

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

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	One submission received
Recommendation	Approval
Report By:	Matthew Choi

1. MEMORANDUM

In accordance with Clause 89(1)(b) of the Environmental Planning and Assessment Act, 1979:

- (1) *A consent authority (other than the Minister) must not:*
- (a) *refuse its consent to a Crown development application, except with the approval of the minister, or*
 - (b) *Impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Council has recommended that the development application no. DA/333/2016 for the 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 1970's block and weather shed structure, construction of 3 new 2 storey buildings consisting of a library, 2 homebase blocks, expansion of hall link between Block A & Block B, landscaping sports courts and fields, car parking for 12 vehicles and pick-up and drop-off be approved, subject to conditions.

Council forwarded the draft conditions of consent to the applicant on the 27 September 2016 and correspondence was received on the have sought to make the following amendments with correspondence received to the relevant conditions on the 4 October 2016. The relevant modifications are as follows:

Council recommended condition of consent:

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.

Applicant's request to amend condition no.4 to read:

4. The core infrastructure design capacity of the school is for approximately 1000 students and 53 staff. Student and staff numbers may fluctuate and any increase in capacity by way of new buildings or classrooms will be subject to requirements under the EP&A Act.

Comment: The amendment to Condition no. 4 is not supported by Council. The applicant has requested that reference be made to the 'core infrastructure design capacity' which can accommodate for approximately 1000 students and 53 staff and that future student numbers may increase in capacity through new buildings/classrooms. Council's development engineer has reviewed the development application and advised that any additional increase of students above 1000 will likely result in an increase in on-street parking demand based on the information provided with the development application and subsequently an increase in the number of pick-up/drop off spaces proposed.

The removal of a maximum requirement may contribute to a substantial increase in the number of student and staff numbers without providing for the necessary facilities to accommodate an increased growth in student and staff demand. Such an increase is likely to have further implications on the availability of off-street parking, pick-up/drop-off parking spaces and impact vehicular road congestion within the local street network. Without a definitive number to the maximum number of students and staff casts a reasonable level of doubt that the proposal may contribute to significant impacts without careful consideration on the local site context. Further, it is worthwhile noting that the traffic impact assessment submitted by the applicant is based on an increase in student numbers from 426 to 1000 students and 39 staff to 53 staff. No assessment has been provided on students and staff numbers which exceed these figures or the likelihood that it will continue to provide an acceptable level of parking or traffic demand to the surrounding streets. In considering the above, Council requests that Condition no. 4 remain unchanged.

Council recommended condition of consent:

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.

Applicant requests to amend condition no. 12 to read as:

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. 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 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

approximate 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.

Comment: The amendment to condition no. 12 and the second dot point is not supported by Council. The applicant has requested to remove the requirements that the Traffic Management Plan should not require approval by Council or the Randwick Traffic Committee prior to the lodgement of any future development application for this site. Further, the applicant also requests that the second dot point be amended in that any traffic modelling including travel and traffic surveys and pick-up/drop-off operations must be assessed based on the approximate student number rather than the upper student number of 1000 students. Council's development engineering has reviewed the application and advised that any increase to student numbers above 1000 will require a further commitment in the number of pick-up/drop off spaces.

Council has not recommended refusal for the development proposal however traffic and parking concerns exist (both within Council and the residents surrounding the development site). Part of the Traffic Management Plan involves the creation of an extended pickup and drop off zone in Rainbow Street. The proposed peak hour restrictions will be over a length of 150 metres and includes the area fronting the development site (11 spaces) and an area fronting Paine Reserve (13 spaces). The standard mechanism for approval and subsequent installation of the pickup and drop off zone requires the initial support of Council officers, a report be prepared by Council for consideration by the Randwick Traffic Committee and the final approval of the Randwick Traffic Committee. Council officers are not aware of any alternate mechanism nor has the applicant proposed an alternate mechanism. The creation of the timed pick-up and drop-off zones is fundamental to the proposed traffic

management for this development. Failure to obtain the necessary approvals for installation of the pickup and drop off zone would be a major impediment to the success of the development proposal. Failure to obtain the necessary approvals for installation of the pickup and drop off zone may render other conditions of consent invalid.

In regards to the second dot point, traffic surveys of approximately 1000 students does not outline any certainty or accurately reflect future traffic generation in particular, if the proposed student and staff numbers significantly exceed 1000 students and 53 staff members. A traffic survey of approximately 1000 students does not provide sufficient evidence for Council's Traffic Committee to make a comprehensive assessment of the proposed works. This site already has a significant parking deficiency (leading to staff parking in the surrounding streets) and in the short to medium term the parking deficiency is going to increase. Whilst the applicant has stated their policy, nothing is provided in detail showing what measures will be in place to deal with the current parking deficiency and the likely increase in parking deficiency going forward.

In regards to the first dot point, Council accepts the proposed amendments by the applicant.

Council recommended condition of consent:

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:

$$IDC = ODC \times CP2/CP1$$

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.

Applicant requests to delete condition no. 14.

Comment: The deletion to condition no. 14 is not supported by Council. Clause 94(1)(b) of the Environmental Planning and Assessment Act, 1979 specifies that if a consent authority is satisfied that development whereby development consent is sought will result in an increase in the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution. The proposal will result in an intensification of the existing use and increase in the student and staff population (approximately 574 students and 14 staff) to a degree whereby additional services are required to accommodate the increase in demand. Further, the Randwick City Council Section 94A Contributions Plan 2015 allows for exemptions to the payment of s94A levies under the following limited circumstances:

- Development exempted under a Ministerial Direction (Dec 2006) - works less than \$100k, works for the purpose of disabled access, affordable housing, adaptive re-use of heritage buildings etc. (clause 13.1)
- Development exempted by Council - places of public worship, public hospitals, emergency services (e.g. police etc.), works undertaken by a charity/not for profit, seniors housing and works undertaken by Council (clause 13.2)

Educational establishments are not included in the above exemption categories.

The impost of development (such as intensification through additional students/staff) on local infrastructure/public domain thus needs to be accounted for and part funded through s94A contributions.

Council has the position that a s94A exemption to universities (and potentially other educational facilities) would be better placed as part of a state wide approach (e.g. via a Ministerial Direction) as opposed to an individual Council exemption process (reference: 10 July 2012 Report regarding the s94A Plan 2012 Review). A review of Waverley and Woollahra's Section 94A Plans indicates that these Councils are fairly consistent with RCC's approach. In considering the above, Council requests that Condition no. 14 remain as part of this consent.

In addition to the above, it should be noted that Clause 23M of the Environmental Planning and Assessment Act, 1979 specifies:

23M The commission or a regional panel must not exercise a function that will result in the making of a decision, that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a Council until after it has consulted with the Council.

Should Council at its Planning Committee meeting held on the 11 October 2016 support the removal of the Section 94A condition, the JRPP will be addressed accordingly.

Council recommended condition of consent:

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.

Applicant requests to delete condition 26(d), 26(f), 26(l), 26(m) and 26(o).

Comment: The deletion of Condition 26(d), 26(f), 26(l), 26(m) and 26(o) is not supported by Council. Council's development engineer has reviewed the development application and advised that the provisions for condition nos. 26(d), 26(f), 26(m) and 26(o) provide flexibility to the future site stormwater drainage system. The conditions are presented as guidelines and the removal of these requirements may restrict the design of the drainage system.

Council recommended condition of consent:

- 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.

Applicant requests that Council confirm whether the requirements of the condition no. 27 relating to the Waste Management Plan have been satisfied.

Comment: The deletion of condition no. 27 is not supported by Council. Council's development engineering has reviewed the submitted Waste Management Plan and advised that the WMP does not address all of the above referenced considerations.

Council recommended condition of consent:

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.

Applicant requests to amend condition no. 31 to read:

31. A *Validation Report* must be submitted to Council prior to issuing a Crown Completion 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.

Comment: The amendment of condition no. 31 is not supported by Council. The applicant has requested that a validation report be submitted prior to the issue of a Crown Completion Certificate than prior to the issue of a construction certificate. Council's Environmental Health officer has reviewed the development application and in accordance with Clause 2.3.4 of Randwick City Council's Contaminated Land Policy, Council will require a validation and monitoring report to be submitted after remediation works have been completed and prior to the commencement of building construction works. Therefore, Council proposes the following amendments to condition no. 31 to read as:

31. A *Validation Report* must be submitted to Council prior to commencing any above ground 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.

The proposed amendment above will allow remediation to be carried out and ensure site validation prior to commencement of any above ground building works.

Council recommended condition of consent:

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.

Applicant requests to amend condition no. 36 to read:

43. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million.

Comment: The amendment of Condition no. 43 is not supported by Council. The applicant has requested to remove the requirement that a copy of the insurance cover is to be provided to Council. No reasonable justification has been provided to the modification to this condition nor does it provide any certainty that the owner/builder holds a public liability insurance of a minimum of \$10 million without appropriate documentation submitted to Council.

Council recommended condition of consent:

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.

Applicant requests to amend condition no. 38 to read as follows:

44. A detailed Construction Site Traffic Management Plan must be prepared in consultation with 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:

- 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.

Comment: The amendment of Condition no. 38 is not supported by Council. The applicant has requested to remove the requirements that the submitted construction site traffic management plan must meet the satisfaction of Council. Council's development engineer has reviewed the development application and advised that approval for the CTMP can be obtained in less than 7 days provided that they are prepared in consultation with Council. Subsequently, the proposal will not contribute

to any long-term delays that would otherwise warrant Council's approval to the construction site traffic management plan.

Council recommended condition of consent:

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none">• Monday to Friday - 7.00am to 5.00pm• Saturday - 8.00am to 5.00pm• Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, 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.

Applicant has requested to amend condition no. 54 to read:

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none">• Monday to Friday - 7.00am to 5.00pm• Saturday - 8.00am to 1.00pm• 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 5.00pm 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.

Comment: The amendment of Condition no. 60 is not supported by Council. The applicant has requested to decrease the permitted working hours for building, demolition and site works (including deliveries) from 7.00am to 5.00pm to 7.00am to 1.00pm, Monday to Friday. In addition to this, the applicant seeks to increase the hours of operation for the use of excavation of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like from 8:00am to 1:00pm to 8:00am to 5:00pm, Monday to Friday. The increase in hours of operation for the use of excavation of rock, use of jack-hammers, pile-drivers, etc. beyond 1pm exceeds the nominated Council hours for development which requires Council consent and will compromise the amenity of the neighbouring residential dwellings.

Council recommended condition of consent:

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.

Applicant has requested to amend condition no. 10 to read:

10. A Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development shall be prepared in consultation with Council. 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.

Comment: The amendment of condition no. 10 is not supported by Council. The applicant has requested to remove the requirements that the workplace travel plan be submitted to and be approved by Council's Department of Integrated Transport prior to the issuing of a Crown completion certificate. Council's development engineer has reviewed the development application and advised that Council is

required to provide approval for the Workplace Travel Plan. The Workplace Travel Plan has been offered up by the applicant as a mechanism for minimising adverse impacts on the public roads surrounding the development site and requires Council approval to ensure such potential impacts are appropriately considered. The Workplace Travel Plan is best considered in conjunction with the measures developed from the resolution of condition no. 12. Subsequently, condition no. 10 cannot be satisfied without providing further details of the proposed Traffic Management Plan. Council agrees to correct the numbering of condition no. 10.

Council recommended condition of consent:

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.

Applicant has requested to amend condition no. 82 to read:

82. Full details of the proposed pickup and drop-off zone on Rainbow Street are to be provided to Council. 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.

Comment: The amendment of condition no. 82 is not supported by Council. The applicant has requested to remove the requirements that pick-up/drop-off details must be submitted to Council to the satisfaction of Council's Department of Integrated Transport and be approved by Randwick Traffic Committee. Council's development engineer has reviewed the development application and advised that this requirement cannot be removed. The standard mechanism for approval and subsequent installation of the pickup and drop off zone requires the initial support of Council officers, a report be prepared by Council for consideration by the Randwick Traffic Committee and the final approval of the Randwick Traffic Committee. Failure to obtain the necessary approvals for installation of the pickup and drop off zone may render other conditions of consent invalid.

Council recommended condition of consent:

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.

Applicant has requested to amend condition no. 88 to read:

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. 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.

Comment: The amendment of condition no. 88 is not supported by Council. The applicant has requested to remove the requirement that the ‘restriction on the use of the land’ and ‘positive covenant’ must be submitted to the satisfaction of Council. Council’s development engineer has reviewed the development application and advised that this requirement cannot be removed. Council is the prescribed authority benefitting from the 88E instrument and therefore Council is required to endorse these documents (see Attachment for 88E Instrument).

All other modifications/deletion of condition nos. 1, 7, 13, 17, 23, 24(f), 30, 33, 37, 58 and 91 has been accepted by Council.