footpaths) are permitted to be performed within the zone specified in point 'b' above, and are to be undertaken by hand, with any roots encountered to be cut cleanly by hand and the affected area backfilled with clean site soil as soon as practically possible.
  - d. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located along the edge of the existing

Flowers Ward building, along the back of the pedestrian footpaths to its west and south, as well as a distance of 5 metres to its north, in order to completely enclose this tree for the duration of the proposed works.

- e. 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, DO NOT ENTER".
  - f. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.
101. Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner.

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
  - b. With the exception of the site discharge pipes, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
102. 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 be collected and discharged from the development site
103. The 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.

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

104. 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:**

105. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
106. If required, reflux valves shall be provided (within the site) over the pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.
107. 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.

108. 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 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 or double brick.
- 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.
- 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.**

**F. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

109. 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](http://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 strata subdivision.

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

110. A formal strata subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all the conditions of this development consent and the consent for Development Application 187/2006 must be satisfied and their compliance verified by the Principal Certifying Authority prior to endorsement of the strata 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.

111. 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](http://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 strata subdivision.

112. All floors, external walls and ceilings depicted in the proposed strata plan must be

constructed prior to the issue of a strata certificate.

113. Parking spaces must be allocated on the basis of one space per unit, (42 spaces) and 6 visitor spaces.
114. 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.
115. Prior to the endorsement of the strata plans, all facilities required under this development consent (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements
116. 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.
117. All roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.
118. The applicant shall provide Council with the finalised strata subdivision plans of the property prior to their endorsement.
119. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, and must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

#### **G. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES**

120. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to a Occupation Certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.
121. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments and additional recommendations of the BASIX Assessment prepared by Vipac Engineers and Scientists LTD, dated 12 November 2010 (in particular the additional treatments required) have been fulfilled.

Relevant documentary evidence of compliance is to be forwarded to the Council upon issuing an Occupation Certificate.

#### ***Structural adequacy***

122. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority **prior to issuing an occupation certificate or strata subdivision certificate**, which certifies that the structural adequacy of the building.

#### ***Fire safety***

123. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, prior to issuing an occupation certificate:
124. Fire safety and building upgrading works are to be implemented in accordance with the recommendations contained in the Building Code of Australia report prepared by City Plan Services dated 12 Nov 2010, ref:RE280318.3.
125. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

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

126. All landscape works shall be installed in accordance with the approved documentation, prior to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.
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. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with 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.
129. Upon completion of all landscape works, and prior to the issue of a final occupation certificate, documentary evidence is to be obtained from a qualified Landscape Architect (member of AILA), or Landscape Designer/Manager (member of AILDLM), which shall be submitted to the PCA (and Council, if not the PCA), which confirms that the landscaping has been completed in accordance with the approved landscaping plans and relevant conditions of development consent.

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

130. 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).
131. 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.
132. 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 Ewing Avenue opposite the vehicular entrances to the site. Council notes that many of the carspaces and internal footpaths are accessed from "Private Roads" and Council is not the consent authority for these works. The Certifying Authority must ensure that all vehicular crossings on private roads are constructed to appropriate design standards.
  - Construct full width concrete laybacks and footpaths in Ewing Avenue and Brodie Avenue opposite the proposed internal footpaths.
  - Construct Gull Street to the satisfaction of Landcom or its nominated representative.
133. 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.
134. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with

the conditions of consent, Council's design details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

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

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

### **Notes:**

- The standard conditions may be modified or supplemented by additional non-standard site specific conditions to address any specific environmental, amenity, construction and safety considerations associated with the proposal.
- The waste management, drainage and infrastructure standard conditions may be modified or replaced with site specific conditions as proposed by Council's Development Engineer, City Services or Waste Services officers.

- A4. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or