

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

<b>JRPP No.</b>	
<b>DA No.:</b>	<b>DA/493/2012 – Staged development application for a concept plan and a Stage 1 works for seniors housing development comprising 82 independent living units, a residential care facility with 93 beds and 20x1 bedroom serviced apartments at 57-63 St Pauls Street, Randwick.</b>
<b>Applicant:</b>	<b>Momentum Project Group</b>
<b>Report By:</b>	<b>Major Assessment Co-ordinator – Randwick City Council</b>

## **1. EXECUTIVE SUMMARY**

Council is in receipt of a staged development application for a concept plan and a Stage 1 works for seniors housing development comprising 82 independent living units, a residential care facility with 93 beds and 20x1 bedroom serviced apartments in 4 building elements ranging from 5 to 10 storeys in height, basement parking for 154 vehicles and associated works

The application is referred to the Joint Regional Planning Panel for determination pursuant to State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979 as the development has a capital investment value in excess of \$20 million.

The subject site currently has an approved DA (DA/293/2000) for aged and disabled housing involving the erection of seven (7) buildings for 152 self care units ranging from 3 to 7 storeys in height. On 14 April 2011, the Land & environment court handed down a decision that this DA has been activated through the commencement of earthworks on site.

The subject application was advertised and notified from 15 August 2012 to 29 August 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. At the conclusion of the public consultation process, a total of 42 submissions were received. The issues raised in the objections are primarily related to building height and scale, heritage, streetscape, traffic and parking, safety and security, overshadowing, privacy, view loss, planning precedent and property devaluation.

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

The subject site is zoned Special Uses No. 5 under Randwick Local Environmental Plan 1998 (Consolidation). *“Housing for seniors or people with a disability”* is not defined in the LEP and *“residential care facilities”*, which are defined under Clause 49, are not listed as a permissible use within the zone. The proposed development is therefore prohibited under the current zoning control.

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

The application has been referred to the Design Review Panel for comments pursuant to the provisions of State Environmental Planning Policy No. 65. The Panel has indicated support of the proposal primarily advising among other things that:

- *The Application is very complete, thoroughly explains the design, the logic supporting it and its impacts. It is superior to the approved proposal.*
- *Given the proposed setbacks from site boundaries and varied building heights, the retention of major trees and the proposed landscape treatments ... the proposed buildings will not be out of scale with their immediate surroundings or when viewed from a distance.*
- *The overall design strategy of the proposal is clear and good (subject to careful attention in the subsequent) provision of typical architectural details describing façade treatments to ensure that design quality and suitable solar screening and window design would be maintained during design development and certification.*

State Environmental Planning Policy No. 55 applies to the site. The application indicates that the land does not contain any harmful contaminants. Nevertheless, a specific condition requiring notification to Council should any contaminant material be found during excavation and construction works will be applied should approval be granted.

The development scheme has appropriately distributed the floor space among 3 buildings with substantial pockets of existing vegetation and landscaped areas and view corridors being reserved across the site. The site planning positions the highest building (the 10 storey Central Tower) in the centre of the subject site while distributing the lower 5 storey RCF Building to the southern section towards St Pauls Street and the medium level 7 storey Northern Apartments building at the Coogee Road frontage.

The lower RCF and northern apartment ILU buildings are visually compatible in scale with the heritage areas of the Spot and the adjacent St Pauls Street, Daintrey Crescent and Coogee Bay Road streetscape given the generous setbacks to existing developments in these areas afforded by the size and configuration of the subject site. However, the upper floors of the central tower will be visible from relevant parts of the Spot, as well as the adjoining High Cross, Heritage Conservation Areas. In particular, photo-montages show the upper levels of the central tower will be visible from these heritage conservation areas, rising approximately by 2-3 levels above the existing tree

canopy and the Brigidine College building in the foreground when viewed from the Coogee Bay Road and Perouse Road junction. In order to reduce any perception of visual intrusion, and to make the tower component sympathetic to the overall low rise nature of the conservation area, a reduction in height of the tower component to a height that visually matches the tree line and Brigidine College building is considered reasonable and appropriate. Accordingly, a deferred commencement condition will be applied requiring the building envelopes in the concept plan be amended to reflect a reduction in height of two storeys from the tower component. This will then form the maximum envelope for Stage 1 of the development involving erection and construction of the proposed development. The requirement to reduce the central tower component by two storeys is also supported by Council's heritage planner (refer to Section 6.3 below)

The above building distribution provides a key amenity advantage as the majority of the shadows will fall upon the subject site and adjoining streets with only minor increases in overshadowing mainly limited to the west elevations of the properties along the eastern side of Daintrey Crescent. In particular, the submitted shadow diagrams show that the north-facing sunrooms and terraces of some properties along Daintrey Crescent will receive direct sunlight for a minimum of 3 hours in mid winter. Additionally, the east-facing windows of these properties units will not have their existing level of solar access reduced. The required lowering of the tower component will further improve solar access to these affected properties along Daintrey Crescent.

Concerns regarding view loss from the adjoining properties along the eastern side of Daintrey Crescent have been assessed using the view loss principles established in *Tenacity vs Warringah Council*. The views that will be affected will be immediate views across the subject site comprising a large vacant and green open site with the Brigidine College building in the background. The proposed development will obstruct these immediate views over the subject site and Brigidine College. Assessment of the view loss indicates that these views are considered non-iconic and do not warrant protection. More significantly, distant filtered views of Botany Bay south of the tree line on St Paul Street will not be affected by the proposed development. The expectation to permanently retain the outlook to green vegetation on the subject site is not considered to be reasonable in this instance. Furthermore, the view loss is considered acceptable given that the current approved development (DA/293/2000) would already obstruct these views; the view loss is not generated by non-compliance of any height standard; and other broader district views (some involving distant views of Botany Bay) available to these affected properties will not be affected by the proposal. In the light of the circumstances where these views are obtained, and the social benefits delivered by the proposed development, the anticipated view loss is considered to be justified.

Two new pedestrian entry points will be provided at the Coogee Bay Road and Daintrey Street frontages. The Coogee Bay Road entrance will be linked to a board walk footpath through the Grove while the Daintrey Street entrance

will be linked to a footpath through the eastern planting area. Both sets of footpath end at the ground floor of the central tower which in turn allows pedestrian movement to be channelled to the colonnade walkway along the western side of the proposed development that links to St Pauls Street. Accordingly, the proposal will create a permeable site in terms of public access and circulation and, therefore, remove any perception of a gated estate.

The proposal includes detailed landscaped plans overlaying trees that will be retained under the proposal. The proposed landscape works include clearing of invasive weeds; regeneration with indigenous plantings, installation of native tree plantings, provision of additional screen plantings and provision of boardwalks in identified landscape areas which will enhance the screening as well as visual presentation of the overall landscape treatment. Additionally, the proposed landscape areas will be required to have additional landscape treatments by Council's landscape officer to augment their screening and softening functions at critical locations.

The Arborist Report prepared by Stuart Pittendrigh has provided information regarding the trees that will be retained and those that are proposed to be removed. A total of 83 trees have been assessed, the majority of which comprise Moreton Bay & Port Jackson Figs and Wild Olives, with most of the significant, heritage trees located around the perimeter of the site, and within "The Grove", which is a dense grouping around the northwest corner of the site, facing Coogee Bay Road, which have been shown for retention as part of the development. The Grove is considered particularly significant part of the site, due to the size and quantity of trees in this area, with the natural topography seeing the whole northern section falling steeply down to the north, where it meets Coogee Bay Road. The retention of trees in this corner is commendable. However, the proposed removal of a significant and mature Norfolk Island Pine in the middle of the subject site, which will conflict with the construction of the south-western corner of the tower block, is not supported. A deferred commencement condition will be applied requiring amendment / design reconfiguration to be undertaken to the tower block to preserve this tree in accordance with AS4970-2009: *Protection of Trees on Development Sites*.

The application is supported by a traffic report prepared by Transport and Traffic Planning Associates (TTPA) that indicates an expected peak traffic movement of approximately 38 vehicle trips per hour (vtph) in the morning and evening. The traffic report advises that this traffic generation outcome represents a relatively minor increase to the existing traffic movement on St Pauls Street and will not have any adverse traffic capacity or safety implications at the access driveway or intersections in the area. This assessment is supported given that traffic movement in the Spot and surrounding locality will be variable and spread out over the day with gaps and peaks depending on work shifts and land use types (eg, school, shops, offices, etc). Furthermore, the Spot is well served by public buses and taxis that offer residents, workers and schools alternative transportation modes and, in effect, further reduce car dependent movements. It should also be

noted that the car parking provided equates to the number of car spaces already approved under the previous consent and as such additional demand on the road network will occur notwithstanding the current application. Additionally, the expected car parking generation of 38 vtpm represents only a minor increase over that of the approved development being 35 vtpm.

The proposal provides car parking over and above that required under the SEPP by 50 car spaces (comprising 18 additional staff parking and 32 visitor spaces) and, accordingly, is satisfactory in terms of car parking. The provision of access on St Pauls Street potentially results in the loss of 1-3 on street car parking spaces. This loss will be addressed as further rationalisation of the angled car parking spaces in front of the subject site is undertaken. Currently, areas designated as "no parking" in front of the subject site can be redesignated as operation car parking spaces in the future as the vehicular entry to the site is established.

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

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

## **2. DESCRIPTION OF SUBJECT SITE AND LOCALITY**

The subject site is located at No. 57-63 St Pauls Street, Randwick, and has frontages to St Pauls Street and Coogee Bay Road and Daintrey Crescent. The subject site comprises Lot 1 DP 776899 and Lot 1494 DP 752011. It has an area of 1.252 ha.

Topographically, the subject site runs along a ridge through the centre of the site which is its highest point. From this central east-west ridge line, the subject site falls steeply towards Coogee Bay Road to the north and more gently towards St Paul Street to the south.

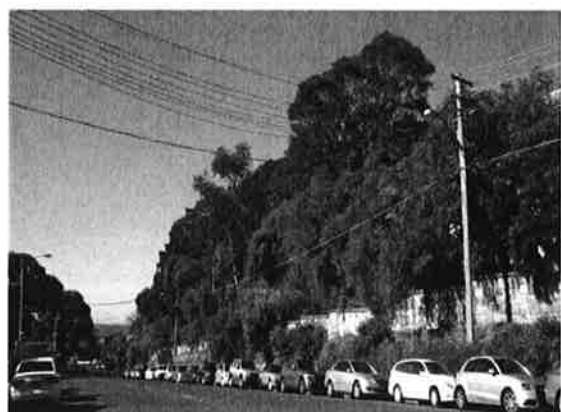
The immediate context of the subject site, to the north, east and south of the site, is residential in nature, comprising predominantly residential flat buildings with isolated detached and semi-detached dwellings to the south. Development to the west comprises the Brigidine College and Brigidine Convent with the Spot town centre further to the west.



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



**1. St Pauls Street frontage of the subject site.**



**2. Coogee Bay Road frontage of the subject site with the Grove to the extreme right hand side.**



**3. The adjoining residential flat building at No. 65 St Pauls Street and adjoining properties**



**4. The adjoining Spot town centre viewing west along St Pauls Street. (subject site is on the right side of the image)**

along Daintrey Crescent .



5. Aeolia House which is a listed heritage item to the middle west of the subject site.

the right hand side)



The adjoining eastern property along Coogee Bay Road at No 43.

### 3. PROPOSED DEVELOPMENT

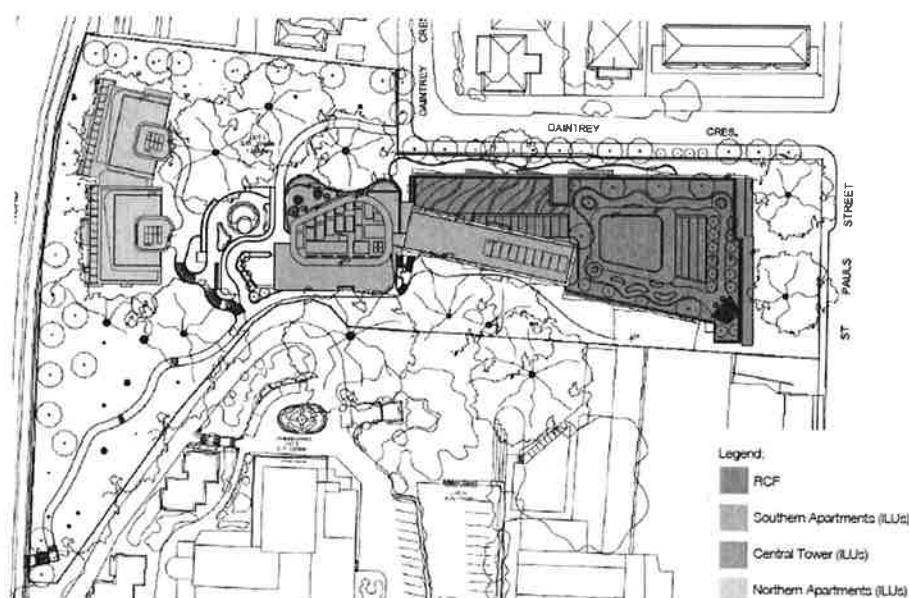
The DA has been lodged as a staged development application pursuant to Sections 83B and 83C of the Environmental Planning and Assessment Act 1979 (as amended) comprising the following:

- (a) A Concept Plan prepared to satisfy Clause 40A of the Randwick LEP 1998 (Consolidation) essentially addressing master planning principles required in this clause
- (b) Stage 1 development for works to enable:
  - Site preparation including demolition of structures, removal of vegetation and excavation
  - Construction of on-site detention and storm water drainage systems
  - Construction of 82 Independent Living Units (ILU) and a 113 place Residential Care Facility (RCF) providing 93 beds and 20 service apartments, all associated support services over a two level basement providing 154 car parking spaces.
  - Ancillary uses and services including café, beauty salon, fitness centre, allied health care, chapel and multi-purpose function rooms
  - Landscaping works including tree preservation, retention and transplanting.
  - Service and utility connections

The proposal has three main buildings:

- (a) The main RCF building (5 storeys) located in the southern portion of the site with primary frontage to St Pauls Street containing 113 places (shaded red below) with a part 7 storey component (Southern Apartments) containing 6 ILUs (shaded green below).
- (b) A 10 storey central tower containing 40 ILUs (shaded blue below).

- (c) A separate Northern Apartments building containing 36 ILUs (shaded peach below).



**Figure 2: Layout and distribution of proposed building heights.**

The proposal will have vehicular entry from St Pauls Street into a ground level shared loading/unloading, servicing area and overnight mini-bus parking space area, then leading down a ramp to two basement car parks containing a total of 154 car spaces.

**FSR : 1.82 :1 (= 22,842 sqm)**

**Height :**

- The main RCF building (5 storeys) – 18.4m
- The Southern Apartments (7 storeys) 20m
- The Central Tower (10 storeys) – 33m
- The Northern Apartments (7 storeys) – 20m

**Landscaping :** 51% of site area (6,500 sqm)  
Deep Soil = 89% of landscaped area (5791 sqm)

The proposed dwelling mix is as follows:

<b>Independent Living Units</b>	<b>Number</b>
1-bedroom	32
2-bedroom	33
2-bedroom + study	2
3-bedroom	15
<b>Total</b>	<b>82</b>
<b>Residential Care Facility</b>	<b>Number</b>
Beds	93
Serviced Units	20

### On-site services:

The SEE states that ancillary services and facilities provided as part of the proposed development will be shared as common resources between the RDF and the ILU components. These services will occupy the ground floor of the RCF building and the first floor of the central tower. Given the integrated nature of the proposed seniors housing development, with residents being catered for at varying stages of mobility and health, there will be a range of support services and facilities for use by residents and their visitors. These include:

- A chapel
- Associated health services (including physiotherapists, podiatrists, osteopaths, audiologists, chiropractors, etc.)
- Beauty Salon
- Café
- Day Care facilities
- Men's shed
- Multi-purpose room

A commercial kitchen and laundry are also provided on-site primarily for the RCF.

### 4. HISTORY

DA/263/2000	Aged and Disabled Persons Housing for :  152 self-contained dwellings 7 buildings Max Height 21.8m Max FSR 1.1:1	Approved : 7 December 2000
PL /68/2011	Option A (12-storey tower block)  Option B (18-storey tower block)	Advice provided on 30 November 2011

### 5. NOTIFICATION AND ADVERTISING

The subject application was advertised and notified from 15 August 2012 to 29 August 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. The following submissions were received at the conclusion of the public consultation process:

3/48-50 St Pauls Street, Randwick  
 56 St Pauls Street, Randwick  
 58 St Pauls Street, Randwick  
 3/65 St Pauls Street, Randwick  
 9/65 St Pauls Street, Randwick  
 10/65 St Pauls Street, Randwick  
 12/65 St Pauls Street, Randwick  
 60 St Pauls Street, Randwick  
 1/68 St Pauls Street, Randwick  
 7/68 St Pauls Street, Randwick  
 4/68 St Pauls Street, Randwick  
 1 Daintrey Crescent, Randwick  
 3 Daintrey Crescent, Randwick  
 5 Daintrey Crescent, Randwick  
 9 Daintrey Crescent, Randwick  
 2/6 Daintrey Crescent, Randwick  
 4/6 Daintrey Crescent, Randwick  
 3/ Daintrey Crescent, Randwick  
 2/7 Daintrey Crescent, Randwick  
 3/7 Daintrey Crescent, Randwick  
 8 Daintrey Crescent, Randwick  
 1/10 Daintrey Crescent, Randwick  
 5/18 Daintrey Crescent, Randwick  
 24 Daintrey Crescent, Randwick  
 396 Avoca Street, Kingsford  
 Suite 1/25-31 Perouse Road, Randwick  
 91 Perouse Road, Randwick  
 30 Coogee Bay Road, Randwick  
 9/49 Coogee Bay Road, Randwick  
 49 Coogee Bay Road, Randwick  
 1/68 Coogee Bay Road, Randwick  
 The Spot Business Association  
 The Spot Precinct Committee  
 Randwick Precinct Committee  
 Coogee Precinct Committee  
 Kingsford South Precinct Committee  
 Claremont College  
 Owners of Strata Plan 186 at 65 St Pauls Street, Randwick

The issues raised in the submissions are addressed as follows:

Issues	Comments
<p>The height and scale of the proposed buildings are excessive and are not compatible with the existing character of the locality.</p> <p>Central tower will be out of scale with other existing nearby buildings in particular within the Spot heritage conservation area</p>	<p>The overall density, scale and form of the proposed development are considered to be satisfactory, and will not adversely affect the character of the streetscape and the wider locality subject to a reduction in the height and massing of the tower component as discussed in the "Environmental Assessment" section of this report.</p>

Issues	Comments
The proposal at the St Pauls Street frontage does not have a scale and style that respects the village character of the Spot.	The relationship of the proposed built forms to the Spot are discussed in the "Environmental Assessment" section of this report.
Breach of the heritage walls at Daintrey Crescent encourages car parking in Daintrey Crescent.	The provision of a pedestrian opening in Daintrey Crescent creates a permeable development (as opposed to a gated community) allowing for pedestrian walkway and through link to the other opening in Coogee Bay Road. There are no justifiable grounds for preventing the creation of an opening at Daintrey Crescent on the basis of a perceived increase in car parking on Daintrey Crescent especially when adequate car parking is available on-site.
Proposal is inconsistent with DCP 22 - The Spot Heritage Conservation Area.	The proposal's compliance with DCP 22 is addressed in Section 8.1 below.
Proposal should abide by the limits set by the previous DA approval.	The previous DA was approved in 2000 with building foot prints, envelopes, configurations and setbacks that essentially brought the approved built forms closer to residential areas and increased building encroachments into existing tree and associated planting areas. The previous approval also allowed for a maximum 7 storey (Block G). The current proposal, if approved with the required reduction of two floors from the central tower component, would represent a moderate increase in height over the approved scheme. In this respect, the current proposal is considered more responsive to the overall context of the subject site and the amenity of adjoining properties and streetscape.
The approval of the subject proposal will establish an undesirable planning precedent for similarly scaled, high density, developments in the area.	Council assesses each development application having regard to its merits and compliance with relevant planning controls. The approval of the subject proposal will not create any undesirable planning precedent.

Issues	Comments
<p>The proposed development will generate significant traffic and traffic noise during the operational phase.</p> <p>Inadequate staff parking for shift workers.</p> <p>Inadequate traffic report.</p>	<p>The proposed development will generate an increased level of traffic in the area. A Traffic report has been prepared for the subject site which has been assessed and found to be adequate. The proposal is expected to generate moderate vehicular movements per peak hour that is considered acceptable for the surrounding road network as assessed in Section 9 below. The proposed driveway to the proposal's car park is considered to be appropriately configured/designed and located sufficiently away (approximately 3m) from the adjoining eastern property at No. 65 St Paul Street being separated by Daintrey Crescent.</p> <p>Additionally, the proposed driveway will be located off St Pauls Street . Vehicular traffic will be channelled directly to this existing local road and will not unduly affect the amenity of the nearby local streets.</p> <p>It is considered that the traffic noise level in St Pauls Street will not be significantly increased following the development.</p> <p>In relation to the adequacy of the traffic report, the traffic investigations and report have been prepared in accordance with the RTA Guide to Traffic Generating Development. This includes definitions of accepted industry standards for "peak hours". One day of traffic counts along the Perouse Road/St Pauls Street intersection was undertaken on 13 April 2012. It is noted that this was during the Easter (Intra -semester break for terms 1 and 2). However, the remainder of the traffic counts between 26 April and 2 May 2012 were undertaken during term time, Brigidine College having returned on</p>

Issues	Comments
	<p data-bbox="818 235 1364 566">26 April 2012 and NSW Public Schools having resumed at the latest 24 April 2012. Additionally, the traffic counts were undertaken over a seven (7) day period with vehicle movements logged and attached to the traffic report at Appendix A. The traffic survey is a cumulative count of all vehicles types, including buses.</p> <p data-bbox="818 602 1364 1290">In relation to staff parking, assessment in Section 9.6 below indicates that adequate staff parking will be provided on site which will be allocated to shift workers by a roster system generated by St Basils management and administration. Additionally, a condition will be applied requiring the submission of a Car park Management Strategy that shall include details on how access to visitor spaces is to be provided, staff parking allocations and measures designed to restrict visitor vehicles to times outside of peak road network times. Any strategy must be made in consultation with Council and form part of the development's operational plans.</p>
Increased traffic and headlight glare from cars exiting the subject site.	<p data-bbox="818 1299 1364 1592">The owner of properties on the southern side of St Pauls Street opposite the proposed vehicular entry/exit have raised concerns regarding increased traffic and headlight glare from cars exiting/entering the subject site. The concerns are addressed as follows:</p> <ul data-bbox="818 1628 1364 2027" style="list-style-type: none"> <li data-bbox="818 1628 1364 2027">▪ The proposed location of the entry/exit point is determined to a significant degree by the need to preserve existing trees along the St Pauls frontage. Accordingly, the driveway will be located between the two large mature fig trees that must be retained as part of the streetscape. Any redesign to relocated entry/exit to the western boundary of the site (</li> </ul>

Issues	Comments
	<p>as suggested by objectors) will result in extensive hardstand driveways in front of the proposed development in order to link into the car park entry on the eastern side.</p> <ul style="list-style-type: none"> <li>▪ The degree of head light glare from the proposed development is not considered to be unreasonable to that expected in an urban context. This is assisted further by the level driveway connecting to St Pauls Street which will allow for an even interface between the development and the public street for cars to exit the development smoothly and efficiently.</li> <li>▪ Car headlight glare will be screened to some degree by the existing street trees and on-street car parking on St Pauls Street.</li> <li>▪ The light spill that will be generated by traffic exiting the subject site at night is not considered to be excessive allowing for exiting shift workers at staggered times of the night, the degree of traffic is considered to be reasonable and acceptable and not atypical to that to be expected in an inner city context.</li> </ul>
<p>The proposal involves significant tree removal and will result in the loss of wild life habitat.</p> <p>Proposal will be detrimental to existing trees due to overshadowing and root impacts</p>	<p>A Flora and Fauna Report has also been submitted with the DA which indicates that no habitat exists on site for threatened species or communities.</p> <p>An arborist report has been submitted with the DA identifying trees that are proposed to be retained and removed for the proposed development. The trees identified to be removed have been assessed by Council landscape officer and addressed by way of tree</p>

Issues	Comments
	<p>replacement conditions.</p> <p>However, Council has required the retention of a historic Norfolk Island Pine in the middle of the subject site, and a condition for this tree to be protected through a redesign of the proposed development will be applied should approval be granted.</p> <p>The ability of the retained trees to survive including the required clearances from detrimental root impacts have been assessed in the arborist report and verified by Council's landscape officer.</p> <p>Additionally, a landscape plan has been submitted, which shows the provision of various landscaped open space on the site. A range of canopy trees, shrubs and ground covers will be planted to provide a landscape ambience to the buildings and to compensate for the loss of established vegetation as a result of the development.</p>
<p>The development scheme has not provided sufficient on-site parking facilities.</p>	<p>The development scheme has provided adequate on-site parking facilities. Refer to the "Environmental Planning Instruments" section of this report for details.</p>
<p>The front setback to St Pauls Street is not consistent with the adjoining properties.</p>	<p>The proposal provides a generous 16.8m front setback to St Pauls Street to moderate any perception of visual bulk and scale in the RACF building. This setback is considered to be compatible with the adjoining premises. Refer to the "Environmental Assessment" section of this report for details.</p>
<p>The development will result in detrimental shadow impacts on the adjoining properties, including the residential flat building at No. 65 St Paul Street and Daintrey Crescent properties.</p>	<p>The proposed development will not create unreasonable shadow impacts on the adjoining properties especially given linear north-south orientation of the subject site and the considerable setback of the main building bulk and form from all boundaries. The increases in overshadowing are</p>

Issues	Comments
	<p>mainly confined to the west elevations of the properties along the eastern side of Daintrey Crescent. However, the north-facing sunrooms and terraces of some properties along Daintrey Crescent will continue to receive direct sunlight for a minimum of 3 hours in mid winter. Additionally, the east-facing windows of these properties units will not have their existing level of solar access reduced. The required lowering of the tower component will further improve solar access to these affected properties along Daintrey Crescent.</p> <p>Refer to the "Environmental Assessment" section of this report for details.</p>
<p>The proposed development will overlook the adjoining and nearby residences and cause adverse privacy impacts.</p>	<p>The proposed development will not result in detrimental privacy impacts on the adjoining and nearby residences. Refer to the "Environmental Assessment" section of this report for details.</p>
<p>The proposal will obstruct district views and views of Botany Bay currently available to the dwellings at St Pauls Street and Daintrey Crescent. .</p>	<p>A detailed assessment of view loss issues is provided in the "Environmental Assessment" section of this report.</p>
<p>The proposal will destroy the village atmosphere of the Spot.</p> <p>Aged care proposal in its proposed form will be detrimental to community spirit</p>	<p>The development will be separated from the Spot by large grounds of the existing Brigidine Convent and Brigidine School which are further augmented by the wide front, side and rear setbacks given the large area of the subject site.</p> <p>The RACF building has been designed to visually present as 4 storeys and setback 16.8m from St Pauls Street to ensure a compatible built form to existing buildings in the Spot.</p> <p>The seniors housing proposal is justified in terms of the site's proximity to the Spot and Randwick Junction town centres as well as</p>

Issues	Comments
	<p>public transport services along the surrounding road networks.</p> <p>The relationship of the proposed built forms to the Spot heritage conservation area has been assessed by Council's heritage planner and found to be reasonable subject to further reduction in the height and bulk of the central tower component as discussed in the "Environmental Assessment" section of this report.</p>
The service vehicle access and loading docks will create noise to adjoining residents	An acoustic report has been submitted with the DA addressing among other things, noise generated by deliver operations. This report has been assessed by Council's Environmental Health Officer. The loading areas will be internal and largely below street level so that any associated noise will be contained. A special condition is recommended to restrict the loading and delivery hours during the operational phase of the development. Subject to the above condition, the proposal is not considered to result in detrimental noise impacts on the adjoining properties.
The mechanical plant and equipment will generate significant noise impacts on the adjoining residential properties.	A specific condition is recommended to ensure noise emission from the mechanical plant and equipment within the development complies with relevant industry standards.
Increased underground water into Claremont College retention tanks	Conditions for appropriate design of on-site detention /infiltration system will be applied should approval be granted.
Must retain sandstone walls along Coogee Bay Road	The sandstone walls along Coogee Bay Road will largely remain intact except minimally where new pedestrian opening is proposed.
The exhaust stack for the basement car park will result in air pollution.	A standard condition is recommended to ensure the development works, including exhaust and ventilation systems, comply with the Building

Issues	Comments
	Code of Australia. Subject to the above condition, the proposal is not considered to result in unreasonable environmental impacts on the surrounding areas.
The proposed buildings will adversely affect air quality and circulation in the area.	The development scheme has incorporated appropriate landscaping and setbacks. There is no clear evidence to suggest that the proposed buildings will significantly affect air quality in the area.
<p>The construction traffic will cause congestion in the surrounding road network and adversely affect the amenity of the nearby residences and institutional uses, including schools.</p> <p>The construction traffic and on street parking of construction vehicles will be detrimental to businesses in the Spot</p> <p>The proposed development will generate significant construction and construction traffic noise during the operational phase.</p> <p>Safety of college students during construction especially from construction traffic</p>	Standard construction management conditions are recommended to ensure an appropriate traffic management plan is prepared prior to the commencement of works on the site. This includes the lodgement of a construction management plan and construction traffic manage plan which will implement the necessary measures to manage parking and traffic impacts during the construction phase.
There are concerns that contractors and tradesmen will illegally park in St Pauls Street during the operational phase of the retirement home.	The proposal has included adequate visitor parking and loading docks within the development. There is no convincing evidence to suggest a nexus between illegal parking and the proposed development.
The proposed development will adversely affect the safety and security of St Pauls Street.	The proposal involves the construction of a new footpath and provision of high quality planting along the St Pauls Street frontage of the site. The development will significantly upgrade the amenity of St Pauls Street and promote a sense of territorial ownership that contributes to community safety.
Lack of due diligence in the geotechnical report, misspelling of Daintrey Crescent in Landscape	The various technical reports and the SEE submitted for the proposed development are considered



Issues	Comments
Design, invalid SEE	adequate and reliable.
Additional street lights should be installed in St Pauls Street & Coogee Bay Road to improve safety.	This matter is not relevant to the assessment of the subject application.
The proposed development will reduce the values of the surrounding residential properties.	Variations in property values are not considered to be a valid objection on town planning grounds.

## 6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

### 6.1 Development Engineer and Landscape Development Officer

Council's development engineer advises as follows:

*"Council is in receipt of a staged development application for a concept plan and Stage 1 works for seniors housing development comprising 82 independent living units, a residential care facility with 93 beds and 20x1 bedroom serviced apartments in 4 building elements ranging from 5 to 10 storeys in height, basement parking for 154 vehicles and associated works.*

*This report is based on the following plans and documentation:*

- *Statement of Environmental Effects by SJB Planning, Volumes 1-2, including attachments 1-28, dated August 2012 and stamped 3 August 2012;*
- *Drawing Package, Volume 3, including attachments A to E;*
- *Detail & Level Survey by Harrison Friedman & Associates Pty Ltd, sheet 1 of 2, ref 30618(2), dated 29/08/12;*
- *Pre-Development Tree Report by Stuart Pittendrigh, dated June 2012;*
- *Flora & Fauna Assessment by Cumberland Ecology, dated July 2012;*
- *Landscape Design Statement by Habitation dated 11 July 2012;*
- *Landscape Plans by Habitation, dwg L01 – 10, project 11\_041, issue D, dated 10.07.12.*

#### **Road Widening / Civil Works Comments**

*The footpath along the majority of the St Pauls Street site frontage is quite narrow and there is a low sandstone retaining wall on the boundary. It is recommended that the applicant be required to dedicate to Council a strip of land 1.0 metre wide along the full St Pauls Street site frontage and that the footpath and retaining wall be reconstructed to Council's satisfaction. Conditions addressing this recommendation have been included within this report.*

*Detailed civil works conditions have been included within this report.*

#### **Drainage Comments**

*On site stormwater detention is required for this development.*

*The concept stormwater drainage plan appears to have all site stormwater discharge (apart from overflows during major storm events) directed to Coogee Bay Road. The PSD for the site has been estimated at 110 l/s however the concept plan directs all outlet flow to a drainage pit in Coogee Bay Road. The site is very large and it is likely that there are separate catchments within the site draining to both Coogee Bay Road and St Pauls Street. A condition of consent requiring the applicant's hydraulic consultant to clearly define the various catchments within the site and their corresponding discharge points has been included within this report. Following assessment of the catchments Council will define for the applicant how and where the onsite detention is to be provided.*

*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 Comments**

#### **Parking provision**

*The proposed parking provision more than complies with the relevant SEPP provisions. Council's Assessment Planner will also be seeking a reduction in the overall number of units as part of this assessment.*

*A condition of consent requiring the applicant to submit for approval a parking management strategy has been included within this report. The parking management strategy must demonstrate that access to visitor and staff parking spaces will be readily available to minimise the potential for staff and visitors to utilise onstreet parking.*

#### **Car park layout**

*Standard conditions requiring the design of the car park, access aisles and driveways to comply with the relevant provisions of AS 2890.1-2004 have been included within this report.*

#### **Traffic Generation**

*The traffic report submitted with the development application describes the major intersections in the vicinity of the development site however the only intersection considered by traffic survey is the Perouse Road / St Pauls Street intersection. The intersection has been assessed using SIDRA and the performance is satisfactory using standard criteria for interpreting SIDRA output.*

*Peak AM vehicle movements have been estimated at 38 vtpd (19 in and 19 out). Based on the traffic flows in St Pauls Street (as established by survey) the peak vehicle movements can be readily accommodated in the surrounding road network.*

### **Service Authority Comments**

*At the Health, Building and Planning Committee meeting on 8 November 2005, it was resolved on the motion of Councillors Nash and Belelli that:*

- (a) the applicants of development applications be required to meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site when the cost of works on the site exceeds \$2 million;*
- (b) the applicants of development applications be required to meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site, when the cost of works on the site exceeds \$1 million up to \$2 million; and*
- (c) the Director, City Planning investigate the feasibility of funding the undergrounding of existing overhead cables for new development under the new options provided for in the Environmental Planning & Assessment Act (Developer Contributions) Act 2005.*

*Given that the proposed works will be in excess of \$2 million the applicant will be required to meet all costs associated with replacing the overhead wires with underground cables in the vicinity of the development site.*

### **Landscape Comments**

#### **Street Frontages**

*Due to a combination of the high volumes of pedestrian traffic along the **St Pauls Street frontage** and the need for a full width footpath, new street trees will not be possible along this frontage; however, progressing to the northeast, on the **Daintrey Crescent**, there is from south to north, just to the northeast of Tree 5, two *Banksia serrata* (Saw Toothed Banksia's) and two *Banksia integrifolia* (Coastal Banksia's), all of around 4-5m in height which are covered by the provisions of Council's Tree Preservation Order due to their location on public property, and appeared in good health and condition.*

*These four trees have not been assessed in the Arborists Report, and so have not been assigned tree numbers for the purpose of identification, but are shown on the Landscape Plans as being retained and supplemented with new street tree plantings.*

*They are native coastal species, so will provide a contribution to the local environment, and will also assist with partial screening of the building for residents on the eastern side of Daintrey Crescent, so are all deemed worthy of retention, and as they will not be directly affected by the works in anyway, conditions require that they be protected and incorporated into a new landscaped verge along the length of this frontage.*

*Immediately to their north, there are two small *Nerium oleander* (Oleanders) which would have been planted by residents rather than Council, as this*

species has poisonous sap, with the applicant needing to remove and replace them with more favourable natives.

The 5-6m tall *Eucalyptus nicholii* (Willow Leafed Peppermint) to the north is a semi-established specimen of poor condition due to a low growing lateral leading to the north, which is virtually at ground level. This leader will result in excessive end weight, but if removed, may leave the tree unbalanced, and prone to failure, and as such, conditions in this report require that it also be removed and replaced by Council, at the applicant's cost, together with the small *Fraxinus griffithii* (Evergreen Ash) just to its north.

The group of three semi-mature natives further to the north, comprising an 8m tall *Eucalyptus robusta* (Swamp Mahogany), an 8m *Corymbia gummifera* (Red Bloodwood) and a 6m tall *Corymbia maculata* (Spotted Gum) are all deemed worthy of preservation for the same reasons described earlier, with relevant conditions to ensure this provided.

The various shrubs and small Oleanders past the corner, adjacent no.2 Daintrey Crescent must also be removed to accommodate more desirable species around the proposed pedestrian walkway entrance.

The narrow grassed verge between the Heritage Listed sandstone wall and public footpath was observed to have a sparse cover which provides a poor, untidy appearance to the public domain. In order to improve this situation, conditions in this report require that this frontage, extending from the landscaped area proposed around the corner of St Pauls Street, for the full length of Daintrey Crescent, be mass planted with low growing, low maintenance native grasses, at the applicant's cost, with the Town Planner agreeing that while this is external to the site, for a development of this size and scope, such a measure would provide a tangible benefit to neighbours and the appearance of the streetscape.

The same also applies to the **Coogee Bay Road frontage**, where self-seeded grass species and a variety of small shrubs such as Bottlebrush and Wild Olive have grown within the narrow strips of land between the Heritage sandstone walls, with the removal of those undesirable species and re-planting with drought tolerant natives to improve the appearance of this frontage as well, particularly given the quantity of trees to be removed in this area. It is noted that Elevation BB on Landscape Plan L07 appears to show this treatment.

The applicant will be required to submit a separate **Public Domain Plan** dealing with the upgrade of all three frontages in accordance with Council's **Urban Elements Design Manual**, and will also need to include the mass planted areas that have been described above.

#### **Trees within the site**

**The assessing officer is advised that the removal of Tree 14, a mature, historical and highly significant Norfolk Island Pine is not supported, and in accordance with the requirements of Council's Register of**

**Significant Trees, the onus is on the applicant to investigate all options available for its retention.**

Council's Register of Significant Trees, Volume 3, identifies this site (including Aeolia & Brigidine) as containing "one of the most significant historic collections of native rainforest Figs and Araucaria's in the LGA", and has "significance at the local & LGA level in terms of its historic, social, cultural, aesthetic and visual qualities".

It is believed that this collection of significant and historical trees were planted around the 1880's, initially as an education source, and is typical of the late Victorian gardenesque style that was commonly found on grand estates.

A total of 83 trees have been assessed, the majority of which comprise Moreton Bay & Port Jackson Figs and Wild Olives, with most of the significant, heritage trees located around the perimeter of the site, and within "The Grove", which is a dense grouping around the northwest corner of the site, facing Coogee Bay Road, which have been shown for retention as part of the development.

The Grove is a particularly significant part of the site, due to the size and quantity of trees in this area, with the natural topography seeing the whole northern section falling steeply down to the north, where it meets Coogee Bay Road. Other than the elevated boardwalk and new under-storey planting, there is no other development or works proposed around this northwest corner, with only a minor amount of pruning to avoid interference from the building required.

Due to the significance of these trees to the site and LGA, it is warranted in this particular circumstance to require the submission of a separate Arboricultural Impact Assessment, for Council's review and approval, which will deal individually with the threats that are posed by the works to their preservation, and will need to provide specific mitigation measures.

**A brief summary of the significant trees to be retained is shown below:**

- Trees 1 & 2, *Ficus rubiginosa* (Port Jackson Figs) on either side of the proposed entry. Major encroachment of Tree 2's TPZ by 12.8% for driveway. Requires root mapping and other measures.
- Tree 8, *Ficus macrophylla* (Morton Bay Fig) & Trees 9-10, Port Jackson Figs, minor encroachment of TPZ's.
- Tree 22, Morton Bay Fig, requires standard protection measures from AS4970-2009.
- Tree 24, Morton Bay Fig, minor encroachment of TPZ, requires sympathetic construction techniques for basement, building and boardwalk.

- *Tree 33, Morton Bay Fig, minor encroachment of TPZ, requires sympathetic construction techniques for basement, building and boardwalk.*
- *Tree 34, Araucaria cunninghamii (Hoop Pine), requires sympathetic construction techniques for basement, building and boardwalk.*
- *Tree 35, Strelitzia nicholii (Giant Bird of Paradise) & Tree 36, Morton Bay Fig, both require standard protection measures from AS4970-2009.*
- *Tree 38 & 42, Port Jackson Figs, requires sympathetic construction techniques for basement, building and boardwalk.*
- *Tree 39, Catalpa bignonioides (Indian Bean Tree), requires standard protection measures from AS4970-2009.*
- *Tree 40, Morton Bay Fig, requires sympathetic construction techniques for basement, building and boardwalk.*
- *Tree 41, Lophostemon confertus (Brush Box), requires standard protection measures from AS4970-2009.*
- *Tree 43, Eucalyptus punctata (Grey Gum), requires sympathetic construction techniques for basement, building and boardwalk.*
- *Tree 44, Jacaranda mimosifolia (Jacaranda), requires standard protection measures from AS4970-2009.*
- *Tree 46, Eucalyptus botryoides (Bangalay), requires standard protection measures from AS4970-2009.*
- *Trees 72-73, Banksia integrifolia (Coastal Banksia's), requires standard protection measures from AS4970-2009.*
- *Tree 78, Raphiolepis umbellata (Indian Hawthorn), requires standard protection measures from AS4970-2009.*
- *Tree 83, Morton Bay Fig, encroachment of 7% of TPZ, minor, requires sympathetic construction techniques for basement, building and boardwalk.*

### **Pruning**

*Due to a large period of neglect, the majority of those trees being retained will require remedial pruning to address past failures, poor structure, deadwood and similar, as much for routine maintenance as for hazard reduction, particularly given the intended use of the grounds, and will be of benefit to the trees as this will improve their health, condition and longevity.*

To a lesser extent, directional pruning will also be needed to a few trees so as to avoid conflicts with the proposed building lines and footprints, with conditions requiring that this only be performed by the qualified site Arborist, to the requirements of AS4373 – Pruning of Amenity Trees, and under the direct supervision of Council to ensure that their form and visual appeal is not compromised in anyway.

### **Transplanting**

The Landscape Plans & Arborists Report nominate three existing trees for transplanting, being Tree 11, a mature *Washingtonia robusta* (Washington Palm), which has been incorrectly identified as a native Cabbage Palm, Tree 12, a *Phoenix canariensis* (Canary Island Date Palm), and Tree 25, a *Phoenix roebelinii* (Dward Date Palm).

However, given the low success rate of such a process (as has been experienced on similar projects in the past), the significant amounts of time, effort, money and intensive follow-up maintenance that is involved, as well as the susceptibility of some of these species to *Fusarium* wilt, Council does not support this initiative, as there is deemed to be a low chance of survival.

While the Washington Palm is not recognised as 'significant' in Council's Register of Significant Trees, it is identified as an 'component species', that was planted during the Inter-War Period (1915-1940), but as it does not make any major visual or environmental contribution to the site or area, it could be removed and replaced with a grove of advanced native Cabbage Palms, which would replicate the same form and appearance.

The same applies to Trees 12 & 25, as they are mostly concealed beneath or by larger, more dominant trees in their respective areas of the site, with their removal not to have a major impact on amenity, with replacement features species able to be provided in their place.

### **Flora & Fauna comments**

The Flora & Fauna Report by Cumberland Ecology details that this site has been extensively cleared and modified during the various stages of development, and has been mapped previously as Urban Exotic/Native by the Sydney Metropolitan Catchment Management Authority Vegetation Mapping (DECCW (NSW) 2009).

There are two recognized vegetation communities at this site based on the dominant canopy species, being Moreton Bay Fig - African Olive Open Forest, which covers 0.83ha of the 1.252ha site, and is located mostly in the northern and western sections, with isolated patches in the southern portion, and then Exotic Grassland, which occupies 0.41ha of the site, mostly in the central and southern portions, neither of which conform to any recognized vegetation type, and do not correspond to the description of any EEC listed under either the TSC Act or the EPBC Act.

*In order to ensure thorough and comprehensive investigations and reporting were undertaken, a flora survey was conducted in accordance with the DEC Threatened Biodiversity Survey and Assessment Guidelines for Development Activities, and involved random meander surveys, vegetation sampling within two 20m x 20m quadrants, as well as targeted searches for threatened flora and endangered ecological communities.*

*Over 95 flora species were recorded at the site, of which 50 are exotic, with no threatened species detected, with detailed assessments confirming that they are unlikely to occur either as viable plants or as seeds within the soil seed bank.*

*Some original, naturally regenerating *Xylomelum pyriforme* (Woody Pears) were identified (larger specimens being Trees 66 & 70), and are also noted in the Heritage Impact Assessment and Arborist Report as being very rare at this size, but while they may be significant in the local context, they are not threatened, and do not form a component of EEC, and so removal for the development will not impact on the species as a whole.*

*As the nearest areas of remnant vegetation are some 700m away, detailed fauna trapping surveys were not deemed necessary; however, active fauna searches were undertaken by an ecologist which identified a range of native vertebrate fauna species including birds, terrestrial and arboreal mammals, bats and reptiles.*

*One threatened fauna species has been detected as using this site as a foraging resource, being the Grey Headed Flying Fox, (*Pteropus poliocephalus*), but as it is highly mobile, with no breeding or roosting habitats observed, the assessment indicates that no significant impact on this species is expected.*

*While a total of 0.50ha of vegetation will be cleared in order to accommodate the development, the majority of large canopy trees will be retained, which will maintain canopy connectivity with adjoining sites.*

*In order to manage any animal ethics issues appropriately, the recommended mitigation measures have been incorporated into this report as conditions, and requires that pre-clearance surveys by an ecologist be undertaken to formally identify trees or ground logs bearing hollows and potential habitats or nests, whereby, these selected trees shall be removed incrementally, not dropped to the ground from a height, and will then be left overnight to allow any animals a chance to relocate.*

### **Weeds**

*The site contains a dense under-storey of invasive, environmental and noxious weeds, particularly around the northern section, beneath the dense, inter-connected canopies of the Figs ("The Grove"), where the steep fall of the land has made access and maintenance difficult, where they have completely overrun this area, including Lantana, Green Cestrum and Wandering Jew.*

Complete eradication of these species will be required not only to comply with legislative requirements, but also to eliminate future maintenance issues within the new landscape, with conditions in this report requiring that best practice guidelines be adhered to, with new ground covers and decorative under-storey plantings to be installed in their place so as to maintain bank stability and minimize erosion and sedimentation, as well as to improve visual appeal.

### **Landscaping**

Comprehensive landscape documentation accompanies this application, with the new scheme to occupy 6,500.85sqm (51% of the site area), of which, 5,791.96sqm (89%) will comprise deep soil.

A series of landscaped plazas, terraces, courtyards and extensive gardens are proposed, all of which will be accessible via a network of paths and elevated walkways, and with the exception of the dementia sensory garden, all other ground level garden spaces will be open to all members of the public during the day, with the access gates on Coogee Bay Road and Daintrey Crescent to be locked during the evening to ensure the safety and security of residents.

The Landscape Design Statement explains that this scheme will enhance the existing trees of "The Grove", with the new plantings to be vibrant, colourful, functional and therapeutic, and will aim to promote healthy living, accentuate the change of seasons and encourage local wildlife.

The main design objectives are listed below:

- Retain and strengthen the existing landscape character through retention of topographical features and existing trees;
- Reference and respect the historical context of the site;
- Integrate the gardens with the adjoining School and Convent;
- Create specialized areas for respite, exercise and therapy;
- Provide additional landscaping to the boundaries for screening;
- Improve public amenity and streetscape presentation through integration of existing Fig trees and public open space;
- Provide public access, walkways and a variety of garden experiences through the site;
- Create roof gardens for recreation, gardening, socializing, sunlight and views.

Whilst the plans show a high quality treatment and a high level of detail, other than Blueberry Ash and Tuckeroo (which are both only small native trees) there is a distinct lack of any larger species that would replicate the form and size of those which are being removed, and which will achieve a similar scale at maturity to that of the proposed buildings.

Therefore, conditions in this report require that the landscape scheme be slightly amended to incorporate native species that will meet the criteria discussed above, and be located at strategic locations to maximise screening,

*and will also serve as succession plantings for when the oldest and largest Figs need to be removed at some stage in the future.*

**Walkway**

*The plans and SEE describe a publicly accessible walkway meandering through the central portion of the site, beneath the canopies of the Figs in "The Grove", with entries off both Daintrey Crescent and Coogee Bay Road.*

*Given the historical importance and direct associations of Aeolia, Brigidine, this site and the trees, the applicant will be required to incorporate interpretative signage along the walk as an educational resource for users, with an elevated timber boardwalk (using environmentally sensitive recycled materials if possible) favoured for The Grove section so as to minimise any impact on the roots of the Figs during its installation.*

***Should the application be approved the following conditions shall apply under the appropriate section:"***

**6.2 Building Control Officer**

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

**Proposed Development:**

The proposed development is an integrated seniors housing development comprising 82 Independent Living Units and Residential Care Facility for up to 113 persons, providing 93 beds and 20, one (1) bedroom serviced apartments. The development comprises four (4) distinct building elements varying in height from five (5) to 10 storeys, connected by a two (2) level basement providing parking for up to 154 vehicles.

**BCA Building Classification**

Class 2—Independent Living Units

Class 7a —Car parking

Class 9c — Aged care units

**Background**

The building has a rise in storeys of eleven (11).

Type A construction required.

The maximum compartment size for aged care facilities is 8,000m<sup>2</sup> & 48,000m<sup>3</sup>. The proposed compartments are within this limit.

Effective height : 33.5m

Climate zone: 5

**Comments:**

BCA and Access Consultant's reports accompany this application and the recommendations should be incorporated in the approval.

**Recommendation:**

Should the application be approved, it is recommended that the following conditions be included:

### **6.3 Heritage Planner**

The Heritage Planner advises as follows:

#### **The Site**

*The subject site was formerly part of the Brigidine Convent site which had frontages to St. Paul's Street, Coogee Bay Road and Daintrey Crescent. The original site was subsequently sub divided (DA/744/2004) into three- the convent site at nos.7 37 Coogee Bay Road, the school site no.49 – 55 St. Paul's Street and 6 Aeolia Street, and the subject site. "Aeolia", on the Coogee Bay Road convent site is listed as a heritage item under Randwick LEP 1998 (Consolidation). The Randwick Heritage Study Inventory Sheet for "Aeolia" notes that the site commands sweeping views to the east and west and contains many mature Moreton Bay fig trees. The Inventory Sheet notes that the building stands on an eminence, screen from Coogee Bay Road by a fine stand of trees. Under Draft Randwick LEP 2012, the heritage listing which originally covered the entire site is to be reinstated, so the Coogee Bay Road, St Pauls Street and Aeolia Street sites will all be listed as heritage items. The nearby Ritz Cinema in St Pauls Street is listed as a heritage item and The Spot heritage conservation area includes adjacent properties in Perouse Road and St Pauls Street. The sandstone and brick retaining walls on Council land along Coogee Bay Road is to be listed as a heritage item under Draft Randwick Local Environmental Plan 2012.*

#### **Background**

*A development application DA/293/2000 for aged persons housing on the site was approved in December 2000. This development consisted of 7 separate buildings. Those towards the southern end of the site were to have a scale of one, two and three storeys, while those to the northern end of the site were to have a scale of five, six and seven storeys. A number of concerns were raised in relation to the heritage impacts of this proposal.*

*A thorough Conservation Analysis and Guidelines by Clive Lucas Stapleton and Partners was completed for the Brigidine College and Convent site in 1998. The original development application was accompanied by a Heritage Impact Assessment report prepared by Geoffrey Britton and Clive Lucas Stapleton and Partners Pty. Ltd. The original HIA acknowledged that the southern part of the site has a greater capacity for development without adverse heritage impact, while the northern part of the site is more sensitive to development on account of the direct visual relationship of the garden to the house and the visibility of the site from a north easterly direction.*

#### **Proposal**

*The application proposes a seniors housing development, providing a 113 bed residential care facility and 82 serviced self-care units. The development is to be in the form of three separate buildings. The building at the northern end of the site, facing Coogee Bay Road is to comprise 7 levels of self-care units. This building is to be in the form of two articulated halves, stepping from west to east with the fall of the land, and with the upper two levels set back further from Coogee Bay Road. The building in the south western half of*

*the site fronting St Pauls Street and Daintrey Crescent is to comprise 6 and 7 levels containing the residential care facility. The footprint of this building is opened up by the provision of two void/courtyards areas. The building in the centre part of the site is to comprise 10 levels of self-care units. This building is also in the form of two articulated halves, with upper levels having increased setbacks. Two basement levels are to be provided containing parking, as well as kitchen, laundry and storage areas. Vehicular access is to be provided from St Pauls Street and pedestrian access from Coogee Bay Road, St Pauls Street and Daintrey Crescent.*

### **Submission**

*The application has been accompanied by a Heritage Impact Statement prepared by Urbis Pty. Ltd, with landscape input provided by Chris Betteridge of Musecape. The HIS notes that the site was originally part of the estate of Edwin Daintrey, used as a pleasure garden for his house 'Aeolia', established between 1856 and 1860. The HIS argues however that the garden now has only a loose visual relationship with the house. The HIS provides the following Statement of Significance "the site has the historical, associational and aesthetic significance at a local level, particularly for 'The Grove' on the Coogee Bay Road side of the site, but its heritage values have been compromised by changes of use, lack of maintenance and loss of original fabric. It retains some evidence of its former use as a pleasure garden, particularly derived from the large mature Moreton Bay Fig trees which enhance the setting of the adjoining 'Aeolia', the streetscape of Coogee Bay Road and the Randwick townscape generally." The HIS considers that the previous proposal did not respect important site elements to the same degree as the current proposal. The HIS assesses the impact of the proposal on nearby heritage items including 'Aeolia' and the Ritz Cinema, and The Spot heritage conservation area.*

*The HIS notes that a number of landscape heritage reports have been proposed for the site and considers a CMP is not required. The HIS notes that the new buildings have been located with regard to the significant trees and walls on the site, with the buildings located within areas currently without significant vegetation, that have been extensively modified and are relatively level. The HIS considers that the new buildings have a height that respects the tree canopy and the views from the first floor verandah of 'Aeolia' on the Brigidine convent site. The HIS acknowledges that the central building of 10 levels will be considerably higher than surrounding school and residential flat buildings, but is located adjacent to a large Moreton Bay fig that will screen the building from 'Aeolia' due to its height and canopy spread.*

*In terms of heritage impact on the convent, the HIS notes that the building complex has been located on the site to respect significant remnant plantings and does not diminish the setting and understanding of the convent. In terms of impact on the heritage conservation area and the nearby Ritz Cinema, the HIS notes that although the proposal is taller than surrounding development, it will not diminish the importance of the adjacent heritage item and conservation area because its siting and the steep topography of the site reduce potential visual impacts. The HIS considers that the landscape*

retained on the site on both the St Pauls Street frontage and 'The Grove' fronting Coogee Bay Road will provide a strong framework for the proposal so that it does not detrimentally impact on the surrounding significant items and the locality. The HIS notes that the development has been designed to limit vehicular access points to a central driveway at the St Pauls Street frontage, and that two pedestrian gates in the sandstone walls have been designed to respect existing vegetation and detailing of the masonry. The HIS suggests that the proposal should be viewed as a contemporary design with its own architectural integrity. The HIS notes that landscape proposal will restore elements of 'The Grove' gardens to create a focal point for the development and to integrate them with the historic gardens on the 'Aeolia' Brigidine site. The HIS stresses that construction management and tree protection are critical for the retention of the heritage of the site and the area.

### **Comments**

#### **Relationship of the gardens to 'Aeolia'**

The original proposal included a lower level courtyard opposite 'Aeolia'. The current proposal places the proposed ten storey tower roughly opposite 'Aeolia'. The proposal will retain the plantings within the triangular north western corner of the site which is directly to the east of 'Aeolia'. The proposed Coogee Bay Road buildings will occupy a section of the original gardens in the north eastern corner of the site, while the proposed tower will separate 'Aeolia' from the eastern edge of the site.

The HIS and supplementary submission note that 'The Grove' historically comprised a more defined landscape concentrated on the north western boundary of the site. 1943 aerial photographs show established trees in the north western corner with sparser vegetation in the north east corner. 'The Grove' now features large mature Moreton Bay and Port Jackson figs, as well as dense undergrowth of mainly invasive weeds, together with a number of eucalypts planted along the Coogee Bay Road boundary in the 1970s. The additional photographs and photomontage information included in the latest submission indicate that the relationship between 'Aeolia' and the gardens in the eastern part of the site exists in plan only, and that existing tall and dense plantings closer to 'Aeolia' preclude any visual relationship. The proposed development will maintain a reasonable relationship between the house and the closest part of its original grounds immediately to the east.

#### **Views to 'Aeolia' from within the subject site**

'Aeolia's' main elevations face towards the east and north with double storey verandahs noted in the Heritage Study Inventory Sheet. Western and southern elevations are obscured by additions and later buildings. The eastern elevation is highlighted as the formal entry to the building via the landscaped forecourt with vehicular turnaround.

The additional photomontage information included the latest submission indicates the impact of the proposed development on views towards the eastern elevation of 'Aeolia' from the parts of the former garden within the subject site. Photomontages of views towards 'Aeolia' from areas of the site adjacent to the tower indicate that the view towards 'Aeolia' is maintained

*from the part of the site adjacent to the north west corner of the tower, while any views from further to the north and east are already precluded by existing plantings. It is considered that the proposal will not significantly detract from existing views to 'Aeolia' from within the subject site.*

### **Views from 'Aeolia'**

*1943 aerial photographs indicate a semi-circular arc of mature trees to the east of 'Aeolia' (possibly screening it from surrounding housing development) with a central gap which must have at that time provided an ocean view. The Site Analysis diagrams and Proposed Controls diagrams in the submission include several plans indicating filtered views from 'Aeolia' to the ocean. The wider view arc indicated in the Constraints and Opportunities diagram is narrowed in the Heritage View Corridor diagram due to the location of the ten storey tower. The Sections in the Proposed Controls indicate that the tower will be around 10m higher than the tree in vicinity, but will be screened due to the view line over the tree from the first floor of 'Aeolia'. The additional photographs included the latest submission existing views from the first floor balcony of the house. Photographs indicate that existing plantings preclude views from the first floor balcony to the ocean. The additional photomontage information included the latest submission indicate that existing large fig will screen the lower portion of the tower from view from the first floor balcony, but that the upper portion of the tower will remain visible. The HIS argues that the large fig currently forms a stop to the southern vista and will mostly obscure the proposed tower. There are concerns that the tower will form a dominant element above and towards the northern edge of the canopy of the large fig when viewed from 'Aeolia'. There are also concerns that the proposal relies on one single tree to provide permanent screening of the substantial scale and bulk of the tower from the heritage item. A reduction in the height of the tower would bring it down to a height which is more compatible with the adjacent fig and reduce its potential to dominate the nearby heritage item. A rounding off of the north western corner of the tower adjacent to 'Aeolia' would also assist reducing the bulk and intrusiveness of the tower. Further screen planting on the subject site between the tower and 'Aeolia', reinforcing the historic arc of trees to the east of the heritage item would further assist in reducing the dominance of the adjacent tower, and providing ongoing screening into the future.*

### **Views towards 'Aeolia and the gardens from the surrounding area**

*The photomontage (Perspective B Glen Avenue) in the SEE submission indicates that the northern elevation of 'Aeolia' and the Kilbride/Tully wing? on the Brigidine site will remain visible from the high ground on the eastern side of Glebe Gully. Surrounding Built Form photographs contained in the Site Analysis indicate that 'Aeolia' is visible from some distance to the east from Arden Street and Alison Road. Based on this photomontage, it appears that views of 'Aeolia' from further to the east (existing views from Arden Street and Alison Road) are obscured, not by the proposed central tower, but by existing mature trees on the sites.*

*In terms of aesthetic significance, the HIS considers that the mature canopy of figs make an important contribution to the streetscape of Coogee Bay Road and the Randwick townscape. The Arboricultural Report and Tree Management Plans indicate that all 18 of the most significant trees (No.1 rating) on the subject site and the adjoining site are to be retained, as well as 10 of the 22 No.2 rating trees. A number of the most significant trees will be clear of impacts, while others will be subject to encroachment as a result of the development. Photomontages confirm that the development will retain sufficient tree canopy to maintain the aesthetic significance of the site.*

*'Aeolia' is set well back from Coogee Bay Road, with minimal visibility in the streetscape due to the topography and vegetation of the site. The proposed northern building is considerably closer to Coogee Bay Road than 'Aeolia'-having adopted similar front setbacks to the adjacent buildings to the east, but will be several levels higher. The Coogee Bay Road photomontages (Perspectives C, D and E) indicate that the northern building relies heavily on new planting to integrate it with the landscape character of this street frontage. As most existing vegetation in the north eastern corner of the site is to be removed, landscape screening indicated in these perspectives will be provided by provided by new in-ground and balcony planting.*

*The extensive north to east viewscape offers the best opportunities of appreciating the intactness and scale of the original 19<sup>th</sup> century landscape design. The removal of existing vegetation in the north eastern corner of the site impact on the extent of the gardens as viewed from the surrounding area. Existing vegetation in this area however largely comprises more recent plantings, and replacement planting is proposed.*

*The photomontage (Perspective 8 Glen Avenue) in the SEE submission confirms however that the proposed central tower will have considerable prominence from the extensive north to east viewscape, impacting on public appreciation of the original gardens. A reduction in the height of the tower would assist in reducing this impact on public appreciation of the landscape values of the site.*

#### **Visibility in relation to The Ritz cinema and The Spot heritage conservation area**

*A sketch and a photomontage included the latest submission, showing the development from the opposite side of St Pauls Street indicate that the southern façade of the building will have some visibility in the streetscape, although a significant amount of screening will be provided by retained trees. It is considered that the scale of the proposed building in the south western half of the site will be compatible with neighbouring buildings in St Pauls Street and will not detract from the streetscape of The Spot heritage conservation area. The photomontage (Perspective G cnr. St Pauls Street and Daintrey Crescent in the SEE submission from the western corner of St Pauls Street and Daintrey Crescent indicates some visibility of the tower. The submission does not provide a view from the eastern corner of St Pauls Street along Daintrey Crescent, where it is expected the visibility of the tower will be*

greater. Any reduction in the height of the tower would assist in reducing the prominence of the tower in the streetscape of the heritage conservation area.

### **Landscape management**

The HIS stresses that construction management and tree protection are critical for the retention of the heritage of the site and the area. This issue is considered to be particularly important, given the fact that the proposal relies on the retention and maintained health of the trees on the site to screen the development from the heritage item and the surrounding area. A Tree Management Plan has been prepared for existing vegetation to ensure that significant trees are able to survive in conjunction with the development. Three additional Tree Assessment drawings included the latest submission indicate trees which are to be retained, trees which are impacted on by the development and are to be removed, and trees which are to be removed due to ill-health or which are TPO exempt. The Tree Assessment drawings indicate that there significant tree groups are to be retained in the western part of the site adjacent to the convent boundary, in the area of 'The Grove' and in the eastern part of the site, as well as a pair of trees adjacent to St Pauls Street. Trees removal will largely occur in the north east and eastern parts of site, as well as two trees adjacent to the convent boundary. It is appears that a substantial number of significant trees on the site which contribute to its heritage values and assist in screening the new development are to be retained.

### **St Pauls Street retaining wall**

A low sandstone retaining wall on the boundary of the site separates the footpath from a higher bank on the subject site. The retaining wall relates to several sandstone landscape elements along St Pauls Street to the east and west of the site which contribute to the streetscape character of this part of Randwick. It appears that a widening of the footpath in front of the site will also be required, which will affect the retaining wall. Parts of the retaining wall are to be removed to facilitate vehicular and pedestrian access to the site and details of any replacement retaining wall are not provided. A consent condition should be included requiring reconstruction of the sandstone retaining wall on the new boundary.

### **Coogee Bay Road and Daintrey Crescent boundary walls**

Two pedestrian gates in the sandstone walls are proposed. The HIS notes that these openings have been designed to respect existing vegetation and detailing of the masonry, and sketches have been provided. The sketches are to be incorporated in the development application drawings to ensure the openings are constructed in accordance with the details.

### **Coogee Bay Road retaining walls**

The sandstone and brick retaining walls on Council land along Coogee Bay Road is to be listed as a heritage item under Draft Randwick Local Environmental Plan 2012, and is currently covered under a Management Policy. A consent condition should be included requiring details of any service penetrations or other works which may affect these walls, prior to any work being carried out.

### **Conservation Works**

*The HIS notes that a number of landscape heritage reports have been proposed for the site and considers a Conservation Management Plan is not required. However a Schedule of Conservation Works should be prepared for the existing boundary and retaining walls on the site to ensure that any required conservation works can be carried out in conjunction with the proposed development.*

### **Conclusion**

*In relation to the relationship of the gardens to 'Aeolia', the proposal will maintain a reasonable relationship between the heritage item and its historic garden 'The Grove' immediately to the east. In relation to views to 'Aeolia' from within the subject site, the proposal will generally retain existing views to 'Aeolia' from within the subject site. The proposal as submitted will impact on views from 'Aeolia' in that the proposed tower, though partially screened by an existing mature fig tree will form a dominant element when viewed from the heritage item. The proposal as submitted will have some impact on views towards 'Aeolia's' gardens from the surrounding area, in terms of the perceived extent of the gardens and the prominence of the proposed central tower. The proposed central tower will also have some visibility in relation to The Ritz cinema and The Spot heritage conservation area. By lowering the height, rounding off the north west corner of the central tower and providing supplementary screen plantings, these impacts can be reduced. Detailed landscape management consent conditions have been provided by Council's Landscape Technician to ensure that the on-going health of existing significant trees is maintained, as well consent conditions in relation to supplementary screen planting within and external to the site. Further consent conditions are to be included in relation to existing boundary and retaining walls, to ensure appropriate construction and conservation works.*

### **Recommendation**

*The following conditions should be included in any consent:*

#### **6.4 Environmental Health Officer**

Council's Environmental Health Officer advises as follows:

##### **"Acoustics**

The acoustic report has been prepared by Acoustic Logic, dated 17 July 2012; document reference 20111158.1/1707A/R1MAS has been submitted with this application. This report makes recommendations with regards to operational and construction requirements in order to comply with the relevant guidelines and legislation. As generally indicated in the submitted acoustic report, additional acoustical assessments will be requested in the recommendations of this report prior to a Construction Certificate and Occupation Certificate being issued.

##### **Land Contamination**

A preliminary assessment has been prepared by Aargus Australia dated February 2012. This has been reviewed as part of the development

application. No further investigation or action is identified and reported as being required. Appropriate conditions will be requested to be included in any consent to ensure should circumstances change or material be found during construction works, Council is to be immediately notified and the matter is to be dealt with in accordance with the relevant requirements and legislation.

### **Environmental Amenity - Plan of Management**

The proposal includes a common waste storage area/collection point; swimming pool; café; beauty salon; fitness centre; common outdoor/bbq areas.

The beauty salon and café will be the subject of new - additional DAs.

The swimming pool is a "public swimming pool" by definition under the Public Health Act, 2010.

A plan of management has been submitted with the application, amendments will be requested to ensure the use and operation of these areas is undertaken in a manner so as to minimise the impact on the occupiers of the development and neighbouring properties. There is a conflict in the proposed plan of management and the acoustic report with the nominated times for waste collection times. The more stringent times as nominated in the plan of management will be recommended in this report to be included as conditions of any development consent.

### **Food Safety**

A commercial kitchen is proposed as part of the RCF. Appropriate conditions will be suggested so as to ensure relevant food safety legislation is complied with.

A café is proposed – the fit out and operational conditions will be subject to a new DA.

### **Recommendation:**

Should the application be approved it is recommended that the following conditions be included in the consent:"

### **6.5 Design Review Panel**

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

### **6.6 NSW Police**

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

### **6.7 Sydney Airport Corporation Limited**

Under the provisions of the Civil Aviation (Buildings Control) Regulation, the concurrence of the Sydney Airport Corporation Limited (SACL) is required as

the proposed buildings have maximum height in excess of 15m and may fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport.

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

## 7. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

### 7.1 State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004

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

The relevant provisions of the SEPP are addressed as follows:

Clause	Requirement	Proposal	Compliance
<b>Chapter 1 Preliminary</b>			
2	Aims of Policy		
	(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability,	The proposal will increase the supply and diversity of residential accommodation for seniors or people with a disability.	Complies
	(b) make efficient use of existing infrastructure and services, and	The site is located in close proximity to the Spot Town Centre and Randwick Junction Commercial Centre with adjacent hospital complex and has convenient access to major roads and public transport services. The development will make efficient use of existing infrastructure and services.	Complies
	(c) be of good design.	As is discussed within the body of this report, the proposed development is considered to be of good design.	Complies
<b>Chapter 2 Key concepts</b>			
15	This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:	The subject site is located within land zoned for urban purposes. Development for the purpose of seniors housing is made permissible pursuant to Clause 15 of the SEPP.	Complies

Clause	Requirement	Proposal	Compliance
	(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing		
<b>Chapter 3 Development for seniors housing</b>			
<b>Part 1 General</b>			
24	Site compatibility certificates		
	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if:</p> <p>(a) the development is proposed to be carried out on any of the following land to which this Policy applies:</p> <p>(ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted)</p>	<p>The site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). Under the land use table for Special Uses Zone, development for the purposes of hospitals is permissible with consent. Furthermore, the site is within "land zoned primarily for urban purposes".</p> <p>Therefore, a Site Compatibility Certificate from the Director-General of the Department of Planning is not required in this instance.</p>	Complies
<b>Part 2 Site-related requirements</b>			
26	Location and access to facilities		
	<p>(1) Residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner</p>	<p>The subject site is located within 400m from the Spot Town Centre, which contains a range of commercial and retail services.</p> <p>A sealed footpath is available along St Paul Street which has a gentle gradient.</p> <p>Public bus stops are located on both sides of St Pauls Street and Coogee Bay Road within 400m from the site.</p> <p>The proposed development also provides communal gardens, activity rooms and dining facilities for the residents.</p>	Complies

Clause	Requirement	Proposal	Compliance
27	Bush fire prone land	The site is not located within bush fire prone land.	N/A
28	Water and sewer		
	The consent authority must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The provision of civil and utility services will be required by standard conditions.	Complies, subject to conditions
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply  The consent authority is to be satisfied that the proposed development is compatible with the surrounding land uses having regard to:	Addressed below.	
	(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development	A Flora and Fauna Report has been submitted with the application and essentially indicates that the proposed development will not have any significant impact on threatened fauna species and that no threatened flora species were located on-site following a vegetation survey of the subject site.  The landscape plan shows the provision of adequate replacement planting throughout the site, which will appropriately mitigate any visual impacts upon the adjoining residential premises.	Complies
	(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out	The site is located within walking distance from the Spot Town Centre, which accommodates a range of commercial and retail uses, as well as public bus services along St Pauls Street and Perouse Road.  The proposed development	Complies

Clause	Requirement	Proposal	Compliance
	in Clause 26) and any proposed financial arrangements for infrastructure provision	contains both aged care beds and independent living units, which offer different level of care services for the residents depending on their age brackets and needs.  In addition, the proposal incorporates communal gardens, lounges, dining rooms and activity spaces, which will provide convenient in-house recreational facilities for the residents.	
	(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development	The proposed built form, scale and bulk are not considered to generate unreasonable adverse impacts on the streetscape character or the amenity of the adjoining properties. Refer to the "Environmental Assessment" section of this report for details.	Complies
<b>Part 3 Design requirements</b>			
30	Site analysis		
<b>Division 1 general</b>			
	(1) The consent authority is to be satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A detailed site analysis has been provided in the Statement of Environmental Effects, which is supported by concept and contextual analysis drawings. The design scheme has made appropriate response to the information contained in the site analysis.	Complies
	(2) A site analysis must: (a) contain information about the site and its surrounds as described in subclauses (3) and (4). (b) be accompanied by a written statement: (i) explaining how the design of the proposed development has regard to the site analysis, and (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.		
32	Design of residential	Addressed below.	

Clause	Requirement	Proposal	Compliance
	development The consent authority is to be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.		
<b>Division 2 Design principles</b>			
33	<b>Neighbourhood amenity and streetscape</b> The proposed development should:		
	(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and	<p>The existing buildings in the vicinity of the site do not demonstrate any architectural qualities or themes that deserve repetition or attention.</p> <p>The proposed floor space is adequately distributed among three main buildings with significant tracts of existing vegetation and view corridors being reserved to minimise their visual mass. The building facades are carefully articulated and will contribute to the character of St Pauls Street and Coogee Bay Road. The central tower will be required to be reduced by two floors which will make the tower component sympathetic to the overall low rise nature of the Spot conservation area and visually match the existing tree line within and surrounding the subject site and the height of buildings within the Spot.</p>	Satisfactory
	(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	<p>The site is located adjacent to a listed Heritage Item known as Aeolia which is part of the Brigidine Convent and Chapel, and is located in the vicinity of the Spot heritage conservation area.</p> <p>Council's Heritage Planner has assessed the impact of</p>	Satisfactory

Clause	Requirement	Proposal	Compliance
		<p>the proposed development on the heritage significance of the item and the heritage conservation area and the proposed development is not considered to generate any material impacts on the heritage significance of the item. The heritage planner also supports a reduction in height of the central tower to make the tower component sympathetic to the overall low rise nature of the Spot conservation area and visually match the existing tree line within and surrounding the subject site and the height of buildings within the Spot. (see Section above).</p>	
	<p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p>	<ul style="list-style-type: none"> <li>• Appropriate building setbacks have been reserved to minimise adverse visual and amenity impacts on the adjoining properties. Refer to the "Environmental Assessment" section of this report for details.</li> <li>• The proposed floor space is distributed among three buildings with existing planting areas and view corridors being reserved across the site, so as to provide significant green buffers to the proposed development and reduce any perception of visual mass. The built form and height are appropriately configured to respect the natural slope of the land subject to a reduction height of the central tower component by two storeys to make the building sympathetic to the overall low rise nature</li> </ul>	Satisfactory

Clause	Requirement	Proposal	Compliance
		<p>of the Spot conservation area.</p> <ul style="list-style-type: none"> <li>• The highest and bulkiest built element being the central tower will be located in the centre of the subject site as furthest away possible from neighbouring residential properties. This central tower will be required to be reduced by two floors which will make the tower component sympathetic to the overall low rise nature of the Spot conservation area and visually match the existing tree line within and surrounding the subject site and the height of buildings within the Spot.</li> <li>• The buildings facing St Pauls Street and Coogee Bay Road have lower heights to provide a transition in scale to the lower density residential zone to the north and south and medium density zone to the east. The scale and bulk of the buildings are considered to be acceptable given the aggregate size of the site and frontage to collector roads. Adequate landscaped open space and planting have been provided to visually soften the building structures. Refer to the "Environmental Assessment" section of this report for details.</li> <li>• The proposed buildings incorporate varying degree of setbacks from</li> </ul>	

Clause	Requirement	Proposal	Compliance
		the property boundaries well in excess of those provided under the current approved development. Existing boundary walls along Daintrey Crescent and Coogee Bay Road will be retained.	
	(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line, and	The site has frontages to St Pauls Street, Coogee Bay Road and Daintrey Crescent A generous setbacks (including minimum 16.8m at front, minimum 31m along the middle eastern side, and minimum 18.4m along the middle western side have been provided to complement the existing streetscape character along these streets. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	The landscape plan has provided a suitable combination of trees, shrubs and ground covers to provide an aesthetically pleasing presentation to the streets.	Satisfactory
	(f) retain, wherever reasonable, major existing trees, and	Given the scope of the development, some existing mature trees on the site will be removed. However, the remaining trees will still provide a significant green setting and the landscape plan will provide adequate replacing planting to provide a green ambience to the development.	Satisfactory
	(g) be designed so that no building is constructed in a riparian zone.	Not applicable.	N/A
34	<b>Visual and acoustic privacy</b>		
	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:	<ul style="list-style-type: none"> <li>The design scheme have incorporated suitable setbacks and utilised various measures to minimise privacy impacts</li> </ul>	Satisfactory

Clause	Requirement	Proposal	Compliance
	<p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>on the neighbouring properties, including landscaping, screening devices and location of windows.</p> <ul style="list-style-type: none"> <li>Noise impact on the proposed residential accommodation is minimised by the location of the driveway on the St Pauls frontage with its existing urban context to the Spot and with the parking facilities being contained within the basement.</li> <li>A condition is recommended to specify the maximum internal noise levels within the accommodation units to ensure adequate living amenity is achieved.</li> </ul>	
35	<b>Solar access and design for climate</b>		
	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<ul style="list-style-type: none"> <li>The proposed development will retain an acceptable level of direct sunlight to the adjoining residential properties. A detailed discussion is provided in the "Environmental Assessment" section of this report.</li> <li>The vast majority of the dwelling units have dual aspects and will facilitate cross ventilation. In addition, a high proportion of the units have northern aspects, which will enjoy suitable solar access in mid winter.</li> <li>The proposed floor space is distributed among five buildings with view corridors being reserved</li> </ul>	Satisfactory

Clause	Requirement	Proposal	Compliance
		<p>across the site. The disposition of buildings will allow natural breezes and maximise daylight access to the central courtyard.</p> <ul style="list-style-type: none"> <li>• Clerestory windows have been provided above the topmost levels of the ILU buildings to further improve solar access to the dwellings and energy efficiency.</li> </ul>	
36	<b>Stormwater</b>		
	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practicable, on-site stormwater detention or re-use for second quality water uses.</p>	Standard conditions are recommended to ensure the development complies with Council's stormwater management requirements.	Satisfactory, subject to conditions
37	<b>Crime prevention</b>		
	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:		
	(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	The orientation and configuration of the proposed buildings provide adequate casual surveillance of the surrounding public domain, including St Pauls Street and Coogee Bay Road, as well as the internal courtyard and driveway areas of the development.	Satisfactory
	(b) where shared entries are	The lift lobbies on each level	Satisfactory

Clause	Requirement	Proposal	Compliance
	required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	of the ILU buildings only provide access to a limited number of dwelling units. The lobbies have been configured to maintain clear sightlines.	
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The perimeter of the development will be secured and the principal visitor entry will be via the main lobby facing St Pauls Street.	Satisfactory
38	<b>Accessibility</b>		
	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<ul style="list-style-type: none"> <li>• The principal entries to the development are clearly identifiable.</li> <li>• The footpaths on St Pauls Street and Coogee Bay Road are overlooked by the windows of the buildings.</li> <li>• Separate access has been provided for pedestrian and vehicular traffic.</li> </ul>	Satisfactory
39	<b>Waste management</b>		
	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	<p>The submitted drawings show the provision of garbage rooms within the basement areas.</p> <p>A standard condition is recommended to ensure adequate waste management measures are implemented during the operational phase.</p>	Satisfactory, subject to condition
<b>Part 4 Development standards to be complied with</b>			
<b>Division 1 General</b>			
40	Development standards – minimum sizes and building heights		
	(2) The size of the site must be at least 1,000 square metres.	The land area of the site is 1.252 ha.	Complies
	(3) The site frontage must be at least 20m wide measured at the building line.	<p>St Pauls Street frontage: 50m</p> <p>Coogee Bay Road frontage: 138m</p>	Complies

Clause	Requirement	Proposal	Compliance
		Daintrey Crescent frontage: 74m	
	(4) Height in residential zone where residential flat buildings are not permitted	The site is zoned Special Uses 5. This clause is therefore not applicable to the proposal.	N/A
<b>Division 2 Residential care facilities – standards concerning accessibility and useability</b>			
	Refer to the Commonwealth aged care accreditation standards and the Building Code of Australia.	A standard condition is recommended to require compliance with the Building Code of Australia.	Complies, subject to condition
<b>Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability</b>			
41	Standards for hostels and self-contained dwellings		
	(1) A consent authority must not consent to a development application unless the proposed development complies with the standards specified in Schedule 3 for such development.	Specific conditions are recommended to ensure compliance with the standards stated under Schedule 3 of the SEPP.	Complies, subject to conditions
<b>Part 6 Development for vertical villages</b>			
45	Vertical villages		
	A consent authority may consent to seniors housing development having a density and scale that exceeds the floor space ratio permitted under another environmental planning instrument by a bonus of 0.5 added to the gross floor area component of that floor space ratio.	The development standards contained within RLEP 1998 (Consolidation) do not apply to the proposal as it is made pursuant to the provisions of the SEPP for permissibility. Therefore, the provisions of Part 6 do not apply to the subject proposal.	N/A
<b>Part 7 Development standards that cannot be used as grounds to refuse consent</b>			
<b>Division 2 Residential care facilities</b>			
48	<b>Standards that cannot be used to refuse development consent for residential care facilities</b> A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care	Addressed below.	

Clause	Requirement	Proposal	Compliance
	facility on any of the following grounds:		
	(a) building height: if all proposed buildings are 8m or less in height, or	The proposed RACF and ILU building will exceed 8m in height. The height and scale of the proposed development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	FSR : 1.82 :1 ( 22,842 sqm)  The scale and density of the development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(c) landscaped area: if a minimum of 25m <sup>2</sup> of landscaped area per residential care facility bed is provided,	Approximately 51m <sup>2</sup> of soft landscaped area per aged care facility bed is provided (being 5791m <sup>2</sup> soft landscaped area divided by 113 beds).	Complies
	(d) parking for residents and visitors: if at least the following is provided:  (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and  (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and  (iii) 1 parking space suitable for an ambulance.	(i) The development allocates 48 car spaces for the RACF (being 36 for staff members and 12 for residents/visitors). The car parking allocation is considered to be satisfactory as the residents within the RACF are unlikely to drive.  (ii) The Statement of Environmental Effects mentions that approximately 35 staff will be present at the RACF during peak hours. The proposal has reserved 36 staff parking spaces for the RACF, which are equivalent to 1 parking space per 1 employee, consistent with the provisions of the SEPP.  (iii) An ambulance can be parked at the drop-off / pick-up zone at the principal entry of the development off St Pauls Street.	Complies

Clause	Requirement	Proposal	Compliance
<b>Division 4 Self-contained dwellings</b>			
50	<b>Standards that cannot be used to refuse development consent for self-contained dwellings</b> A consent authority must not refuse consent to the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:	Addressed below.	
	(a) building height: if all proposed buildings are 8m or less in height,	All of the buildings are more than 8m in height. The height and scale of the proposed development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	11.82 :1 ( 22,842 sqm) (being 22,842m2 GFA divided by 12520m2 site area)  The proposed development scale and density are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	Satisfactory
	(c) landscaped area if:  (ii) a minimum of 30% of the area of the site is to be landscaped	Approximately 51% (6,500sqm) of the site is landscaped	Complies
	(d) deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a	Approximately 49% (5791sqm) of the site is reserved as deep soil zones.  The landscape plan shows the provision of deep soil planting along the perimeter and large pockets of planting areas including the Grove, and will provide a green ambience to the buildings.	Complies

Clause	Requirement	Proposal	Compliance
	minimum dimension of 3m.		
	(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	84% (69 of the proposed 82) Apartments will receive minimum 3 hours solar access during the winter solstice.	Complies
	(f) private open space for in-fill self-care housing if:  (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15m <sup>2</sup> of private open space per dwelling is provided and, of this open space, one area is not less than 3m wide and 3m long and is accessible from a living area located on the ground floor, and  (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10m <sup>2</sup> (or 6m <sup>2</sup> for a 1-bedroom dwelling), that is not less than 2m in either length or depth and that is accessible from a living area,	The proposal is for serviced self-care housing and as such is not subject to subclause (f)(i) and (ii)  Notwithstanding, the proposal meets Residential Flat Development Code requirements.	Satisfactory
	(g) repealed	N/A	N/A
	(h) parking: if at least the following is provided:  (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider	The ILU buildings contain a total of 147 bedrooms. The number of residents' parking spaces within the ILU buildings amounts to 74 spaces. This is equivalent to 0.5 car space per bedroom.	Complies

## 7.2 State Environmental Planning Policy (SEPP) (State and Regional Development) 2011

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed development as its capital investment value is in excess of \$20 million. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Joint Regional Planning Panel (Eastern Region).

The submitted application will therefore be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the SEPP.

### **7.3 State Environmental Planning Policy (SEPP) No. 55 Remediation of Land**

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The submitted Soil Contamination Investigation prepared by Aargus Australia and dated February 2012 indicates that the land is free of any harmful contaminants. Council's Environmental Health Officer advises that a specific condition requiring notification to Council should any contaminant material be found during excavation and construction works will be applied should approval be granted.

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

SEPP No. 65 applies to the proposed development. The application was referred to the Design Review Panel (DRP) for assessment in September 2012. The Design Quality Principles and the comments provided by the Panel are addressed as follows:

#### **"PANEL COMMENTS**

*It was noted that this was a Development Application and the third Panel meeting with the applicant on this application.*

*This very large proposal for St Basils Retirement Village and Nursing Home has been the subject of several discussions with the Applicant and has been progressively refined. The Application is very complete, thoroughly explains the design, the logic supporting it and its impacts. It is superior to the approved proposal. It is not considered necessary in this report to restate the substance of previous reports by the Panel. However these are available.*

#### **1. Relationship to the Context of the Proposal**

*It is the Panel's view that the proposal would relate well to its context, both physically and by having a positive effect on the businesses in the Spot.*

*The proposed daytime public access across the site will improve the permeability of the neighbourhood.*

#### **2. The Scale of the Proposal**

*Given the proposed setbacks from site boundaries and varied building heights, the retention of major trees and the proposed landscape treatments, it is the Panel's view that the proposed buildings will not be out of scale with their immediate surroundings or when viewed from a distance.*

#### **3. The Built Form of the Proposal**

*As noted above, the placement of elements on the site has been carefully considered in relation to each of the site frontages and the preservation and scale of trees that are on it.*

*The proposed tower, which rises ten floors above its position on the ridge and about three to four storeys above the height of the trees around it will be visible on the skyline from many locations. It would not be alone in this respect and the degree to which it will affect the quality of district views is considered acceptable by the Panel.*

*The tower should not affect views from surrounding properties or the public domain.*

#### **4. The Proposed Density**

*The proposed density of 1.82:1 is considered appropriate.*

#### **5. Resource and Energy Use and Water Efficiency**

*Although there are many balconies proposed, it is not clear what solar protection measures are proposed, particularly for north and west facing windows, of which there are many. In this location with cross ventilation and ceiling fans (which should be shown on drawings or clearly specified) there should be no excuse provided for air-conditioning. Typical details should be provided at a suitable architectural scale.*

#### **6. The Proposed Landscape**

*Considerable attention has been paid to the preservation of the trees on the site, to the establishment of trees on the site's boundaries and to the provision of useable outdoor areas and walks.*

#### **7. The Amenity of the Proposal for its Users**

*The proposed development should provide a very high level of amenity for its residents. There are many activities that can be reached from the entrance and the main pedestrian concourse that open out onto garden beds, terraces, treed lawns and vistas and would be sunny for much of the day.*

*There would be plenty of opportunities for people to meet in different settings and interact with the surrounding community.*

*Apartments and rooms are well planned.*

#### **8. The Safety and Security Characteristics of the Proposal**

*The entrances to the buildings on the site are likely to be well controlled and there would be plenty of opportunities for passive surveillance.*

#### **9. Social issues**

*This is a very suitable use for this site: it is a very well serviced location and almost level access to available to many activities and services at little distance.*

#### **10. The Aesthetics of the Proposal**

*The overall design strategy is clear and good however given that the bulk and scale of the buildings are now acceptable the Panel recommends that the architecture of the buildings receive some attention to tidy up the disparate*

*planes and stepped forms that have resulted from the requirements to reduce bulk and overshadowing. In particular the close views along Coogee Bay Road and of the tower from Daintree Crescent need detailed design attention. The provision of typical architectural details describing façade treatments would ensure that design quality and suitable solar screening and window design would be maintained during design development and certification.*

*It is to be hoped that the present architects are retained for full documentation and contract administration.*

**Comment:** A condition requiring comprehensive details of the façade treatment, colours, materials and finishes to all elevations will be applied should approval be granted.

### **SUMMARY AND RECOMMENDATIONS**

*The architectural details noted above should be submitted as part of the application.*

*The Panel commends the Application to the Council and does not wish to review it again."*

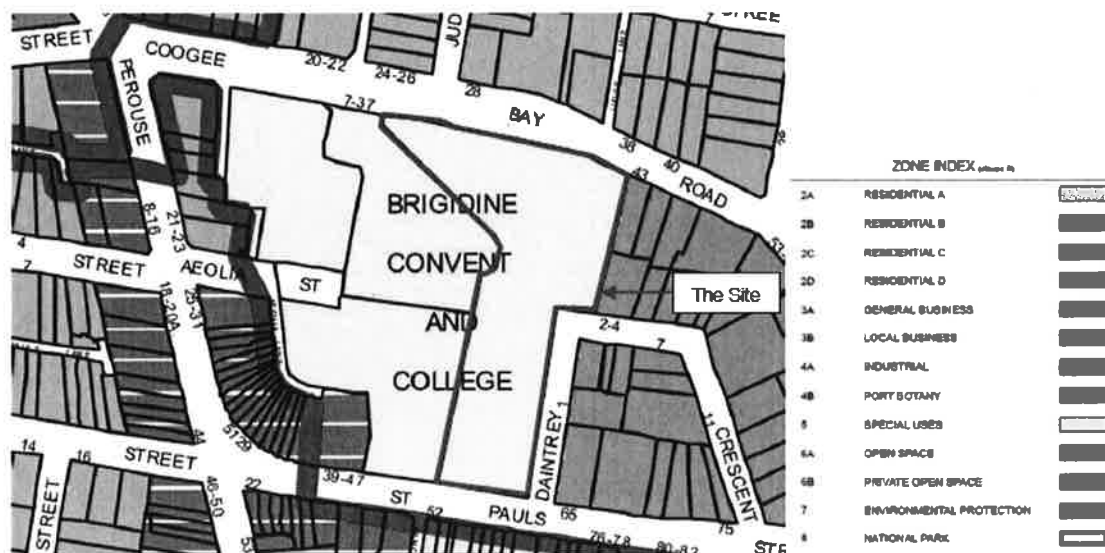
**Comment:** Overall, the Panel is satisfied that the proposal meets SEPP 65 design principles.

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

SEPP: BASIX applies to the proposed development. The development application is accompanied with BASIX Certificate numbered 423488M and dated 10 July 2012. The commitments listed in the above certificate will be imposed by appropriate standard conditions pursuant to Clause 97A of the Environmental Planning and Assessment Regulation 2000.

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

The subject site is partly zoned Special Uses 5 under RLEP 1998 (Consolidation). Refer to zoning map below.



**Figure 3:** Zoning under Randwick LEP 1998 (Consolidation)

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

#### **7.6.1 Clause 17 Zone No. 5 (Special Uses Zone)**

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

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

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

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

The subject site is a vacant urban block. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

(c) *To enable associated and ancillary development, and*

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

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

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

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

The proposal will facilitate the redevelopment of the land for seniors housing which will be in high demand and suitable to the community.

#### **7.6.2 Development standards**

The proposal is made pursuant to SEPP (Housing for Seniors or People with a Disability). Accordingly, Clauses 20E, 20F and 20G of the LEP relating to landscaped area, floor space ratio and building heights respectively do not apply to the development.

#### **7.6.3 Clause 22 Services**

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

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

#### **7.6.4 Clause 37A Development in Special Uses Zone**

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

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

The subject site is currently vacant. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

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

#### **7.6.5 Clause 40 Earthworks**

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

The proposal requires significant excavation to accommodate two basement car parks, loading docks, service facilities and part of the ground floor level. Specific conditions are recommended to ensure that suitable retaining walls and protection measures are implemented during the construction stage. The proposal is not considered to adversely impact on the drainage pattern and use of the land, subject to the recommended construction management and engineering conditions.

#### **7.6.6 Clause 42B Contaminated land**

Clause 42B contains provisions for remediation of contaminated land to ensure that such land will be suitable for the purpose for which the development is proposed. As indicated above, the applicant has submitted a Soil Contamination Investigation which indicates that the subject site is free from contamination. to address contamination issues on the subject site. Council's Environmental Health Officer has reviewed the submitted information and advised that appropriate conditions can be applied to the proposal to ensure that any contaminants that are discovered during works will be appropriately managed and addressed. This condition has been incorporated in the "Recommendation" section of this report.

#### **7.6.7 Clause 43 Heritage conservation**

The site is located approximately 190m to the east of the Spot Conservation area and approximately 41m east of Aeolia House, a listed local heritage item under the Randwick LEP. While the degree of spatial separation is substantial, a condition will be applied to reduce the envelope of the central tower element of the proposed development to ensure that it does not visually intrude upon the character and outlook of both the Spot heritage conservation area and Aeolia House. Council's heritage planner has reviewed the proposal and recommends reduction to the height and massing of the central tower. Should approval be granted.

### **7.7 Draft Randwick Local Environmental Plan (RLEP) 2012**

Under the Draft LEP, the subject site is zoned SP2 Infrastructure (Seniors Housing) in which the proposal is permissible with consent. The Draft LEP does not nominate any development standards in this zone.

## **8. POLICY CONTROLS**

### **8.1 DCP No 22 – The Spot and surrounds**

The controls contained in the DCP – The Spot and Surrounds aim primarily to ensure that development in the Spot Heritage Conservation Area protects and enhances the historical values of the commercial centre and the surrounding residential precinct. While a section of the subject site to the south along the St Pauls Street frontage falls within the designate area within which the DCP applies, there are no specific controls that are applicable to the subject site given its Special Uses 5 zoning. Notwithstanding this, the proposal, and specifically, the section of the subject site within the DCP area, satisfies relevant aims and objectives of the DCP in that:

- The RACF building is considered to match well with the low rise "Village" and heritage character of the Spot as it will present as a compact 4 storey built form (albeit with a high ceiling ground floor) generously setback by a minimum 16.8m from the front boundary.
- The proposal will enhance and improve the amenity of residential areas and the Spot commercial centre by providing an active street frontage that will be open to the public.

- The proposal will provide for a harmonious interface between the existing residential areas to the east and the existing commercial areas to the west with a 4 storey presentation to St Pauls Street setback at a significant distance of 16.8m from the St Pauls Street boundary.
- The proposal will provide for adequate and compliant car parking that will increase the availability of car parking adjacent to the Spot Commercial centre as well as improve pedestrian movement along the frontage of the subject site and into the forecourt of the development at St Pauls Street.
- The proposal will have materials and colours that are generally sympathetic to the conservation of older buildings in the Spot reflecting their cultural significance; and reflect existing heritage colours in the area. Additionally, the facades of the development as it presents to St Pauls Street will respect the built heritage and desired townscape character of The Spot

## 8.2 Randwick Section 94A Development Contributions Plan

The Section 94A Development Contributions Plan, effective from 17 July 2012, applies to the proposal.

Under Clause 13.2 of the Plan, development for the purposes of seniors housing, as defined under SEPP (Housing for Seniors or People with a Disability), may be exempted from a levy subject to Council's consideration. The applicant has not sought exemptions from a levy under the Plan in the DA submission acknowledging in the SEE that:

On 17 July 2012 Randwick Council introduced the Randwick City Section 94A Development Contributions Plan 2007.

The plan applies to all land within the Randwick City Local Government Area and permits Council to impose conditions of consent on certain development for the contribution of levies determined in accordance with the plan. The plan also governs how and where the monies collected are spent to facilitate the realisation of desirable outcomes identified in *The Randwick City Plan*.

In accordance with Table 1 of Section 8 of the Plan the carrying out of the proposed development is subject to the imposition of conditions requiring the payment developer contributions up to a maximum of 1% of the project cost.

In the absence of a comprehensive submission seeking exemption from the Section 94A levy, a Section 94A contribution based on the cost of development is applicable as follows:

<b>Table 3 - Section 94A Contributions</b>			
Category	Cost	Applicable Levy	Contribution
Development Cost More than \$200,000	\$68, 748,900	1.0%	\$687,489

## 9. ENVIRONMENTAL ASSESSMENT

### 9.1 Section 79C assessment

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

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	The “Environmental Planning Instruments” section of this report indicates that the under the Draft Randwick LEP 2012 the subject site is zoned SP2 Infrastructure (Seniors Housing) in which the proposal will be permissible with consent.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to “Policy Controls” sections of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant provisions of the Environmental Planning and Assessment Regulation 2000 are addressed by the recommended standard conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental, social and economic impacts of the proposed development, which are otherwise not discussed within the body of this report, are addressed below.
Section 79C(1)(c) – The suitability of the site for	The site is located within an established

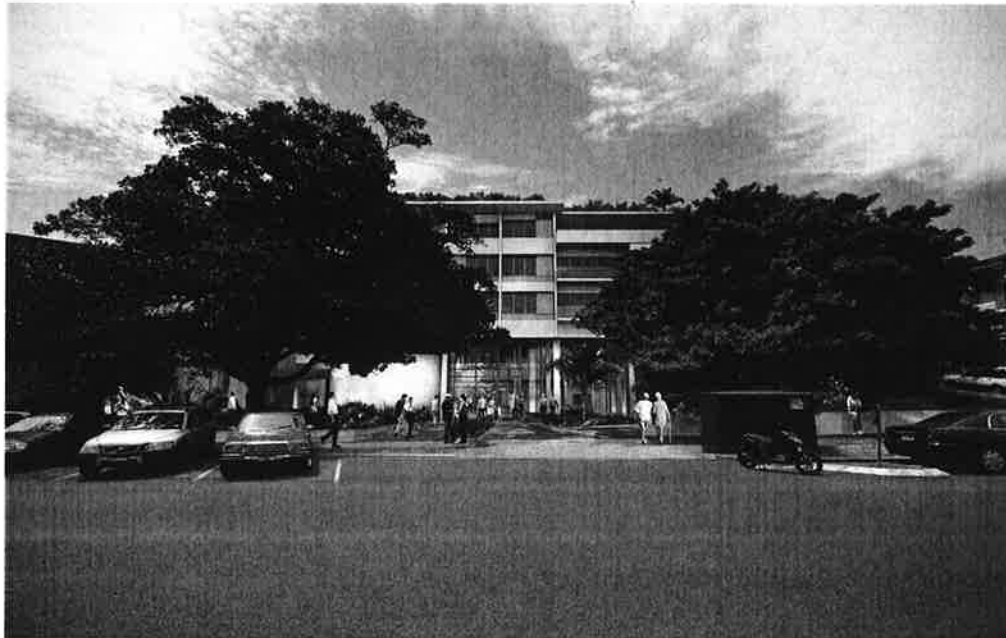
Section 79C 'Matters for Consideration'	Comments
the development	<p><b>residential neighbourhood with convenient access to The Spot and Randwick Town Centres and public transport services. The site has sufficient area to accommodate the proposed land use and physical structures. The urban block that the subject site belongs to currently accommodates a range of social, community and religious worship uses and the proposed seniors' housing development will be complementary to the function of the adjoining land.</b></p> <p><b>Therefore, the site is considered to be suitable for the proposed development.</b></p>
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	<p><b>The issues raised in the submissions have been addressed in this report.</b></p>
Section 79C(1)(e) – The public interest	<p><b>The proposal is not considered to result in unacceptable adverse environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is considered to be within public interest.</b></p>

## 9.2 Site planning, built form and urban design

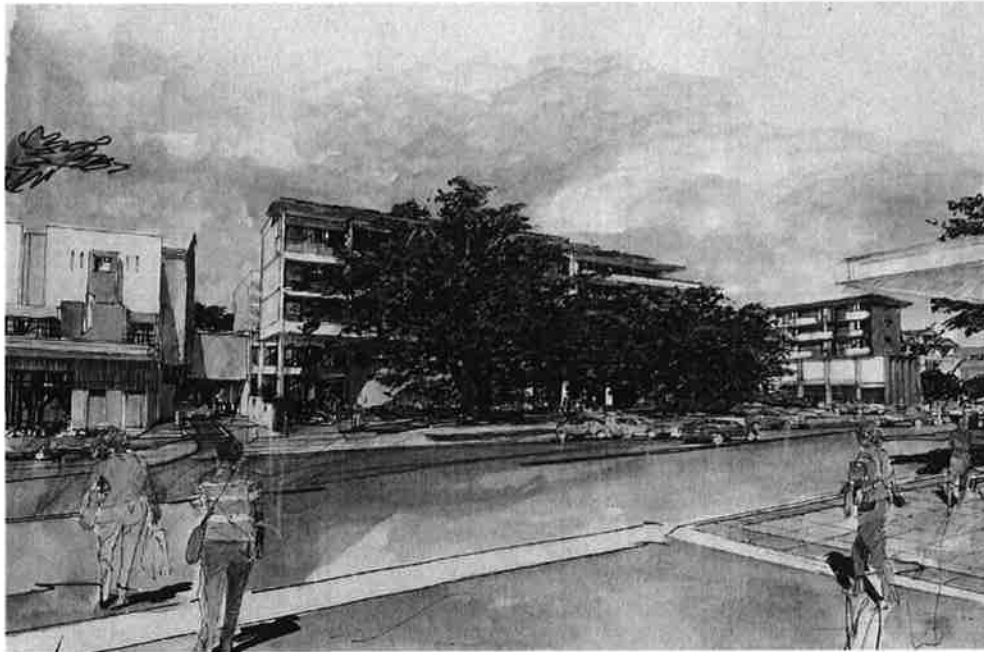
### Scale and massing

The subject site has frontage to St Pauls Street, which is a 2 lane local access road of approximately 13m in width (a 8m wide carriageway plus 5m wide footpaths on either side). At present, the southern side of St Pauls Street Road is predominantly characterised by two storey dwelling houses and shops towards the Spot to the west, and mainly residential flat buildings of 3 and 4 storeys in height towards the east.

To the east of the subject site is Daintrey Crescent with a residential flat building on the south-eastern corner of St Pauls Street and Daintrey Crescent at No 65 St Pauls Street and dwelling houses beyond on the eastern side of Daintrey Crescent at Nos. 1 and 3. A photomontage of the RACF building to St Pauls Street is shown in Figure 4 (which has been verified by Council's digital image expert). It presents visually as a compact 4 storey built form with a high ceiling ground floor. The parapet height of this elevation will be at RL81.9 which will be consistent with the RL of the pitched roof of the adjoining RFB at No 65 St Pauls Street (RL81.9). Furthermore, this southern elevation will be setback by a minimum 16.8m from the street boundary, with the upper 6th storey setback a further 20m, such that the building will not be visually intrusive in relation to the St Pauls streetscape, particularly, adjacent to the Spot. Accordingly, the proposals southern built form is considered to match well with the low rise "Village" and heritage character of the Spot (see Figure 5).



**Figure 4 :** photomontage of the proposal to St Pauls Street



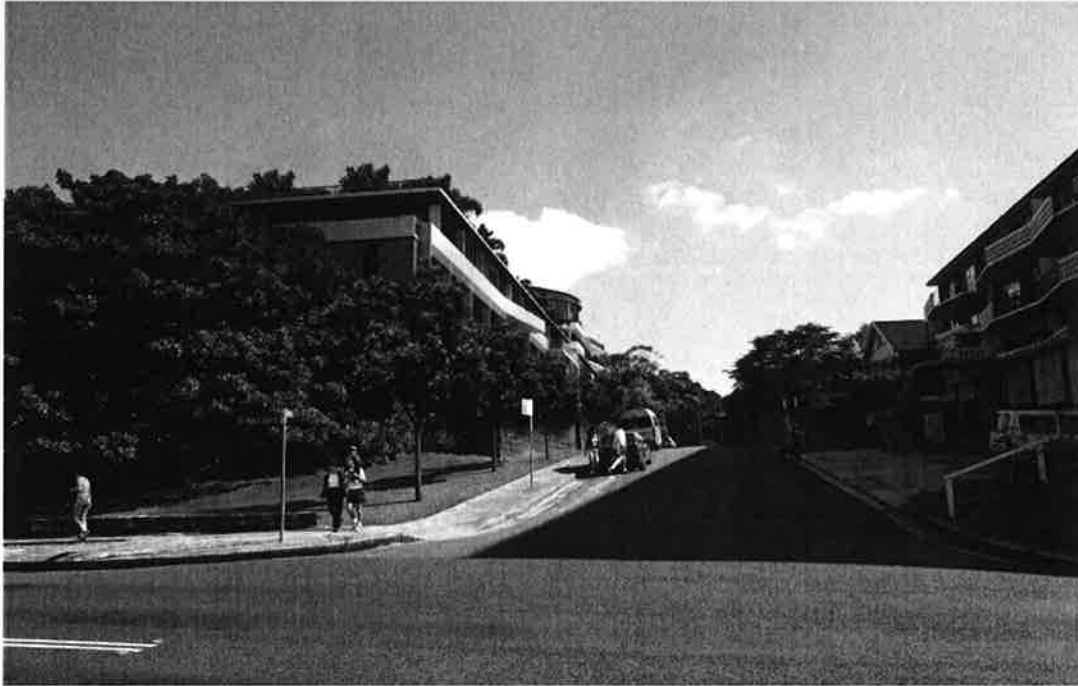
**Figure 5:** Artist impression of the proposed development to St Pauls Street.

The central tower element will be located in the middle of the subject site approximately 130m from the eastern edge of the Spot Heritage Conservation Area, and about 190m from the northern edge of the Spot Heritage Conservation Area at the junction of Coogee Bay Road and Perouse Road. Figure 6 below shows a photomontage (verified by Council's digital expert) of the proposal with central tower element as viewed from the northern edge of the Spot Heritage Conservation Area, as well as the adjoining High Cross Heritage Conservation area, at the junction of Coogee Bay Road and Perouse Road. The montage shows the upper levels of the central tower will be visible from this location, rising above the existing tree canopy and the Brigidine College building in the foreground. The tower will appear intrusive and dominant from the heritage conservation area and therefore will not be sympathetic to the overall low rise and low scale nature of the conservation area. A reduction in height of the tower component to a height that visually matches the tree line and Brigidine College building would make the tower component less intrusive and consistent with the built form scale of the conservation area. To address this issue, it is considered reasonable, therefore, that a condition be applied requiring the building envelopes in the concept plan be amended to reflect a reduction in height of the tower component by two storeys. This will then form the maximum envelope for Stage 1 of the development involving erection and construction of the proposed development.



**Figure 6:** Photomontage of the proposal viewed from the northern edge of the heritage conservation area at the junction of Coogee Bay Road and Perouse Road.

The tower component will be located approximately 110m to St Paul Street and about 50m from the closest property on Daintrey Crescent. Figures 7 and 8 contain photomontages (verified by Council's digital photo expert) which show that the tower component will be visible from Daintrey Crescent as a moderate projection above the overall built form of the proposed development.. The degree of spatial separation of the central tower to the Daintrey Street properties is considered reasonable and the topography of Daintrey Crescent assists in reducing the perception of visual bulk and scale of the tower element. Notwithstanding this, a deletion of two storeys from the tower component, as discussed in the previous paragraph, will further reduce the visual impact of the tower as seen from Daintrey Crescent and the residential properties along this street.



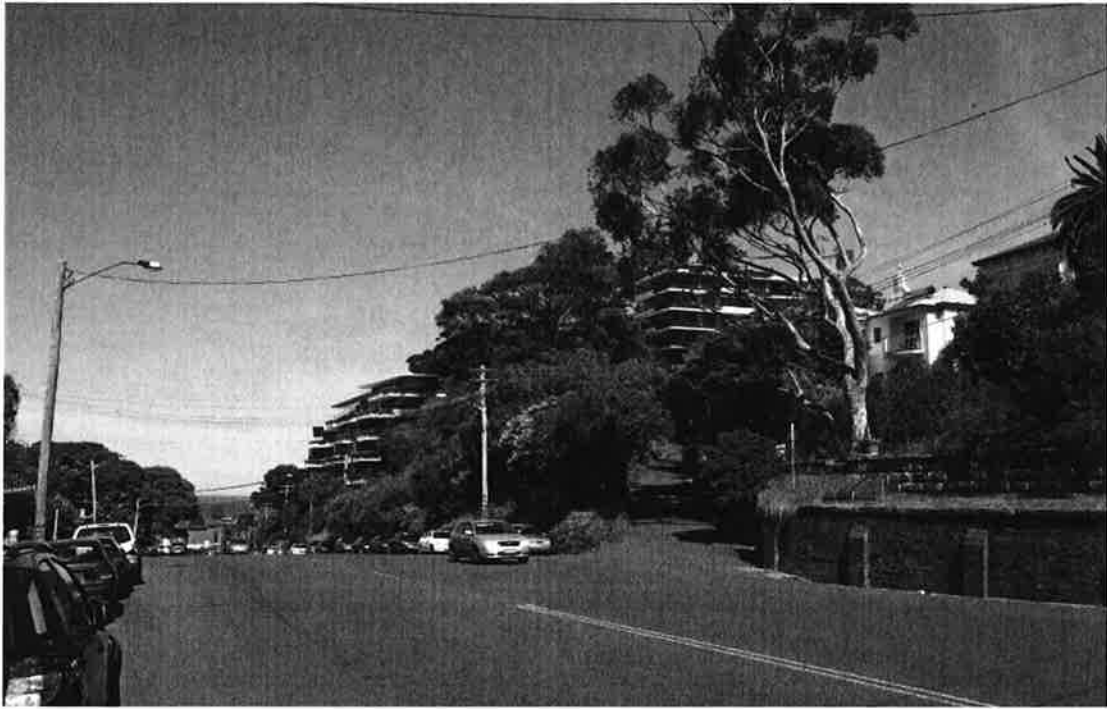
**Figure 7:** Photomontage of the proposal viewed from the junction of St Pauls Street and Daintrey Crescent



**Figure 8:** Photomontage of the proposal viewed from the east-west alignment of Daintrey Crescent

The built form of the northern apartments along Coogee Bay Road is shown in Figure 9 (verified by Council's digital image expert). As can be seen, the proportions and massing of the buildings will be visually compatible with the scale of buildings in Coogee Bay Road given the generous setback of between minimum 6m to maximum 10.8m along this road frontage. This front setback will also be subject to a robust landscape scheme and treatment. In addition to this, there will be a significant retention of vegetation in the Grove,

the existing large grouping of dense trees and plantings to the west of the proposed Northern apartments building, that will screen and soften the northern apartments. Furthermore, the northern apartments building will be split into two distinct buildings at a splayed angle to each other that further reduces the visual bulk and scale of this section of the proposed development to Coogee Bay Road.



**Figure 9:** Photomontage of the proposal viewed from Coogee Bay Road looking east



**Figure 10:** Photomontage of the proposal viewed from Coogee Bay Road looking west

Overall, it is considered that the scale and massing of the development is satisfactory for the following reasons:

- The site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). The nature of the zone typically envisages a more intense development density and larger institutional built form. There are no statutory maximum height limits under both the LEP and the SEPP (Housing for Seniors or People with a Disability) that apply to the proposal. Accordingly, the proposal does not entail non-compliance with any applicable height limits.
- The development scheme has appropriately distributed the floor space among 3 buildings with view corridors being reserved across the site in both east-west and north-south directions.
- This distribution over the subject site represents a better planned layout than that approved under the current DA (DA/293/2000), in particular the deletion of Buildings F and G and contraction of Buildings A and C approved under the current consent would improve the relationship and curtilage around the adjoining heritage item (convent building) as well as the overall massing on the subject site.
- The site planning positions the highest building, the central tower to the centre of the subject site at significant distance from surrounding residences. The deletion of two storeys from the tower component, as discussed previously, will further reduce the visual impact of the tower as seen from Daintrey Crescent and the residential properties along this street.
- The ILU building to the north will be commensurate in height, bulk and scale to the Coogee Bay Road streetscape where there are large existing RFBs in the streetscape particularly towards the east (see Figure 10).
- The RCF building along St Pauls Street will be adequately setback and stepped to follow the natural fall of the land. The average building height is maintained at 4 to 5 storeys with the uppermost level being setback from the external wall alignments below. The building will be screened by two existing fig trees which will be retained at the street front which together with a proposed central courtyard will provide visual relief both externally and internally. The above features will provide a suitable transition in scale towards the 2A zoned land to the south of the site.
- The proposed housing density is justified by the site's proximity to Spot Town Centre and public transport services along the surrounding road network. The proposal is considered to introduce a suitable amount of residential population to a locality, which is highly accessible to retail, commercial and community services and public transport. The development scheme represents an orderly and economic use of the land for urban consolidation.

### **Built form and articulation**

- The buildings are positioned as close to the central spine of the subject site to maximise retention of large areas of existing vegetation as well as spatial separation from adjoining properties. The building disposition will also maximise the size and functionality of the communal open space with good casual surveillance.
- The floor plates of the ILU buildings have been configured to maximise opportunities for daylight access and cross ventilation as indicated by the SEPP 65 Design Review Panel.
- The design scheme adopts low profile skillion and flat roof forms some with clerestory elements for the ILU buildings, which will enhance natural lighting and ventilation to the top floor units. The roof of the RACF has been configured to allow the installation of solar panels. The proposed roof form incorporates energy efficiency measures and will not exacerbate the visual scale of the buildings.
- The proposed built form has incorporated staggered wall planes, balconies, windows, sun hoods, screening devices and a combination of compatible surface finishes, which will finely articulate the external facades and create visual interest.
- The façade articulations of all buildings demonstrate a similar expression, with subtle changes and highlight colours to facilitate identification by the elderly residents.
- The southern elevation of the development will maintain an active frontage to St Pauls Street. Specifically, the ground floor level of the RACF accommodates various administrative and communal services uses that are oriented to the street, including a café along the western colonnade and will provide casual surveillance. The primary entrance to the development is clearly identifiable from St Pauls Street and will promote a sense of safety and security for the residents and the general public.

### **9.3 Landscaping and tree retention**

The proposal includes detailed landscaped plans overlaying trees that will be retained under the proposal. The landscape plans have adequately identified the critical areas that will require comprehensive and robust landscape treatment including along the front setback of the RACF building to St Pauls Street and the front setback of the northern apartments building to Coogee Bay Road. The proposed landscape areas will be required to have additional landscape treatments by Council's landscape officer to augment the screening and softening of the proposed development at critical locations.

Overall, the Arborist Report prepared by the consultant arborist, Stuart Pittendrigh, has provided adequate information regarding the trees that will be retained and those proposed to be removed. A total of 83 trees have been

assessed, the majority of which comprise Moreton Bay & Port Jackson Figs and Wild Olives, with most of the significant, heritage trees located around the perimeter of the site, and within "The Grove", which is a dense grouping around the northwest corner of the site, facing Coogee Bay Road, which have been shown for retention as part of the development. The Grove is considered particularly significant part of the site, due to the size and quantity of trees in this area, with the natural topography seeing the whole northern section falling steeply down to the north, where it meets Coogee Bay Road. The retention of trees in this corner is commendable. However, the application proposes the removal of a significant and mature Norfolk Island Pine in the middle of the subject site which will conflict with the construction of the south-western corner of the tower block. Council does not support the removal of this tree and a deferred commencement condition will be applied requiring amendments / design reconfigurations to be undertaken the tower block to preserve this tree in accordance with AS4970-2009: Protection of Trees on Development Sites.

#### **9.4 Solar access**

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

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

Accordingly, Clause 35 of the SEPP (HSPD) does not adopt a specific numerical control regarding overshadowing to adjoining properties. Notwithstanding this, using the solar access requirements of Council's Multi-unit Housing DCP as a guide, the expected shadow impacts on the adjoining and nearby properties are assessed below.

The submitted shadow diagrams demonstrate that at 9.00 am in the winter solstice, the proposal will result in some minor overshadowing of the entry drive to the adjoining western Brigidine Convent between the 9am and 10am. Also in the winter morning, the proposed development will result in overshadowing of the playground along the western edge of the Brigidine College site. However, this overshadowing largely overlaps the shadows of the existing fig trees along the western edge of the site. This overshadowing will occur between 9am and 10.30am. At 11am there will be no overshadowing of the college. Overall, the proposed morning overshadowing will be minor and reasonable. Also in the winter morning, the properties to the south of the subject site on the opposite side of St Pauls Street from No 52 to No. 62 St Paul Street will be overshadowed. However, this overshadowing will only be for a short period of one and a half hour from 9:00 am to 10:30am. After 10:30 am, solar access to these affected properties will not be obstructed by the proposed development, and being north facing, will continue to received adequate northern sunlight in excess of the minimum 3 hour requirement over the course of the winter day.

By winter mid-day, the proposal will overshadow the front setback area to St Pauls Street and the street itself with no buildings on the southern side of St Pauls Street affected. The generous setback of minimum 16.8m along St Pauls Street has ensured that properties on the southern side of this street will not be affected by overshadowing from 11:00am through midday to 2pm.

From midday to 3:00pm in mid-winter, the proposal will have the following impact:

### **65 St Pauls Street**

No 65 St Pauls Street is a large west facing RFB located on the corner of Daintrey Crescent with apartments elevated well above high ceiling garages. The shadow diagrams confirm that the proposal will not overshadow the west facing living areas and habitable rooms of this RFB between the hours of 9:00am and 3:00pm. As such, the proposal will not reduce solar access to No 65 St Pauls Street to less than the minimum 3 hour solar access required in mid-winter.

### **1 Daintrey Crescent**

No 1 Daintrey Crescent is a detached dwelling house elevated above the street level. The west elevation of this property contains an elevated verandah and living room window that will only be overshadowed by the proposed development from 3:00pm onwards. This impact is considered reasonable for the following reasons:

- The shadow diagrams confirm that the proposal largely does not create overshadowing upon No 1 Daintrey Crescent prior to 3:00pm. Additional overshadowing will only begin to creep up the west-facing wall at 3:00pm, and even then, the top half of the verandah and windows in the west elevation will receive direct solar access. In this regard, the degree of solar access retained to these windows accords with the planning principle established in the case of *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* in that adequate solar access in the built space behind an exposed glazed area will be achieved by the sun falling on the comparatively modest portion of the glazed area of the subject window. In effect, the western verandah and openings in No 1 Daintrey Crescent will maintain the minimum 3 hour solar access in mid-winter.
- While any increase in overshadowing occurring after 3:00pm are still considered significant impacts by the owners of No 1 Daintrey Crescent, given that direct solar access to the west facing openings only occur after 12 midday, this overshadowing impact occurs as a natural consequence of the north-south orientation of the subject site in relation to the affected property (that is, the proposed shadow shifts from west to east). In much the same way, the affected property suffers naturally from the fact that the west facing living room windows in No 1

Daintrey Crescent are naturally in the shadow of its own building in the winter morning. The additional overshadowing impact is a direct and natural consequence of the orientation of the subject site rather than an inappropriate building design given that the proposed building.

- The principal living area of this dwelling located internally within the house and has an opening in the north elevation towards the northern open space. This north elevation receives direct solar access between the 10am and 2pm in midwinter.

### **3 Daintrey Crescent**

No.3 Daintrey Crescent is a two storey detached dwelling located on the south-eastern bend of Daintrey Crescent. The west elevation of No.3 Daintrey Crescent will not be overshadowed by the proposed development between the hours of 9:00am and 2.30pm in midwinter. However, this wall will only received direct solar access between 12 noon and 3:00pm. The proposal will result in over shadowing of this western wall from approximately 2:00pm onwards. Similarly, a concrete west facing roof terrace on the roof of the double garage at the rear of the building will be overshadowed by the. proposed development from 2:00pm onwards As such, overall, the proposal will reduce direct solar access to the western section of No 3 Daintrey Crescent to less than the 3 hours minimum in mid-winter. This reduction is considered reasonable for the following reasons:

- The principle living areas of No.3 Daintrey Crescent are located on the northern side of the dwelling, with the primary windows to living areas located on the northern elevation of the building. The proposed development does not result in any overshadowing of the north facing living room windows until after 2pm in midwinter. This means that No.3 Daintrey Crescent will retain more than three hours solar access to the living areas of the dwelling between 9am and 2pm.
- the private open space of No.3 Daintrey Crescent is located on the southern side of the existing two storey dwelling. Solar access to the private open space of 3 Daintrey Crescent is already largely overshadowed by the shadows of the existing 2 storey dwelling itself,
- While the increase in overshadowing occurring after 2:00pm on the west elevation of No 3 Daintrey Crescent are considered significant impacts by the owner, given that solar access to these west facing units only occurs after 12 midday, this overshadowing impact occurs as a natural consequence of the north-south orientation of the subject site in relation to the affected property (that is, the proposed shadow shifts from west to east). In much the same way, the affected property suffers naturally from the fact that the west facing windows in No 3 Daintrey Crescent are naturally in the shadow of its own building in the winter morning. The additional overshadowing impact is determined to a large extent by the natural consequence of the orientation of the subject site.

- The overshadowing to No 3 Daintrey Crescent is mainly caused by the central tower component of the proposed development building in which the highest section of the building is located. The proposal will be required to reduce the height of the central tower by two storeys, should approval be granted, which would improve the solar access impact to the western elevation in the mid-winter afternoon.

## **5 Daintrey Crescent**

The proposal will overshadow the front setback and the northern elevation of No.5 Daintrey Crescent, a two storey detached dwelling, located in an elevated position above Daintrey Crescent, east of No.3 after 2.30pm in midwinter. This overshadowing is considered reasonable as this dwelling has an orientation and outlook to the north, with a large north facing verandah and first floor balcony. The dwelling has a front garage forward of the building line with a paved area above the garage which is used as the resident's principle open space. A swimming pool is also located within the western side of the front northern setback. Accordingly, solar access to the house, swimming pool and roof terrace of No.5 Daintrey Crescent will be unaffected by the proposed development between the hours of 9am and 2.30pm in midwinter, so that adequate solar access will be available due to its predominant northern aspect.

## **43 Coogee Bay Road**

The proposed development begins to cast a shadow over the western elevation of No.43 Coogee Bay Road after 1pm in midwinter. This impact is considered reasonable for the following reasons:

- No.43 Coogee Bay Road is a three and four storey residential flat building adjoining the eastern boundary of the site fronting Coogee Bay Road. The building comprises 4 units, three at the front with balconies overlooking Coogee Bay Road and one upper unit at the rear with a north facing roof terrace. The four units at 43 Coogee Bay Road currently enjoy full solar access to balconies/roof terraces and living rooms between the hours of 9am and 3pm. The proposed development will not impact on the solar access to these balconies/roof terraces or north facing living room windows of the lower three apartments.
- The impact to the west elevation of No 43 Coogee Bay Road will be predominantly to windows with glass blocks which would indicated non-habitable rooms and stairwells.

## **9.5 View sharing**

Submissions have been received from adjoining properties raising view loss issues. The following paragraphs provide a four-step analysis of view loss established in the NSW Land and Environment Court case *Tenacity v Warringah Council* (2004) for the affected properties.

## 65 St Pauls Street

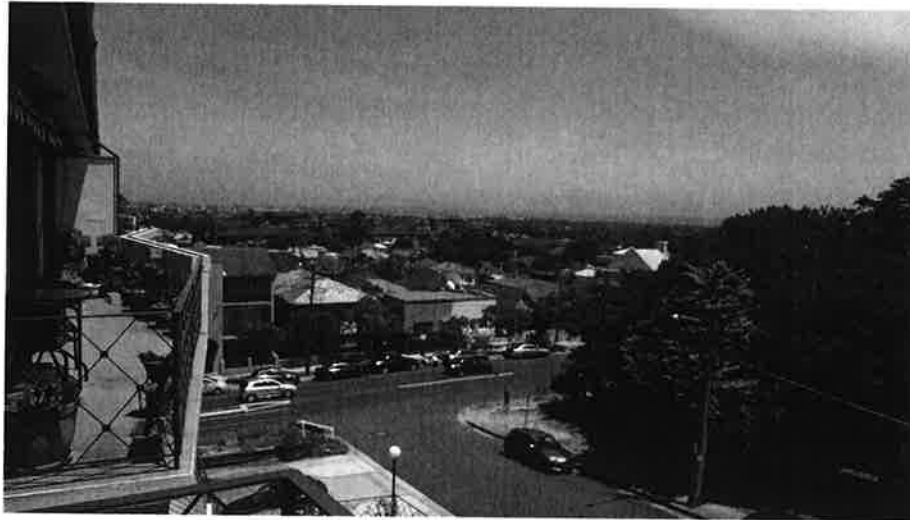
The Strata Manager of the RFB at 65 St Pauls Street has raised owners' concerns that all units would suffer loss views. Access to all units was not available as most of these units are tenanted, Notwithstanding this, access to the top floor unit on the northern end of this building was made available and the view analysis from this unit can be used as a representative view loss analysis for all west facing balconies in this building.

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

The existing views currently available to Unit dwelling units in No 65 St Pauls Street are as follows:



**Photo A1 :** The affected view from the third floor balcony and associated living area of Unit / 65 St Pauls Street, looking directly due west, comprises immediate and limited views of the subject site obstructed by the existing Brigidine College buildings. While this view is highly valued by the objectors (in terms of its green outlook and setting), the view is considered to be relatively less valuable than, and therefore not as significant as, that of a *"water view in which the interface between land and water is visible"*. The views of trees/other vegetation and the roof top of the existing school building within the subject site (whilst significant to the objector for its green, open, low density scene) would not strictly qualify as district views as it is simply an immediate/close view of the development site which the applicant should be entitled to redevelop in accordance with applicable standards and controls.



**Photo A2 :** The affected view from the third floor balcony and associated living area of Unit / 65 St Pauls Street, looking directly south-west, comprises a filtered distant view of Botany Bay significantly obstructed by existing trees at the southern end of the subject site (right hand side) and roof tops of the existing development on the southern side of St Pauls Street and beyond. This view is non-iconic and has some significance which is limited largely by the heavily filtered and distant view of the water body. **This view will not be affected by the proposed development.**

**Step 2:** ***“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.”***

The proposed development will obstruct the immediate views over the subject site and Brigidine College. Assessment of the view loss indicates that these views are considered non-iconic and do not warrant protection. The expectation to permanently retain the outlook to green vegetation on the subject site is not considered to be reasonable in this instance. Accordingly, protection of the affected views cannot be supported, and is unreasonable and not warranted, having regard to Step 2 of the planning principle. The distant view of Botany Bay is obtained broadly across the front of the subject site albeit in an oblique angle. Some degree of protection of the view of Botany Bay is warranted. Notwithstanding, this view will not be affected by the proposed development.

**Step 3:** ***“The third step is to assess the extent of the impact... The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them)... It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”***

The affected view looking west across the subject site is obtained from the upper floor balcony and living area of the property. The proposed development will obstruct the views across the subject site. However, given

the considerations in Steps 1 and 2 above, the view loss is considered moderate. It should be noted that a significant amount of the views are already obstructed by the existing Brigidine College and shop roof tops beyond the subject site so that the net view loss would be minor.

**Step 4 :** *“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.”*

While the affected views looking west across the subject site will be obstructed by the proposed development, this impact is not considered to be exacerbated by the proposed RACF building exceeding the 8m height limit in the SEPP SHDC for the following reasons;

- The current approved development has a height along Daintrey Crescent in excess of 8m which will already obstruct the non-iconic views across the subject site.
- The proposal overall has been compacted to reasonable footprint and envelope that allows for significant existing green open spaces and plantings to be retained compared to the current approved development so that the impact of visual bulk and scale in the outlook from No. 65 St Pauls Street will not be significant.
- Any expectation of full retention of the objectors' views of trees on the subject site and of Brigidine College is considered unreasonable especially given that the applicant has applied a skilful amended design that minimises the impact of height, bulk and scale. More significantly the views to Botany Bay will remain unaffected by the proposed development.

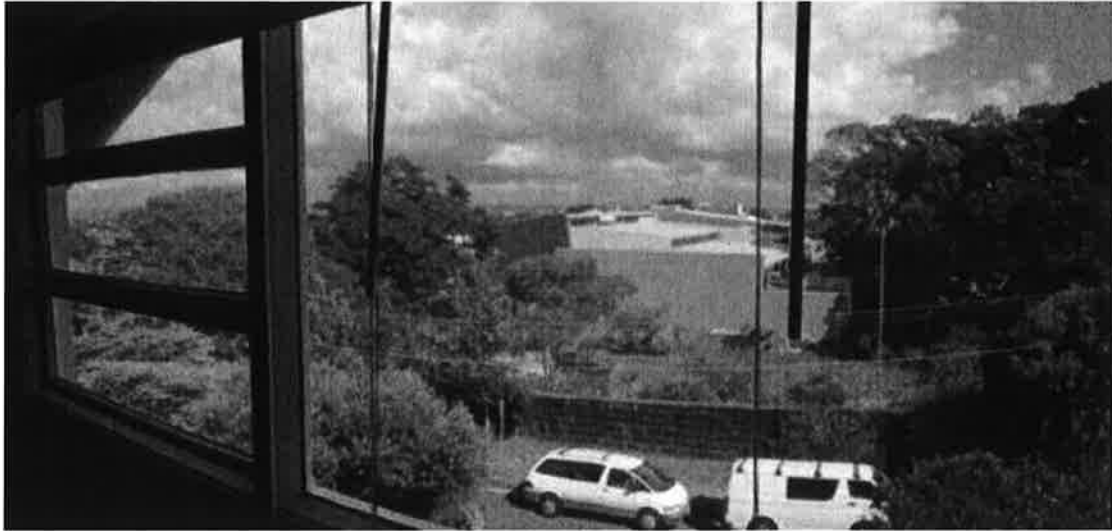
## No 1 Daintrey Crescent

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

The relevant existing views currently available to No 1 Daintrey Crescent are as follows:



**Photo B1 :** The affected view from the west facing elevated ground floor verandah of No 1 Daintrey Crescent, looking due west and north west, comprises immediate and limited views of the subject site obstructed by the existing Brigidine College buildings in the background and trees. While this view is highly valued by the objectors (in terms of its green outlook and setting), the view is considered to be relatively less valuable than, and therefore not as significant as, that of a *"water view in which the interface between land and water is visible"*. The views of trees/other vegetation and the roof top of the existing school building within the subject site (whilst significant to the objector for its green, open, low density scene) would not strictly qualify as district views as it is simply an immediate/close view of the development site which the applicant should be entitled to redevelop in accordance with applicable standards and controls.



**Photo B2 :** The affected view from the west facing first floor study room of No 1 Daintrey Crescent, looking south west, comprises immediate and limited views of the subject site obstructed by the existing Brigidine College buildings in the background. While this view is highly valued by the objectors (in terms of its green outlook and setting), the view is considered to be relatively less valuable than, and therefore not as significant as, that of a *"water view in which the interface between land and water is visible"*. The views of trees/other vegetation and the roof top of the existing school building within the subject site (whilst significant to the objector for its green, open, low density scene) would not strictly qualify as district views as it is simply an immediate/close view of the development site which the applicant should be entitled to redevelop in accordance with applicable standards and controls

**Step 2:** *"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries."*

The view of the subject site and Brigidine College is obtained across the front western boundary of the affected property (Photo B1). While a view across a front boundary places some weight for retention of views, the non-iconic nature of the views as described above (being the development site with Brigidine College in the background) would not warrant such retention. As such, the protection of the affected views cannot be supported, is unreasonable and not warranted, having regard to Step 2 of the planning principle.

**Step 3:** *"The third step is to assess the extent of the impact... The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them)... It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."*

The affected view looking west across the subject site is obtained from the elevated ground floor verandah and first floor study of the affected property. The proposed development will obstruct the views across the subject site. However, given the considerations in Steps 1 and 2 above, the view loss is considered moderate. It should be noted that a significant amount of the views

are already obstructed by the existing Brigidine College and shop roof tops beyond the subject site so that the net view loss would be minor.

**Step 4 :** *"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours."*

While the affected views looking west across the subject site will be obstructed by the proposed development, this impact is not considered to be exacerbated by the proposed RACF building exceeding the 8m height limit in the SEPP SHDC for the following reasons:

- The current approved development has a height along Daintrey Crescent in excess of 8m which will already obstruct the non-iconic views across the subject site.
- The proposal overall has been compacted to reasonable footprint and envelope that allows for significant existing green open spaces and plantings to be retained compared to the current approved development so that the impact of visual bulk and scale in the outlook from No. 1 Daintrey Crescent will not be significant.
- Any expectation of full retention of the objectors' views of trees on the subject site and of Brigidine College is considered unreasonable especially given that the applicant has applied a skilful amended design that minimises the impact of height, bulk and scale.

### **3 Daintrey Crescent**

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

The existing views currently available to No 3 Daintrey Crescent are as follows:



**Photo C1:** The affected view from the west facing first floor kitchen window of No 3 Daintrey Crescent, looking due west and north west, comprises immediate and limited views of the subject site obstructed by the existing Brigidine College buildings in the background with some very limited view of Botany Bay just above the roof line of the Brigidine College. While this view is highly valued by the objectors (in terms of its green outlook and setting), the view is considered to be relatively less valuable than, and therefore not as significant as, that of a *“water view in which the interface between land and water is visible”*. The views of trees/other vegetation and the roof top of the existing school building within the subject site (whilst significant to the objector for its green, open, low density scene) would not strictly qualify as district views as it is simply an immediate/close view of the development site which the applicant should be entitled to redevelop in accordance with applicable standards and controls.



**Photo C2 :** The affected view from the west facing first floor kitchen window of No 3 Daintrey Crescent, looking due west and north west, comprises immediate and limited views of the subject site obstructed by the existing Brigidine College buildings in the background. While this view is highly valued by the objectors (in terms of its green outlook and setting), the view

is considered to be relatively less valuable than, and therefore not as significant as, that of a "water view in which the interface between land and water is visible". The views of trees/other vegetation and the roof top of the existing school building within the subject site (whilst significant to the objector for its green, open, low density scene) would not strictly qualify as district views as it is simply an immediate/close view of the development site which the applicant should be entitled to redevelop in accordance with applicable standards and controls.



**Photo C3 :** The affected view from the second floor south facing kitchen window of No 3 Daintrey Crescent, looking directly south-west, comprises a filtered distant district view with some land features of the opposite side of Botany Bay in the extreme distance all significantly obstructed by existing trees at the southern end of the subject site (right hand side) and roof tops of the existing development on the southern side of St Pauls Street and beyond. This view is non-iconic and has some significance which is limited largely by the heavily filtered and distant district view. **The distant district view in the left hand window pane will not be affected by the proposed development.**



**Photo C4 :** A wide district view from the second floor living room window of No 3 Daintrey Crescent looking north. This view is non-iconic and has some significance in terms of wide and distant district view. **This view will not be affected by the proposed development**

**Step 2:** *“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.”*

The view of the subject site and Brigidine College is obtained across the front western boundary of the affected property (Photo C1 and C2) looking due west and north-west. This view includes a distant, filtered and limited view of Botany Bay (as shown in by the red arrow). While a view across a front boundary places some weight for retention of views, the non-iconic nature of the views as described above (being across the development site with Brigidine College in the background and extremely limited views of Botany Bay) would not warrant such retention. As such, the protection of the affected views cannot be supported; is unreasonable and not warranted, having regard to Step 2 of the planning principle.

**Step 3:** *“The third step is to assess the extent of the impact... The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them)... It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

The affected view looking west across the subject site is obtained from the elevated ground floor verandah and first floor study of the affected property. The proposed development will obstruct the views across the subject site. However, given the considerations in Steps 1 and 2 above, the view loss is considered moderate. It should be noted that a significant amount of the views are already obstructed by the existing Brigidine College and shop roof tops beyond the subject site so that the net view loss would be minor.

**Step 4 :** *“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.”*

While the affected views looking west across the subject site will be obstructed by the proposed development, this impact is not considered to be exacerbated by the proposed RACF building exceeding the 8m height limit in the SEPP SHDC for the following reasons:

- The current approved development has a height along Daintrey Crescent in excess of 8m which will already obstruct the non-iconic views across the subject site.
- The proposal overall has been compacted to reasonable footprint and envelope that allows for significant existing green open spaces and plantings to be retained compared to the current approved development so that the impact of visual bulk and scale in the outlook from No. 3 Daintrey Crescent will not be significant.
- Any expectation of full retention of the objectors' views of trees on the subject site and of Brigidine College is considered unreasonable especially given that the applicant has applied a skilful amended design that minimises the impact of height, bulk and scale. More significantly the district views to the south-west and north (Photos C3 and C4) will remain unaffected by the proposed development.

Overall, the proposal is satisfactory with regard to view. Although it is desirable to retain the aforementioned views for the benefits of the property owners and occupants, the loss of which is not considered to be unreasonable for the following reasons:

- a) The subject application is made pursuant to SEPP (Housing for Seniors or People with a Disability) as the proposed land use is not permissible under the Special Uses 5 under RLEP 1998 (Consolidation). Accordingly, the development standards stipulated under Clauses 20F(5), 20G(2) and 20G(4) of the LEP, relating to floor space ratio for Special Uses Zone, do not apply to the proposal. Therefore, in this instance, there are no building height limits that are applicable to the proposal. The development scheme does not contain non-compliance with any applicable building height restriction in the planning controls.
- b) The distance between the objecting properties to view loss and Botany Bay amounts to approximately 6 to 7 kilometres. This view corridor traverses a large number of properties within the southern part of Randwick City and these include suburbs of Maroubra, Matraville and Philip Bay. In the light of the long distance between Botany Bay and the objecting properties in question, and the contextual limitations (including permissible heights and massing in adjoining areas and centres) to the existing view corridor, the expectation to permanently retain distant Botany Bay views is not considered to be realistic.
- c) Developments in Special Uses Zones are commonly associated with larger and bulkier institutional buildings, such as schools, hospitals or in this case, an aged care residential accommodation. These types of buildings also require higher floor to ceiling heights than standard residential premises.

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

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

## **9.5 Visual and acoustic privacy**

The Concept Plan provides a useful indication of the function of spatial separation to the height of proposed buildings (Proposed Controls Setback (Page 28)) and Proposed Controls: Building Heights (page 29)). Essentially, spatial separation increases in proportion to the height of the proposed building to ensure adequate amenity and privacy for building occupants and adjoining neighbours. This principle is carried through in the Stage 1 Detailed Development Application as assessed in the following paragraphs:

### ***St Pauls Street frontage:***

The proposed development is not considered to have any material privacy impacts on the residential buildings on the southern side of St Pauls Street given the significant spatial separation across a main road augmented by the minimum 16.8m front setback of the proposed building to St Pauls Street.

### ***Daintrey Crescent frontage:***

The RACF is separated from the external walls of the residential properties to the east along Daintrey Crescent by a minimum 20.5m and max 25.4m. There will also be 34m separation distance between the eastern facing balconies of the central tower and No. 2 Daintrey Crescent. The degree of spatial separation exceeds that required under recognised standards such as the Residential Flat Design Code and means that potential visual and acoustic privacy impacts will be significantly minimised. Furthermore, the proposed units along the Daintrey Crescent frontage will be a combination of high care, low care and aged care suites that by nature will not result in overlooking that is normally associated with multi-unit housing.

The loading and delivery area will be internal and partially below the level of Daintrey Crescent so that noise from this area will be mitigated. Notwithstanding, a condition is recommended to restrict the loading and delivery hours. Subject to the above condition, the delivery traffic at the operational phase of the development will not result in unreasonable noise disturbance to the neighbouring aged care facility.

### ***Coogee Bay Road frontage:***

A minimum 10.2m setback will be provided between the balcony edge of the northern apartments and the northern boundary of the site adjoining Coogee Bay Road. The proposed development is not considered to have any material privacy impacts on the residential buildings on the northern side of Coogee Bay Road given the significant spatial separation across a main road.

augmented by the minimum max 10.8m front setback of the northern apartments to the Coogee Bay Road boundary.

***Eastern boundary:***

There will be an 11.2m separation distance between the eastern wing of the northern apartments and the nearest balcony at No. 43 Coogee Bay Road increasing to more than 12m at the rear between the two buildings. The living rooms and associated balconies of the eastern wing of the northern apartments are oriented north with wrap-around planter beds on the north-eastern corner on all north-eastern balconies so that overlooking into the living areas and balconies of No. 43 Coogee Bay Road will be minimal. Additionally, visual privacy is achieved through the use of suitable screening devices in bedroom windows and the retention of significant trees that will be supplemented by further landscape plantings to provide screening.

There will be a 31.2m separation distance between the eastern building line of the central tower and the nearest western elevation of No. 2-4 Daintrey Crescent. The degree of spatial separation exceeds that required under recognised standards such as the Residential Flat Design Code and means that potential visual and acoustic privacy impacts will be significantly minimised. Furthermore, the retention of a area of dense vegetation between the two buildings in the middle eastern section of the subject site in lieu of the proposed 4 storey building at approximately 4-5m eastern setback under the current approval is considered a far better outcome in terms of privacy.

***Western boundary:***

There will be a 41m separation distance between the dwellings of the central tower and the Brigidine Convent comprising primarily Aeolia House to the west. The degree of spatial separation exceeds that required under recognised standards such as the Residential Flat Design Code and means that potential visual and acoustic privacy impacts will be significantly minimised.

**9.6 Parking**

The car parking requirements stipulated in the SEPP (Housing for Seniors or People with a Disability) have already been addressed under the "Environmental Planning Instruments" section of this report. Additionally, the applicant has provided the following break down of the car parking calculation which indicates that the car parking provision is not only compliant with the SEPP HSPD but also over and above that required under the SEPP by 50 car spaces comprising 18 additional staff parking and 32 visitor spaces:

Use	Size/Number	Rate and number of parking spaces required	Proposed
<b>Independent Living Units</b>			
Residents	147 bedrooms	0.5 spaces/bedroom 73.5 spaces	74 spaces
<b>Residential Care Facility</b>			
Residents/Visitors	113 beds	1 space/bed 11.3 spaces	12 spaces (inc. one accessible space)
Staff (inc. Allied Health)	Max. 31-35	1 space/2 staff 17.5 spaces	36 spaces
Ambulance	N/A	1 space	1 space
<b>Common</b>			
Visitors		N/A	32 Spaces
<b>Total</b>		104 car spaces 1 ambulance space	154 car spaces 1 ambulance space

Table 2B: Summary of parking provision

Accordingly, the proposal will provide a total of 36 staff parking spaces that will comfortably accommodate demand likely to be generated by the proposed development. To ensure adequate allocation during work shifts, these staff car spaces will be managed by a roster system generated by St Basils Administration.

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

## 9.7 Traffic

The applicant's traffic report indicates that, with a total of 82 apartments and 114 beds, the proposal is expected to generate peak traffic movements of approximately 38 vehicle trips per hour (vtpH) morning and evening based on a generation rate of 0.2 vtpH per dwelling for ILUs and 0.18 vtpH per bed for the RACF (rates that have been established for retirement villages in outer suburban locations (that have more car dependent movements than inner suburban locations like the Spot) and compare favourably with Roads and Maritime Services (RMS) Development Guidelines. The traffic report advises that this traffic generation outcome is slightly higher than that of the current approved development which, based on the traffic generation rate for retirement villages above, has a peak traffic movement of 35 vtpH. Notwithstanding this, the traffic analysis states that the traffic generation rate of 38 vtpH for the proposed development is a relatively minor increase with a projected make-up of movements as follows:

	AM			PM	
	IN	OUT		IN	OUT
Residential	4	13		13	4
RACF	15	6		6	15

More significantly, the traffic analysis has assigned this additional traffic to the existing traffic flows along St Pauls Street and finds that only relatively minor average peak movements will be experienced of 210 vph morning and 293 vph evening east bound and 249 vph morning and 193 vph evening westbound. In these directions the traffic flows are expected to be distributed as follows:

- To/from the west along St Pauls Street and along Perouse Road (north and south)
- To/from the east along St Pauls Street and along Dudley Street (north and south)

Accordingly, the traffic report advises that *“as a result of this diverse distribution of the relatively minor volumes generated by the development there will not be any adverse traffic capacity or safety implications at the access driveway or intersections in the area”*.

This assessment is supported given that traffic movement in the Spot and surrounding locality will be spread out over the day with gaps and peaks depending on work shifts, land use types (eg, school, shops, offices, etc) that would ease any build-up of traffic at intersections. Furthermore, the Spot is well served by public buses and taxis that further reduce car dependent movements. In relation to concerns about increased traffic on Daintrey Crescent, it should be noted that Daintrey Crescent is not an access or egress route for residents or visitors to the site and, as such, it is anticipated that the proposed development would have limited impact on Daintrey Crescent.

This assessment is considered reasonable and adequate and Council's Development Engineer raises no objections to the proposed development on traffic grounds recognising that the proposal will be acceptable in that the increase in traffic generation will not have a significant traffic impact on the adjacent classified road network and intersections nor on the amenity of adjoining and surrounding local roads.

## **9.8 Social and economic impacts**

The application has included a Social Impact Statement, dated 30 July 2011 and prepared by Elton Consulting. The Statement has provided detailed information demonstrating that there is a shortfall in the supply of adequate

aged care accommodation in the Randwick LGA. The following summary information is extracted from the Statement:

In summary:

- The older population across Randwick and adjoining LGAs is increasing and will continue to do so – with around 40% more residents aged 70 or more expected by the Year 2026.
- Needs for aged care and for retirement housing will increase even faster than the growth of the older population because more people will live to become very old, when the need for services is greatest.
- The existing supply of retirement village accommodation in the Eastern Suburbs is small (around 2% of over-70s live in Villages) and is proportionately less than in most areas in NSW. Modern retirement villages are in demand because they offer accommodation in which residents can “age in place”, receiving care and support in a secure environment.

From this analysis it may be concluded that:

- There is both need and demand for new retirement village accommodation in the Randwick area. Without it, many older residents will reluctantly look elsewhere for retirement housing, or will remain in unsuitable and often large houses which do not support ageing in place.
- The need for residential aged care places in the area will continue to grow. In particular the need for large modern facilities that can offer care for people with dementia and complex health issues in a non-institutional environment, which is already strong, will grow rapidly.
- Needs for community care will also grow, and subsidised programs will be expanded, requiring “support infrastructure” for service providers.

For these reasons, the proposed facilities at St Basil’s can accurately be seen as targeted at high priority needs in the area.

The Federal Government has recently proposed major changes to aged care, and these have been widely welcomed in the industry, particularly in that they provide for a more stable financial base for residential care, and increased funding for community care. These changes will be positive for the residential aged care facility proposed at St Basil’s. They will not directly impact on independent retirement accommodation but they will support the “ageing in place” model proposed at St Basil’s, particularly by allowing greater flexibility and efficiencies in the delivery of care into the home.

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

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

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

## **Relationship to City Plan**

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community.

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

Outcome 4: Excellence in urban design and development.

Outcome 4a: Improved design and sustainability across all development.

### **Financial Impact Statement**

There is no direct financial impact for this matter.

### **Conclusion**

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

The site planning, built form, massing and façade articulations will create a satisfactory streetscape outcome for St Pauls Street, Coogee Bay Road and Daintrey Crescent subject to conditions for reduction in height of the central tower component; for a comprehensive planting scheme in Council's verge in front of the sand stone walls along Daintrey Crescent and Coogee Bay Road and for enhancements to the proposed internal landscape plans.

The development scheme will not result in unreasonable impacts on the amenity of the surrounding properties in terms of visual bulk and scale, view loss, solar access and privacy subject to specific condition to reduce the height of the central tower component.

The proposed removal of a significant and mature Norfolk Island Pine in the middle of the subject site within the south-western corner of the tower block is not support. A deferred commencement condition will be applied for amendment / design reconfiguration to be undertaken to the tower block to preserve this tree in accordance with AS4970-2009: *Protection of Trees on Development Sites*.

Subject to a reduction in height of the central tower component, the proposal represents a significantly better redevelopment of the subject site than the current approval under DA/263/2000 primarily as it preserves more existing plantings and vegetation on-site; maximises the use of the land for an residential/institutional use with a more compact site coverage and separation from surrounding existing residential uses and provides a superior design in terms of SEPP 65 outcomes including aesthetics, scale , density, energy efficiency, landscaping and social impacts,

The proposed development density is justified by the site's proximity to the Spot Town centre as well as Randwick Junction Town centre and the adjoining hospital complex in Randwick. These centres provide centralised retail and community services and public transport. The proposal represents an economic and orderly use of the site and will deliver material social benefits for the senior population in the area.

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

## **Recommendation**

- A. That the Joint Regional Planning Panel as the responsible authority grant its development consent as a **“Deferred Commencement”** under Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application DA/493/2012 for a Concept Plan and Stage 1 detailed development application for seniors housing development comprising 82 independent living units, a residential care facility with 93 beds and 20x1 bedroom serviced apartments in 4 building elements ranging from 5 to 10 storeys in height, basement parking for 154 vehicles and associated works at 57-63 St Pauls Street, Randwick, subject to the following conditions:

### **Deferred Commencement Conditions:**

The consent does not operate until the applicant satisfies the Council in accordance with the Regulations, as to the matters specified in this condition:

1. Deletion of the top 2 residential levels of the central tower component in the concept plan and amendment to the Stage 1 detailed development to incorporate this change to the central tower component so that the central tower has a maximum ceiling height no higher than RL90.90 for the new top level. Details are to be submitted to Council for approval.
2. Amendments and redesign of the south-western section of the central tower to reduce its bulk and scale so as to ensure that the Tree 14, a significant, mature *Araucaria heterophylla* (Norfolk Island Pine), of 26 metres in height (being identified as Item 36e in Volume 3 of Council's Register of Significant Trees) is successfully retained and incorporated as an existing historical feature of the site. A separate Arboricultural Impact Assessment Report by the site Arborist detailing how this will be achieved must be submitted to Council for approval and must comply with the requirements set out in AS4970-2009: Protection of Trees on Development sites.
3. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent heritage items and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to Council for approval.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

### **Development Consent Conditions**

- B. Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of City Planning, development consent is granted under section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

**A. GENERAL**

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

Plan Number	Dated	Received	Prepared By
A-DA-00 Rev A	12/06/2012	3 August 2012	PTW Architects
A-DA-01 Rev A	12/06/2012	3 August 2012	
A-DA-02 Rev A	12/06/2012	3 August 2012	
A-DA-03 Rev A	12/06/2012	3 August 2012	
A-DA-04 Rev A	12/06/2012	3 August 2012	
A-DA-05 Rev A	12/06/2012	3 August 2012	
A-DA-06 Rev A	12/06/2012	3 August 2012	
A-DA-07 Rev A	12/06/2012	3 August 2012	
A-DA-08 Rev A	12/06/2012	3 August 2012	
A-DA-09 Rev A	12/06/2012	3 August 2012	
A-DA-10 Rev A	12/06/2012	3 August 2012	
A-DA-11 Rev A	12/06/2012	3 August 2012	
A-DA-12 Rev A	12/06/2012	3 August 2012	
A-DA-13 Rev A	12/06/2012	3 August 2012	
A-DA-14 Rev A	12/06/2012	3 August 2012	
A-DA-15 Rev A	12/06/2012	3 August 2012	
A-DA-20 Rev A	12/06/2012	3 August 2012	
A-DA-21 Rev A	12/06/2012	3 August 2012	
A-DA-22 Rev A	12/06/2012	3 August 2012	
A-DA-23 Rev A	12/06/2012	3 August 2012	
A-DA-30 Rev A	12/06/2012	3 August 2012	
A-DA-31 Rev A	12/06/2012	3 August 2012	

the application form and any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions:

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

2. Consent is granted to the concept proposal and Stage 1 of the staged development application only in respect of the land described as Lot 1 DP 776899 and Lot 1494 DP 752011, at 57-63 St Pauls Street, Randwick, subject to the conditions that follow.

3. While this consent remains in force, determination of any further development application in respect of the site to which this consent applies must not be inconsistent with this consent and the plans and documents referred to in condition 1 above.
4. The reflectivity index of glass used in the external façades of the proposed development must not exceed 20 percent.
5. The finished ground levels external to the buildings are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.

#### **Heritage Protection**

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

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

7. Pursuant to Clause 18 of State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004, the subject development may provide residential accommodation for the following kinds of people only:
  - (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors or people who have a disability,
  - (c) staff employed to assist in the administration of and provision of services to housing provided under the aforementioned SEPP.

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

#### **B. OPERATIONAL MATTERS**

##### **The following conditions are applied to ensure occupant safety:**

8. 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.

#### **Stormwater Detention System**

9. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

#### **Food Storage**

10. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

#### **Food Safety Requirements**

11. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.
12. A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the *Food Act 2003*, prior to commencing business operations. A copy of which must be maintained on site and be provided to Council officers upon request.
13. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

14. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a

temperature of not more than 5°C and keep this food cold at or below that temperature.

15. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the *Food Safety Standards*.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

16. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

#### **Environmental Amenity**

17. 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*.
18. The site use and 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*.

The requirements and project specific criteria for noise emissions shall be in accordance with the acoustical report dated 17 July 2012, prepared by Acoustic Logic, document reference 20111158.1/1707A/R1MAS, when measured at the nearest affected boundary:

19. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq}$ , 15 min and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

20. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

21. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.
22. Waste collection and loading dock truck delivery services are to be undertaken between the hours of 7:00AM – 7:00PM Monday to Saturday and 9:00 AM – 6:00 PM on Sundays and Public Holidays.

### **C. TO BE INCLUDED IN CONSTRUCTION CERTIFICATE**

#### **Safety and Security**

23. The recommendations contained in Table 32 of the "Crime Prevention Through Environmental Design" section of the Statement of Environmental Effects (page 125), prepared by SJB Planning, and stamp-received by Council on 3 august 2012, are to be incorporated in the development. Details demonstrating compliance are to be shown in the Construction Certificate drawings to the satisfaction of the Council / Accredited Certifier.

### **Sustainable Transport**

24. A minimum of ten (10) bicycle parking spaces are to be provided within the development for use by the staff and visitors. The design and construction of the bicycle parking facilities are to be compliant with Australian Standard 2890.3: Bicycle Parking Facilities. Details demonstrating compliance are to be included in the Construction Certificate application.

### **Traffic conditions**

25. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings 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.
26. The vehicular access driveways, internal circulation ramps and the car park areas, (including, but not limited to, the ramp grades, car park layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

### **Design Alignment levels**

27. The design alignment levels (the finished level of concrete, paving or the like) at the St Pauls Street, Daintrey Crescent and Coogee Bay Road property boundary for driveways, access ramps and pathways or the like, must be obtained in writing from Councils Development Engineer Coordinator prior to lodgement of the construction certificate application. Typically the alignment level in St Pauls Street will be 2.5% above the top of kerb in St Pauls Street at all points along the kerb. The alignment level in Coogee Bay Road will typically match the existing footpath levels.

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 on 9399 0924.

28. 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.

29. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$2400.00 calculated at \$48.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
30. Prior to the issuing of an Occupation Certificate, (Interim or Final), the applicant must dedicate to Council a strip of land 1.0 metre wide along the full St Pauls Street site frontage. The dedication of land is required for road widening of St Pauls Street and will allow for the footpath to be widened and the retaining wall to be repositioned. The applicant shall be responsible for meeting the full cost for the existing retaining wall to be removed and a new retaining wall constructed within the development site and along the new St Pauls Street boundary (i.e. along the boundary after the dedication has occurred). The Construction Certificate plan must make reference to both the current boundary and the boundary following dedication of land.
31. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$(Amount) calculated at \$48.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
32. Prior to the issuing of an Occupation Certificate, (Interim or Final), the applicant must dedicate to Council a strip of land 1.0 metre wide along the full St Pauls Street site frontage. The dedication of land is required for road widening of St Pauls Street and will allow for the footpath to be widened and the retaining wall to be repositioned. The Construction Certificate plan must make reference to both the current boundary and the boundary following dedication of land.
33. Prior to the issuing of an Occupation Certificate, (Interim or Final), the applicant must dedicate to Council a 2.5 metre by 2.5 metre splay corner at the intersection of St Pauls Street and Daintrey Crescent. The splay corner must be applied to the St Pauls Street boundary as it would be after dedication of the 1.0 metre wide strip of land. The Construction Certificate plan must make reference to both the current boundary and the boundary following dedication of the splay corner.
34. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). The height of the building must not be increased to satisfy the required driveway gradients.

The vehicular access, loading dock and the basement car park (including, but not limited to, the ramp grades, car park layout and

height clearances) are to be in accordance with the requirements of AS2890.1:2004 and the relevant sections of AS 2890.2 2004.

Details of compliance are to be included in the construction certificate.

### **Stormwater Drainage**

35. Prior to a Construction Certificate being lodged the applicant's hydraulic consultant must investigate and fully document the predevelopment catchments and discharge points external to the site. Council requires the provision of onsite stormwater detention however the permissible site discharge (PSD) calculations should be made on the current drainage regime and the current discharge points, (i.e. it may be necessary for part of the site to drain to St Pauls Street with the PSD calculated on the current area draining to St Pauls Street and part of the site may drain to Coogee Bay Road with the PSD calculated on the current area draining to Coogee Bay Road). The predevelopment catchments and discharge points document must be forwarded to Council for consideration and be adopted by Council prior to any "for construction" stormwater drainage plans being prepared. The "for construction" stormwater drainage plans must reflect any recommendations made by Council with respect to PSD, onsite stormwater detention and site discharge points. The Construction Certificate application must demonstrate compliance with Council's requirements with respect to PSD, onsite stormwater detention and site discharge points.
36. 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.

#### **External Drainage**

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

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

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

#### **Internal Drainage**

- 38. 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) to the kerb and gutter or drainage system located in St Pauls Street and to the underground drainage system located within Coogee Bay Road.
- c) An on-site stormwater detention system/s must be provided to ensure that the maximum discharge from the site 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 the on-site detention and/or infiltration 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.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- 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) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- g) 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.

- h) 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.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

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

- i) The floor level of all habitable, retail, commercial 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).*

- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention area/s.
- m) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design. Mulch or bark is not to be used in on-site detention areas.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- o) Any onsite detention systems shall be located in areas accessible by residents of all units.
- p) Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

#### **Site seepage & Dewatering**

39. The geotechnical investigation submitted with the development application indicates that seepage water will be encountered within the depth of the excavation. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:

- a) Seepage/ground water 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/ground water to drain around the basement car park (to ensure the basement will

not dam or slow the movement of the seepage/ground water through the development site).

- c) The walls of the basement level/s of the building are to be fully tanked (fully waterproofed) 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 systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage 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 (fully 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 documentation.
40. 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 Engineering Coordinator, 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**

41. A 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 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.*

42. The waste storage areas must be sized in accordance with the recommendations of the approved waste management plan and they 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:**

43. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping 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.

**Design, Construction & Fit-out of Food Premises**

44. 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).
45. The premises is to be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation

for the construction certificate to the satisfaction of the certifying authority.

46. The design and construction of the food premises must comply with the following requirements, as applicable:-

- a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.

- c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.

- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
- m) Cool rooms and freezer rooms must comply with the following requirements:-
  - Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.

- All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- The space between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

47. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the design and construction of the *food business* will satisfy the relevant requirements of the *Food Act 2003*, *Food Standards Code* and *AS 4674 (2004)* - Design, construction and fit-out of food premises, prior to issuing a construction certificate.

#### **Sydney Water Requirements**

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

49. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.
50. Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.

Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of City Planning in accordance with Section 80 A(2) of the *Environmental Planning &*

*Assessment Act 1979, prior to a construction certificate being issued* for the development.

**Acoustic Amenity**

51. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

**D. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**

**Public facilities:**

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

<b>Table 3 - Section 94A Contributions</b>			
<b>Category</b>	<b>Cost</b>	<b>Applicable Levy</b>	<b>Contribution</b>
Development Cost More than \$200,000	\$68, 748,900	1.0%	\$687,489

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

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

**Heritage significance and protection:**

53. The proposed openings in the sandstone walls surrounding the site are to be made in accordance with the sketches provided in the Heritage Impact Assessment report submitted with the development application. These drawings are to be included in amended development application drawings submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

54. A Schedule of Conservation Works for the existing boundary and retaining walls on the site shall be prepared in accordance with the principles embodied in the Australia ICOMOS *Burra Charter* and the methodology outlined in J.S. Kerr's *The Conservation Plan*. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

**Security Deposit**

55. The following damage / civil works security deposit requirement must be complied with, 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*:

- \$15000.00 - 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.

56. Prior to lodging a Construction Certificate Application the applicant must submit to Council for approval, and have approved, a Car park Management Strategy. As a minimum the strategy shall include details on how access to visitor spaces is to be provided, staff parking allocations and measures designed to restrict visitor vehicles to times outside of peak road network times. The strategy shall be prepared in consultation with Council's Development Engineer Coordinator and the approved strategy must form part of the development's operational plans.

**Electricity Substation**

57. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (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.

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

#### **Protection of Street Trees**

59. In order to ensure retention of the existing street trees on the Daintrey Crescent verge, against the heritage listed sandstone wall, being from south to north, just to the northeast of Tree 5, two *Banksia serrata* (Saw Toothed Banksia's), and two *Banksia integrifolia* (Coastal Banksia's), and then further to the north, the group of three semi-mature natives, comprising a *Eucalyptus robusta* (Swamp Mahogany), a *Corymbia gummifera* (Red Bloodwood) and a *Corymbia maculata* (Spotted Gum) in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of these seven street trees, with the position and diameter of their trunks and canopies to be clearly shown on all drawings.
- b. These two groups of trees must each be physically protected by installing 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their north and south (measured off the outside edge of their trunks at ground level), matching up with the footpath to their east, and the sandstone wall to their west, in order to completely enclose both groups for the duration of works.
- c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until

this area is being re-landscaped (refer to Public Domain condition), to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".

- d. The applicant is not authorised to perform any works to these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- e. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- f. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these trees.

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

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

#### **Tree Retention**

60. The following 29 trees identified for preservation in the Pre-Development Tree Report by Stuart Pittendrigh, dated June 2012 ("the Arborists Report"), must be retained as part of the proposed development, being:

- a) **Trees 1-3 & 9-10:** *Ficus rubiginosa* (Port Jackson Figs), 8-29m x 6-25m;
- b) **Tree 8:** *Ficus macrophylla* (Morton Bay Fig), 16m x 17m;

- c) **Tree 15:** *Ficus macrophylla* (Morton Bay Fig), 24m x 30m (located on adjoining Brigidine site);
- d) **Trees 16-18:** *Phoenix canariensis* (Canary Island Date Palms), 8-15m x 5-7m (located on adjoining Brigidine site);
- e) **Tree 22 & 24:** *Ficus macrophylla* (Morton Bay Fig), 18m x 25m;
- f) **Tree 33:** *Ficus rubiginosa* (Port Jackson Fig), 18m x 23m;
- g) **Tree 34:** *Araucaria cunninghamii* (Hoop Pine), 22m x 7m;
- h) **Tree 35:** *Strelitzia nicholii* (Giant Bird of Paradise), 9m x 2.5m;
- i) **Tree 36:** *Ficus macrophylla* (Morton Bay Fig), 20m x 26m;
- j) **Tree 38:** *Ficus macrophylla* (Morton Bay Fig), 18m x 32m;
- k) **Tree 39:** *Catalpa bignonioides* (Indian Bean Tree), 9m x 7m;
- l) **Tree 40:** *Ficus macrophylla* (Morton Bay Fig), 10m x 12m;
- m) **Tree 41:** *Lophostemon confertus* (Brush Box), 8m x 9m;
- n) **Tree 42:** *Ficus rubiginosa* (Port Jackson Fig), 18m x 20m;
- o) **Tree 43:** *Eucalyptus punctata* (Grey Gum), 16m x 15m;
- p) **Tree 44:** *Jacaranda mimosifolia* (Jacaranda), 7m x 9m;
- q) **Tree 46:** *Eucalyptus botryoides* (Bangalay), 12m x 9m;
- r) **Tree 72-73:** *Banksia integrifolia* (Coastal Banksias), 11m x 5-9m;
- s) **Tree 78:** *Raphiolepis umbellata* (Indian Hawthorn), 9m x 9m;
- t) **Tree 83:** *Ficus macrophylla* (Morton Bay Fig), 18m x 12m.

#### **Tree Protection Measures**

61. Generally, the requirements of Section 4 – Tree Protection Measures, from AS4970 – 2009 – Protection of Trees on Development Sites, must be complied with at all times, together with the particular measures described in the Comments/Recommendations contained in Appendix C of the Arborists Report.
62. Due to the large quantity and high significance of the heritage trees at this site, a separate, site specific Arboricultural Impact Assessment Report, prepared by the site Arborist, must be submitted to, and be

approved by, Council's Director of City Planning, prior to the issue of a Construction Certificate, and will need to detail the following:

- a) Tree number, species and location (must correlate with the Arborists Report);
  - b) A detailed description of the works that pose a threat;
  - c) TPZ, SRZ and % of expected encroachment;
  - d) The site specific measures or recommendations that need to be implemented to minimise impact and ensure their survival, including sympathetic construction techniques and similar;
  - e) A program for critical inspections throughout the course of works, as well as any other measures that may be needed to ensure their preservation.
63. The trees listed for retention must be protected in accordance with the approved Impact Assessment Report.

#### **Street Tree Removal**

64. The applicant must submit a payment of **\$638.00** (including GST), being for Council to remove the existing *Eucalyptus nicholii* (Willow Leafed Peppermint) located about halfway along the length of the Daintrey Crescent verge, due to its poor condition, as well as to accommodate new street trees and associated landscaping and planting along this frontage

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

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of this street tree prior to the commencement of site works.

#### **Building Sustainability Index**

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

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

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

### **Building Regulation and Construction Management**

66. 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.
67. 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.*

68. A report or written correspondence from a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, confirming the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.
69. A report shall be prepared by a *professional engineer* and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**. A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

### **Access & Facilities**

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

#### **E. PRIOR TO ANY WORK COMMENCING ON THE SITE**

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

71. Should the height of any temporary structure and/or equipment be greater than 110.10 metres AHD), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

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

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

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

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

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

For further information on Height Restrictions please contact Ms Michael Turner on (02) 9667-9218.

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

The height of the prescribed airspace at the site is approx. 112 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

### **Bird and Obstacle Hazard Management**

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

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

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

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

### **Heritage Protection**

72. Details of any service penetrations or other works which may affect Council's sandstone and brick retaining walls along Coogee Bay Road, adjacent to the northern boundary of the site are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to commencement of such works.

### **Construction Traffic Management**

73. 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 St Pauls Street 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.

74. 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
75. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

### **Civil Works**

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

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

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

#### **Public Utilities**

77. 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.

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

#### **Landscaping & Environmental amenity:**

79. Landscaping at the site is to be installed substantially in accordance with the Landscape Plans by Habitation, dwg L01 – 10, project 11\_041, issue D, dated 10.07.12, subject to the following requirements being shown on amended plans:
- a. The landscape plans must be updated to accurately reflect exactly which trees are proposed for removal and retention, as is shown on the Tree Assessment Plans by PTW, sheets 1-3, dwg A-DA-74, revision A, and as described in these conditions;
  - b. At least five (5) native tree species (minimum of 200 litre pot/bag size at the time of planting) that will achieve larger dimensions than the Tuckeroo's & Blueberry Ash's that are currently shown, must be incorporated into the deep soil zones of the design, both to compensate for the loss of established canopy cover, as

well as succession planting for when the oldest and largest trees decline at some stage in the future, and are to be selected from the following short list:

- *Araucaria heterophylla* (Norfolk Island Pine)
  - *Araucaria columnaris* (Cooks Pine)
  - *Ficus macrophylla* (Morton Bay Fig)
  - *Ficus ribiginosa* (Port Jackson Fig)
  - *Angophora costata* (Sydney Red Gum)
  - *Ceratopetalum apetalum* (Coachwood)
  - *Agathis robusta* (Kauri Pine)
- c. These species are to be strategically located and selected so as to maximise screening of the built forms along street frontages and for adjoining properties;
- d. A minimum of two (2) trees meeting the criteria described in point 'b' above must be installed around the northeast corner of the site, on either side of the building fronting Coogee Bay Road, so as to assist with its integration into the streetscape and the natural topography of the site;
- e. A lush under-storey including additional screening and feature species shall also be incorporated into the area described in point 'd' above, so as to soften the appearance of this part of the development on the public domain;
- f. All new trees must be installed a minimum of 2.5m from any physical, above ground parts of the new buildings;
- g. A dense collection of species (trees or palms) with upright, compact and narrow forms, that will achieve a mature height of 10m or more, must be provided along the western site boundary, in the deep soil areas adjacent to Trees 15-18, so to maximise screening of the new building when viewed from the neighbouring Aeolia House;
- h. Plant schedules must be developed for each area or level of the site, showing proposed species and quantities/densities;
- i. At least six (6) advanced (minimum 2.5m trunk height at the time of planting) *Livistona australis* (Cabbage Palms) must be planted within the proposed outdoor café space/colonnade/playground area, so as to compensate for the loss of Tree 11 which cannot be transplanted, and are to be provided either in a straight line to accentuate the pathway, or; in a grove arrangement within the adjoining garden areas;
- j. Where necessary, bank stabilisation measures shall be incorporated into the landscape works for the northern, sloping

section of the site, so to minimise erosion, and must include ground covers and native under-storey species to assist with binding of the soil.

#### **Proposed Transplanting**

80. While the submitted Landscape Plans & Arborists Report nominate three existing trees to be transplanted elsewhere within the site, being Tree 11, a mature *Washingtonia robusta* (Washington Palm), which has been incorrectly identified as a native Cabbage Palm, Tree 12, a *Phoenix canariensis* (Canary Island Date Palm), and Tree 25, a *Phoenix roebelinii* (Dwarf Date Palm), Council does not support this given the low success rate of such a process on similar projects in the past, particularly given the susceptibility of some of these species to *Fusarium* wilt, and shall instead be removed and replaced with appropriate species as described in the Tree Removal and Landscaping conditions.

#### **Site Arborist**

81. Prior to the commencement of any site works, the PCA must ensure that a professional Arborist who holds a minimum of AQF Level 5 in Arboriculture, and is also a registered member of a nationally recognised organisation/association (*"the Site Arborist"*), has been engaged for the duration of works for the purpose of establishing, monitoring and implementing Tree Protection Zones or Tree Protection Measures as necessary, as well as performing or supervising any works that may have a direct or indirect impact on those trees listed for retention in this consent, with all site staff to comply with the instruction given by the 'site Arborist'.
82. All direct and indirect works related to trees on this site can only be performed by, or under the direct supervision of, the site Arborist.

#### **Public Domain Plans**

83. 60. The applicant shall meet all costs associated with upgrading the St Pauls Street site frontage in accordance with Council's Urban Design Elements Manual for The Spot Commercial Centre. All works carried out on Council property, must be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the St Pauls Street frontage showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, signage, the sub-station and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.

The applicant must also meet the cost for upgrading the Daintrey Crescent and Coogee Bay Road frontages, and will involve some of the existing vegetation on the verges/footpaths being removed (refer also Street Tree Removal conditions) and replaced with new, evenly

spaced street trees and mass planted, low growing, low maintenance native grass type species along the length of both frontages. A separate plan for these two frontages shall also be submitted as described above, and will need to indicate proposed species, densities/quantities, pot sizes, and new garden soil and mulch.

Council's Co-ordinator Open Space Assets (9399-0911) and Landscape Architect (9399-0543), can be contacted prior to preparation of the St Pauls Street frontage plan to obtain more detailed, site specific landscape design requirements, with Council's Landscape Development Officer (9399-0613) to be consulted regarding re-landscaping of the Daintrey Crescent and Coogee Bay Road frontages.

Following approval of the streetscape plans; and prior to commencement of the streetscape works on Council property, the applicant will also need to liaise with Council's Pre-paid Works Designer (9399-0922), regarding scheduling of work including Council inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect, landscape Development Officer and Pre-paid Works Designer, prior to the issue of a Final (or any type of Interim) Occupation Certificate.

## **Services**

84. 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](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

## Construction Management

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

85. **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.

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

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

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

88. 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**.

89. 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. *dwelling, 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.**

90. 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.*

91. 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.

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

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

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

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

consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

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

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

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

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

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

#### **Hazardous Materials**

95. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance

with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Climate Change / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

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

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

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

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

97. The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the

Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

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

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

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

#### **Certification and Building Inspection Requirements**

99. Prior to the commencement of any building or fit-out works, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- a) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- b) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- c) at least two days notice must be given to the Council, in writing, prior to commencing any works.

## **F. DURING CONSTRUCTION WORKS**

The following conditions are applied to ensure protection of heritage significance:

100. The existing low sandstone retaining wall to the St Pauls Street boundary of the site is to be reconstructed to either side of the central entry, on the new boundary line, to match as closely as possible the existing wall in terms of arrangement and jointing of sandstone blocks. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the reconstruction works, to ensure use of technically sound and appropriate construction methods.

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

**Road/Asset Opening Permit**

101. 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 day's 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.

#### **Traffic Management**

- 102. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 103. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
- 104. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 105. 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.

106. 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.

107. 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.

#### **Public Walkway**

108. The applicant will be required to incorporate the use of environmentally friendly, recycled materials for the publicly accessible walkway proposed throughout the centre of the site, between Daintrey Crescent and Coogee Bay Road, and must be elevated on localised pads for the area beneath the Fig Trees within 'The Grove', with details confirming compliance to be provided to the PCA.
109. Interpretative signage incorporating photos and written descriptions which explain the history of the site and the connection of the Fig trees within 'The Grove' are to be located at strategic points along the length of the walk as an educational resource for occupants and members of the public.

#### **Street Tree Removals**

110. Approval is granted for the applicant to remove and dispose of (at their own cost) those smaller shrubs and trees on the public verges that have either self-seeded or have been planted by residents, not Council, so as to accommodate the new landscaped frontages described in the Public Domain condition, and includes on the Daintrey Crescent verge, from south to north, two small *Nerium oleander* (Oleanders), a *Fraxinus griffithii* (Evergreen Ash) and various shrubs and Oleanders adjacent 2 Daintrey Crescent, and then on the Coogee Bay Road frontage, the various *Olea europaea. subsp. Africana* (Wild Olives), with the applicant needing to satisfy themselves as to the location of all site services, prior to the commencement of any works on public property.

#### **Pre- Clearance Survey**

111. Prior to commencing any tree pruning or removal works, the PCA must ensure that a qualified ecologist has been engaged to perform a pre-clearance survey of the site so as to formally identify those trees,

ground logs or site features that are bearing hollows or similar, and may be potential habitats or nests for native fauna, and must be performed in accordance with the Recommended Mitigation Measures described in point 5.2.4 of the Flora & Fauna Assessment by Cumberland Ecology, dated July 2012.

112. Where such trees are to be pruned or removed, they must firstly be tagged or marked, then shaken gently by machinery to encourage any animals to leave. Sections are to be removed incrementally (not clear felled or dropped to the ground from a height), and must then be left at the base of the tree overnight to allow any animals a chance to relocate, with these measures to be performed by, or under the supervision of, the site ecologist.

#### **Pruning of Retained Trees**

113. Due to the large quantity and high significance of the heritage trees at this site, where the pruning of those trees listed for retention is sought so as to avoid damage to the trees or interference with the works, a separate Arboricultural Impact Assessment Report, prepared by the site Arborist, must be submitted to, and be approved by, Council's Director of City Planning, prior to commencing any pruning works, and will need to specifically detail the following:
  - a. Tree number, species and location (must correlate with the Arborists Report);
  - b. A description of what is sought to each tree, where and why;
  - c. Estimation of % of total canopy cover of each tree;
  - d. Photographic surveys showing likely impacts on habit, form, health and condition.
114. All pruning must be performed in accordance with the approved Report, only by the site Arborist, as well as to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998). This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
115. At least 5 working days prior to commencing any pruning works, the site Arborist must contact Council's Landscape Development Officer on 9399-0613 to arrange a joint site inspection to confirm the exact location and extent of pruning that will be performed.

#### **Weed Eradication**

116. The PCA must ensure that a qualified bush regenerator has been engaged to perform the physical removal of those environmental and noxious weeds that are present throughout the site, and must be

performed in accordance with accepted industry best practice guidelines.

#### **Tree Removals**

**Note: All tree pruning and removals must also be undertaken in accordance with the requirements described in the 'Pre-Clearance' condition.**

117. Those 24 trees identified in the Pre-Development Tree Report by Stuart Pittendrigh, dated June 2012, as being **exempt from the provisions of Council's Tree Preservation Order** due to either their small size, being undesirable species, or, due to being dead/dying diseased or dangerous can be removed as part of the works, including (almost exclusively Wild Olives and already dead trees):
  - a) **Trees 19, 27, 31-32, 37, 45, 47, 52-53, 55-57, 59, 62, 64, 67-69, 71, 76, 79, 80-82.**
118. While shown for transplanting on the Landscape Plans and Arborist Report, this is not supported by Council (refer also Proposed Transplanting condition), with the following three trees able to be removed and replaced as per the new landscaping and landscape conditions:
  - a) Tree 11, a mature *Washingtonia robusta* (Washington Palm), which has been incorrectly identified as a native Cabbage Palm;
  - b) Tree 12, a *Phoenix canariensis* (Canary Island Date Palm), and;
  - c) Tree 25, a *Phoenix roebelinii* (Dwarf Date Palm).
119. Approval is also granted for removal of the following 25 trees identified in the Pre-Development Tree Report by Stuart Pittendrigh, dated June 2012, as despite being covered by the TPO, will be in **direct conflict with the works and will sustain major, negative impacts**, being:
  - a) **Tree 4**, *Pinus radiata* (Monterey Pine): average condition, exotic, not a rare or endangered species;
  - b) **Tree 5**, *Pinus pinea* (Stone Pine): fair condition, exotic, not a rare or endangered species;
  - c) **Tree 6**, *Eucalyptus botryoides* (Bangalay): fair condition, not a rare or endangered species;
  - d) **Tree 13**, *Ficus macrophylla* (Morton Bay Fig): fair condition, basal wound, not a significant example of the species at this particular site;
  - e) **Tree 20**, *Pinus pinea* (Stone Pine): poor health and condition,

declining vigour, short life expectancy, unsafe;

- f) **Tree 21**, *Ficus macrophylla* (Morton Bay Fig): poor health and condition, declining vigour, short life expectancy, unsafe;
- g) **Tree 23**, *Eucalyptus acmenoides* (White Mahogany): average condition, not a rare or endangered species;
- h) **Tree 26**, *Grevillea robusta* (Silky Oak): fair condition, not a rare or endangered species, suppressed, structure and form modified by pruning;
- i) **Tree 28**, *Raphiolepis umbellata* (Indian Hawthorn): fair condition, shrub, exotic, borderline environmental weed;
- j) **Tree 29**, *Grevillea robusta* (Silky Oak): fair condition, not a rare or endangered species, deadwood, dieback and storm damage;
- k) **Tree 30**, *Lophostemon confertus* (Brush Box): average condition, co-dominant stems, suppressed, invaded/choked by climber/vine;
- l) **Tree 48**, *Eucalyptus sclerophylla* (Scribbly Gum): fair condition, not a rare or endangered species, co-dominant stems, deadwood, dieback and storm damage;
- m) **Trees 49-51**, *Glochidion ferdinandii* (Cheese Trees): all three in poor health and condition, declining vigour, short life expectancy, unsafe;
- n) **Tree 54**, *Pittosporum undulatum* (Native Daphne): fair condition, not a rare or endangered species, small branch and twig dieback, distinct lean to the north;
- o) **Tree 58**, *Glochidion ferdinandii* (Cheese Tree): good condition, typical form and structure, epicormic growth;
- p) **Tree 60-62**, *Glochidion ferdinandii* (Cheese Trees): all in poor to fair condition, small branch and twig die back, suppressed, epicormic growth, structure and form modified by pruning;
- q) **Tree 63**, *Pinus pinea* (Stone Pine): fair condition, deadwood and die back, thinning crown;
- r) **Trees 65**, *Pittosporum undulatum* (Native Daphne): good condition, naturalised weed species;
- s) **Tree 66**, *Xylomelum pyrifforme* (Woody Pear): fair condition, small branch and twig die back, not a rare or endangered species;

- t) **Tree 70**, *Xylomelum pyriforme* (Woody Pear): good condition, typical form and structure;
- u) **Tree 74**, recently felled *Banksia integrifolia* (Coastal Banksia).

#### **Environmental Amenity and Public Health**

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

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

121. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Council, upon request.

122. Any new information which is identified during construction works that has the potential to alter previous conclusions about site contamination shall be notified to the environmental consultant and Council immediately in writing.

The written concurrence of the environmental consultant and Council must be obtained prior to implementing any changes to the accepted strategy for dealing with land contamination.

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

123. 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.

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

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

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

126. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

- i) A 'B Class' overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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

- j) If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any

public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- k) The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- l) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

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

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

Dust control measures and practices may include:-

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

## Hazardous Materials

130. 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 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - b) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
  - c) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
  - d) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of any asbestos related works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.
131. 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.
132. A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number)

and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

133. Any hazardous and/or intractable wastes arising from any demolition, excavation, building and any remediation works are to be managed and disposed of in accordance with the requirements of Work Cover NSW and the Department of Environment and Climate Change (formerly EPA), including the provisions of:
- New South Wales Occupational Health and Safety Act, 2000
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - Protection Of the Environment Operations Act 1997 (NSW)
  - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)
  - Randwick City Council's Asbestos Policy

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

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

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

##### **Council's Infrastructure, Vehicular Crossings & Road Openings**

135. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site. The driveway will be located to minimise the loss of on-street parking spaces to Council's satisfaction.
  - b) Make alterations to existing signage and linemarking as required in St Pauls Street.
  - c) Install any new signage required along the St Pauls Street, Daintrey Crescent and Coogee Bay Road street frontages.
  - d) Remove any redundant concrete vehicular crossing and layback and to reinstate the area to Council's specification.
  - e) Reconstruct the concrete footpath along the full Coogee Bay Road site frontage.

- f) Reconstruct the concrete footpath along the full Daintrey Crescent site frontage, (including the replacement of any damaged sections of kerb and gutter).
  - g) Remove the existing footpath and sandstone retaining wall in St Pauls Street and to construct a new full width footpath along the St Pauls Street site frontage, in accordance with Council's Urban Design Guidelines for "The Spot", Randwick Commercial Centre.
  - h) Carry out any alterations to the existing civil infrastructure in St Pauls Street as required by the Manager Integrated Transport in the construction of the vehicular crossing..
136. 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.
137. 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 an occupation certificate being issued for the development, 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.
138. 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.

### **Service Authorities**

#### **Sydney Water Requirements**

139. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate* or *Subdivision Certificate*, whichever the sooner.

140. The applicant shall meet the full cost for the overhead power lines and telecommunication cables located along the Daintrey Crescent and/or St Pauls Street and / or Coogee Bay Road site frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

#### **Stormwater Drainage**

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

#### **Notes:**

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being

executed by Council.

142. 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).

143. 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.

144. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification 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.

#### **Landscape Certification**

145. Written certification from a qualified Landscape professional (must be a registered member of AILA or AILDM) confirming compliance (and referencing) the relevant measures and conditions of consent, must be submitted to, and be provided by, the PCA, prior to the issue of a Final Occupation Certificate.

#### **Arborist Certification**

146. Written certification from the site Arborist confirming compliance (and referencing) the relevant measures and conditions of consent, must be submitted to, and be provided by, the PCA, prior to the issue of a Final Occupation Certificate.

### **Ecologist Certification**

147. Written certification from the site Ecologist confirming compliance (and referencing) the relevant measures and conditions of consent, must be submitted to, and be provided by, the PCA, prior to the issue of a Final Occupation Certificate.

### **Waste Management**

148. 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.
149. The waste storage areas shall be clearly signposted.

### **Food Safety**

150. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, to confirm that the design and construction of the *food business* satisfies the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to issuing an Occupation Certificate.
151. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

### **Environmental Amenity**

152. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all plant and equipment) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded to the Council with or prior to the issue of an occupation certificate.

### **Public Health and Safety**

153. Hairdressers and Beauty Salons must comply with the relevant provisions of the *Public Health Act 2010* and *Public Health Regulation 2012* and *Local Government (General) Regulation 2005*.

The premises must be registered with Council and the approved registration/inspection fee is to be forwarded to the Council **prior to commencing business operations**.

154. Legionella Control – cooling towers, warm water systems and water cooling systems must be installed and operated in accordance with the

provisions of the *Public Health Act 2010*, *Public Health Regulation 2012* and Australian Standard, AS 3666 at all times.

Upon installation and **prior to issuing an occupation certificate** for the development, certification and details of compliance with the abovementioned requirements, prepared by a suitably qualified and experienced person, must be provided to Council's Health Building & Regulatory Services Department

The premises must be registered with Council together with payment of the approved fee, **prior to the use or operation of the system**.

155. The swimming pool must be registered with the Council and the relevant Registration Form is to be completed by the operator and together with the appropriate fee, is to be forwarded to the Council **prior to issuing any occupation certificate** for the development.

156. A Plan of Management (PoM), prepared with the advice of an independent, suitably qualified and experienced consultant in acoustics, shall be submitted to and approved by Council prior to issue of an occupation certificate, which details the measures to be implemented to:

- ensure compliance with the relevant conditions of approval,
- ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
- minimise the potential environmental and amenity impacts upon nearby residents,
- effectively minimise and manage anti-social behaviour,
- effectively manage and respond to resident complaints,

The Plan of Management shall include, but not necessarily be limited to, the following information and control measures:

- Details of the role and responsibilities of an on-site manager including: daily operation and administration, cleaning, compliance with the Plan of Management and emergency management (e.g. fire evacuation).
- Information relating to staffing arrangement, including the location and 24-hour contact details of the site manager / caretaker.
- Measures to ensure proper maintenance and monitoring of cleanliness of all common areas.
- Time restrictions on the use of outdoor common areas within the development such as the roof top BBQ area.

157. 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.

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

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

159. **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.
160. **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*.

161. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to an occupation certificate being issued**, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved structural design documentation.
162. Prior to the issuing of an occupation certificate (final or interim) the applicant shall create a suitable right of carriageway over the proposed

internal public walkway to ensure access rights for the general public. The applicant must liaise with Council regarding the terms of the right of carriageway prior to preparation of the instrument creating the right of carriageway.

## **H. ADVISORY**

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Food Act 2003, Food Safety Standards or Building Code of Australia (BCA).

All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.

- A2 The design and construction of the premises must satisfy the requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).

- A3 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

- A4 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A5 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.

- A6 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

- A1 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities:-

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

A3 The following advisory conditions as typically recommended by the NSW Police for seniors housing apply in order to minimise crime risk in the development:

- a) Lighting which has been designed to the Australian Standard should be installed in and around the proposed development. The light (lux) levels should be commensurate with a Moderate crime risk rating. Uniform lighting distribution should cover the entire property. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158 <http://www.standards.org.au>. The objective of lighting should be to deny criminals the advantage of being able to operate unobserved.
- b) Luminaries (light covers) should be designed to reduce opportunities for malicious damage (vandalism). Lighting needs to be checked on a regular basis to ensure that it is operating effectively. The lighting sources should be compatible with requirements of any closed circuit television system installed. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the development.
- c) A monitored intruder alarm system which complies with the Australian Standard – Systems Installed within Clients Premises, AS:2201 <http://www.standards.org.au> should be installed within the premises to enhance the physical security and assist in the detection of unauthorised entry to the premises. This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.
- d) Detection devices should be strategically located throughout the premises to detect any unauthorised access. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
- e) Entry points to foyers and lifts should be supervised naturally with the use of capable guardians, neighbours, caretakers and supervisors; this can minimize the risk of criminal activity.

- f) The use of internal mirrors in the underground parking facilities improves lines of sight and increase surveillance.
- g) A balance between privacy and security should be considered with the use of visually permeable fences. Slatted fences, dark in colour, can increase natural surveillance by others as opposed to fences which are light in colour and reflective.
- h) Warning signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. "Warning, trespasser will be prosecuted." "Warning, these premises are under electronic surveillance."
- i) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.
- j) Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the property. Landscaping needs to be maintained on a regular basis to reduce concealment opportunities. Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling your building.
- k) Workers should be used to supervise spaces within and around the building. This encourages formal guardianship and is more effective than natural surveillance from others who walk by. Formal guardianship increases the chances of the offender being seen and apprehended.
- l) Signs should be used at entry-exit points and along access points to assist residents in finding their way. This is an important consideration for large multi-level buildings. Signs should be clear, legible and positioned in an easily sighted area. This can reduce the vulnerability of residents and can lower opportunities for crime.
- m) Fences should be installed around the perimeter of the development to clearly define the property boundaries and restrict access to the property. Optically permeable (open design) should be considered to increase surveillance and reduce concealment opportunities. Fences and gates should be maintained in good condition and should be checked regularly to assist with the protection of your property. Gates of similar construction to the fence should be installed to control access to and from the property. Gates should be secured with quality locks which comply with the Australian Standards, Lock Sets, AS:4145 to restrict access.

- n) The doors and door-frames to these premises should be of solid construction. These doors should be fitted with locks which comply with the **Australian Standard – Mechanical Locksets for doors in buildings, AS:4145** <http://www.standards.org.au> to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
- o) The windows and window-frames to these premises should be of solid construction. These windows should be fitted with locks which comply with the **Australian Standard – Mechanical Locksets for windows in buildings, AS:4145** <http://www.standards.org.au> to restrict unauthorised access. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical windows, such as a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
- p) Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass, or by having quality metal security grilles or shutters installed to restrict access.
- q) Underground parking spaces should have vehicle and pedestrian control systems installed. Residents can be encouraged to access such spaces through the building's interior which minimizes opportunities for vehicles to be stolen or for offenders to entrap others. Such spaces can be planned to minimize obstruction.

Studies show: crime such as assaults, break-ins and vandalism occur more commonly in areas joined to uncontrolled walkways. Safe routes encourage pedestrians to use designated paths; consider the use of low barrier vegetation, bright / even lighting, and side / even paving. These paths encourage natural surveillance and minimize the