

**JOINT REGIONAL PLANNING PANEL
(SYDNEY-EAST REGION)**

JRPP No.	2016SYE084
DA No.	DA/333/2016
Street Address	90-98E Rainbow Street, Randwick, NSW, 2031
Applicant	NSW Department of Education
Owner	Minister for Education and Training
Number of Submissions	1
Recommendation	Approval
Report By:	Matthew Choi

1. EXECUTIVE SUMMARY

Council is in receipt of a staged development application for a concept proposal and Stage 1 DA for works to enlarge the Randwick Public School including demolition of Block 4 at the adjacent Open High School, part of Block 3 and demountable classrooms, expansion of open space and sports facilities, construction of new three storey multi-purpose building, refurbishment of Block A and Block 1. The proposal also includes an increase in the number of students to approximately 1000 students and 53 staff.

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 relates to crown development has a capital investment value in excess of \$5 million.

In accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012, the subject site is a listed heritage item (reference number I266) and described as 'Randwick Public School (c. 1924) and Randwick North High School (1886)' and located within the St. Judes Heritage Conservation Area. Further, the subject site immediately adjoins heritage items to the east including the Randwick Fire Station (reference number I453) and the Randwick Town Hall (reference number I375).

The subject application was publicly exhibited, advertised within the local newspaper and site notification attached to the subject premise as per the requirements of the Randwick Development Control Plan 2013 (RDCP2013) for Public Notification. The application was formally notified between the periods on the 8 June 2016 to the 22

June 2016 with one submission received at the conclusion of the notification period. No submissions have been received.

The development application is required to be referred to the Roads and Maritime Services (RMS) in accordance with the SEPP (Infrastructure) 2007. As per Schedule 3: Traffic generating development to be referred to the RTA, the proposal includes an increase in the student numbers by more than 50 students and therefore a referral is required from the RMS. No objections were received from the RMS.

The subject site is zoned SP2: Infrastructure under the Randwick Local Environmental Plan 2012. The purpose shown on the land zoning map includes "Educational Establishments" as a permissible form of development. The Stage 1 DA will maintain the existing use of the development as an 'educational establishment' and therefore is a permissible form of development.

The development scheme as part of the Stage 1 works includes the construction of a new three storey multi-purpose building located on the northern portion of the site and is immediately adjacent to the existing Blocks A and D. The building incorporates a skillion roof pitch with a maximum RL92.3 and will commensurate with the height of adjoining building blocks which contain an RL91.82 and 91.77 when measured from the main ridge to Blocks A and D, respectively. The proposed development will not appear out of scale or excessive in visual bulk within the local site context.

The new multi-purpose building incorporates a 'special programs' use at the ground floor level with 'homebase' facilities at the first and second floor levels of the building. Other works include the partial demolition of Block C with new 'staff' areas, amenities and covered outdoor learning area and new forecourt areas, landscaping and central play space between Blocks A, C, 1 and the new multi-purpose building. Block E comprises of an existing hall extension and Block A with new provisions for amenities.

In terms of environmental impacts, the new building block will not contribute to any additional overshadowing to adjoining premises. The proposed development is expected to shadow itself and shadows will fall primarily on the central landscaping area and play space. During the morning period the shadow cast from the proposed building will fall on the east facing window openings of the ground floor library and in the afternoon the shadowing will fall primarily on the forecourt area directly to the east and the north-western portion of 'Block 1'. Visual privacy is acceptable given the neighbouring buildings on the opposite side of Cowper Street are significantly separated from the new building block and will not contribute to any additional visual privacy impacts to the neighbouring premises.

The Stage 1 development application provides a framework for future development at the Randwick Public School including building envelope, uses and student numbers. The proposal will not contribute to any adverse impacts to the neighbouring premises and the building bulk will remain compatible with the character of the adjoining buildings. Consequently, the development is recommended for approval, subject to conditions.

It should be noted that at the time of preparation of the JRPP Report a response was yet to be received from The Department of Education with respect to the draft

conditions of consent as required under Section 89(1)(B) of the Environmental Planning and Assessment Act, 1979

2. DESCRIPTION OF SUBJECT SITE AND LOCALITY

The subject site is located at no. 90-98E Rainbow Street, Randwick and is formally known as Lot 1738 DP48445. The subject site consists of a single street frontage fronting Rainbow Street and an overall site area of approximately 18,030sqm.

Topographically, the subject site is relatively flat with a fall of approximately 690mm from east to west along the Rainbow Street frontage of the subject site. The site also consists of a relatively minor fall from north to south by approximately 3.14 metres (as measured from the Cowper Street frontage to the rear of the allotment).

The immediate context of the subject site comprises of a mixture of public recreation spaces, infrastructure development, low density residential development and the Newmarket Green to the rear of the subject site. To the east is the Randwick Boys High School and the Rainbow Street Child Care Centre; to the west is Paine Reserve; to the north (rear) is an existing heritage item of the Big Stable Newmarket building (heritage item reference no. I458 and listed as state heritage significance) and proposed seven storey residential flat development (as part of DA/88/2016) and to the south include single and two storey detached dwelling houses.

In accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012, the subject site is a listed heritage item (reference number I437) and described as 'Rainbow Street Public School'. As advised above, the subject site immediately adjoins a heritage item to the north of the Big Stable Newmarket building (heritage item reference no. I458).

The building heights within the subject site vary in building height between single and three storeys in scale.



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 6.12: Development requiring the preparation of a development control plan of the Randwick Local Environmental Plan 2012 essentially addressing the requirements of a site specific DCP.
- b) Stage 1 development works to enable:
 - Site preparation including demolition of structures (including partial demolition of Block E and toilet blocks on the eastern side of Block A and full demolition of Blocks B, C, H, covered outdoor learning area, toilet block on the western side of Block A and covered walkways), removal of vegetation and excavation works.
 - New on-site detention and stormwater drainage systems
 - Increase in the number of students from 426 to approximately 1,000
 - Increase in the number of staff by 14
 - Ancillary uses and services including basketball courts, sports field and landscaped courtyard areas
 - Landscaping works including the removal of 26 trees, replacement trees, new grassed play areas and tree preservation.
 - Minor alterations and additions to Block A and the Hall.
 - Service and utility connections
- c) Stage 2 development works to enable:
 - Demolition works of Block D, E and F and demountable classrooms

The proposal includes three main buildings:

- i. The new Block B with a building depth of 20 metres, a width of 77.5 metres at two storeys in height with a maximum height of approximately 10.8 metres. The building block consists of classrooms and WC facilities.
- ii. The new Block C (excluding the attached WC facilities) with a building depth of 20 metres, a width of 22.5 metres at two storeys in height with a maximum height of approximately 8.73 metres. The building block consists of classroom facilities.
- iii. The new library (fronting Rainbow Street) with a building depth of 15 metres, a width of 24.5 metres at two storeys in height with a maximum height of approximately 11.49 metres. The building block consists of library and special program facilities.

Note: An additional amended plan has been received to increase the width of the existing driveway entrance to Rainbow Street.

4. HISTORY

Development Application no.	Proposal	Recommendation

PL/8/2016	Pre-DA for upgrades to Randwick Public School and Rainbow Street Public School	Advice provided: 11 May 2016
DA/7931/2010	Tree Works (Heritage Item)	Approved: 4 November 2010
DA/860/2009	Application to remove a tree	Approved: 7 January 2010
DA/1000/2007	Construction of covered play area and covered walkways at Rainbow Street Public School	Approved: 8 January 2008

5. NOTIFICATION AND ADVERTISING

The subject application is on public exhibition commencing 8 June 2016 to the 22 June 2016. One submission was received at the conclusion of the notification period with the main issues to the development which include the following:

- **206 Barker Street, Randwick**

Issues	Comments
The proposal is subject to further investigation of potential site contamination.	Council's Environmental Health Officer has reviewed the development application and included suitable conditions of consent with respect to potential contamination of the site including preparation of a remedial action plan, validation assessment, environmental management plan, hazardous material assessment and the implementation of the asbestos management plan.
The objector requests to view a model of the proposed development.	In accordance with the development assessment checklist an architectural model is only to be submitted if the proposed development is greater than 15 metres in building height. The proposed development is primarily of a two storey scale and subsequently a model is not required to be submitted as part of the development application. Suitable notification plans have been made for public viewing.
Children do not have the opportunity to provide a written submission to the development.	Any valid concerns raised in submissions are required to be considered by Council and will be addressed within the submissions section of this report.
The proposal does not provide for bicycle storage on the subject site.	Clause 4.2: Bike Parking Rates and Controls of Part B7 of RDCP 2013 do not specify a minimum bicycle parking provision as per the RDCP2013 for educational establishments. Therefore there is no minimum bicycle parking requirements to be provided. Nevertheless, a condition of consent has been included that bicycle storage be provided on the subject premises.

<p>The objector has raised concerns relating to the pick-up and drop-off areas and the additional traffic demand generated by the Newmarket Green development and the new Light Rail.</p>	<p>Noted. The proposed development provides for 24 timed restricted parking spaces between the hours of 8.30am – 9.30am and 2.30pm – 3.30pm, on school days, located in front of the subject premise and along Paine Reserve. The provisions for additional off-street parking within the subject premise does not represent a better planning outcome in that it will result in a reduction in the availability of outdoor recreational spaces and impacts areas where children can learn and play within an open space environment. Furthermore, conventional time restricted parking spaces fundamentally benefits vehicular traffic flows in that it reduces the amount of time taken for vehicles to look for a parking space.</p>
<p>Concerns regarding the construction of temporary demountable classrooms.</p>	<p>The construction of temporary demountable classrooms does not require Council consent in accordance with the State Environmental Planning Policy (Infrastructure)</p>

6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

6.1 Roads and Maritime Services

Reference is made to Council's letter dated 16 September 2016 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007.

Roads and Maritime has reviewed the submitted application and raises no objection to the Stage 1 Concept Works for Rainbow Street Public School.

6.2 Development Engineer and Integrated Transport Engineer

An application has been received for the above site for a concept proposal and Stage 1 DA for works to Rainbow Street Public School including refurbishment of heritage listed Block A, demolition of toilet block, demountable structures, single storey building facing Rainbow Street, 2 storey 1970s block and weather shed structure, construction of 3 new 2 storey buildings consisting of a library, 2 home base blocks, expansion of hall, link between Block A and library, link between Block A & Block B, landscaping sports courts and fields, car parking for 12 vehicles and pick-up and drop off. (Heritage Item).

This report is based on the following plans and documentation:

- Architectural Plans by TKD Architects dated May 2016;

- Statement of Environmental Effects by
- Stormwater Management report by Woolacotts
- Traffic Impact Assessment by Traffix dated 11th May 2016;
- Arboricultural Impact Assessment by BlueGum Tree Care & Consultancy, dated May 2016;
- Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016.

General Comments

The assessing officer is advised that the application is not supported by Council's Development Engineers and Department of Integrated Transport due to the lack of off-street vehicle parking and resulting impacts in the availability of on-street parking and traffic generation. The high parking deficiency in combination with the large pickup and drop-off zone/s will further increase parking pressures in a locality that is already experiencing a significant demand for on-street parking. The impacts should also be considered in the context of the nearby Newmarket development currently under assessment which is also likely to create additional traffic & parking pressures. Further detail on the parking & traffic issues is provided below in parking comments.

If the application is to be approved then Development Engineering would recommend significantly reducing student numbers.

RMS Comments

The assessing officer is advised under Schedule 3 (Traffic generating development to be referred to the RMS) in the SEPP (Infrastructure) 2007, educational establishments of 50 or more students require referral to the RMS.

As the subject application plans to increase student numbers by more than 50 a referral to the RMS is required.

The application also has potential to impact on parking and traffic movements on Rainbow Street which is classified as a state road. Referral to the RMS is also therefore likely required under this aspect as well.

An RMS response has now been received. No objections were raised.

PARKING COMMENTS

EXISTING SITUATION

The existing school is currently approved for 426 students with the submitted Traffic Report stating that 39 staff is currently employed at the school. This would generate a parking demand for 27 spaces under the DCP. As only 12 spaces are currently provided there is an existing parking deficiency of 15 spaces (55.6%) on the site.

This estimated deficiency is consistent with the traffic report's own survey of staff which on a sample size of 36 staff found that 77.8% arrived by motor vehicle with some staff car-sharing. As a result 63.9% of staff parked within the Rainbow St carpark while 36.1% were forced to park in the surrounding local streets.

It is therefore considered that the staff parking survey by Traffix confirms that the DCP parking rate of 0.7 spaces per staff member is an accurate estimate of staff parking demand for the subject site.

Pickup and drop-off is currently undertaken from the Rainbow Street frontage where there is unrestricted parking available apart from a bus stop/zone located immediately in front of the main admin building and a time restricted No parking zone closer to Avoca Street (for adjacent school). Council's Paine Reserve is immediately adjacent to the west of the site and there is some availability of on-street parking along the Paine Reserve frontage although this is not guaranteed and can be occupied by users of Paine Reserve.

The school does not currently implement any travel demand measures during the peak demands for the AM & PM school periods and there are no dedicated pick-up and drop-off zones on Rainbow Street.

Public Transport

The site is located close to bus routes 341 & 418 with regular and frequent services. It should be noted that the traffic report also indicates route 394 in close proximity to the site however this is incorrect and route 394 actually passes more than 500m away on Anzac Parade. It is not considered to conveniently serve the subject site and has not been considered in this assessment. There also appears to be many school bus routes which pass the site on Rainbow Street and also to the east on Avoca Street.

PROPOSED DEVELOPMENT

The application proposes to increase the number of students within the Rainbow St Public School from the current 426 approved to 1000 students, representing an increase of 574 students or 135%. Staff numbers are also proposed to increase from 39 to 53 being an increase of about 35.9%.

Section 3.2 Part B7 of the DCP includes the following clause:

Where development comprises an extension, modification or change of use to an existing development, Council will generally only require that additional parking be provided to cater for the additional demands arising from increases in floor space or changes in use.

Staff Parking

Part B7 of Council's DCP 2013 requires parking to be provided for schools at the rate of 0.7 spaces per staff member.

For the subject development, when just considering the parking demand generated by the 14 additional staff, 10 additional spaces would be required. When combined with the 12 existing spaces, Development Engineering would require a minimum total of 22 spaces to be provided on the site. This would maintain the existing parking deficiency of 15 spaces. To totally remove the staff parking deficiency altogether however, a parking provision of 37 spaces would be required.

The proposed development does not propose any additional off-street parking and will only maintain the existing parking provision of 12 spaces. The school will therefore be

relying on the surrounding availability of on-street parking to accommodate this demand. The staff parking deficiency being experienced by the school will increase from 15 to 25 spaces representing 67% of the numerical requirement required under the DCP. This is excessive and is not supported by Development Engineering.

The traffic report's only justification of the non-provision of additional parking is by referencing DoE policies and stating a commitment to Green Travel Plans. This is considered to be inadequate response to the significant parking shortfall. The report's own survey of staff indicates the DCP parking rate is representative of actual demand hence the additional parking burden of 10 spaces is realistic. It is considered the parking deficiency and has not been satisfactorily addressed.

The high parking deficiency in combination with the large pickup and drop-off zone/s will further increase parking pressures in a locality that is already experiencing a significant demand for on-street parking. This may result in large & unacceptable impacts on the surrounding availability of on-street parking although no parking survey has been submitted with the Traffic and Parking Assessment to determine this impact. The potential impacts should also be considered in the context of the nearby Newmarket development currently under assessment which is also likely to create additional traffic & parking pressures in the locality

Pickup and Drop-off Parking

There is no specific requirement in Council's DCP for the amount of spaces to be dedicated as a pickup and drop-off zones for schools. It is Council's preference that pickup and drop-off be provided within the school grounds however as acknowledged by Council's Transport Engineers the "lack of space makes this impractical".

A well-managed and signposted "kiss and drop" or other similar school drop-off/pick-up scheme will need to be provided on the north side of Rainbow Street and any effects on the local parking approved by Randwick Traffic Committee. The sheer scale of the increase in student numbers would necessitate careful management of this zone in an attempt to manage the expected significant increases in parking demand and traffic generation.

It is proposed to implement either a No Parking and/or pickup-drop-off restrictions between 8:30 -9:30am and 2:30-3:30pm (to match the restrictions outside the neighbouring school on Avoca Street). A total of 24 spaces are proposed for a timed pickup and drop-off zone on Rainbow Street. Appendix H of the submitted traffic and parking report indicates 11 of the spaces will be located along the site frontage (interrupted by the bus zone and carpark access). An additional 13 on-street spaces are proposed to the west on Rainbow Street in front of Paine Reserve. The total length of the timed restricted zone would be approximately 150m.

Additional proposed measures to manage the demand include:

- Deployment of supervisors to monitor parent duration within pickup-drop-off zones.
- Registration scheme to match student to approaching vehicle
- Staggering start & finish times
- Parent education

The extent of the proposed pickup and drop-off zone is significant and extends well beyond the site's frontage on Rainbow Street and across most of the frontage of the adjacent Paine Reserve. The traffic and parking assessment does not address if this will conflict with competing uses or the public enjoyment of Paine Reserve. No parking survey has been submitted with the Traffic and Parking Assessment which would be useful to determine how the proposed timed zone will affect the availability of on-street parking and impact on local residents and competing interests of Paine Reserve. This is considered to be a significant omission.

In the absence of a parking survey and in the context of the large parking deficiency, the 150m long timed pickup and drop-off zone Development Engineering is reluctant to support the proposal as it has not been demonstrated to the satisfaction of Council's Development Engineers that the proposed zone will not impact on competing uses of the adjacent Paine Reserve or public enjoyment of Paine Reserve. If the application is to be approved then consideration should be given to reducing student numbers.

Motorbike Parking

Council's DCP requires that motorbike parking be provided at the rate of 5% of the vehicle parking requirement resulting in a requirement for 0.5 say 1 spaces (0.05 x 10).

The submitted plans do not demonstrate compliance with this requirement however given the small size of the space required it is considered this can be conditioned in any consent. Given the severe shortfall in vehicle parking it is recommended that the motorbike parking provision be increased to a minimum of 3 spaces. A suitable clause has been included in this report.

Bicycle Parking

Council's DCP requires that bicycle parking be provided at the rate of 1 space per 10 vehicle spaces resulting in a total of 1 space (10/10). Given the severe shortfall in vehicle parking it is recommended that this be increased to a minimum of 5 spaces.

TRANSPORT ENGINEERS COMMENTS

The application was also forwarded to Council's Integrated Transport Department for comment. The following response was received by email dated 23rd August 2016.

Integrated Transport Assessment

It is proposed to redevelop the Rainbow Street Public School, increasing its capacity from 426 to approximately 1,000. There will also be an increase from 39 staff to 53 staff (14 more). There are 12 existing parking spaces. 15 spaces less than the DCP amount (0.7x39). For the 14 staff increase the development requires 10 additional spaces, bringing the total required for 53 staff to 37 spaces.

The applicant proposes 12 spaces, raising the parking deficit to 25 spaces (compared to the DCP requirements). Three of the spaces are to be designated as disability parking.

From the applicant's SEE, currently 77.8% of the 39 staff drive to work. That's 30 staff. Table 4 of the TIA states that 25 staff arrive in 24 vehicles (contradicting the 77.8% of

staff driving as stated in Table 2, but no matter). That means at least twelve vehicles park in the surrounding streets AT PRESENT.

It would be fair to assume (without any behavioural changes and ignoring the incongruences between the two tables) that 77.8% of 53 proposed staff will drive to work, for the most part in single occupancy. That's around 41 vehicles, 29 of which will need to find parking in the surrounding streets.

The applicant idyllically suggests that a workplace travel plan will solve the issues related to the parking deficit. Expecting staff, loaded with teaching aids and marking to use habitually use other forms of transport is unrealistic. The parking burden of this development will be borne by local on-street parking, in an area that already has high parking pressure.

It is recommended that the development provide parking on site for the TOTAL staff amount at per the Randwick DCP.

It is preferred that student drop-off/pick-up zones are located within the school grounds, but it is acknowledged that lack of space makes this impractical. A robust "kiss and drop" or other similar school drop-off/pick-up scheme will need to be provided and any effects on the local parking approved by The Traffic Committee.

Darren Price
Coordinator Integrated Transport
23/08/2016

In consideration of the relevant factors and above comments from Council's Integrated Transport department it is considered the lack of vehicle parking for staff cannot be supported by Development Engineering. The proposal will be adding to a significant on-street parking demand within the local street network which will be exacerbated further by the proposed 574 increase in student numbers.

The lack of additional parking for staff is not supported and prevents Development Engineering from supporting the application in its present form.

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

TRAFFIC COMMENTS

The RMS Guide to Traffic Generating Developments does not specify a traffic generation rate for schools. The submitted traffic report by Traffix contains details of extensive surveys to establish appropriate traffic generation rates and the following rates were determined;

265 vehicle trips (140 in; 125 out) during the AM peak period
217 vehicle trips (102 in ; 115 out) during the PM peak period

When applied to the proposed increase in student and staff numbers associated with this application the following traffic generation will result;

347 vehicle trips (178 in; 169 out) during the AM peak period

280 vehicle trips (137 in; 143 out) during the PM peak period

The traffic generation is significant and will noticeably impact on the performance of nearby intersections with the most significant being at the intersection of Paton Street and Rainbow Street (located directly opposite the subject site). where significant delays are expected. The intersection delay is expected to increase from 25.3 seconds to 64.4 seconds and level of service will deteriorate from Level B(current) to Level E.

Average delays at the intersection of Avoca Street and Rainbow Street (approx. 150m east of subject site) will increase from 128 seconds to 144 seconds with no change in the Level of Service (F)

Average delays at the intersection of Botany Street and Rainbow Street (approx. 160m west of subject site) will increase from 16.3 seconds to 20.1 seconds with no change in the Level of Service (B)

Average delays at the intersection of Rainbow Street and Anzac Parade (located approximately 730m west of subject site) will increase only marginally from 13.4 seconds to 13.5 seconds with no change in the Level of Service (A).

It should be noted that the submitted traffic modelling does not include any predicted changes in traffic flow likely to be created by the Light Rail project.

To address the increased traffic generation the traffic report proposes that 20% of the expected increase traffic flow is to be redistributed to Botany Street and Young Street with pickup and drop-off to be provided on the north side of the site within new streets associated with the New Market development. This would assist in alleviating any congestion in Rainbow Street.

The proposed completion of the new road network is likely to coincide with the full occupation of the school and an alternative pickup and drop-off zone is supported by Development Engineering however this change Development Engineering's position on the proposal.

Traffic impacts will be significant and the proposal will be relying on future access through the proposed Newmarket Development (which is currently before the L&E Court) to alleviate the expected congestion in Rainbow Street. If the application is to be approved then consideration should also be given to drastically reducing student numbers.

Flooding/Drainage Comments

There are a number of flow-paths that traverse the site generally flowing in a north south direction and converging near a localised low-point on Rainbow Street located near the eastern extremity of the site.

The proposed significant redevelopment of the site has the potential to increase surface runoff from the redeveloped portion of the site and contribute to flooding issues currently being experienced south of Rainbow Street.

Drainage Comments

The stormwater runoff from the redeveloped portion of the site must be discharged (by gravity) either:

- i. Directly to the kerb and gutter or drainage system in front of the subject site in Rainbow Street; or
- ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
- iii. Directly into Council's underground drainage system located in Rainbow Street via a new and/or existing kerb inlet pit; or

Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided.

Comment from Planning Officer: Refer to Section 8.5: Environmental Assessment with full assessment relating to parking and traffic related impacts.

6.3 Landscape Officer

The site inspection of 19 August 2016 confirmed the findings of the submitted Arborists Report, in that there are 110 trees present within the grounds, 27 of which are proposed for removal, comprising 9 trees with a 'High Retention Value' (T18-20, 24, 26, 41, 75, 100 & 102); 17 of 'Medium Value' (T17, 21-23, 25, 43, 57-58, 62, 70, 76-77, 82, 94, 96, 99 & 101a) and four of 'Low Value' (T42, 63, 95, 101).

Removal is proposed due to a combination of being unsuitable for retention within school grounds due to pre-existing structural faults; direct conflict with the works; and an absence of suitable alternative design solutions that would allow their retention. It can also be confirmed that none of this vegetation forms part of an endangered ecological community; or; are protected under the Commonwealth Environmental & Biodiversity Conservation Act 1999, or, the NSW Threatened Species Conservation Act 1995.

As a group, the stand of Gums and Pines growing centrally within the site (T17-26 & T41-43) are identified as a desirable site feature given the shade that their co-joined canopies provide to the existing outdoor play area, and can be seen from both adjoining sites and Rainbow Street.

While their retention is desirable, they are in direct conflict with the footprint of the new building/classrooms, as well as the central landscaped area, which includes interactive play features and replacement planting which will modernize this area, and on this basis, consent is reluctantly granted for their removal.

The same as described above also applies to those mostly smaller trees further to the west, towards the western site boundary, so as to accommodate the new play courts, being T57, 62-63, 70, 75 & 77, and then to their southwest, T84, 94-96, so as to allow for the footprints of the new classrooms shown for this same area.

Around the southwest corner of the site, between the existing buildings/classrooms and Rainbow Street, there is another stand of large and mature trees which were observed to have a presence in the streetscape, forming a green 'link' with other large trees that are growing within Paine Reserve just to their west, and comprise T99-103.

While their retention is desirable, works associated with the Library and extended carpark will be performed in this same area, and as both components are critical to the scheme, a re-design will not be possible and will not be pursued in this case, with consent reluctantly granted for the removal of T99-102, subject to allowances being made for suitable replacement canopy trees to be provided in their place in this same area, as is shown on the Detailed Landscape Plan – School Perimeter.

The mature Date Palm (T103) adjacent the existing vehicle entry/carpark, fronting directly onto Rainbow Street, is the exception in this group, as given a combination of its size and prominent location, is regarded as a significant specimen, which is definitely worthy of retention as an existing site feature, especially given this sites Heritage listing.

There are inconsistencies in the documentation, in that Part 5.1 of the Arborists Report, 'Trees to be removed', includes T103; however, the 'Tree Assessment Table' includes it for retention, as does the 'Tree Protection Plan'.

As no objections have been raised to the removal of 26 of the 27 trees for this application, it would normally be considered reasonable to request amended plans to ensure the retention of T103; however, as instructions have been issued to provide conditions in the case of approval, consent has unfortunately been provided for its removal.

All other existing trees remaining at the site can be retained and incorporated into the scheme as existing site features as has been shown, with the Recommendations of the Arborists Report included as conditions of consent.

The Landscape Plans show a high level of detail that will result in a more modern, high quality outcome for the School by reducing the current vast expanses of hard surfacing, and will include new interactive equipment, feature mounding, planting and canopy trees, with conditions requiring that it be fully implemented as part of any approval.

The application is not supported on parking and traffic grounds; however, as the assessing officer has requested conditions the following conditions shall apply which attempt to address the issues as much as possible.

6.2 Building Control Officer

Proposed Development:

It is proposed to make alterations and additions including 3 new buildings to the existing school. The works include the following:-

- Retention and refurbishment of Block A (1929 heritage listed building);
- Demolition of the toilet blocks attached to the northern side of Block A;
- Demolition of demountable structures, the single storey 1960s building facing Rainbow Street, the two storey 1970s block and the 1929 weather shed structure;
- Construction of three new two storey buildings consisting of a library and two home base blocks. These buildings are located around a central courtyard;
- Expansion of the hall building on the western side of the site;
- Construction of a first floor level link between Block A and the proposed library.
- Construction of a link between Block A and home base block B on the eastern side of the site;
- Open space including landscaped courtyards, sports courts and fields;
- Car parking provision for 12 vehicles and drop off pick up zone.

Comments:

A suitable BCA report accompanies this application. No objection seen.

6.3 Heritage Planning Officer

The Site

The site is listed as a heritage item under Randwick Local Environmental Plan 2012. The Randwick Heritage Study Inventory Sheet for the property describes its significance as a good example of “between the wars” school architecture. Attractively styled with a strong Classical influence. To the north of the site is the Struggletown heritage conservation area and the Big Stable, listed as a heritage item under Randwick LEP 2012, and also listed on the State Heritage Register.

Proposal

The application proposes to accommodate a larger school population through replacement of the majority of existing buildings. Buildings at the rear of the site are to be demolished and new one and two storey buildings constructed, creating a central courtyard.

Background

The proposals for Randwick Public School and Rainbow Street Public School were the subject of a pre-lodgement meeting (PL/8/2016). It was advised that a heritage impact statement be included in the development application submission.

Submission

The application has been accompanied by a Heritage Impact Assessment prepared by Tanner Kibble Denton. The HIA addresses the questions contained in the NSW Heritage Office Statements of Heritage Impact publication, as well as with the heritage provisions of Randwick LEP. The HIA provides historical background for the site noting its origins as part of the lands vested in the Society for the Relief of Destitute Children. The HIA notes temporary classrooms occupied the site by 1923 with the current school building opened in 1929. Ancillary structures to the rear included a

weather shed with flanking lavatories and another toilet block. Lavatory blocks were subsequently added at the two northern corners of the building. By 1969 a detached building had been constructed to the west of the main building and in the early 1970s a two storey block was added to the north of the main building. A hall and covered outdoor learning area were constructed to the north west of the original building in 2009. Statements of Significance for the school buildings are provided from the Department of Education's S.170 Register, and from Randwick LEP 2012.

In relation to demolition, the HIA notes that the buildings which are to be demolished were constructed after World War II and do not have heritage significance, while the 1929 weather shed has been extensively modified. The HIA notes some internal and external demolition in the 1929 building, including removal of the intrusive toilet blocks, removal of the stair and modifications on the northern side of the building. In relation to additions, the HIA notes the proposed link in the north west corner will be of simple transparent design, allowing original planning to be interpreted. Proposed doors in the north elevation are to be accommodated within existing window openings. A new access ramp will be unobtrusive in design and partially screened. In relation to new development, the HIA notes that new buildings will be lower in scale than the existing building, with appropriate relationships and simple, restrained design. The HIA notes that there will be some impact on views to the main building from the west because of the new building, but there will be no impact on the Big Stable and the Struggletown heritage conservation area. In relation to landscape works and trees, the HIA notes a number of trees are to be removed in the centre of the site, but that existing landscaping on the site is not identified as having heritage significance. The HIA concludes that while alterations to the main building will have some heritage impacts, that these will be offset by identified benefits.

Controls

Clause 5.10(4) requires Council to consider the effect of a proposed development on the heritage significance of the heritage item

Clause 5.10(1) of Randwick LEP 2012 includes an Objective of conserving the significance of heritage items and heritage conservation areas, including, associated fabric, settings and views.

The Heritage section of Randwick DCP 2013 provides guidelines in relation to Contributory buildings, Demolition, and Infill Development. In relation to Infill Development, the DCP requires that a new building must respect and be sensitive to its neighbours and should be in keeping with the street's established setbacks, scale, form and materials. In relation to Contributory buildings, the Heritage section of Randwick DCP 2013 the DCP notes that they have a collective significance and their retention is essential if the character of the area is to be maintained.

Comments

Demolition of existing buildings

The 1929 weather shed on the axis of the heritage item is to be demolished, as well as several adjacent demountable buildings. The single storey late 1960s building is also to be demolished, as well as the two storey early 1970s building, and the amenities blocks attached to the north west corner (complete demolition) and north east corner (partial demolition) of the heritage item. The attached amenities blocks

and the early 1970s building are intrusive, detracting from the fabric and setting of the heritage item, and their removal is supported. There are no heritage objections to the removal of the late 1960s building, or the demountable weatherboard buildings. The 1929 weather shed has been considerably modified by enclosure to provide classroom accommodation. A consent condition should be included requiring archival recording of the building prior to demolition.

Changes to the heritage item

The original form of the building comprised classrooms to the front and assembly areas to the rear at ground and first floor level. The principle public entry to the building was through the central entry portico at the front of the building. Entry porches at the rear north east and north west corners provided access to the adjacent stairways. The building largely retains its original external form and internal layout, despite modifications at ground level to provide administrative areas (partitioning of classroom at the front) and at first floor to provide additional classroom accommodation (partitioning of assembly area at the rear). The north western entry porch was removed and the north east entry porch modified to allow for construction of the attached amenities blocks. The building retains much original internal detailing including fireplaces and internal windows and doors to classrooms.

Internal and external changes are proposed to the heritage item at ground floor and first floor level. At ground floor level, it is proposed to remove a number of existing partitions at the front of the building and to provide new partitions at the rear to provide staff and administration areas. The original stairs to the original central entry portico are also to be removed. At first floor level, existing partitions at the rear of the building are to be removed to reinstate the communal assembly area. While the original relationship of classroom and assembly areas will be lost at ground floor level, it will be reinstated at first floor level. The retention of structural beams and nibs and wall sections above new openings will allow the original layout to be interpreted. The SHI advises that new walls and partitions will be designed to be reversible and that installation will minimise impacts on significant fabric. The SHI further notes that the interior of the building is to be archivally recorded prior to commencement of works. Appropriate consent conditions should be included in relation to installation of new partitions. A consent condition should also be included requiring the preparation of a schedule of conservation works to ensure that any required repair or maintenance works to the heritage item are carried out in conjunction with the development.

The relocation of the principal public entry to the building will impact on the heritage value of the building through removal of the stairs and loss of the function of the original entry portico. It is acknowledged however that a new ramped entry to the elevated entry portico would have similar heritage impacts, and provide poor access to new buildings behind the heritage item. At the rear north-west corner, a new entry with void over is to be created by removing the original stair and adjacent ancillary hat room spaces at ground and first floor level. At the rear north east corner, a connection to the new home base building is to be created at first floor level, removing the original ancillary hat room space. The removal of the hat rooms will affect secondary and previously modified spaces. The removal of the original internal stair will impact on the heritage value of the building, but will facilitate the ongoing use of the building and allow it to be used as the principal public entry to the school. The new entry is to comprise a splayed glass wall to the west and a glass wall to the north with a

terminating blade wall supporting a roof at first floor level. The entry modifications at the north-west corner will not impact on the Rainbow Street elevation and will have minimal visibility from the street.

On the west elevation, a large projecting window is to be provided at ground floor level. The SHI advises that the window is simple in design and will be integrated with existing rendered mouldings on the surface of the wall. The new window will not be prominent on the Rainbow Street elevation. A new ramped access is to be created at the front south east corner. The new ramped entry will be visible on the Rainbow Street elevation of the original building and will somewhat detract from the symmetry of the heritage item, but will generally be accommodated within the base of the building.

Proposed new buildings

The proposed development will include a new two storey library building to the west of the heritage item, on the Rainbow Street site frontage and a new two storey home base building to the north, behind the heritage item. It is also proposed to enlarge the existing Hall to the north east of the heritage item, and to provide another home base building further to the north-west. The enlarged hall and the detached home base are well separated from the heritage item and will not impact its fabric or setting.

The new library building will be somewhat closer to the street and closer to the heritage item than the existing 1960s building. While the existing building is single storey, the new building is to be two storeys in height. The library building will be set back from the heritage item by around 5m (existing 10m) and separated from it by around 8m (existing 12m). The positioning of the new library building will have some impact on views of the secondary west elevation of the heritage item, but will not impact on views of the primary Rainbow Street elevation. The library building will have an overall height around 1m higher than the eaves of the heritage item. The projecting blade walls at first floor level on the street elevation and the change in materials between ground and first floor level will however give the building a horizontal emphasis. The simple symmetrical blocky form of the new library building will not dominate the adjacent heritage item. The new library building will be connected to the west elevation of the heritage item at first floor level. The SHI advises that the new connection will be light and open in appearance, and set back from the north and south elevations. The new connection is to be only partially enclosed above balustrade level by widely spaced vertical screening members, and its placement will provide a reasonably recessive link. Site plans indicate that existing carparking adjacent to the heritage item will be relocated further to the west, in front and to the west side of the library building. Proposed carparking relocation will improve the setting of the heritage item.

The new home base building will be slightly closer to the heritage item than the existing 1970s building. The home base building will be separated from the heritage item by around 8m and will have an overall height around 1m higher than the eaves of the heritage item. The new building will have a similar height to the existing two storey building. The positioning of the new home base building behind and separated from the heritage item will minimise impacts on views to the heritage item from the front (Rainbow Street) and the rear of the building. The new home base building will be connected to the north elevation (north east corner) of the heritage item at first floor level. The new connection will provide new access doors and a structure around the doors for weather protection, as well as a covered way and stair parallel to the rear

wall of the heritage item. The SHI advises that new doors in the will be accommodated within existing window openings with sill brickwork removed, and that the detail and finish of new doors will match existing window detailing. The SHI also advises that the new weather protection will be of lightweight construction and recessive finish. The new connection will be open and unroofed minimising impact on building fabric of the heritage item and impact on rear elevation. Similarly the separation of the covered way and stair minimises impact on building fabric.

The siting, scale, form, massing, detailing and materials of the new buildings will allow for the importance and primacy of the heritage item on the school site to be maintained. The proposed development will integrate the heritage item into the functional relationships and site planning of the school, and continue to allow the public and building users to view and appreciate the significance of the original school building. The new buildings will maintain substantial setbacks from the northern boundary of the site and will not adversely impact on the setting or views relating to the adjacent heritage item, the Big Stable, and the Struggletown heritage conservation area.

Recommendations

The following conditions should be included in any consent:

- An archival recording of the modified 1929 weather shed shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
- As recommended by the Statement of Heritage Impact, an archival recording of the interior of the heritage item shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
- The layout of the ground and first floors of the heritage item are to incorporate nib walls and beams projecting below ceiling level, as evidence of the original layout of the building and facilitate patching of plasterwork.
- As recommended by the Statement of Heritage Impact, new walls and partitions are to be designed to be reversible and installed to minimise impacts on significant fabric.
- Changes to the heritage item to accommodate changes to spatial layout, and to provide links to the new buildings, are to be carefully carried out to minimise

damage to original internal and external building fabric, including fireplaces and internal windows and doors to classrooms.

- A Schedule of Conservation Works for the heritage item 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.
- 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.

6.4 Environmental Health Officer

Proposed Development:

Council has received a concept proposal and stage 1 development application to refurbish, demolish, construct and expand various structures at Rainbow Street Public School.

Comments:

Land Contamination

A preliminary Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services (REF: E28880KDrpt2rev) dated 17 May 2016 was submitted with the development application.

The report states that the contaminants of potential concern identified at the site pose a threat to the receptors, however, the site can be made suitable for the proposed development provided the recommendations are implemented to address data gaps and to better characterise the risks.

The following recommendations were made:

1. Prepare a Remedial Action Plan (RAP) to outline remedial measures for the site.
2. Prepare a Validation Assessment (VA) to report on the completion of the remediation.
3. Prepare an Environmental Management Plan (EMP) for the ongoing management of the contamination remaining on site.

4. Undertake a hazardous materials assessment for the existing buildings prior to the commencement of demolition work.
5. Continue to implement the Asbestos Management Plan prepared by Parsons Brinckerhoff "Asbestos in Grounds, Asbestos Management Plan, Rainbow Street Public School, Kingsford, NSW." Report Reference 2171479A PR_6945, dated March 2013.

The Building Regulatory team will provide relevant conditions related to asbestos. Based on the reports received and recommendations made, appropriate conditions in relation to contamination, remediation and validation have been included in this referral.

Acoustic Amenity:

A qualitative acoustic review prepared by Wilkinson Murray (Report 15227 RPS F1) dated 11 May 2016 was submitted with the development application. The review determines that:

- The school design facilitates shielding of outside are play and sports areas to nearby residences.
- Noise levels from traffic are expected to remain unchanged during morning and afternoon peak hours.
- Services noise will be adequately contained on the site; and,
- Construction Noise and Vibration will be similar to other construction noise in the areas and will be managed by the builder in their EMP.

The potential for noise nuisance has been considered and appropriate conditions have been included in this referral.

7. Master Planning Requirements

Clause 6.12 of RLEP 2012 requires the preparation and adoption of a site-specific development control plan for the redevelopment of sites having an area in excess of 10,000sqm and which must be adopted and in force prior to the granting development consent on the site. Amendments to the Environmental Planning and Assessment Act (Section 83C) in September 2005 provided for staged development applications to be lodged as an alternative to the preparation of the Master Plans/DCPs for such sites. Accordingly, this application is a Stage 1 concept development application but is referred to in various documents as a "masterplan".

8. Relevant Environmental Planning Instruments

8.1 State Environmental Planning Policy (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 \$5 million for Crown development. 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.

8.2 State Environmental Planning Policy 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. A preliminary Stage 2 Environmental Site Assessment Environmental Investigation Services (REF: E28880KDrpt2rev) dated 17 May 2016 indicates that the contaminants of potential concern identified on the site pose a threat to receptors. However, the appropriate remediation of the site can be made suitable for the proposed development provided that associated risks can be addressed through the inclusion of additional conditions. Council's Environmental Health Officer advises that a specific condition that a validation assessment be prepared by a suitably qualified and experienced specialist to be submitted to Council confirming the land has been safely remediated.

8.3 Randwick Local Environmental Plan 2012

The subject site is zoned SP2: Infrastructure in accordance with the Randwick Local Environmental Plan 2012. The purpose shown on the land zoning map includes "Educational Establishments" as a permissible form of development. The Stage 1 DA will maintain the existing use of the development and therefore is a permissible form of development.

The objectives of the SP2: Infrastructure Zone is as follows:

- *To provide for infrastructure and related uses.*

The proposed works will remain for the continued use or ancillary to an existing educational establishment.

- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed building works includes the construction of three new buildings including a new library and two new homebase buildings referred to as Blocks B and C. The new building blocks are two storeys in nature and are suitably scaled with the existing buildings within the existing streetscape. The new building elements including Blocks B and C will remain behind the front building alignment and the new library building will remain lower than the immediately adjoining existing heritage building.

- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*

The proposed development does not contribute to any adverse amenity impacts to the adjoining developments within the streetscape. The shadowing cast from the new building blocks will not compromise the solar access to the neighbouring buildings. The new library will cast additional shadows to the pedestrian footpath and roadway

of Rainbow Street; Block B will cast some afternoon shadow to the eastern neighbouring child care centre during the afternoon period only and the existing play spaces will remain unaffected and Block C will overshadow itself. With respect to visual privacy the closest residential dwellings are located on the opposite side of Rainbow Street and are significantly separated from the new development by the existing roadway. Finally, no views will be interrupted as a result of the new building blocks. The proposed development will not contribute to any adverse environmental impacts to the nearby or adjoining development.

- *To protect and provide for land used for community purposes*

The proposed development will remain for the use of 'Educational Establishments' as per previous development consents.

8.3.1 Clause 5.10: Heritage Conservation

In accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012, the subject site is a listed heritage item (reference number I437) and described as 'Rainbow Street Public School'. As advised above, the subject site immediately adjoins a heritage item to the north of the Big Stable Newmarket building (heritage item reference no. I458).

The relevant objectives of Clause 5.10(1): Heritage Conservation of RLEP 2012 is as follows:

(1) Objectives

The objectives of this clause are as follows:

- (a) To conserve the environmental heritage of Randwick*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.*
- (c) To conserve archaeological sites,*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

Council's heritage planning officer has reviewed the development application and has no heritage objections to the proposed development. The alterations to the 'Rainbow Street Public School' building include primarily internal alterations to the building to accommodate staff and administration areas at the ground floor level and class rooms at the first floor level. The new external works involves relocation of the principal public entry, new ramped entry to elevated portico, new entrance to the north-western corner, removal of the hats room and the original internal stair are not significant and will not adversely compromise the original detailing of the heritage item. Suitable conditions have been included to ensure that changes that are to be carried out must minimise damage to the original external façade and a schedule of conservation works must accompany any works carried out to the heritage item.

The new building blocks including the new homebase facilities and library will not visually dominate or compete with the existing 'Rainbow Street Public School heritage

item. The new library building will retain a lower building height than the existing heritage item and its contemporary and articulated building appearance within the streetscape including low profile skillion roof form element will contrast between the new and old building elements visible from the existing streetscape. Furthermore, the library is also set further back from the front building alignment of the existing heritage item and occupies a reduced building footprint which will respect the proportions of the heritage item building. Blocks B and C are also substantially setback from the front property boundary and will visually remain within the periphery of the proposed development. The new buildings will comply with the objectives of Clause 5.10(1) in that the development will not adversely impact on the setting or views relating to the adjacent heritage item, the Big Stable, and the Struggletown heritage conservation area.

8.3.2 Clause 6.12: Development requiring the preparation of a development control plan

In accordance with Clause 6.12(2) and (3) of RLEP 2012, development on land that has a site area of at least 10,000sqm requires the preparation of a site-specific development control plan. The applicant has sought to address the requirements of a development control plan as part of Section 5.4.8 within the statement of environmental effects (SEE). The following are matters of consideration in the assessment of site-specific development control plans:

(a) Design principles drawn from an analysis of the site and its context

Comment: The applicant has submitted a site analysis which forms part of the Stage 1 Concept Site Development Plan and details the surrounding land uses relating to the new works. The configuration and strategic location of the building blocks along the boundaries of the site aims to provide uninterrupted outdoor play spaces located centrally within the site. It also seeks to reinforce the character of the existing heritage item by creating two storey building elements which will remain of a lower height will not visually dominate the significant heritage fabric. The applicant has also included guiding design principles on the desired future character which aims to:

- *Provide for the growing needs of the Randwick Community through an improved Rainbow Street Public School with increased capacity;*
- *Provide new flexible and collaborative learning spaces with connections to outdoor areas*
- *Increase the amount of play and outdoor learning spaces on the school site*
- *Improve visual links across the site;*
- *Improve connections between existing school buildings; and*
- *Focus school development on a central courtyard for connectivity to open space*

(b) Phasing of development and how it will provide for the social and recreational needs of the community.

Comment: The applicant aims to deliver the proposed development within two stages. Stage 1 involves site preparation include remediation of the site, demolition of Blocks B, C, H, construction of three new building blocks, new first floor pedestrian linkages

between building blocks, associated landscaping and new outdoor play spaces. Stage 2 involves demolition of the remaining building blocks D, E and F. The applicant has also submitted an REF for the construction of demountable classrooms in the interim which does not require Council consent under the SEPP (Infrastructure) provisions. The new works will continue to benefit the social and recreational needs of the community by improving indoor and outdoor learning spaces within existing educational establishments and in providing facilities and services that meets the growing needs of the local community.

(c) Distribution of land uses, including open space (its function and landscaping) and environment protection areas.

Comment: The proposed development appropriately identifies land uses and outdoor spaces within the site. The new building blocks and internal alteration of Block A and Hall identifies areas of use relating to classrooms, staff rooms, administration, amenities, library, areas of internal circulation between buildings, pedestrian walkways between building blocks at the first floor level, covered outdoor learning areas and out of school hours care areas. The plans also include details of outdoor play spaces including new multi-court areas of play, play gardens, pathways and appropriate soft landscaping throughout the site. The proposed land uses is consistent with its zoning as an 'education establishment'.

(d) Subdivision pattern and provision of services,

Comment: The proposed development does not seek to alter the existing subdivision allotment pattern.

(e) Building envelopes and built form controls,

Comment: The proposed Stage 1 development sets out the built form controls of the new building blocks including the library, Block B and C of the proposed development. The proposed ground and first floor plans the proposed floor plates, the gross floor area, the number of storeys, the setbacks from the adjoining buildings and the property boundary and the proposed uses at the ground and first floor levels. The elevation and section plans included as part of the Stage 1 DA demonstrates the proposed building height of the new building block including RL levels, floor to ceiling heights external wall heights and building articulation elements visible from the play spaces and the streetscape. The Stage 1 DA identifies the location of the new building envelopes and its relevant built form controls.

(f) Housing mixes and tenure choices, including affordable and adaptable housing,

Comment: The proposed development is for the purpose of an 'educational establishment' and does not accommodate for any new housing.

(g) Heritage conservation, including both Aboriginal and European heritage,

Comment: The proposed development has been referred to Council's heritage planning officer and advised that there are no heritage objections to the proposed

development. Refer to Section 8.3.1: Clause 5.10: Heritage Conservation for further details.

(h) Encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,

Comment: Refer to Section 8.5: Environmental Assessment for full assessment of parking provisions and sustainable transport opportunities.

(i) Impact on, and improvements to, the public domain

Comment: The proposal does not involve any works to the existing public domain.

(j) Identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,

Comment: The proposal does not result in any impact to native flora and fauna including threatened species, populations and ecological communities.

(k) The application of the principles of ecologically sustainable development

Comment: The proposal does not involve any ecologically sustainable development.

(l) Identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,

Comment: The proposal does not involve any watercourses, wetlands, riparian lands and any buffer areas.

(m) Environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,

Comment: The subject site is not affected by any acid sulfate soils pursuant of the acid sulfate soils map of RLEP 2012. Council's environmental health officer has reviewed the development application and advised that the Stage 2 Environmental Site Assessment Environmental Investigation Services (REF: E28880KDrpt2rev) dated 17 May 2016 indicates that the contaminants of potential concern identified on the site pose a threat to receptors. However, the impacts of the contaminants can be minimised through appropriate conditions of consent including the provisions of a remedial action plan, validation assessment to be completed at the conclusion of remediation, preparation of an environmental management plan and hazardous material assessment and to implement the Asbestos Management Plan prepared by Parsons Brinckerhoff dated March 2013. With respect to flooding, Council's development engineer have raised no concerns to potential flooding impacts.

(n) Opportunities to apply integrated natural water-cycle design and integrated renewable energy design.

Comment: The stormwater management plan adopts water sensitive urban design principles which include grassed swales, a gross pollutant trap and a trash rack within the detention tank will improve stormwater quality.

In considering the above, the proposed development adequately addresses the relevant matters of consideration relating to Clause 6.12: Development Requiring the Preparation of a Development Control Plan of RLEP 2012.

8.4 Policy Controls

8.4.1 Randwick Development Control Plan 2012

Part B7 Transport, Traffic, Parking and Access

In accordance with Part B7, Clause 3.2: Vehicular Parking Rates specifies a rate of 0.7 car spaces for each staff member. The submitted statement of environmental effects specifies 39 staff members and proposes an additional number of 53 staff. In order to comply with RDCP 2013 and accommodate the increased staff numbers is required to provide 37 parking spaces. The subject site currently provides for 12 staff members and does not provide for any additional parking spaces to accommodate for the increased numbers of staff. Therefore the proposal does not comply with Council's controls.

8.5 Environmental Assessment

The proposed development has been assessed having regard to Section 79(c) of the Environmental Planning and Assessment Act, 1979, as amended. Section 79(c)(1): Evaluation reads as follows:

(a) the provisions of:

(i) any environmental planning instrument, and

Comment: Refer to Section 8.1, 8.2 and 8.3 for detailed assessment.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: The proposed development is subject to public consultation in accordance with the Environmental Planning and Assessment Act, 1979 (as amended). At the conclusion of the notification period one submission was received and has been suitably addressed within Section 5 of this report. In addition to this, the application was referred to the Roads and Maritime Services and no objection was received to the proposed works.

(iii) any development control plan, and

Comment: Refer to Section 8.4 for detailed assessment.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Comment: Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: The assessment of the development application considers the Environmental Planning and Assessment Regulation 2000.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

Comment: Not applicable.

that apply to the land to which the development application relates,

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

Comment: An assessment of the likely impacts of the proposed development is as follows:

Solar access and Overshadowing:

The proposed new building blocks will not contribute to any adverse overshadowing impacts to the neighbouring buildings within the street.

Library:

The new library building is two storeys in height and orientated in a north-south manner with first floor pedestrian link between the library and Block A. The new library building will result in additional shadowing which will fall on the existing carpark area (at grade), the pedestrian footpath and the existing roadway of Rainbow Street between the periods of 8am – 4pm, 21 June. The significant building separation to the southern neighbours will not incur any additional shadowing impacts to the north-facing windows located on the opposite side of Rainbow Street.

Block B:

The new Block B building is two storeys in height and includes a first floor pedestrian link between Block C and Block A. The new building block will cast additional shadows to a portion of the ground floor north and west facing windows of the adjoining Rainbow Street Child Care Centre (no. 100 Rainbow Street) and the north-western portion of the rear outdoor play areas during the morning period between the hours of 8am – 12pm. During midday and the late afternoon the shadows will fall on the north-facing window openings of the Block A building and the central outdoor play space. The

extent of shadowing to the neighbouring child care centre is acceptable and given the indoor areas and outdoor play spaces will continue to receive suitable solar access during the afternoon periods of the day.

Block C:

The new Block C building is two storeys in height with a first floor pedestrian link to the new building Block B. The Block C building will cast shadows primarily to the central outdoor play space between midday and the afternoon period. Some shadowing is expected along the western boundary of Paine Reserve during the morning period.

In considering the above, the proposed development does not contribute to any adverse shadowing impacts from the new building blocks. Blocks B and C will fall within the central courtyard space with minor shadowing falling to the adjoining child care centre and the new library will fall on the existing roadway. Therefore the additional shadowing is acceptable.

Visual Privacy:

The new building blocks do not contribute to any adverse visual privacy impacts to the neighbouring premises. The library consists of a significant building separation by more than 35 metres and will not contribute to any visual privacy impacts to the neighbouring premises on the opposite side of Rainbow Street.

Acoustic Privacy:

Council's environmental health officer has reviewed the development application and has raised no objection to the increase in the number of students and staff and the potential noise impacts of the proposed development. An acoustic report has been submitted with the development application and advises the following:

- *The school design facilitates shielding of outside are play and sports areas to nearby residences.*
- *Noise levels from traffic are expected to remain unchanged during morning and afternoon peak hours.*
- *Services noise will be adequately contained on the site; and,*
- *Construction Noise and Vibration will be similar to other construction noise in the areas and will be managed by the builder in their EMP.*

A number of conditions of consent have also been recommended as part of this development application to minimise any potential noise impacts to the neighbouring premises.

Bulk and Scale:

The new library building fronting Rainbow Street is of an appropriate size and scale and will be sympathetic to the adjoining heritage item on the subject site and the neighbouring residential buildings. The library is two storeys with a low profile skillion roof form along the front façade and has a maximum building height of 11.95 metres. The building height will remain lower than the height of the adjoining 'Rainbow Street Public School' heritage item by 2.75 metres and sited behind the front building alignment of the existing heritage item which minimises its perceivable visual bulk from Rainbow Street. Further, the building is significantly setback at 12.6 metres and 18.76 metres from the front and side boundaries, respectively, which will minimize the visual

dominance of the building and lessen its scale from the street. The length and height of the external wall along the front façade incorporates a number of articulated elements including splayed window openings and a combination of materials and finishes to the façade including a metal roof sheeting finish at the first floor and compressed fibre cement at the ground floor level. The new covered walkway between the library and Block A does not contribute to any considerable bulk impacts given its open natured structure and the inclusion of vertical louvres remains consistent with the building language of the new building elements being proposed.

The new building Blocks B and C will not contribute to any adverse visual bulk and scale impacts from the existing streetscape. In respect to the proposed building heights Block B consists of a height of approximately 9.3 metres and Block C of 9.1 metres. The proposed building heights are commensurate with the wider planning controls and will remain less than the 9.5 metres height requirement as exhibited by the adjoining R2: Low Density Residential zoning, in particular those on the opposite side of Rainbow Street. In addition to this, only Block B will be partially visible from the existing streetscape setting. Block B is setback behind the existing heritage item of the 'Rainbow Street Public School' building and obstructs the visibility on the northern side of the building. Whereas, Block C is substantially setback from the property boundary and will not be visible from the existing streetscape given the hall and the new library is located directly to the front of Block C.

The additions to the existing hall and Block A are at the ground floor level and the new bulk and scale from the proposed additions are acceptable.

Views:

The proposed multi-purpose building will not contribute to any loss of iconic or water views that may be visible from the neighbouring buildings or the existing public domain.

Heritage:

Refer to Section 8.3.1 for further details relating to Heritage Conservation.

Parking:

Council's development engineering and Integrated Transport unit do not support the current application in its form with respect to the lack of availability of off-street parking spaces to accommodate the increased number of students and staff numbers. The proposal seeks to increase the student numbers from 426 students to approximately 1000 students (an increase of 574) and staff numbers from 39 to 53 staff. The proposed development does not seek to provide for any additional off-street parking spaces and the increase by an additional 14 staff members will result in a shortfall of the proposed development by 10 parking spaces.

In addition to this, the submitted traffic and parking report seeks development consent for an additional 24 spaces with timed parking restrictions between 8.30am – 9.30am and 2.30pm – 3.30pm, Monday to Friday. This includes 11 spaces along the site frontage along the property frontage of Rainbow Street and 13 on-street spaces proposed to the west on Rainbow Street in front of Paine Reserve. The total length of the time restricted pick-up/drop-off parking spaces will extend to a length of 150m. In

addition to the above, Council's development engineering does not support the inclusion of the timed parking restrictions and advised that:

In the absence of a parking survey and in the context of the large parking deficiency, the 150m long timed pickup and drop-off zone Development Engineering is reluctant to support the proposal as it has not been demonstrated to the satisfaction of Council's Development Engineers that the proposed zone will not impact on competing uses of the adjacent Paine Reserve or public enjoyment of Paine Reserve. If the application is to be approved then consideration should be given to reducing student numbers.

In response to the objections received by Council's Development Engineer the applicant has sought to justify the degree of non-compliance to the number of off-street parking spaces. An extract from the submitted statement of environmental effects includes the applications written justification to the non-compliance:

The school currently provides 12 parking spaces for 39 staff in an informal area in the south west corner accessed via Rainbow Street. The proposal will result in staff numbers increasing by up to 14 employees. The proposal seeks to retain the 12 parking spaces within the car park on site. No additional parking is provided in accordance with the Department of Education's policy to actively encourage the use of sustainable means of transport, rather than private vehicle use. The retention of the existing car parking ensures sufficient available area for open space, learning and play areas.

In considering the comments provided by Council's Development Engineer, Integrated Transport Unit and applications justification, the lack of off-street parking is an acceptable planning for the following reasons:

- The provision for additional off-street parking spaces within the school premises, in order to meet the car parking requirements, will result in a reduction in the availability of outdoor recreational spaces and impacts areas where children can learn and play within an open space environment. Structured and unstructured outdoor play is considered to be a vital aspect within childhood development and has intrinsic physical and mental health benefits. This can include development of motor skills, social interactions, emotional intelligence as well as health promotion. The proposed built form seeks to accommodate increased areas of outdoor open space with the provisions of a continuous and uninterrupted central play space with the new building blocks set around the perimeter of the outdoor play areas. The inclusion of first floor walkways between Block A, B, C and the Library highlights the key design principles of maximising the play areas and open space and any such reduction would have consequences on achieving its intended aims and the quality of the outdoor play spaces.
- Council's controls provide a strong emphasis on encouraging environmental sustainable transport opportunities, particularly in localities where public transport infrastructure is frequented and facilities and services are available to meet the day-to-day needs of the residents. Clause 1.2(2)(c) and (e) of the Randwick Local Environmental Plan 2012 specifies the aims of the plan are; 'to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses', and 'to promote sustainable transport, public transport use, walking and cycling'. The subject site is located

in close proximity to existing bus services including the 418 and 394 which provides for frequent bus services to Bondi Junction and Sydney City. The existing bus routes provide for several bus services every hour between 6am – 9pm, Monday to Friday and 8am - 6pm, Saturday and Sunday. By its definition the subject site is considered to be within an ‘accessible area’ as per the State Environmental Planning Policy for Affordable Rental Housing 2009. In addition to this, consistent with the recommendations of the Traffic Impact Assessment, a condition of consent has been included that an additional 20 bicycle parking spaces be provided within the subject premise.

- The proposed development is aligned with broader policies including the Education Facilities Standards & Guidelines (EFSG) as set by the Department of Education NSW. The EFSG specifies that, ‘in order to ensure that the available site area for teaching learning and play is maximised, to enable community use and to encourage the use of sustainable means of transport to and from the school, on school site parking should be kept to a minimum’. The proposed development is consistent with this requirement and in maximising the facilitation of learning and play spaces.
- The introduction of time restricted on-street parking spaces located in front of the subject premise (Rainbow Street Public School) and Paine Reserve is appropriate in considering the number of long term parking spaces available on the southern side of Rainbow Street and the surrounding street network. At the time of inspection (performed during a school day) there were a number of available on-street car spaces that were located within a 200m radius of the subject premise during the proposed time restrictions at 8.30am – 9.30am and 2.30pm – 3.30pm. Subsequently, there are an ample number of parking spaces that would supplement the on-street parking shortfall.

(c) the suitability of the site for the development,

Comment: The proposed development is considered to be suitable for the site.

(d) any submissions made in accordance with this Act or the regulations,

Comment: No submissions have been received with respect to the proposed development.

(e) the public interest.

Comment: The proposed development is within the public interest with respect to the social and local community benefits that the new works will deliver to the public.

9. Relationship to City Plan

Outcome 4: Excellence in urban design and development.

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

10. Financial Impact Statement

There is no direct financial impact for this matter.

11. Conclusion

The proposed Stage 1 works to the Rainbow Street Public School including the refurbishment of heritage listed Block A, demolition of toilet block, demountable structure, single storey building facing Rainbow Street, two storey 1970's block and weather shed structure, construction of three new two storey buildings consisting of a library, two home base blocks, expansion of hall, link between Block A and library, link between Block A & Block B, landscaping, sports courts and fields does not contribute to any adverse environmental impacts to the neighbouring buildings and is an acceptable form of development. The development will continue to maintain a reasonable level of visual privacy, views and solar access to the occupants and the two storey scale will commensurate with the presentation of the development within the existing streetscape.

The new works will maintain the significance of the existing heritage item of the 'Rainbow Street Public School' (heritage item no. I437 within the RLEP2012) and will comply with the objectives of Clause 5.10: Heritage Conservation and will continue to conserve the heritage significance of the building including the associated fabric, settings and views of the development. Council's heritage planning officer has no objections to the proposed development.

The parking issues raised by Council's development engineering and integrated transport unit to the lack of off-street parking, absence of a parking survey and pickup and drop-off parking areas has been considered by Council's planning officer. However, the provision for additional off-street parking spaces to accommodate the additional demand does not promote a better planning outcome in that the additional parking spaces will result in a reduction in the availability of outdoor recreational spaces and impacts areas where children can learn and play within an open space environment. The overarching design principles of the Stage 1 Concept plan is to encourage areas of outdoor learning and by providing for additional parking will be contrary to these provisions as well as the broader sustainability policies of Department of Education's Education Facilities Standards & Guidelines.

Having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, the proposed development is acceptable subject to compliance with the conditions of consent.

Recommendation

- A. That the Joint Regional Planning Panel as the responsible authority grant its development consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application DA/333/2016 for a Concept proposal and Stage 1 works to Rainbow Street Public School including refurbishment of heritage listed Block A, demolition of toilet block, demountable structure, single storey building facing Rainbow Street, two storey 1970's block and weather shed structure, construction of three new two storey buildings consisting of a library, two home base blocks, expansion of hall, link between Block A and library, link between Block A & Block B, landscaping, sports

courts and fields at 90-98E Rainbow Street, Randwick, NSW 2031 subject to the schedule of conditions outlined in this report:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
AR-DA-1102 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-1103 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-1104 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-1201 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-2001 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-2002 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-2003 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-2004 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-2005	TKD Architects	13.05.16	24 May 2016

(Revision A)			
AR-DA-3001 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-3002 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-3101 (Revision A)	TKD Architects	13.05.16	24 May 2016
AR-DA-5001 (Revision A)	TKD Architects	14.09.16	15 September 2016

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 1738 DP48445, at 90-98E Rainbow Street, Randwick, subject to the conditions that follow.
3. 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.
4. The maximum number of students must not exceed 1000 and the maximum number of staff with 53 at any one time. Details of student numbers are to be provided with all future development applications demonstrating compliance with this requirement.
5. An archival recording of the modified 1929 weather shed shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
6. As recommended by the Statement of Heritage Impact, an archival recording of the interior of the heritage item shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

7. The layout of the ground and first floors of the heritage item are to incorporate nib walls and beams projecting below ceiling level, as evidence of the original layout of the building and facilitate patching of plasterwork.
8. As recommended by the Statement of Heritage Impact, new walls and partitions are to be designed to be reversible and installed to minimise impacts on significant fabric.
9. Changes to the heritage item to accommodate changes to spatial layout, and to provide links to the new buildings, are to be carefully carried out to minimise damage to original internal and external building fabric, including fireplaces and internal windows and doors to classrooms.
10. A Schedule of Conservation Works for the heritage item 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.
11. 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.

Transport and infrastructure:

12. The applicant must prepare and submit to Council a comprehensive Traffic Management Plan (TMP) covering all aspects of traffic flows, traffic volumes, pick up / drop off operations, parking (both on-site and on-street) and student / staff numbers. The TMP must be submitted to Council within 3 months of receiving approval for the Stage 1 DA and must be approved by Council and the Randwick Traffic Committee prior to the lodgement of any future development application for this site. The TMP must be prepared in consultation with Council and shall cover the following areas as a minimum:
 - **On-site parking provision:** Given that the parking provision is well below Council's DCP requirements the TMP should identify opportunities for increasing the provision of onsite parking with future development including motorbike & bicycle parking;
 - **Student and Staff numbers:** All traffic modelling, travel and traffic surveys and pick up/drop off operations must be assessed using the upper student number of 1000 school students (with corresponding 53 staff).

- **Management of Pick Up / Drop Off Activities:** the proposed operation of pick up / drop off areas should be fully documented in the TMP;

NOTE: The proposed pickup and drop-off zone on Rainbow Street is required to be approved by Randwick Traffic Committee (RTC).

- **On-street Parking:** detailed parking surveys should be undertaken; such surveys should include the period prior & after school hours to assess the current residential use and competing interests of Paine Reserve, i.e. from 6.30am.
- **Operation of Intersections:** the TMP must consider the current and future operation of the intersection of Avoca and Rainbow Street and intersection of Paton Street and Rainbow Street. Given that significant queuing may result during peak times the TMP needs to consider recommendations for improving the operation of these intersections.

The applicant must comply with the approved TMP. Any civil infrastructure works required as part of the approved TMP must be designed to Council's satisfaction and constructed at full cost to the applicant.

REQUIREMENTS BEFORE CROWN BUILDING CERTIFICATION CAN BE ISSUED

The following conditions of consent must be complied with before a Crown building approval/certification is given under section 109R of the *Environmental Planning & Assessment Act 1979*. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the Crown building approval/certification.

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

Consent Requirements

13. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Section 94A Development Contributions

14. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$20,330,000 the following applicable monetary levy must be paid to Council: \$203,300.

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. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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.

Long Service Levy Payments

15. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*, as applicable.

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.

Security Deposit

16. 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*:

- \$3000.00 - 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 Crown completion certificate or completion of the civil works.

Motorbike and Bicycle Parking

17. A minimum of 20 bicycle spaces shall be provided for this development. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

Sydney Water

18. 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 the Sydney Water **Tap in™** online service, 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.

The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015

The **Tap in™** service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

Landscape Plan

19. The relevant certifying body must ensure that the Landscape Plans submitted as part of the approved Crown certificate are substantially consistent with the Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016.

Tree Protection Measures

20. In order to ensure those trees that are listed for Retention in the 'Tree Assessment Table' are retained in good health as has been shown, the

following measures are to be undertaken:

- a. All documentation submitted for the Crown certificate application must show their retention, with their Tree Identification numbers, as well as the position and the diameter of both their trunks and canopies to be clearly and accurately shown on all plans.
- b. The Arborists Report and Landscape Plans must both be reviewed to ensure consistency of approach between all documents, as currently **Part 5.1 of the Arborists Report, 'Trees to be removed', includes T103; however, the 'Tree Assessment Table' includes it for retention, as does the 'Tree Protection Plan'**.
- c. The recommendations contained in part 6.2: 'Site Establishment – Prior to Demolition/Construction' and part 6.3: 'During Construction' of the Arboricultural Impact Assessment by Bluegum Tree Care & Consultancy, dated May 2016 ("the Arborists Report") must be complied with.
- d. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9399-0613 to reach agreement on the outcome.
- e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar within the TPZ's of the Retained trees can only be performed in consultation with the Site Arborist, with all contractors and site staff/workers to comply with any instructions issued in relation to the trees.
- f. Other than the works that has been specifically approved in this consent, the applicant is not authorised to perform any other works to these trees, and must contact Council's Landscape Development Officer on 9399-0613 should further pruning or the potential removal of T16 be required.
- g. The relevant certifying body must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Crown completion certificate.

Traffic conditions

21. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be upgraded where necessary in accordance with the requirements of AS2890.1:2004. The Crown certificate plans including any necessary upgrading must demonstrate compliance with these requirements.
22. A 2m x 2m clear splay is to be provided on the exit driveway to the staff carpark to provide adequate sightlines. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

23. A minimum of 3 motorbike and 5 bicycle spaces shall be provided for this development. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

Stormwater Drainage

24. 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 relevant certifying body prior to a Crown certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council. 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
 - d) 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.
 - e) 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.
 - f) 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.
25. 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.

26. 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 Crown certificate.

b) The stormwater must be discharged (by gravity) either:

i. Directly to the kerb and gutter or drainage system in front of the subject site in Rainbow Street; or

ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)

iii. Directly into Council's underground drainage system located in Rainbow Street via a new and/or existing kerb inlet pit; or

c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system 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) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

- e) 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.

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) 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.

- h) 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).

- i) 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.

- j) 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 arrester pit shall be regularly inspected and cleaned".

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

- k) 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 Crown certificate being issued for the development).

- l) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- m) 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):
- 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - 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)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - 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.

- n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o) Mulch or bark is not to be used in on-site detention areas.
- p) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

Waste Management

27. 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 Planning.

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.

Land Contamination & Remediation

28. A *Remediation Action Plan* (RAP) is required to be prepared and be submitted to Council, which demonstrates that the land can and will be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013.
29. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
30. An Environmental Management Plan (EMP) for the ongoing management of the contamination, demolition and construction for site is to be prepared and to include but not limited to the Asbestos Management Plan prepared by Parsons Brinckerhoff "Asbestos in Grounds, Asbestos Management Plan, Rainbow Street Public School, Kingsford, NSW." Report Reference 2171479A PR_6945, dated March 2013. A copy submitted is to be submitted to Council prior to commencement of any works. The EMP is to be reviewed by a suitably qualified environmental consultant and acoustic consultant to incorporate all recommendations prior to submitting the EMP to Council.
31. A *Validation Report* must be submitted to Council prior to issuing a Construction Certificate [or Subdivision Certificate] for building works (other than site retaining structures that are necessary to facilitate the excavation and remediation works). The Validation Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 2013.

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

32. Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW EPA and Department of Planning and Environment, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
33. Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the validation report and Environmental Management Plan (EMP) to the satisfaction of a suitably qualified and experienced specialist.

Details of the validation report and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

34. The validation report must, where no guideline made or approved under the *NSW Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed and implemented, to the satisfaction of a suitably qualified and experienced specialist.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of a suitably qualified and experienced specialist.

REQUIREMENTS TO BE INCLUDED IN THE CROWN BUILDING APPROVAL

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the Crown building approval plans and associated documents for the development.

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

Compliance with the State's Building Laws

35. In accordance with clause 227 of the *Environmental Planning & Assessment Regulation 2000*, all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Access & Facilities

36. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent.

Site stability and construction work

37. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the appointed building certifier:
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.

- c) Details to demonstrate that the proposed methods of excavation and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work.
- e) Written approval must be obtained from the owners of the land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification and Building Inspection Requirements

38. Prior to the commencement of any building works, the following requirements must be complied with:

- a) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown, in accordance with the provisions of section 109R of the *Environmental Planning & Assessment Act 1979*.

A copy of the approval or certification and 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.

- b) a suitably qualified person (e.g. Accredited Building Certifier) must be appointed to carry out the necessary building inspections and to issue any relevant approvals or certificates prior to occupation of the building.

Dilapidation Reports

39. A dilapidation report prepared by a *professional engineer* or other suitably qualified and experienced person must be obtained 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.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage and other structures located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report must be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Site Management Plan

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

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

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

41. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition 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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the, 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 also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Construction Noise & Vibration Management Plan

42. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Office of Environment & Heritage/Environment Protection Authority 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.

- 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 Office of Environment & Heritage/Environment Protection Authority 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.

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.

Public Liability

43. 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 the Council.

Construction Traffic Management

44. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

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 & Maritime Services, 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

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction

Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

45. 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.

Public Utilities

46. 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.
47. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and 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.

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.

Landscape Plan

48. The Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016 must be amended to include the following additional details:
 - a) Any new feature trees to be installed within either the Central Courtyard or fronting onto Rainbow Street (as direct compensation for the removal of existing mature trees) must be advanced stock, being a minimum pot/bag size of 200L at the time of planting, with a minimum of three to be provided with in the Central Courtyard, and four fronting Rainbow Street;
 - b) The Detailed Landscape Plan and Planting Palette must include plant quantities as well as spacings/densities;
 - c) Any new trees which will achieve dimensions of 6m in height or a canopy spread of 4m or more at maturity must be planted at least 2.5m from any existing/proposed structure so as to allow for future unimpeded growth, both above and below ground.

Site Remediation

49. A *Site Remediation Management Plan* must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following

matters:

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

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

50. The building works must be inspected by a suitably qualified person (e.g. accredited building certifier), to monitor compliance with the relevant standards of construction, Council's development consent and the Crown building approval/certification.

Building & Demolition Work Requirements

51. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011 & Regulations
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

Removal of Asbestos Materials

52. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Council.
- On sites involving the removal of asbestos, a 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.
- 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 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Support of Adjoining Land, Excavations & Retaining Walls

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

54. 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 must 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.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the appointed building certifier.

Sediment & Erosion Control

55. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

Details must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

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

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

Dust control measures and practices may include:-

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

Temporary Site Fencing

57. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:
- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
 - b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
 - c) All site fencing and hoardings must 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.
 - d) An overhead ('B' Class) type hoarding is required to be provided to protect the public (unless otherwise approved by Council) if:
 - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the Crown.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

58. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) 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.
- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) 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 and Regulatory Services department.
- f) 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.

Site Signage

59. 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 project manager or other person responsible for the management of all site activities,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

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

Activity	Permitted working hours
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All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 1.00pm only Saturday - No work permitted Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

Survey Requirements

61. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building:
- prior to construction (pouring of concrete) of footings and, boundary retaining structures,
 - prior to construction (pouring of concrete) of each floor slab,
 - upon completion of the building, prior to issuing an *Occupation Certificate*,
 - as otherwise may be required by the building certifier.

The survey documentation must be forwarded to the Council.

Building Encroachments

62. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

63. 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 Crown completion certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Traffic Management

64. 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.
65. 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.
66. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

67. 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.

Tree Management

68. Approval is granted for removal of those trees listed in Point 5.1, 'Trees to be removed' of the Arboricultural Impact Assessment by Bluegum Tree Care & Consultancy, dated May 2016, subject to full implementation of the approved Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016:
 - a) The stand of various Gums and Pines growing centrally within the site (T17-26 & T41-43), as despite being desirable site feature given the shade that their co-joined canopies currently provides to the existing outdoor play area, they are in direct conflict with the footprint of the new building/classrooms, as well as the central landscaped area;
 - b) T57, 62-63, 70, 75 & 77, towards the western site boundary, so as to accommodate the new play courts, and then to their southwest, T84, 94-96, so as to allow for the new classrooms in this same area as shown;
 - c) The stand of large and mature trees around the southwest corner of the site, T99-103, between the existing buildings/classrooms and Rainbow Street, as despite having a presence in the streetscape, and forming a green 'link' with other large trees that are growing within Paine Reserve just to their west, so as to allow for works associated with the Library and extended carpark in this same area,

NOTE: There are inconsistencies in the documentation, in that the Tree Retention & Removal Plan shows that both T74-75 will need to be

removed, while the Arborists Report (page 3 & Tree Retention Table) lists both of them for retention.

Pruning

69. Should the pruning of existing trees that are being retained be necessary in order to provide a clearance from the approved works, machinery or similar; or; so as to avoid damage to the trees, it must only be minimal and selective.
70. Pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
71. The site Arborist must contact Council's Landscape Development Officer on 9399-0613 (giving at least 2 working days notice) to arrange a joint site meeting, **prior to pruning**, to determine the exact location and extent of pruning that is permissible, with the Arborist to comply with any instructions issued by Council.

Site Remediation Works

72. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). 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 Environmental Consultant.

73. Any variations to the remediation strategy or, new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Environmental Consultant and Council immediately in writing.

The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan, strategies or associated conditions of consent.

Regulatory Requirements

74. Hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the relevant requirements of WorkCover NSW and the Environment Protection Authority, including:
 - *Work Health and Safety Act, 2011 and associated Regulations;*
 - *Protection of the Environment Operations Act 1997 (NSW) and*
 - *NSW EPA Waste Classification Guidelines (2014).*
75. Site remediation must be carried out in accordance with the following requirements (as applicable):

- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- c) Remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
- d) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN COMPLETION CERTIFICATE

The following conditions of consent must be complied with prior to the occupation of the development.

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

Certification Requirements

- 76. A Certificate or Statement must be obtained from the appointed building certifier (or other suitably qualified person) prior to any occupation of the building, which confirms that the development is suitable for occupation having regard to the provisions of the Building Code of Australia.

Fire Safety Certification

- 77. A single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council. The *Fire Safety Certificate* must be consistent with any relevant *Fire Safety Schedules* which forms part of the building approval/certification.

A copy of the *Fire Safety Certificate* is to be displayed in the building entrance/foyer at all times and a copy of the *Fire Safety Certificate* and *Fire Safety Schedule* is to be forwarded to Fire and Rescue NSW.

Structural Certification

78. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation. A copy of which is to be provided to Council.

Sydney Water Certification

79. 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 > *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.

A copy of the Section 73 Certificate must be submitted to the Council.

Noise Control Requirements & Certification

80. The operation of 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 operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

81. A written report/statement must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and confirms that noise and vibration from all plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the Council prior to occupation of the development.

Green Travel Plan

10. A Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development shall be submitted to and approved by Council's Department of integrated Transport prior to the issuing of a Crown completion certificate. The plan shall include but not be limited to aspects such as support for walking and cycling, car sharing for staff, management of workplace parking spaces, & incentives for public transport use.

Pick-up and Drop-off Zone

82. Full details of the proposed pickup and drop-off zone on Rainbow Street are to be provided to Council to the satisfaction of Department of Integrated Transport for approval by Randwick Traffic Committee (RTC). The application for the pick-up and drop-off zone must be submitted to Council at least eight (8) weeks prior to the expected issuing of a Crown completion certificate to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

Council's Infrastructure, Vehicular Crossings & Road Openings

83. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Extend/Re-Construct a full width concrete vehicular crossing and layback at kerb, as required opposite the vehicular entrance's to the site on Rainbow Street .
 - b) Construct signage for the proposed pickup and drop-off zone in accordance with the requirements of Council's Department of Integrated Transport and Randwick Traffic Committee.
84. Prior to issuing a final Crown completion 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.
85. 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 *Civil Works Application Form*, prior to an Crown completion 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.

Service Authorities

86. 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 > 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 of an *Crown completion certificate*.

87. As a mains power distribution pole is located on the same side of the street and within 15m of the development site, the applicant/developer must meet the full cost for Ausgrid to relocate the existing overhead power feed between the mains distribution pole/s in Rainbow Street and the development site to an underground (UGOH) connection.

Stormwater Drainage

88. 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.
89. 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 relevant certifying body 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).
90. The applicant shall submit to relevant certifying body 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 relevant certifying body.

Landscaping

91. The nature-strip 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 Crown completion certificate.
92. Prior to issuing any type of Crown completion certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the relevant certifying body, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Context, DA Package 001, ref 15565, Rev A dated May 2016, and any relevant conditions of consent.
93. Suitable strategies must be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Site Arborist Certification

94. Prior to the issue of any Crown completion certificate, the site Arborist must submit to, and have approved by, the relevant certifying body, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to the trees listed for retention in this consent.

Waste Management

95. 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 any additional waste bins/services for the premises.
96. The waste storage areas shall be clearly signposted.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

97. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) is required to be provided to the Council.

The *Fire Safety Statement* is required to be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule* which forms part of the Crown building approval/certification.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* is required to be displayed in the building entrance/foyer at all times and a copy is to be forwarded to Fire & Rescue NSW.

Stormwater Detention/Infiltration System

98. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
99. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Validation Report, form part of this consent and must be implemented accordingly.
100. The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.
101. 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 $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

GENERAL ADVISORY NOTES

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

- A1 The relevant requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your application for Crown building approval or a construction certificate.

- A3 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

- A4 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

- A5 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A6 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

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

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

A7 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

A8 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

A9 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday;
or
- before 7.00am or after 10.00pm on any other day.

A10 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility

to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A11 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.

- A12 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.