

**Joint Regional Planning Panel
(Sydney East Region)**

JRPP No.	2011SYE112
DA No.:	DA/812/2011 – Stage 2 DA for Lot 11 to construct three(3), five (5) storey residential flat buildings containing 179 apartments, basement parking for 226 vehicles and associated landscaping works at 1408 Anzac Parade, Little Bay.
Applicant:	CHOF 5 Little Bay Pty Ltd
Report By:	Development Assessment Officer– Randwick City Council

1. Executive Summary

Council is in receipt of a Stage 2 development application to construct three (3), five (5) storey multi-unit residential buildings within Lot 11 at 1408 Anzac Parade, Little Bay. The development is proposed to contain 179 apartments, basement parking for 226 vehicles, with associated landscaping works around the site.

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. The development has a capital investment value in excess of \$20 million.

The subject site comprises Lot 11, located within a larger development site (referred to as the Stage 1 development site), the subject of a Stage 1 Plan approved under DA No. DA/81/2009 by Land and Environment Court, on 23 December 2009. The approved Stage 1 Plan provides the main controls for future built forms and design principles for public domain elements, by way of a Master Plan. The approval for DA/81/2009 also detailed Stage 1 works comprising bulk earthworks, remediation works, civil infrastructure works and land sub-division.

The proposed development is permissible in the Special Uses 5 zone under Randwick Local Environmental Plan (Consolidation) 1998. The proposal does not comply with the development standard restricting FSR to 0.5:1 for residential uses within the zone. Proposed is an FSR of 1.54:1. The applicant has submitted a SEPP 1 objection in relation to this breach.

An assessment of the SEPP 1 objection is detailed with Section 5.3 of this report, indicating that in this instance, strict compliance with the control is unreasonable and unnecessary. The variation proposed is a technical variation, arising as a consequence of the FSR being calculated in relation to Lot 11 in isolation. When the proposed floor area is calculated in the context of the overall Stage 1 development site, the proposal forms part of an overall Stage 1 development that will be compliant with the maximum 0.5:1 FSR, in accordance with objectives of the development standard. Additionally, the proposal is consistent in building height and landscaping to that required under the Stage 1 Plan; has a bulk and scale that will be compatible with that envisaged under the Master Plan and in particular the urban character established within the Prince Henry site; and will not compromise the amenity of surrounding residential areas.

The proposal is generally consistent with the controls contained within the Stage 1 Plan with minor variations relating to external wall heights, setbacks, visual privacy, units accessed from a single core and glazing. These variations have been addressed within the assessment report and are considered justified in the context of the site.

The application is considered suitable for approval subject to conditions.

2. Site Description and Locality

2.1 Stage 1 site- 1408 Anzac Parade, Little Bay.

The subject site is located at 1408 Anzac Parade, Little Bay comprising Lots 10 and 11 of DP 1127716. The site (referred to hereafter as the Stage 1 development site) is located on the eastern side of Anzac Parade with a total area of approximately 13.6 hectares, abutting residential development to the north and south, with the greens and landscaped areas of the Coast Golf and Recreation Club immediately to the east.

The site formerly contained various UNSW facilities including sporting fields, a Biological Research Centre and Solarch buildings. The central and eastern portions of the Stage 1 site are of ecological and geological significance, with the presence of a watercourse containing registered Ochre and Miocene Site (traditionally harvested for use by Aboriginal communities), the Little Bay Geological Site and constructed dams in the central section. A small portion of Eastern Suburbs Banksia Scrub (ESBS) remnant is also located along the eastern boundary with the main ESBS remnant being located on adjoining land to the east in Lot 12 DP 164309, which does not form part of the Stage 1 development site. The Stage 1 consent noted by way of condition, that development in all areas adjacent to the geological site would be required to have regard to the heritage significance of the geological site. The portion of the Stage 1 site forming the subject of this assessment, known as Lot 11, is not adjacent to the Geological site, as shown in Figure 1, below.

A Land and Environment Court consent of 23 December 2009 granted Stage 1 approval on the site under DA/81/2009, adopting a Master plan to inform future Stage 2 development proposals. A subdivision plan approved as part of this consent created 28 residential lots, ten (10) super lots, open space and an internal street network (shown below, in Figure 1). The application the subject of this assessment consists of the western-most super lot on the site, known as Lot 11. It should be noted that Lot 11 and all other allotments within the Stage 1 development site have not yet been registered with Lands and Property Management Authority (formerly Land Titles Office).

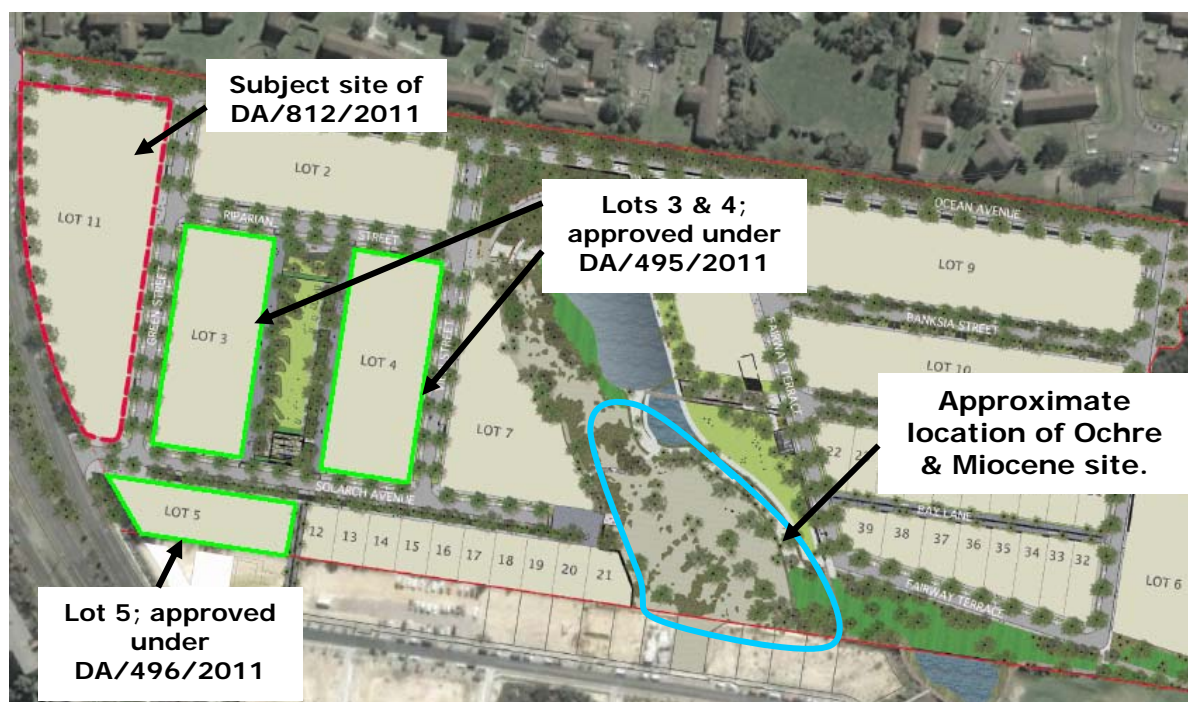


Figure 1: Approved Stage 1 subdivision plan of 1408 Anzac Parade per DA/81/2009. Subject site bound in red. Past Stage 2 approvals highlighted in green. Aboriginal Heritage site in blue.

The Stage 1 development site has been subjected to extensive bulk earth and remediation works, approved under the Stage 1 consent. The site is relatively level in the western section of which previously contained UNSW sporting fields, falling steeply into a depression containing the Ochre Site and watercourse in the central portion, then sloping down gently west to east in the vicinity of the Coast Golf Course.

2.2 Subject Stage 2 site- Super lot 11

Lot 11 features a prominent 181 metre western frontage to Anzac Parade and a total Lot area of 9445 square metres. The remainder of the site is bound by three (3) new streets approved under the Stage 1 consent, to be known as 'Solarch Avenue' to the south, "Green Street" to the east; and 'Ocean Avenue' to the north. Solarch Avenue and Ocean Avenue form two (2) vehicular entry and exit points to the Stage 1 development site from Anzac Parade. Following earthworks approved under the Stage 1 consent, Lot 11 will feature a regraded ground level at a high point to the north-east corner of RL 40.6, down to a low point in the south-western corner of the site of RL 37.0.

The wider context of Lot 11 comprises, to the north, the existing Department of Housing low to medium density residential area. Located to the east are two (2) super lots the subject of separate Stage 2 development approval (DA/495/2011) and the above-mentioned watercourse containing a Mochre and Miocene Site. Immediately to the south sits another super lot the subject of separate Stage 2 development approval (DA/496/2011) and beyond sit residential flat building developments within the Prince Henry development site. To the west across Anzac Parade is generally low to medium density residential development.



Photo 1: Frontage of the subject site looking south on Anzac Parade. Existing flat buildings within the Prince Henry Site shown in the distance.



Photo 2: Existing Department of Housing development, located west of the subject site across Anzac Parade.



Photo 3: View from the northern boundary of the subject site, looking south. Stage 1 approved earthworks shown underway. Prince Henry Development shown in the distance.



Photo 4: Existing Department of Housing development to the north of the subject site. The northern boundary of the subject site sits right of frame.

3. Site History:

The greater site at 1408 Anzac Parade has been the subject of a number of historical approvals:

DA/264/2007	Stage 1 DA for the Community-title subdivision of the subject site into 149 residential allotments with associated building envelopes, car parking, roads and open space.	Approved 25 September 2007
DA/886/2007	<p>Application to subdivide the land known as Lot 1 DP 164309 into three (3) separate Torrens Title allotments. The details of the subdivided allotments outlined:</p> <ul style="list-style-type: none"> ▪ Lot 10 – comprising the developable portion of the development site with a total area of 11.42 hectares; ▪ Lot 11 – located in the centre of the development site and containing the central corridor, Miocene and Ochre site with a total site area of 2.171 hectares; ▪ Lot 12 – Adjacent to the eastern side of the development site containing the ESBS remnant with a total area of 3.411 hectares. 	Approved 18 January 2008
DA/1020/2007	Stage 2 Development Application for bulk earthworks & remediation of land.	Approved 11 November 2008

Lots 10 and 11 (of DA/886/2007) were purchased by CHOF5 Little Bay Pty Ltd (Charter Hall) in January 2008 with Lot 12 remaining in the ownership of the University of NSW. The following application was lodged under current owner, Charter Hall.

DA/81/2009	Stage 1 DA including built form controls, site remediation, bulk earthworks, infrastructure and services works, demolition of all structures on site, associated landscaping and subdivision of the site into 28 residential lots and 10 super lots comprising approximately 450 dwellings. The extent of the Stage 1 site is shown in Figure 2, below.	Approved by Land & Environment Court 23 December 2009.
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3.1 Stage 2 approvals to date:

Notably, DA/81/2009 detailed above, approved the larger Stage 1 development site containing Lot 11, the subject of this report. Remediation and site works are currently underway further to this Land and Environment Court approval of 23 December 2009.

Within the above mentioned Stage 1 Master Plan, the following Stage 2 applications have been approved by the JRPP to date. The applicable lots are also highlighted green in Figure 1, above:

DA/495/2011	Lots 3 & 4	Construction of 66 two (2) and three (3) storey terrace dwellings with basement parking for 132 vehicles, landscaping and associated works.	Approved by JRPP on 5 October 2011.
DA/496/2011	Lot 5	Construction of a five (5) storey multi unit residential flat building containing 45 apartments, basement parking for 47 vehicles and landscaping.	Approved by JRPP on 5 October 2011.

3.2 Application History

Pre-lodgement discussions (per PL/29/2011) were held with the applicant in June 2011, regarding the subject Lot 11. A copy of the scheme was referred to the SEPP 65 Design Review Panel throughout this process, who provided numerous critiques of the design. Formal advice was provided by Council reflective of this on 1 July 2011. The design has been altered significantly since this process.

Following the advice of PL/29/2011, the applicant made significant amendments to the scheme and sought further pre-lodgement advice on 10 October 2011, specifically from the Design Review Panel. Feedback from the panel was supportive of the design amendments, stating *"It is the Panel's opinion that the design is developing very satisfactorily and looks forward to reviewing the DA in due course"*. The design proposed within the current application largely resembles this scheme, with the inclusion of some minor tweaking.

The subject application (DA/812/2011) was lodged on 28 October 2011. Additional information was received on 22 December 2011 and 31 January 2012. The assessment below is based upon the most recent information received on 31 January 2012, in conjunction with earlier submitted documentation.

4. The Proposed Development

The subject application seeks Stage 2 approval for the construction of three (3), five (5) storey residential apartment buildings within Lot 11, with basement parking and landscaping works. The development is proposed to contain 179 apartments, with 226 parking spaces located within the basement car park. A pedestrian through-site link is

proposed, linking the western boundary of Anzac Parade to a new street to the east of the site, to be known as 'Green Street', shown in Figure 3, below.

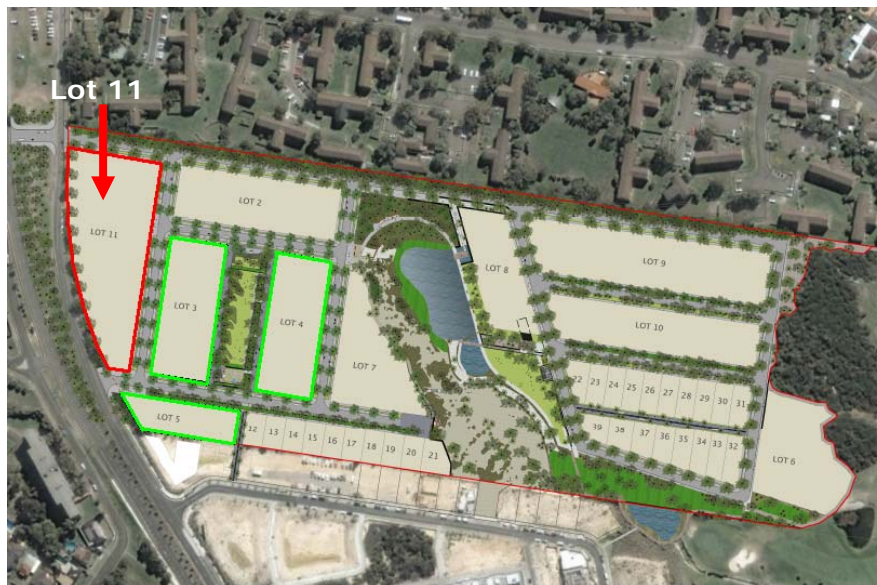


Figure 2: LEC approved Stage 1 subdivision pattern of 1408 Anzac Parade, Little Bay. The subject Lot 11 highlighted in red. Three (3) lots with prior Stage 2 approval highlighted in green.



Figure 3: Proposed footprint of Lot 11. Through-site link highlighted in blue.

4.1 The Built Form

The proposed built form details three (3) building complexes, each comprising a primary building component oriented approximately east-west within the lot. All three (3) buildings have two (2) north-south oriented wings (shown in Figure 4, right). Each building complex contains five (5) storeys, with the development reaching a maximum height of RL58.2 to the northern building, denoted as Building No. 3 (per Figure 4). Landscaped area and communal open space are incorporated surrounding the built form. Buildings numbered two (2) and three (3) are separated by a proposed east-west pedestrian through-site link.

Beneath, a 226 vehicle basement car park is proposed to be excavated across the majority of the site, accessed via a single vehicular ramp from the new street to be known as 'Green Street', to the eastern boundary of the site. The basement car park consists of one (1) parking structure, sitting in the centre of the site.



Figure 4: Proposed built form of Lot 11 and corresponding building reference numbers.

4.2 Development Statistics

The primary development statistics are summarised within the application as follows:

Component	Proposal
No. of dwelling units	179 units
Unit mix	49 x one (1) bedroom 32 x one (1) bedroom + study 51 x two (2) bedroom 32 x two (2) Bedroom + study 15 x three (3) bedroom
Parking	226 car spaces 81 bicycle spaces
FSR	1.54:1 (14,515 m ²)
Max Building Height	17.75m
Setbacks	North boundary (Ocean Ave): minimum 2.2m setback. West boundary (Anzac Pde): minimum 4m setback. South boundary (Solarch Ave): minimum 1.5m setback. East boundary (Green St): Minimum 2.2m setback.
Landscaping	Landscaped area: 65% of total Lot area (approx. 6140m ²). Deep Soil : 25% of Lot area (approx. 2360 m ²)

Table 1: Summary of proposed development statistics.

Vehicular access to the site is provided by way of a single driveway ramp from Green Street, located to the eastern boundary of the lot. The proposal will also involve associated landscape works and provision of utility services.

A comprehensive assessment of the proposed development against the provisions of relevant policy controls and the adopted Master Plan is detailed in Section 8 below.

5. Relevant Environmental Instruments and Policy Controls

5.1 Environmental instruments

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development, and are addressed in detail in Section 8 of this report:

1. State Environmental Planning Policy No. 1- Development Standards
2. State Environmental Planning Policy (State and Regional Development) 2011
3. State Environmental Planning Policy No. 55 – Remediation of Land
4. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
5. State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
6. Randwick Local Environmental Plan (Consolidation) 1998

Further to the application of Randwick Local Environmental Plan (Consolidation) 1998 (RLEP 1998), the following clauses are relevant to the proposal:

- Clause 17 - Zone No 5 (Special Uses);
- Clause 20F - Floor Space Ratio;
- Clause 22 - Services;
- Clause 37A - Development in Special Uses Zone;
- Clause 40 - Earthworks;
- Clause 40A - Site Specific Development Control Plans;

- Clause 42B - Contaminated land;
- Clause 43 - Heritage conservation.

An assessment of the proposed development in relation to the above statutory instruments is provided in Section 8 of this report:

5.2 Policy Controls

The following policy controls apply in the assessment of the proposed development are elaborated upon in Section 8, below:

- Stage 1 Master Plan (approved by the L&E Court; 27 December 2009);
- Development Control Plan – Parking;
- Randwick City Council Section 94 Contributions Plan.

5.3 State Environmental Planning Policy No 1- Objection to a Development Standard

Randwick LEP Clause 20F: Floor space ratio

The proposal seeks to vary a development standard relating to floor space ratio contained with Randwick Local Environmental Plan 1998, under Clause 20F which states:

- (5) *The maximum floor space ratio for buildings within Zone No. 5 to be used for the purpose of boarding houses, dwellings or multi-unit housing (or any two or more of them) is 0.5:1.*

The proposed development of Lot 11 results in an FSR of 1.54:1 (14,515m²).

The applicant has submitted an objection under State Environmental Planning Policy No.1 - Development Standard, arguing that strict compliance with Clause 20F of Randwick LEP is unreasonable and unnecessary. Principles for assessing SEPP 1 Objections have been established in the NSW Land and Environment Court case, *Wehbe v Pittwater Council [2007] NSWLEC 827*. The case has established that the upholding of a SEPP 1 objection is a precondition which must be satisfied before a proposed development can be approved by the consent authority. The principles established in *Wehbe v Pittwater Council* are addressed in the assessment of the applicant's current SEPP 1 Objection:

Matter 1

The Court must be satisfied that "the objection is well founded" (clause 7 of SEPP 1). The objection is to be in writing, be an objection "that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case", and specify "the grounds of that objection" (clause 6 of SEPP 1).

The stated purpose of the maximum FSR standard as outlined in the LEP is:

"To operate together with controls for building height and landscaped area to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area."

The applicant has submitted the following arguments in support of the SEPP1 Objection:

"The reason for the proposed variation relates solely to a technicality in the calculation of GFA. While the Court approved Little Bay Stage 1 Plan has an FSR of 0.5:1 across the entire Little Bay Cove site, and the GFA currently proposed on Lot 11 complies with the GFA specified for it in the

Little Bay Stage 1 Plan, a technical non-compliance arises when FSR is calculated solely in relation to the area of Lot 11.

Compliance with the development standard is unreasonable and unnecessary because the proposed non-compliance is purely technical in nature and the underlying purpose of the standard is achieved.

This objection is well founded because, notwithstanding the proposed non-compliance, the proposed development forms part of a larger Little Bay Stage 1 Plan concept, which does comply."

It is considered that the proposal is satisfactory and compliance with the development standard is unreasonable and unnecessary for the following reasons:

1. Stage 1 approval of individual Lot GFA

- Lot 11 forms part of a larger approved Stage 1 development site containing 'super lots' and single dwelling lots, all zoned Special Uses 5. The approved Stage 1 Plan adopts a Density Control Plan (refer Figure 5, below). The plan defines the acceptable Floor Space Ratio to Lot 11 of 1.54:1 or up to 14,520m² in Gross Floor Area. When considered in the context of the greater site, the overall maximum GFA for the Stage 1 development site is 68,500m² over a total site area of 135,962m² yielding an overall compliant FSR of 0.5:1.
- The breach in FSR only occurs when the proposed development is considered in isolation, that is, in relation to the subject site (Lot 11), as reflected in the current Stage 2 application. However, when considered in relation to the overall Stage 1 development site (with a site area of 135,962m²), the FSR is 0.1:1, well below the maximum 0.5:1 FSR standard.
- The proposal complies with the maximum storey height of Basement + five (5) storeys for the subject Lot under the Stage 1 Plan, and therefore meets the relevant building height objectives of the control, including minimising the impact of built form on adjoining and nearby land; reinforcing the urban pattern and street hierarchy; and locate height in relation to the expansive scale of major streets and open spaces.



Figure 5: Extract from Stage 1 approved Master Plan, outlining individual Lot GFA's.

2. Provides required landscaped and permeable area.

- In achieving the proposed gross floor area of 1.54:1, the proposal remains compliant with the minimum landscaping controls of the Stage 1 Plan, including 50% landscaped area (65% provided); the minimum 25% deep soil area (25% provided); and generally complies with the required five (5) metre wide and 80% deep soil garden zone of the Master plan (generally 5m wide and 80% deep soil provided).
- Accordingly, the proposed landscape provisions will meet the following specified objectives of the landscape control, detailed in the approved Master Plan:
 - provide adequate on-site infiltration and reduction in urban run-off;
 - provide a variety of usable outdoor spaces to relate to the primary habitable rooms of residential dwellings;
 - provide of a variety of useable common landscape spaces to provide outlook and recreation in multi unit apartment buildings;
 - provide landscape thresholds to articulate the transition between the public and private domains.
 - provide usable common landscape species outlook and recreation in multi-unit apartment buildings; and to provide landscaped thresholds to articulate the transition between the public and private domain.

3. Consistency of built form

- The proposal will have a built form that is commensurate with the architectural design intent under the Stage 1 Plan and specifically, the large frontage to Anzac Parade. In achieving this, the design has been appropriately broken into sections to minimise the impact of massing upon the streetscape. The proposed development therefore provides a built form that will strengthen the streetscape and edge along this

major street, while still providing relief along the length of the frontage, through breaks in the built form.

- The proposed development will have a height, bulk and scale consistent with the approved development of DA/496/2011 (super lot 5), located immediately to the south of the subject site, approved for five (5) storeys plus basement and having a minor frontage to Anzac Parade.
- Further to the south, the site at 2-4 Gubbuteh Road within the Prince Henry site, also presents a development of similar bulk, scale and form to Anzac Parade, of four (4) storeys plus loft level.

4. Objectives of the Master plan

Section 3 of the Stage 1 Master Plan outlines a number of built form controls relating specifically to Lot 11.

“Lot 11- Western Frontage to Anzac Parade

This Lot is located along the Western edge of the site and forms the main site “address” to the wider community of Little Bay and beyond.

- *The built form controls reinforce the scale of Anzac parade and have been informed by the scale of existing buildings along this corridor. Built from of up to 5 stories exists on the western side of Anzac Parade, opposite the subject site. The Prince Henry site has a mix of 5 storey and 4+ attic storey development on the same frontage, to the south of the site.*
- *The building height and density controls for this site allow for the provision of apartments that can take advantage of the site's location adjacent the area's primary public transport corridor.*
- *This location provides the opportunity for optimal views and amenity that can be shared by the maximum number of future residents in multi unit buildings.*
- *Future buildings must respect the visual and physical connections form within the site to Anzac Parade, especially in the alignment of Riparian Street. This will ensure that expansive vistas into the site are created – making the site feel open and inclusive to the local community and ensuring that the site's open character is preserved.*
- *A series of slender, east-west oriented buildings would optimise the potential for northern light, define the built form as articulated (and discontinuous) along the curve of Anzac Parade, and allow multiple vistas to the site.”*

The proposed bulk and scale are considered to be generally consistent with the above design principles and objectives, further to generally complying with the maximum numerical controls of the Stage 1 Master Plan, as approved by the Court under DA/81/2009.

5. Amenity impacts

- The proposed development will provide adequate levels of amenity to internal occupants, particularly in regards to solar access, ventilation and landscaping.

- The development will not pose an unacceptable impact upon the amenity of those adjoining and neighbouring properties or the streetscape, particularly in regards to solar access, privacy and views, as detailed further in the body of this report.

Overall, the application has adequately demonstrated the development will be consistent with the underlying and stated purposes of the standard and the local planning objectives for the locality, in addition to the objectives of the Act. A SEPP 1 objection has been provided that appropriately justifies that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and the objection is supported in this instance.

Matter 2

The Court must be of the opinion that "granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3" (clause 7 of SEPP 1).

The aims and objects of SEPP 1 set out in clause 3 are to provide "flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act". The last mentioned objects in section 5(a)(i) and (ii) of the Act are to encourage:

- "(1) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (2) the promotion and coordination of the orderly and economic use of developed land."*

The variation from the FSR control is consistent with the aims of the SEPP No.1 because it would not detract from the objects of the Act under Section 5 (a) (i) and (ii) in that the resultant development would promote the orderly use and development of the subject land because:

- the development will have a height, bulk and scale that will not detract from the existing character and built form of the surrounds, of which contains predominantly medium to high density residential development and further forming part of the emerging redevelopment of the Stage 1 development site.
- The development will create additional floor area that will not negatively impact upon the amenity of adjoining and surrounding uses in terms of privacy, solar access, views and visual bulk and scale impacts.

Matter 3

The Court must be satisfied that a consideration of the matters in clause 8(a) and (b) of SEPP 1 justifies the upholding of the SEPP 1 objection. The matters in clause 8(a) and (b) are:

- "(a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument".*

The proposed development and variation from the development standard do not raise any matters of significance for State or Regional environmental planning. The strict adherence to the numerical standard is not considered necessary in this case, as the

variation comprises a technical breach, due to the relationship of the proposed floor area to Lot 11. The proposed floor area will be compliant with the maximum FSR control when calculated in relation to the overall Stage 1 development site.

There is no public benefit to be gained in this instance through strict compliance of Lot 11 in isolation, with the development standard of RLEP 1998. Given compliance is achieved by both the greater Stage 1 development and the proposal in relation to the Master plan, the application is not considered to constitute overdevelopment.

The proposed development does not compromise the amenity of surrounding residential areas and is compatible with the dominant character of existing and preferred future development. In maintaining this position, there remains significant public benefit in maintaining compliance of the specified Master plan FSR's to the greater development site. This is necessary in avoiding cumulative creep of FSR and potential overdevelopment of the greater site, of which the subject application does not contribute.

Ways of establishing that compliance is unreasonable or unnecessary

Preston C J expressed the view that an objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways:

First	<p><i>The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i></p> <p><i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i></p> <p>Comments: As discussed above, strict compliance with the development standard is unreasonable and unnecessary as the proposal will achieve the objectives of the development standard.</p>
Second	<p><i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.</i></p> <p>Comments: The underlying objective or purpose of the standard is relevant to the subject development.</p>
Third	<p><i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.</i></p> <p>Comments: Compliance would, in this case, be unreasonable as the underlying objectives of the standard are achieved.</p>
Fourth	<p><i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and</i></p>

	<p><i>hence compliance with the standard is unnecessary and unreasonable.</i></p> <p>Comments: The development standard defining maximum FSR's has not been abandoned or discarded by any decision or actions of Council.</p>
Fifth	<p><i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.</i></p> <p>Comments: The existing Special Uses 5 zoning is not considered to be inappropriate for the locality.</p>

6. Notification/ Advertising

The application was advertised from 9 November 2011 to 23 November 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and the EPA Act 1979.

Council received one (1) submission in response to the advertising of the application, raising the following concerns:

Issue	Comment
Issues relating to dust and health hazards from the ongoing remediation and earthworks on the site;	Conditions were applied to the original application regarding site treatment during remediation and bulk earthworks. Appropriate conditions have been recommended for application to the subject development to minimise this impact further.
High density of the proposal;	The proposed development is within the bounds set by the Court approved Stage 1 Master Plan. As such, the density is generally compliant with the applicable planning controls.
Extensive removal of vegetation and disturbing of wildlife;	Lot 11 is currently undergoing bulk earth and remediation works approved under the Stage 1 consent (DA/81/2009). The majority of vegetation removal has occurred to the eastern portions of the greater site and is not directly applicable to the Lot the subject of this assessment. The subject Lot formerly consisted of UNSW Sporting fields, as opposed to vegetation.
View obstruction to the Coast Golf Course.	Views to the golf course and beyond are obtained over the vacant Stage 1 site, of which has approval for redevelopment of up to 5 storeys. The expectation of retaining these views over a vacant lot is not considered reasonable in the circumstances.

7. Technical Advice: Internal and External

7.1 Development Engineering Comments

The development application was referred to Council's Development Engineering Unit for comments. No objection is raised to the proposed development subject to conditions of consent. The following is an extract of the response received:

Council is in receipt of a Stage 2 development application to construct 179 apartments, shared basement parking for 226 vehicles and landscaping in Lot 11 at 1408 Anzac Parade, Little Bay

Drainage

Onsite stormwater detention is required for any portion of the site that ultimately drains to Anzac Parade.

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.

Traffic

- **Single Entry/Exit Point Comments**

The subject development was referred to the SRDAC at its meeting of 16 November 2011. The SRDAC did not raise major objections to the proposal however Council raised concerns about the large number of car spaces served by one entry/exit point and the length of the circulation path to enter and exit some of the proposed car spaces. In response to Council's concerns the applicant's traffic consultant provided an additional submission. On the basis of this submission the Council now considers that a single entry/exit point in Green Street is supportable.

The traffic consultant's submission reads as follows:

RE: LOT 11, 1408 ANZAC PARADE, LITTLE BAY

1. *As requested, we are writing to respond to matters raised by Randwick City Council at the Sydney Regional Development Advisory Committee meeting on Wednesday 16 November 2011, in relation to the provision of a single access driveway to the proposed residential development. We have previously prepared a traffic report (first submission) which supported the proposed development.*
2. *Access to Lot 11 is proposed via a combined entry/exit driveway onto Green Street, approximately midway between Ocean Avenue and Solarch Avenue. The proposed access driveway is located and designed in accordance with the Australian Standard for Off-street car parking facilities (AS2890.1-2004).*
3. *A single access driveway is considered appropriate for the proposed development due to the following: -*
 - *the proposed residential development, comprising 179 residential units (81 one bedroom units, 83 two bedroom*

units and 15 three bedroom units), will have a traffic generation of some 70 to 90 vehicles per hour two-way during the morning and afternoon peak periods. This is a low traffic generation, equivalent to less than two vehicles per minute during peak periods. A single access driveway will easily cater for this level of traffic. A second driveway is therefore not required on traffic capacity grounds;

- *in regards to the basement car park, it is understood that the level change across the site, between Ocean Avenue and Solarch Avenue, does not easily allow for the provision of a second driveway onto Green Street;*
 - *the provision of a second driveway will result in the loss of on-site parking, with the possibility of requiring a further partial second basement level in order to provide appropriate parking;*
 - *the provision of a second driveway would require the introduction of additional internal car park ramps and would result in a revised internal car park circulation;*
 - *the provision of a second driveway would result in the loss of on-street parking in Green Street;*
 - *the only possible location for a second access driveway is off Green Street at the currently proposed through-site pedestrian link. This would compromise pedestrian access through the site and would result in pedestrian/vehicular conflicts;*
 - *the proposed single access driveway would only require provision of a single security access control and roller shutter, eliminating the need to duplicate the system.*
4. *On this basis, in terms of traffic effects, a single combined entry/exit driveway is considered appropriate to cater for the expected traffic generation and to provide an appropriate level of access to the proposed development.*

- **Parking**

Parking Provision (Multi-Unit Housing)

Parking Requirements for the site will be assessed as per Councils DCP-Parking which states the following rates for multi-unit dwellings;

1 Studio unit (<40m²) = 0.5 spaces

1 bedroom unit = 1 space

2 bedroom unit = 1.2 spaces

3 bedroom units = 1.5 spaces

Visitor parking to be provided at the rate of 1 space per 4 units

1 car wash bay to be provided per 12 units (visitor spaces may be used as car wash bays)

For the subject site consisting of:

81 x 1 bedroom Units

83 x 2 bedroom Units

15 x 3 bedroom Units

$$\begin{aligned}\text{Parking required} &= 81 \times 1 + 83 \times 1.2 + 15 \times 1.5 + 179/4(\text{visitor}) \\ &= 81 + 99.6 + 22.5 + 44.75 (\text{visitor}) \\ &= 247.9 = \text{say } 248 \text{ spaces}\end{aligned}$$

Parking Provided for residents = 222 spaces

Parking Deficiency = 26 spaces

Visitor Parking.

It is noted that visitor parking is proposed to be provided on the street in the vicinity of the development. Generally this is not supported however the Land and Environment Court approval for the development site supported visitor parking being accommodated on the street. The applicant successfully argued that sufficient on-street parking would be provided for both visitor parking and "destination" parking. The development site has 20 spaces in Green Street and Ocean Avenue immediately fronting the development site.

Bicycle Parking.

Bicycle parking to be provided at a rate of 1 space per 3 units plus 1 additional visitor space per 10 units.

$$\begin{aligned}\text{For subject site Bicycle Parking} &= 179/3 + 179/10 (\text{visitor}) \\ &= 59.7 + 17.9 \\ &= 77.6 = \text{say } 78 \text{ spaces}\end{aligned}$$

Parking Layout

Car space Dimensions, aisle widths, ramp grades, head clearances etc shall fully comply with the requirements of Australian Standard 2890.1:2004. Future plans submitted for the development application shall demonstrate compliance with the standard. Further information on car manoeuvrability demonstrating car sweeping paths using the B-85 design vehicle in AS 2890.1:2004 may be required.

• **SRDAC Comments**

The subject development was considered by the SRDAC at its meeting of 16/11/11. The recommendations of the SRDAC have either already been addressed or have been conditioned within this report.

Service Authority Comments

Standard service authority conditions have been included within this report. All services within the Charter Hall development site will be located underground and there are no power lines in Anzac Parade fronting the development site.

Landscape Comments

Standard landscape conditions have been included within this report.

Publically Accessible Cross Site Link

The proposed development features a public walkway linking Anzac Parade and Green Street. This walkway remains in private ownership however must be accessible to the general public. Conditions ensuring that the pathway has adequate lighting and legal access rights have been included within this report.

7.2 Comments from External Authorities

Sydney Airport Corporation

The application was referred to the Sydney Airport Corporation Limited as the proposed height of the building would potentially result in permanent obstruction of controlled airspace. Any obstruction of this airspace requires approval under the Airports (Protection of Airspace) Regulations 1996. No objections have been raised by SACL subject to recommended conditions.

RTA

The application was referred to the RTA for comment, given its proximity to a classified road. The RTA referred the application to the Sydney Regional Development Advisory Committee. Several conditions were recommended in the feedback received from the meeting. These conditions have been recommended to be applied to the application as appropriate.

NSW Police

The application was referred to NSW Police in relation to Crime Risk Assessment and measures to achieve Crime Prevention through Environmental Design (CPTED). No objections have been raised and conditions have been recommended to address relevant requirements.

8. Section 79C Considerations:

The following sections summarise the assessment of the proposal against the relevant heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

(a) The provisions of:

(i) Any Environmental Planning Instrument:

8.1 State Environmental Planning Policy No 1- Objection to a Development Standard

The proposed development does not comply with development standard 20F of RLEP 1998, restricting Floor Space Ratio to 0.5:1 for residential uses within Zone 5 (Special Uses). Proposed is an FSR of 1.54:1. The applicant has submitted a SEPP 1 objection in relation to this breach. An assessment of the SEPP 1 objection is detailed with Section 5.3 of this report. The assessment has indicated that strict compliance with the control would be unreasonable and unnecessary, in this instance.

8.2 State Environmental Planning Policy (State and Regional Development) 2011

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed development, as the capital investment value is in excess of \$20 million. The submitted application is referred to the Joint Regional Planning Panel (Eastern Region) for determination in accordance with the applicable provisions of SEPP (State and Regional Development) 2011.

8.3 State Environmental Planning Policy No. 55 – Remediation of Contaminated Land (SEPP 55)

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

The applicant's SEE advises *"Remediation of the site was required [under Stage 1] in order for the site to be suitable for residential use, given the sites previous use as landfill. Construction works on Lot 11 will commence following completion of remediation for this part of the site, and once a site audit statement has been issued certifying that the site is suitable for residential redevelopment"*.

The development consent (DA/81/2009) for the Stage 1 Plan included, among other things, remediation conditions, Nos. 77 to 80, to ensure that the whole of the Staged Development Site is remediated to meet the relevant NEPM criteria for intended uses. A condition will be applied requiring conditions No. 77 to 80 to be complied with prior to commencement of works relating to the subject development on Lot 11.

8.4 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)

The proposal is subject to the provisions of State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings. The application has been considered by Council's Design Review Panel. The Panel's comments are addressed in Section 8.10, below.

8.5 State Environment Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP: BASIX applies to the proposed development. The development application is accompanied by BASIX Certificates for each of the three (3) buildings proposed. (Certificates numbered 398906M, 400776M and 400796M). The commitments listed in the above certificates will be imposed by appropriate standard conditions pursuant to Clause 97A of the Environmental Planning and Assessment Regulation 2000.

8.6 Randwick Local Environmental Plan 1998 (Consolidation)

The subject site is zoned Special Uses 5 under the Randwick Local Environmental Plan 1998 (Consolidation). The proposal is permissible in the zone with Council's consent.

The following relevant clauses apply to the proposal:

Clause	Requirement	Proposal	Compliance
Clause 9 - Objectives	Clause 9 of RLEP 1998 requires Council to consider the aims of the LEP and Zone objectives prior to determining any DA on land to which the RLEP applies. The purpose of this Clause is <i>"To require the general aims of this plan and the specific objectives of each zone to be taken into account in the assessment and determination of development applications"</i> .	With reference to the general aims, the proposed development will not compromise the aims of the LEP in relation to heritage, aesthetic character, sustainability, environmental qualities and social amenity of the locality. The proposed development will contribute to a variety of housing within the locality and will not compromise the amenity of the residential area. The proposal is generally consistent with the specific zone objectives, as below.	Yes
17(1) – Zone No. 5 (Special	Objectives of the zone	The proposed multi-unit housing use is	Yes

Clause	Requirement	Proposal	Compliance
Uses)	<p>(a) to accommodate development by public authorities on publicly owned land, and</p> <p>(b) to accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and</p> <p>(c) to enable associated and ancillary development, and</p> <p>(d) to allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and</p> <p>(e) to allow for the redevelopment of land no longer required for a special use.</p>	<p>permissible in the Special Uses 5 zone with the consent of Council, which has already been granted through the approval of the Stage 1 Plan under DA/81/2009.</p> <p>The subject site was formerly owned by the University of New South Wales (UNSW) and previously used for sporting fields and research by UNSW.</p> <p>The subject site was declared surplus by the Minister for Planning pursuant to State Environmental Planning Policy No. 8 – Surplus Public Land in 2007.</p>	
20F(5) – Floor Space Ratio (FSR)	<p>Multi Unit Housing within Zone 5 shall be a maximum of 0.5: 1.</p> <p>The purpose of the clause is to operate together with controls for building height and landscaped area to limit size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area.</p>	<p>1.54: 1 (in relation to Lot 11 in isolation)</p> <p>SEPP 1 Objection submitted.</p>	<p>No. Refer Section 8.1 for SEPP1.</p>
22 Services	<p>Consideration shall be given to adequate facilities for the supply of water and the removal or disposal sewerage and drainage are available to the subject land.</p>	<p>The Stage 1 Plan approved by Land & Environment Court on 23 December 2009 included, among other things, the provision of infrastructure services for the whole of the Stage 1 development site enabling connections to Lot 11. The applicant has also submitted a Building</p>	<p>Yes</p>

Clause	Requirement	Proposal	Compliance
		Services Report detailing service connections to Lot 11.	
37A – Development in Special Uses Zone	Consideration must be given to the impact of development within the Special Uses Zone on nearby development and uses in the locality.	The type, height and scale of the proposed development generally complies with the provisions of the Stage 1 Plan approved by Land & Environment Court on 23 December 2009. The proposed multi-unit housing development is a permissible use within Special Uses zone and is compatible with the existing residential development in the locality. The proposal will not adversely affect the amenity of nearby development and uses (as detailed in relevant assessment sections below).	Yes
40 Earthworks	Outlines provisions for excavation and filling of land to ensure earthworks do not result in any detrimental impact on the topography of the site; do not interrupt the drainage patterns of the site or result in soil instability; and do not adversely impact upon the scenic quality of the site and locality. Appropriate drainage and building conditions should be applied if approval is to be granted.	The Stage 1 Works approved by Land & Environment Court on 23 December 2009 included, among other things, bulk earthworks to create a regraded newly defined 'ground level' over the Stage 1 Development Site as the basis for defining building heights for future built form. Lot 11 has been regraded in accordance with the new levels established under the Stage 1 plan and works.	Yes
Clause 40A - Site Specific Development Control Plans-	Requires the preparation and adoption of a master plan/deemed DCP for the redevelopment of sites having an area in excess of 4,000 square metres and which must be adopted and in force prior to the grant of development consent.	The Stage 1 application of DA/81/2009, approved a Master Plan for the greater site including Lot 11, specifying various built form, amenity, parking and landscaping controls, pursuant to Section 83C of the Environmental Planning and Assessment Act	Yes

Clause	Requirement	Proposal	Compliance
	The subject site has an area of 9445m ² and, therefore, requires a master plan/deemed DCP.	1979 (as amended).	
42B Contaminated land	Clause 42B contains provisions for remediation of contaminated land to ensure that such land will be suitable for the purpose for which development is proposed.	The Land & Environment Court approval of the Stage 1 DA included, among other things, remediation works for the whole the Stage 1 Development site. In line with these works, a Site Audit Statement is required for Lot 11 prior to any residential construction works commencing, certifying that the land has been appropriately remediated and is suitable for the purpose of residential use. A condition will be applied requiring remediation conditions No. 77 to 80 in the Stage 1 development consent to be complied with prior to commencement of works.	Yes
43 Heritage Conservation	Clause 43, requires among other things, that, for development sites in the vicinity of a Heritage Conservation Area, Council must consider the effect of development on the heritage significance of the heritage conservation area.	The subject site is located adjacent to the Prince Henry Hospital Heritage Conservation Area. In view of the general compliance of the proposal with the relevant controls in the approved Stage 1 Plan, the application is not considered to pose a detrimental impact upon the adjacent Heritage Conservation Area. It should be noted that the proposed development is not located adjacent to the Ochre Site and the Critical Exposure Area of the Little Bay Geological Site, which is located a significant	Yes

Clause	Requirement	Proposal	Compliance
		distance away from Lot 11.	

(ii) Any Draft Environmental Planning Instrument

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

(iii) Any Development Control Plan

8.7 Stage 1 Master Plan (Approved DA/81/2009)

The proposal is generally consistent with the provisions of the Stage 1 Plan approved by the Land & Environment Court on 23 December 2009. The table below summarises key areas of non-compliance and other specific issues, addressed as follows:

Control	Stage 1 Requirement	Proposed & Compliance	Comments
Height (Above Remediated Ground Level (RGL)).	Maximum 1.2 metre protrusion of basement above Remediated Ground Level (RGL).	Maximum 1.35 metre protrusion; isolated section of Building 1. Does not comply.	The basement and external wall non-compliance is isolated to a 2.35 metre stretch of the south-eastern corner of southern building only. This height comes about in compensating for variations in site RGL and providing required flood freeboard. Recessed wall and landscaping has been proposed to soften.
	Maximum 17.2 metre wall height above RGL, to fifth storey.	Maximum 17.55 metre wall height; isolated section of Building 1. Does not comply.	
	18m Maximum roof height	The south eastern corner of the southern building proposes a max height of approximately 18.2 metres above regraded ground level. Does not comply.	The proposal sees an isolated height infringement of approximately 200mm to the southwest corner of the southern building. This height comes about in compensating for variations in site RGL and providing required flood freeboard. A recessed upper floor wall and landscaping has been proposed to soften any potential impact.
Setback	Minimum setback from the allotment boundary to any part of the building: <ul style="list-style-type: none"> • <u>North boundary</u> 	<ul style="list-style-type: none"> • <u>North boundary</u> 	There are localised encroachments proposed in setbacks to all four (4) boundaries. The encroachments are considered acceptable

Control	Stage 1 Requirement	Proposed & Compliance	Comments
	<p>(Ocean Ave): Minimum 3 metre setback.</p> <ul style="list-style-type: none"> • <u>West boundary (Anzac Pde):</u> Minimum 5 metre setback. • <u>South boundary (Solarch Ave):</u> Minimum 3 metre setback. • <u>East boundary (Green St):</u> Minimum 3 metre setback. 	<p>(Ocean Ave): Minimum 2.2m setback proposed. Does not comply.</p> <ul style="list-style-type: none"> • <u>West boundary (Anzac Pde):</u> Minimum 4m setback proposed. Does not comply. • <u>South boundary (Solarch Ave):</u> Minimum 1.5m setback proposed. Does not comply. • <u>East boundary (Green St):</u> Minimum 2.2m setback proposed. Does not comply. 	<p>as:</p> <ul style="list-style-type: none"> • Encroachments occur at localised points in each façade, for the purpose of articulated balcony structures. As such, the bulk of each building remains compliant with the Stage 1 allocated setbacks; • The balcony encroachments are minor, ranging from max 1500mm to min 800mm; • The amenity of the streetscape and neighbouring sites is not considered to be compromised as a result of the setback variation. The vast majority of each building is setback in accordance with the Master plan; • The articulation provided to each façade through the balcony encroachment, is considered to add visual interest and character to the streetscape; • The encroachments do not result in adverse amenity impacts to adjoining properties, in terms of loss of privacy, sunlight or views.
Solar Access	<p>(iv) At least 70% of residential units must have one (1) living room that has at least three (3) hours sunlight between 9am and 3pm on 21 June.</p>	<p>76% of apartments within the development achieve minimum sunlight access requirement. Complies.</p> <p>Specific to each building:</p>	<p>A Solar Access and Cross Ventilation report prepared by Cundall was submitted with the application. The report confirms the proposed development complies with the specified solar access requirements of</p>

Control	Stage 1 Requirement	Proposed & Compliance	Comments
		Bldg #1: 51% comply. Bldg #2: 77 % comply. Bldg #3: 80% comply.	the Master Plan, to both internal occupants and those neighbouring the subject site.
	(vi) 25% of the area of a developments principal communal garden spaces must receive a minimum of three (3) hours sunlight between 9am and 3pm on 21 June.	37% of proposed principal communal garden spaces achieve the minimum solar access requirements. Complies.	
	(vii) All applications must demonstrate that the proposed built form will allow neighbouring developments to meet their solar access requirements.	The required three (3) hours solar access to neighbouring development is retained under the proposed development. Complies.	
Visual privacy	<p>Separation between multi unit residential apartments must be:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable/balconies and non habitable rooms. • 6m between non habitable rooms. 	<p>Compliance is generally achieved throughout the development, except in one (1) aspect of the central building, where ten (10) metres is achieved between balconies at ground floor level up to level 3.</p> <p>Does not comply.</p>	<p>The non-complying balconies have been designed to look beyond each other, through the use of blade walls. Each unit affected has an alternate terrace of which meets the specified privacy separation distance.</p> <p>Given ten (10) metres is provided between balconies, the non compliance is considered minor given the contribution each balcony makes to the overall design of the development. The specified non compliance is not considered to significantly affect the internal amenity or privacy of occupants.</p> <p>The issue is elaborated upon in Section 8.11,</p>

Control	Stage 1 Requirement	Proposed & Compliance	Comments
			below.
Multi-unit apartment size and mix.	<p>The following minimum apartment sizes apply:</p> <p>1 bedrooms: 50m² 2 beds: 75m² 3 beds: 100 m²</p>	<p>1 beds: 55- 67m² 2 beds: 78- 110m² 3 beds: 116- 134m²</p> <p>Complies.</p>	
	<p>(vi) Maximum number of apartments per floor accessible from a single core is limited to six (6) - except where apartments are cross over or cross through types.</p>	<p>Bldg 1: Complies.</p> <p>Building 2 has two (2) lifts that service the 13 units to each floor, from ground floor up to level 3. Bldg 2: Does not comply.</p> <p>Building 3 has two (2) lifts that service 14 units on each floor from ground floor up to level 3. Bldg 3: Does not comply.</p>	<p>The access corridors to the non compliant buildings are not enclosed and as such, have constant exposure to light and ventilation. A number of units have high-level windows fronting access corridors in order to achieve cross-through ventilation.</p> <p>The overall design provides for a high level of internal amenity to each unit. The numerical non compliance is minor, to the effect of 0.5 units for each floor of building 2 and one (1) unit for each floor of building 3. Given the above, the apartment size and mix provisions are considered to be generally acceptable as proposed.</p>
Amenity	<p>(i) All common access corridors to Multi Unit residential apartment buildings must receive natural light and be naturally ventilated.</p>	<p>The proposed access corridors achieve the minimum light and ventilation requirements. Complies.</p>	<p>The proposed access corridors to each apartment are not enclosed and as such will receive constant natural light and ventilation.</p>
	<p>(ii) Multi Unit residential apartments must demonstrate the following:</p> <ul style="list-style-type: none"> Dual Aspect for 80% of all 	<ul style="list-style-type: none"> 95% Dual aspect; 65% naturally ventilated bathrooms. <p>Complies.</p>	<p>A Solar Access and Cross Ventilation report prepared by Cundall was submitted with the application and confirms the proposed development complies</p>

Control	Stage 1 Requirement	Proposed & Compliance	Comments
	dwellings; <ul style="list-style-type: none"> Natural ventilation for bathrooms. 		with the specified dual aspect requirements of the Master Plan. A large percentage of bathrooms feature high level windows for the purpose of natural ventilation.
	(iv) South facing single orientation apartments are not permitted.	No single aspect, south facing apartments are proposed. Complies	
Safety and Security	(v) Differentiation between public, communal and private areas in a development must be clearly recognisable.	A plan illustrating private, public and community domain has been submitted.	The differentiation between public, communal and private open spaces was queried with the applicant, who has provided a plan illustrating each element. A condition has also been recommended to require a Security Management Plan to be submitted.
Waste Management	(ii) Waste Management practices for Multi Unit Residential Apartment buildings and row housing with shared basements should be generally consistent with Better Practice Guide for Waste Management in Multi Unit Dwellings, Resource NSW.	A Waste Management Plan was submitted with the Application.	Council's Development Engineer has advised the submitted plan is not acceptable. The provisions outlined are considered impractical and beyond the capacity of Council's Waste Management Services. Consequently, a condition has been recommended requiring the submission of a revised Waste Management Plan.
Car Parking provision	The approved Stage 1 Master Plan provides that development shall be in accordance with the provisions of the Randwick Parking DCP. An assessment against the DCP is provided below in Section 8.8. Complies.		
Design of Parking areas	An assessment of proposed parking areas against relevant Australian Standards has been provided by Council's Development Engineer. This advice is outlined in Section 7.1 of this report. Complies.		
Windows and Glazing	(i) Openings to the street should be carefully controlled	The proposed frontages are predominantly	The façade to each building presents a strongly defined

Control	Stage 1 Requirement	Proposed & Compliance	Comments
	to provide a predominantly walled character to streets to afford residents appropriate levels of privacy. The area of glazing must not exceed 40% of the area of the front façade.	glazed.	character to each street frontage, with appropriate variation in design features, glazing, materials and landscaping to achieve articulation and privacy to occupants from the public domain. The design presents a good balance of glazed surfaces allowing views, light and ventilation, while providing design features to maximise privacy to each unit.

8.8 Development Control Plan - Parking

Car Parking				
Use	Requirement (DCP – parking)	Proposed/ dwellings proposed	Required parking	Proposed parking
Car Parking:	One (1) space per one (1) bedroom dwelling.	49 x one (1) bedroom dwelling.	49 spaces	222 car spaces. Complies.
		32 x one (1) bedroom + study.	32 spaces	
	1.2 spaces per two (2) bedroom dwelling.	51 x two (2) bedroom dwellings.	61.2 spaces	
		32 x two (2) bedroom + study.	38.4 spaces	
	1.5 spaces per three (3) bedroom dwellings.	15 x three (3) bedroom dwellings.	22.5 spaces	
Visitor car parking to be provided on-street as per Condition No. 25 of the development consent for DA/81/2009 for the Stage 1 Plan.		Provided within the above-ground street network only.		
TOTAL			203.1 spaces	222 spaces
Service Vehicles				
Service and delivery Vehicles	One (1) space per 50 dwellings up to 200 dwellings.	179 units.	Four (4) spaces approx.	Three (3) spaces in basement Does not comply.
TOTAL			Four (4) spaces	Three (3) spaces

Car Parking				
Use	Requirement (DCP – parking)	Proposed/ dwellings proposed	Required parking	Proposed parking
Bicycle Parking				
Bicycle Parking:	One (1) space per three (3) units.	179 units.	59.6 spaces	63 bicycle spaces in basement. Complies.
	Visitor: One (1) space per ten (10) units.	179 units.	18 spaces	18 bicycle spaces at ground level. Complies.
TOTAL			78 Spaces	81 spaces

In regards to the parking rate provided for service vehicles, the proposal does not comply with the Parking DCP, as shown above. In response, a condition is recommended requiring the submission of a further Traffic Management Plan, detailing on street service vehicle parking, in consultation with Council.

8.9 Section 94A Development Contributions Plan

The Section 94A Development Contributions Plan, effective from 2 July 2007, is applicable to the proposed development. In accordance with the Plan, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000.	\$60,085,000	1%	\$600,850.00

(iia) Any Planning Agreement

No planning agreement is proposed between the developer and Council.

(iv) The Regulations;

The following Clauses of the EP&A Regulations 2000 apply to the proposed development:

Clause 7 – *Building Code of Australia*;

Clause 92 – *What additional matters must a consent authority take into consideration in determining a Development Application?*

Clause 93 - *Fire Safety and other considerations.*

The matters raised in these clauses have been adequately addressed in relevant sections of this report. Where applicable, conditions will be applied to ensure compliance with the standards referred to in these clauses.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

i) Environmental impacts



Figure 5: Montage of proposed development looking south on Anzac Parade. Shown is the proposed north facing façade of building three (3) (left of frame), and proposed western façade of buildings two (2) and three (3).

8.10 SEPP 65 Design Review Panel

Under the provisions of SEPP 65, the Joint Randwick/Waverly Design Review Panel reviewed the proposal on 7 November 2011. The Panel found the proposal satisfactory subject to a number of suggestions as reflected in the Panel's comments below (followed by Council's comments, where noted):

PANEL COMMENTS

"This is a DA and the third Panel review of this application, the most recent being a review on the 10th October.

The proposal is for 3 five-storey residential flat buildings comprising 179 dwellings (an increase on the previous scheme) and shared basement parking for 226 cars.

The Panel has previously reviewed and commented on the approved Stage 1 DA for the site in 2009, making it generally familiar with the concept and the site, which it has visited.

It is recognized that this submission has been made to obtain the Panel's opinion on a redesign following its previous comments and discussions with Council's officers. The comments below are therefore primarily concerned with the implications of the revised layout".

Extracts from the Panel's report are provided below in Italics.

1. Relationship to the Context of the Proposal

"The proposal appears to comply with the Stage 1 Master Plan for the site (Revision D August 2009)".

Planning comment: The proposal generally complies with the Stage 1 Master Plan, except where noted in Section 8.7, above.

2. The Scale of the Proposal

"The scale of the proposal is satisfactory".

3. The Built Form of the Proposal

"The design has developed and reaches the quality foreshadowed when previously reviewed.

In addition to the deep soil areas proposed within each courtyard, provision should be made within the basement structure to allow for ample root space beneath and to each side of the east – west pedestrian ways to permit good tree definition of these paths.

The landscape drawings have not been submitted to the Panel, but it is understood that there will be adequate mounding of soil to either side of the east-west spaces, that are located over parking areas, to support sizeable trees.

1:20 scale cross sections should be provided to illustrate broad construction details including balconies, roofs, sunshades, cladding types, etc".

Planning comment: Further information was submitted in response to the above queries of the panel. The potential for increased tree definition around the through-site link was also raised with the applicant. The following response was received:

"Where planting areas are located above parking areas or on structure, a minimum of 800mm soil depth is provided for tree planting and 500mm for shrub/ground cover planting. This allows substantial tree and shrub plantings along the through-site link. Overall, the deep soil has been maximized by having car parks located underneath the buildings".

Further increasing the amount of deep soil above the basement structure is considered problematic, in that a significant redesign of the basement would be required as a result. Further, any substantial reduction in size of the basement would indicate potential non-compliance with the Parking DCP.

The required landscaping and deep soil areas of the Master plan have been provided and are generally satisfactory. As such, the above issue is considered to have been addressed, with maximum possible soil depth provided.

4. The Proposed Density

"The density is not stated, however appears to the Panel to be satisfactory".

Planning comment: The proposed density is within the specified limit of the Master Plan and is considered acceptable.

5. Resource and Energy Use and Water Efficient

Much of the required sun control will be provided by balconies and access ways. It is understood that external screens will be used to provide to shelter windows that require it. Details of these should be provided.

The upper level on each building needs to be checked for adequate sun shading and window operation for west facing glass.

Ceiling fans should be provided in habitable rooms.

Planning comment: A condition has been recommended requiring installation of ceiling fans in habitable rooms.

The proposed sun shading elements are considered satisfactory, particularly on the north and west facing façades. This is achieved through the use of operable shading structures, overhangs, blade walls and landscaping.

The upper floor overhangs, in conjunction with the use of operable shading structures are considered to be sufficient for the purpose of solar protection during summer months, particularly to western elevations. The shading structures are highlighted green in Figure 6, below.



Figure 6: West elevation of the proposed central building (Building 2) illustrating operable shading screens, highlighted in green.

6. The Proposed Landscape

As noted above, landscape drawings have not been viewed by the Panel. These should be submitted to complete the DA.

The buildings are sited close to the new roads within the overall development and the Panel assumes that ground floor units will have court entrances to these streets and that tree cover will be provided from within the street, which will need to be coordinated.

The submitted drawings confirm this.

Planning comment: The applicant has provided detail of the proposed private-public domain. Separation is achieved through use of fencing and landscaping elements. Subject to conditions recommended, the proposed landscape design is considered satisfactory.

7. The Amenity of the Proposal for its Users

The apartments are well planned, however the rear wall of a number of kitchens are further than 8 metres from main windows. It is unclear from the drawings whether it is intended to provide light and ventilation at a high level along the balcony wall".

Planning comment: In regards to deep-plan apartments queried by the panel, the applicant provided the following response:

" In the interest of further improving amenity, the architect has provided

high windows to be installed in deeper apartments (labeled '2+D') above kitchen areas to provide greater daylight and ventilation".

The above responses are considered to adequately address the concerns of the Panel and the issues raised are considered to have been addressed.

8. The Safety and Security Characteristics of the Proposal

"The proposed layout allows for good passive surveillance of the public domain. However it is unclear where the entrances to the buildings will be located and how the security of units will be arranged.

No further comment.

It is the Panels view that the design of the parking basement would be confusing, particularly for visitors, and its considerable size could make it feel threatening. Consideration could be given to the provision of three separate areas".

Planning comment: The applicant submitted a private-public domain plan on 31 January 2012. This information provides definition between private, public and communal spaces. Further to security concerns, the applicant has suggested a condition be applied requiring the submission of a Security Management Plan to Council, prior to the issue of a construction certificate. Given the application of this condition, safety and security issues raised are considered to have been addressed and will further be ensured through the later submission of a Security Management Plan.

9. Social issues

"The scale of the car park and the need to provide surveillance and security within it need to be considered.

Clear information signage and security systems should be provided".

Planning comment: This is proposed to be catered to within the above detailed Security Management Plan, to be submitted to Council prior to the issue of a Construction Certificate.

10. The Aesthetics of the Proposal

"The proposal is well resolved, but as noted above, details must be provided to ensure that the concepts illustrated are carried through".

Planning comment: The application has provided a higher level of detail with progressive degrees of detail being submitted since the panel's comments. The issues raised above are considered to have been adequately addressed by the applicant, to the degree required by SEPP 65 and consequently foreshadowed by the panel.

SUMMARY AND RECOMMENDATIONS

If the detailing is carried out to the standard of the illustrated design, this proposal should result in a fine development.

As noted above some further information needs to be provided to complete the DA.

The Panel commends the proposal to the Council and does not wish to review it again.

Planning comment: The proposal has been found to be consistent with the SEPP 65 Design principles.

8.11 Other Environmental considerations

Natural Environment

The subject portion of the Stage 1 Master plan site, comprising Lot 11, is undergoing bulk earth and remediation works. The site is currently devoid of any vegetation and as such does not contain any threatened flora or fauna. Endangered bushland containing Eastern Suburbs Banksia Scrub exists to the east and south-east of the subject site, sitting several hundred metres away. The proposal is not considered to have any adverse impact on the protected bushland area due to the significant separation distance. Overall, the proposal will be acceptable in terms of natural environmental impacts, of which are considered minimal to nonexistent under the proposed development.

Urban Design

The design of the proposed multi-unit residential development is considered to be of a high standard and will complement the architectural style of the buildings approved and under construction in the adjoining Prince Henry Site, in addition to other lots within the Stage 1 development site.

The proposed built form is commensurate with the architectural design intent of the Stage 1 Plan, specifically with regard to the prominent Anzac Parade frontage. A high degree of articulation is provided to primary facades, of which have been broken up along the larger frontages, allowing relief from the impacts of massing upon the streetscape. The scheme makes use of modulated and framed balcony structures, louvered shading devices and protruding blade walls of which contribute to visual and interest and character. Landscaping and vegetation is further utilised for screening, defining public and private spaces and offsetting perceived bulk and scale. Some external colour and materials details have been provided however, are recommended to be required in more detail by way of conditions, prior to construction certificate.

Solar access and overshadowing

Shadow diagrams submitted with the application indicate that on 21 June overshadowing will be incurred to lots numbered five (5) (to the south) and three (3) (to the east) within the greater site at 1408 Anzac Parade.

Lot three (3) to the east of the subject site, sees some overshadowing impact predominantly in the afternoon hours of 21 June. The overshadowing impact incurred to these areas is seen only beyond 2.00pm and therefore, the approved development within Lot 3 will retain the required three (3) hours of solar access under the proposal.

The proposed development is also shown to overshadow a small portion of Lot five (5), to the south of the subject site. The extent of this overshadowing is minor and sits predominantly within the front setback to Solarch Avenue up until 2.00pm. After 2.00pm, overshadowing to the approved development on Lot five (5) will be seen to some of the approved north facing elevation. Despite this, the required three (3) hours of solar access to the neighbouring Lot five (5), is retained under the proposal.

The application has demonstrated that the proposed development will not prevent the surrounding sites from obtaining the required three (3) hours of sunlight to north facing living areas and private open spaces, and as such is considered acceptable.

Privacy

In regards to privacy, the proposal will perform well, as there is ample separation distance between the proposed buildings and the adjoining development, in addition to providing a high level of internal privacy to occupants.

Externally, the approved development to Lot 3, to the east of the subject site, is located a minimum of 20 metres from the proposed eastern façade of Lot 11. Further, the development approved to Lot 5 to the south is a minimum of 22 metres from the proposed southern facade of Building 1.

Further to these separation distances, appropriate variation in design features, glazing, materials and landscaping is employed in the design, to achieve articulation and privacy to occupants from the public domain. The design presents a good balance of glazed surfaces allowing views, light and ventilation, while providing design features to maximise privacy to each unit.

Internally, the above mentioned mix of design elements further maintains privacy to individual units within the development. Notably, variation in angles to facades and balconies offset views directly to adjoining habitable and non habitable spaces. The design commonly employs the use of blade walls where angular offsetting is not possible. In regards to separation distances, the Master Plan specifies the following standards,

Separation between multi unit residential apartments shall comply with the following minimums:

- 12 metres between habitable rooms/ balconies;
- 9m between habitable/balconies and non habitable rooms;
- 6m between non habitable rooms.

Compliance with these distances is generally achieved throughout the development, except in one (1) aspect of the central building (Building 2), where ten (10) metres is achieved between east and west facing balconies at ground floor level, up to level 3, shown in Figure 7, below.

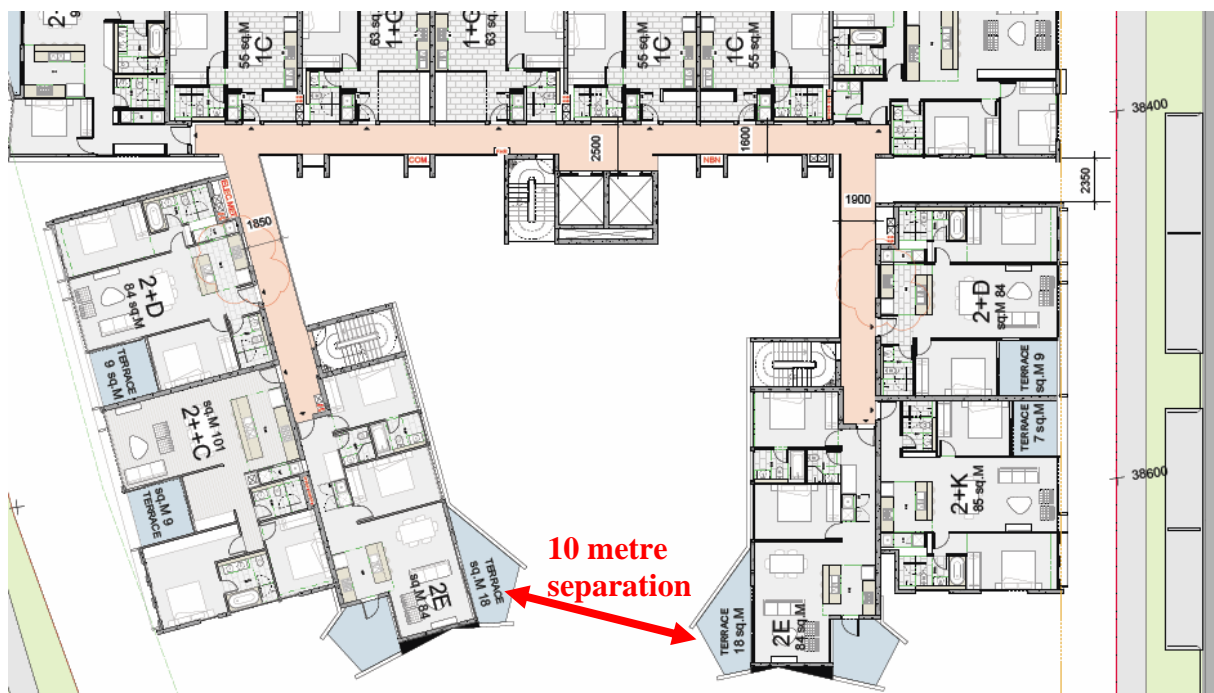


Figure 7: Extract of central building plan for levels 1-3. The non-compliant separation between east- west facing balconies is highlighted.

The non-complying balconies have been designed such that view lines are directed beyond each other, through the use of blade walls. Each unit affected also features an alternate terrace, of which meets the specified privacy separation distance. Given ten (10) metres is provided between balconies, the non compliance is considered minor given the contribution each balcony makes to the overall design of the development.

As provided for under the Stage 1 Plan, there are generous separation distances within the proposed development, allowing occupants privacy from the public domain, neighbouring development and from within the proposed development. The measures outlined are considered to sufficiently mitigate any privacy impacts to occupants and neighbours.

Views

The proposed development has been designed to gain and optimise coastal and district views, including east to the ocean and west to Botany Bay. It will not unduly obstruct existing view corridors within the Stage 1 development site and the adjoining Prince Henry site.

Some surrounding residents will lose glimpses over the subject site to the Coast Golf Course and the ocean. Given these views are obtained over a vacant site and the general compliance of the proposal with the Master Plan, the view loss incurred by these sites is considered acceptable in the circumstances.

Traffic and Vehicular Access

The application was referred to the RTA and Council's Development Engineer through out the assessment. Conditions have been recommended in response to both referrals.

A Traffic and Parking Report prepared by traffic consultants '*Colston, Budd, Hunt and Kafes*', was lodged with the application. The Traffic report specifies the current proposal for 179 units and 222 residential parking spaces "*is within the range assessed in the overall (Stage 1) traffic report (288 units).*" Accordingly, the overall traffic impact of the proposed development is deemed to be adequately addressed via the earlier Stage 1 traffic report, as required by Condition 25 of DA/81/2009. Compliance with the parking requirements of the Master plan is also detailed within the applicant's traffic report.

Overall, the increase in traffic generation in the proposed development is not considered to have a significant traffic impact on the adjacent classified road network and intersections, nor on the amenity of adjoining sites.

Proposed through-site link

The proposed development features an east-west running pedestrian thoroughfare, linking Anzac Parade and the new street to the east, known as 'Green Street'. This walkway remains in private ownership however, must be accessible to the general public.

In ensuring public access is maintained, a condition subjecting the pedestrian link to a 'right of footway' in favour of Council has been recommended in the schedule below. The application of this condition will ensure that legal access rights to the public are maintained in perpetuity, upon completion of the development.

A condition has also been recommended to ensure the link is adequately illuminated in the interest of public safety within this space.

Ecologically Sustainable Development

An ESD Compliance Report prepared by Cundall, a specialist consultant in environmentally sustainable design, has been lodged with the application. The report details a range of ESD and BASIX measures that have been incorporated into design of the proposed development on Lot 11, including the installation of the following strategies:

- Water efficient fixtures and fittings;
- Variable Speed Drive (VSD) for car park mechanical exhaust ventilation and carbon monoxide sensors;
- Thermostatically controlled ventilation to service plants and switch rooms;
- Timers and motion detectors common areas, car park lifts and plant rooms;
- Natural ventilation to all lobbies, hallways and stairwells;
- Onsite blackwater treatment for use to all toilets, laundries and landscape irrigation.

A condition will be applied requiring all strategies identified in the submitted BASIX and ESD reports to be incorporated into the design of the proposed development.

Overall, the proposal is considered acceptable in relation to Ecologically Sustainable Development issues.

Site Remediation

As detailed in Sections 8.3 and 8.6 above, compliance with SEPP 55 – Remediation of Contaminated Land and Clause 42B of the Randwick LEP is currently underway on-site as part of remediation works approved under the Stage 1 DA approval. These works are required to be completed through the issue of a Site Audit Statement for Lot 11, prior to commencement of any residential construction works for the proposed development.

Social and Economic Impacts

The proposal will increase the availability of housing and promote the objectives of the zone, relating to the beneficial redevelopment of land no longer required for special use. The added population will generate additional needs for businesses, employees and patrons, which will encourage the location of services and facilities into the broader area. The increase in density is not considered to generate an unreasonable demand on the availability of services especially as consideration has already been given in the Stage 1 proposal.

Overall the proposed development presents a positive contribution toward the streetscape and locality. The proposal is not considered to have a detrimental impact upon the amenity of nearby residents or the environment.

(c) The suitability of the site;

The subject site is part of the developable land within the Stage 1 development site approved by the Land and Environment Court under DA/81/2009 on 27 December 2009. The Stage 1 Plan identified a number of super allotments and smaller dwelling house allotments within the development site accompanied by appropriate built form controls applicable to these allotments. The Stage 1 Plan also provided design principles for public domain elements within the subject site. The subject site is currently undergoing

completion of bulk earth and remediation works approved under the Stage 1 DA consent, enabling the site to be suitable for the proposed residential development.

(d) Any submissions made in accordance with this Act or the Regulations;

The proposal was advertised from 9 November 2011 to 23 November 2011. During this period one (1) submission was received. The concerns raised in the submission have been addressed, as indicated in Section 6 above.

(e) The public interest;

The proposed development is generally consistent with the approved Stage 1 Plan. It will provide the local community with high quality housing in close proximity to natural coastal areas, as well as a range of urban facilities and services within the locality. Accordingly, the proposal will have a positive social benefit for the local community and is considered to be in the wider public interest, through the facilitation of future residential development in accordance with the Randwick LEP 1998 the approved Stage 1 Plan.

Financial Impact Statement

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

Conclusion

The proposal is permissible with the consent of Council on the subject site and generally complies with the aims and objectives contained in the RLEP and the approved Stage 1 Plan.

The proposal does not comply with the development standard specifying maximum FSR in the Special Uses 5 zone under the Randwick LEP 1998. A SEPP No.1 objection to this standard has been submitted with the application. The objection has been assessed and is considered to be well founded in the circumstances.

The proposal is inconsistent with the provisions of the Stage 1 Plan primarily in regards to external wall heights, setbacks, visual privacy, units accessed from a single core and glazing, all of which have been assessed in Section 8.7 above and found to be reasonable and acceptable in the circumstances.

The proposal will have minimal adverse impacts on surrounding properties and the streetscape. The non-compliances with policy controls will not give rise to any adverse amenity impacts in terms of visual bulk and scale, solar access, privacy and views.

RECOMMENDATION

- A. That the Joint Regional Planning Panel support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20F (5) of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That the Joint Regional Planning Panel as the responsible authority grant its development consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/812/2011 for the construction of a three (3), five (5) storey multi unit residential flat

buildings containing 179 apartments, basement parking for 226 vehicles and landscaping within Lot 11 at 1408 Anzac Parade, Little Bay subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

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

- **Whole of site plans:**

Plan Number	Dated	Rev	Received	Prepared By
A11 SK 099	28 October 2011	E	28 October 2011	Tony Caro Architecture
A11 SK 100	15 December 2011	K	22 December 2011	
A11 SK 101	28 October 2011	K	28 October 2011	
A11 SK 102	28 October 2011	A	28 October 2011	
A11 SK 103	28 October 2011	A	28 October 2011	
A11 SK 104	28 October 2011	I	28 October 2011	
A11 SK 105	28 October 2011	C	28 October 2011	

- **Building 1 (Southern Building):**

Plan Number	Dated	Rev	Received	Prepared By
A11 BO1 SK 100	28 October 2011		28 October 2011	Tony Caro Architecture
A11 BO1 SK 101	15 December 2011	B	22 December 2011	
A11 BO1 SK 104	28 October 2011		28 October 2011	
A11 BO1 SK 105	28 October 2011		28 October 2011	
A11 BO1 SK 401	17 November 2011	D	31 January 2012	

- **Building 2 (Central Building):**

Plan Number	Dated	Rev	Received	Prepared By
A11 BO2 SK100	28 October 2011		28 October 2011	Tony Caro Architecture
A11 BO2 SK101	23 January 2012	C	31 January 2012	
A11 BO2 SK104	28 October 2011		28 October 2011	
A11 BO2 SK105	15 December 2011	A	22 December 2011	
A11 BO2 SK402	17 November 2011	E	31 January 2012	

- **Building 3 (Northern Building):**

Plan Number	Dated	Rev	Received	Prepared By
A11 BO3 SK100	28 October 2011		28 October 2011	Tony Caro Architecture
A11 BO3 SK101	23 January 2012	D	31 January 2012	
A11 BO3 SK104	28 October 2011	A	28 October 2011	
A11 BO3 SK105	15 December 2011	A	22 December 2011	
A11 BO3 SK403	17 November 2011	D	31 January 2012	

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

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

2. 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.

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

OPERATIONAL CONDITIONS

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

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

The following conditions are applied to ensure occupant safety:

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

Options may include one or more of the following measures:

- i. The window having a minimum sill height of 1.5m above the internal floor level,
- ii. Providing a window locking device at least 1.5m above the internal floor level,
- iii. Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- iv. Other appropriate effective safety measures or barrier.

The following conditions have been applied to maintain reasonable levels of amenity to the area:

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

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Climate Change (DECC) Noise Control Guidelines.

6. 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.

Stormwater Detention System

7. Any detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

8. Detail of colours, materials and finishes to external surfaces of the development are to be submitted in the form of a colours, materials and finishes sample board, and approved by Council's Director of City Planning, **prior to issuing any construction certificate.**

The following condition is applied to meet additional demands for public facilities:

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000.	\$60,085,000	1%	\$600,850.00

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

The following conditions are applied to address safety and security within the development, in addition to the requirements of the NSW Police:

10. A Security Management Plan shall be created for the development, in accordance with the requirements of NSW Police. The plan shall:
 - Incorporate the necessary measures for compliance with 'Crime Prevention through Environmental Design', specific to the measures for a development of a 'medium' crime risk rating.
 - Comply with the provisions of standard ANZS4360:1999(3).

- Address the following issues proposed by URBIS, in correspondence dated 31 January 2012:
 - i. Appropriate restriction of access to plant areas and other service areas;
 - ii. A security network to public domain areas; including the through site link and car parking areas and any other security provisions;
 - iii. Lighting and Lighting maintenance;
 - iv. Details of car park entry and security systems;
 - v. Details of regular property maintenance; and
 - vi. Details of directional signage to buildings, car parking and pedestrian paths of travel.

The Security Management Plan shall be approved by Council's Director of City Planning, **prior to issuing any construction certificate.**

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

11. The maximum height to the topmost points of the proposed buildings, including any rooftop installations, such as lift overruns, air conditioning plant and equipment, solar panels, vents, chimneys, aerials and the like, shall not exceed the reference levels provided (to AHD), as follows:
 - i. Building 1 & 2: 56.5 metres above AHD;
 - ii. Building 3: 58.2 metres above AHD;

And as denoted in the Sydney Airport Corporation Limited letter to Council dated 15 November 2011. Should these heights be exceeded, a new application is required to be submitted.

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

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

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

12. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued for the development.**
13. Details of all fencing on site including all entrances and associated structures indicating consistency with the Stage 1 Plan approved by the Land and Environment Court on 27 December 2009 shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued for the development.**
14. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued for the development.**

15. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate and an occupation certificate, respectively.**
16. Ceiling fans are to be indicated on the plans for all habitable rooms throughout the development and submitted to the satisfaction of the Principal Certifying Authority, **prior to the issue of construction certificate for the development.**

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

17. 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 relevant BASIX Certificate for this development are fulfilled.
18. 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 following documents shall be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority:

- BASIX Certificates numbered 398906M, 400776M and 400796M;
- ESD report, submitted to DA/812/2011, prepared by Cundall and dated 28 October 2011.

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

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

19. 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.

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

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

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

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

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

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

Security Deposit

22. The following damage / civil works security deposit requirement must 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; and as security for completing any public work; and for remedying any defect on such public works, in accordance with Section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$10 000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

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

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Sydney Water Requirements

23. The relevant requirements of the *Sydney Water Act 1994* must be complied with and a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make

early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority **prior to issuing a Construction Certificate**.

The Section 73 Compliance Certificate is required to be obtained before an *occupation certificate* or *subdivision certificate* is issued, whichever the sooner.

Electricity Substation

24. The applicant must liaise with Ausgrid **prior to a construction certificate being issued**, (for any above ground works), to determine whether or not an electricity substation is required for the development. 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 relevant construction certificate and landscape plans.
25. **Prior to the lodgement of a Construction Certificate application** the applicant shall submit to Council for approval, and have approved, a concept lighting plan for the required publicly accessible cross site link. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for lighting of the public cross link prior to preparation of the concept lighting scheme. The Construction Certificate plans must demonstrate compliance with the approved lighting scheme.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

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

26. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
27. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

Traffic conditions

28. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to the vehicular crossing should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

29. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004, AS 2890.2-2002 and AS 2890.6 - 2009. The Construction Certificate plans must demonstrate compliance with these requirements.
30. All internal circulation paths and the internal entry/exit ramp must be suitably designed for two way traffic movements. The Construction Certificate plans must demonstrate compliance with these requirements.
31. The applicant shall submit to Council for approval, and have approved, a report addressing the provision of on street service vehicles parking, (removalist and delivery vehicles). The report shall be prepared by a suitably qualified Traffic Consultant in consultation with Council.
32. The proposed development should be designed such that road traffic noise from Anzac Parade is mitigated by durable materials and complies with the requirements of Clause 102 - (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007. Details of compliance must be provided with the Construction Certificate.
33. Post development storm water discharge from the subject site into the RMS drainage system must not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the RMS's approval is issued. With regard to civil works requirements please contact the RMS's Project Engineer, External Works 8849 2114.

34. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists. Details of compliance are to be provided with the Construction Certificate.
35. All vehicles must enter and exit the subject site in a forward direction. All construction vehicles must be accommodated on site. All works associated with the proposed development shall be at no cost to the RMS.
36. The applicant is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the Roads and Maritime Services (RMS) for assessment (**prior to the approval of any Construction Certificate**). The applicant is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- The impact of excavation/rock anchors on the stability of Anzac Parade and detailing how the carriageway would be monitored for settlement.
- The impact of the excavation on the structural stability of Anzac Parade.

- Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on 8837 0246 or Graham Yip on 8837 0245) for details.

Design Alignment levels

37. The design alignment level (the finished level of concrete, paving or the like) at the Green Street, Solarch Avenue and Ocean Avenue property boundaries for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of the construction certificate. The alignment levels shall be generally 2.5% above the top of kerb in Solarch Avenue, Green Street and Ocean Avenue at all points along Solarch Avenue, Green Street and Ocean Avenue. Final levels cannot be issued until such time as the kerb and gutter design for Solarch Avenue has been formally approved.

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

Any enquiries regarding this matter should be directed to Council's Development Engineer Coordinator on 9399 024.

38. The design alignment level (the finished level of concrete, paving or the like) at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of the construction certificate. The alignment levels shall generally 2% above the back of the existing concrete footpath in Anzac Parade at all points along Anzac Parade.

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

Any enquiries regarding this matter should be directed to Council's Development Engineer Coordinator on 9399 024.

39. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
40. The alignment levels will be issued at a prescribed fee of \$7439 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Green Street. This amount is to be paid **prior to a construction certificate being issued for the development.**

Stormwater Drainage & Flood Management

41. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
42. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 500 mm above the determined 1 in

100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.

43. **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 prepared by a suitably qualified Hydraulic Engineer and 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 the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) 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.
44. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) directly to the drainage system located at the front of the subject site in Solarch Avenue.
 - c) Onsite stormwater detention must be provided for any part of the site that drains to Anzac Parade (either directly or via Solarch Avenue). The detention system must be designed to ensure that the maximum

discharge from the site into Anzac Parade does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- d) Determination of the required cumulative storage (in any on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- e) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- f) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- h) The floor level of all habitable and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- i) The maximum depth of ponding in any above ground detention areas shall be as follows (as applicable):
 - i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10

- iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- k) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- l) Any onsite detention shall be located in areas accessible by residents of all units.

Site seepage & Dewatering

45. **As the above site is likely to encounter seepage groundwater within the depth of the basement excavation** the design of the carpark (and subsoil drainage from planter boxes) must comply with the following requirements:

- a) Seepage groundwater and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for the seepage groundwater to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the ground water through the development site).
- c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
- d) Sub-soil drainage from planter boxes may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the sub soil drainage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of tanking/waterproofing the basement level/s and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the **construction certificate**.

46. Details of the proposed connection and or disposal of any site seepage groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Waste Management

47. The Waste Management plan submitted with the development application is unsatisfactory and cannot be approved as part of this development consent. **Prior to the issuing of a construction certificate for the proposed building**, a revised Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The applicant must liaise with Council's Coordinator Waste Management (9664 7202) prior to preparation of the revised Waste Management Plan. The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

48. The bin storage areas for general waste and waste that can be recycled must be sized and located in accordance with the revised Waste Management Plan approved by the Director of City Services and referred to above. The Construction Certificate Application must demonstrate compliance with the approved Waste Management Plan.
49. 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.

Landscaping & Environmental amenity:

50. Landscaping is to be provided to the site in accordance with the following requirements:

Detailed landscape drawings and specifications are to be submitted to and approved by the certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. 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). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate.

The landscaping plans/specifications are required to include the following components:

- 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.
- b) 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.
- c) 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.
- d) 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.
- e) Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

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.

- f) Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- g) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc.

Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.

- h) Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - i) An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.
51. Any detention tanks located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.
52. The landscaping shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and be designed accordingly. Generally, species selection are to be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

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

53. Conditions No. 77 to 80 of the Development Consent issued by the Land and Environment Court on 23 December 2009 for DA No. DA/81/2009 relating to Stage 1 Works shall be complied with prior to commencement of works relating to the subject development on Lot 11.

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

54. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos

- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005.
- Relevant Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

55. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.
56. Prior to the commencement of any excavation or building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

57. Prior to the commencement of any excavation or building works, the person having the benefit of the development consent must:-
 - appoint a *Principal Certifying Authority* for the building work, and
 - appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
 - give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council prior to commencement of works.

59. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.
60. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the

current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (eg. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.).

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

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

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

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

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

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

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

62. 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.

63. A Construction Noise & Vibration Management Plan, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and

implemented prior to commencing site work and throughout the course of construction, to the satisfaction of the Council.

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

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

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- d) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place

and the stockpiles must be protected with adequate sediment control measures.

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

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- g) Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

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

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

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

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

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and

any such hoarding, fence or awning is to be removed upon completion of the work.

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

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

- i) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

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

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

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

66. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban

Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *Construction Site Management Plan* and must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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

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

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

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

Demolition & Construction Waste

68. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development, to the satisfaction of Council.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Construction Traffic Management

69. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Solarch Avenue for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The

application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

70. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, **prior to a construction certificate being issued for the development.**

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Sydney Water

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

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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 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 works.

Public Utilities

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

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

73. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

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

The following conditions are applied to ensure the protection of heritage and archaeological significance of the site:

Aboriginal Archaeology

74. 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 works resumes.

Historical Archaeology

75. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW be notified under the requirements of the Heritage Act.

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

76. Any new information which comes to light during demolition and 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.

77. 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 ensure that the construction works are executed in a proper manner:

78. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
79. 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, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
80. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - a) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
 - b) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
 - c) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

81. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- 1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

82. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

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

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

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

Road/Asset Opening Permit

84. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer 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* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy

must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Stormwater Drainage

85. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

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

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

87. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

88. The owner/applicant is 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 dripline/s of the subject tree/s.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the '*Principal Certifying Authority*' issuing an '*Occupation Certificate*'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

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

Sub-division

89. Sub-division plans for Lot 11 must be endorsed by Council and subsequently registered with the Lands and Property Management Authority **prior to the issue of occupation certificate for the development**. The applicant shall note that endorsement of any sub-division plan by Council will require completion of sufficient civil infrastructure (such as roads, drainage, footpaths, etc) to service the subject allotment.

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

90. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued for the development**, which demonstrates and certifies that internal

acoustic amenity for the development and the external amenity criteria 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 of Health, Building & Regulatory Services.

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

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

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

92. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

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

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

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

95. Where the building is provided with plant and equipment (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc) a report must be obtained from a suitably qualified and experienced consultant in acoustics, **prior to an occupation certificate being issued for the development**, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW DECC/EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report must be provided to Council **prior to/upon issuing an occupation certificate**.

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

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate.**

Council's Infrastructure, Vehicular Crossings & Road Openings

97. **Prior to issuing a final occupation certificate for the development**, the owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete vehicular crossing and layback at kerb in Green Street opposite the vehicular entrance to the site.
 - b) Construct concrete footpaths along the full site frontages in Green Street, Solarch Avenue and Ocean Avenue. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - c) Conditional upon approval by the Randwick Traffic Committee, the applicant must meet the full cost for installation of a loading zone in Green Street, adjacent to the vehicular entry/exit point.
98. **Prior to issuing a final occupation certificate or occupation of the development** (whichever is sooner), the owner/developer 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.
99. 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.
100. The naturestrip upon Council's footway 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 Kikuyu Turf or similar. Such works shall be installed **prior to the issue of a final Occupation Certificate**.

101. The applicant must create a right of footway over the publically accessible cross site link in favour of Council. The terms of the right of footway must ensure free and unrestricted pedestrian access between "Green Street" and Anzac Parade. The terms of the right of footway must be approved by Council prior to the issuing of an occupation certificate.

Service Authorities

102. The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to issuing an Occupation Certificate or Subdivision Certificate** (whichever the sooner).

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
104. Upon completion of the works and **prior to the issuing of an Occupation Certificate**, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
105. **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, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

106. **Prior to the issuing of an Occupation Certificate**, certification must be obtained from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards. A copy of the certification must be provided to the Council with the Occupation Certificate.

Landscaping

107. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

108. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.

ADVISORY NOTES

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

- 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 verge prior to the commencement of any building/demolition works.

A5 Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) regulations.

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

A6 Prior to commencing any works, the owner/builder should contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.