

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

|                              |   |
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| <b>JRPP No.</b>              | <b>2016SYE085</b>                               |
| <b>DA No.</b>                | <b>DA/338/2016</b>                              |
| <b>Street Address</b>        | <b>62-88E Avoca Street, Randwick, NSW, 2031</b> |
| <b>Applicant</b>             | <b>NSW Department of Education</b>              |
| <b>Owner</b>                 | <b>Minister for Education and Training</b>      |
| <b>Number of Submissions</b> | <b>0</b>  |
| <b>Recommendation</b>        | <b>Approval</b>                                 |
| <b>Report By:</b>            | <b>Matthew Choi</b>                             |

## **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 RL91.77 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. 62-88E Avoca Street, Randwick and is formally known as Lot 1 DP797564, Lot 1 DP 537130, Lots 1-4 DP797629, Lots 8, 10-13 & 15 Sec 10 DP 758867. The subject site enjoys frontages to Avoca Street, Cowper Street, Frances Street and The Avenue with an overall site area of 22455sqm.

Topographically, the subject site is relatively flat with a fall of approximately 3.28 metres from east to west (as measured from the Avoca Street frontage to the western portion of the central playground space) and a fall of 2.97 metres from north to south (as measured from the Cowper Street frontage to the playground space adjacent the southern boundary).

The immediate context of the subject site comprises of a mixture of private recreation spaces and infrastructure development adjoining the proposed development. To the east is the Randwick Bowling Club and the Randwick Fire Station and to the south is Randwick City Council Town Hall and administration offices. The height of buildings to the surrounding development comprise consist of single storey (Randwick Bowling Club), two storeys (Randwick Fire Station) and four storeys (Randwick Council).

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 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 3 and full demolition of block 4, sports court and demountable classrooms), removal of vegetation and excavation works.
  - Construction of new on-site detention and stormwater drainage systems
  - Increase in the number of students from 804 to approximately 1,000
  - Increase in the number of staff to approximately 53
  - Ancillary uses and services including multi-court play area, and covered walkways
  - Landscaping works including the removal and replacement of 14 trees, new grassed play areas and tree preservation
  - Minor alterations and additions to Blocks A, C, E and 1
  - Service and utility connections

The proposal includes one main building:

- c) New multi-purpose building (3 storeys) located on the northern portion of the site with a primary frontage to Cowper Street and located between Blocks A and D. The new uses accommodate for 'staff' facilities at the ground floor level and 'homebase' uses at the first and second floor levels.

#### 4. HISTORY

| Development Application no. | Proposal  | Recommendation               |
|-----------------------------|---|------------------------------|
| DA/328/2016                 | Temporary use of the existing grounds and buildings of Randwick Public School as a fresh food market from 6am to 5pm on Saturday of each week including installation of 65 stalls and associated signage (Heritage Item & Heritage Conservation Area) | Approved: 09 August 2016     |
| PL/8/2016                   | Pre-DA for upgrades to Randwick Public School and Rainbow Street Public School  | Advice provided: 11 May 2016 |
| DA/761/2014                 | Temporary use of the existing grounds and buildings of Randwick Public School as a fresh food market from 6am to 5pm on the Saturday of each week including installation of 65 market stalls (Heritage item and Heritage Conservation Area)           | Approved: 5 February 2015    |
| DA/90/2006                  | Construction of a new 2.1 metre high security fence around boundary of Randwick Public School.  | Approved: 8 March 2016       |

#### 5. NOTIFICATION AND ADVERTISING

The subject application was advertised and notified from 15 August 2012 to 29 August 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. No submissions were received at the conclusion of the public consultation process.

#### 6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

##### 6.1 Roads and Maritime Services

In regards to the construction of the three storey building at 62-88E Avoca Street, Randwick, Roads and Maritime does not need to comment on this application as it

only proposes building works. Therefore there is no objection to the development proposal at the above subject location.

## **6.2 Development Engineer**

A Concept proposal and stage 1 DA for works to enlarge 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 3 storey multi-purpose building, refurbishment of Block A and Block 1 (Heritage Item) at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by Urbis dated May 2016;
- Statement of Environmental Effects by Urbis dated May 2016
- Traffic and Parking Assessment by Traffix dated 11<sup>th</sup> 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.

### **Summary Comments**

The current and future operation of existing pickup and drop-off zone in 'The Avenue' is the main aspect of concern to Development Engineering associated with this proposal. The zone is not currently operating well especially during the afternoon peak and high traffic congestion has been observed in the vicinity often extending along the full length of The Avenue between Frances St and Cowper St. This will only be expected to get worse with the proposed 24.4% increase in students. Development Engineering would not support approval of this application without additional measures to improve the management and operation of the pickup and drop-off zone.

As the assessing officer has indicated the application is likely to be approved, conditions have been included in this report that contain measures to improve the management of the pickup and drop-off zone during the peak times, including the submission of a detailed Traffic Management Plan (TMP). Consideration should also be given to providing some pick-up and drop off internal to the site since under the DCP there will be a surplus of staff parking. Further analysis on parking & traffic are provided in the parking & traffic comments.

### **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 Roads & Maritime (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 Avoca Street which is classified as a state road. Referral to the RMS may also be required under this aspect.

### **Department of Integrated Transport Referral**

The application was also referred to Council's Integrated Transport Department for comment on 27<sup>th</sup> May 2016. No response was received by 22<sup>nd</sup> September 2016.

## **PARKING COMMENTS**

### EXISTING SITUATION

The existing public school is currently approved for 804 students with the submitted Traffic Report stating that 43 staff are currently employed at the school. This would generate a parking demand for 30 spaces under the DCP. Two vehicular crossings are provided in Cowper Street which serves the two Randwick Public School parking areas providing a total of 42 spaces. The school therefore currently complies with its off-street parking provision for staff under the DCP.

It is also noted that a vehicular crossing is provided in Avoca Street providing access to the Open High School Parking Area providing an additional 41 spaces.

A signposted "kiss and drop" is currently provided along The Avenue and Frances Street frontages as approved by Randwick Traffic Committee. The traffic report states that 20 spaces are dedicated on The Avenue while an additional 6 spaces are provided on Frances Street. The spaces are time restricted as 10 minute parking 8-9:30am and 2:30-4pm Mon Fri.

### Proposed Development

The application proposes that the number of students within Randwick Public School is to increase from the current 804 approved to 1000 students, representing an increase of 196 students or 24.4%. The number of staff is also proposed to increase from 43 to 53 being an increase of 10 staff or 23%.

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.*

The additional 10 staff members would generate an additional parking demand of 7 spaces under Part B7 of the DCP generating a total parking demand of 37 spaces for 53 staff. The site currently provides 42 spaces and would therefore be able to accommodate the additional parking demand requirements.

In addition, as the Open High School is proposed to be closed, the 41 spaces within its grounds will become available to Randwick Public School since the carpark is proposed to be retained. It is therefore recommended that the Avoca Street carpark be retained for staff while the easternmost Cowper Street carpark be considered for pickup and drop-off during the peak pickup and drop-off times of the school. This will

assist in addressing the additional demand for pickup and drop-off and alleviating some congestion in The Avenue.

Additional proposed measures to manage the additional 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
- Car Sharing

Development Engineering would also support these additional measures and conditions relating to the submission and approval of a Traffic Management Plan and a Green Travel Plan have been included in this report.

#### 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 2 spaces ( $0.05 \times 37$ ).

The submitted plans do not demonstrate compliance with this requirement however given the surplus in vehicle parking it is considered this can be conditioned in any consent. 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 4 spaces ( $37/10$ ). To encourage alternative transport options it is recommended this be increased.

#### PICKUP AND DROP OFF

There is no specific requirement in Council's DCP for the amount of spaces to be dedicated as a pickup and drop-off zone for schools. It is Council's preference that pickup and drop-off be provided within the school grounds, however as often occurs with schools of this small size the lack of space makes this impractical.

A signposted "kiss and drop" is currently provided in The Avenue and Frances Street being as approved by Randwick Traffic Committee. The zones are not currently operating well especially during the afternoon peak and high traffic congestion has been observed along the full length of The Avenue between Frances St and Cowper St (*see pictures in traffic comments*). This will only be expected to get worse with the proposed 24.4% increase in students. Development Engineering would not support approval of this application without additional measures to improve the management and operation of the pickup and drop-off zone. Conditions have therefore been included in this report that contain measures to improve the management of the pickup and drop-off zone during the peak times, including the submission of a detailed Traffic Management Plan (TMP) to Council. Given that significant queuing has been observed at the intersection of The Avenue and Frances Street the TMP also needs to also consider recommendations for improving the operation of this intersection.



### 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 however the submitted traffic report by Traffix contains details of extensive surveys to establish appropriate traffic generation rates. The report has determined the proposed development would generate an additional 91 vehicle trips (46 in 45 out) during the 8-9am morning peak and 53 vehicle trips (26 in, 27 out) during the 3-4pm afternoon peak.

The results of the SIDRA modelling submitted with the traffic report appear to demonstrate that the additional traffic volumes generated by the proposed development can be accommodated by the existing road network with only minor impacts. No additional upgrades are recommended by the traffic report.

Development Engineering notes however that significant delays can occur in The Avenue and at the intersection of Frances Street and The Avenue especially during the afternoon peak. This intersection has not been modelled in the accompanying traffic and parking assessment by Traffix.

Significant delays have been observed in The Avenue due to vehicles waiting for pick-up spaces to become available in The Avenue and traffic congestion at the intersection with Frances Street. These delays often result in congestion along the full length of The Avenue between Cowper Street and Frances Street which was indeed observed on the day of site inspection at approximately 3:10pm 22<sup>nd</sup> September 2016 (see photos below). Council rangers have also indicated that at worst the congestion can extend around the corner into Cowper St on busy days.

**The Avenue - view north towards Frances St towards Cowper St**



**The Avenue – view south**



It is clear that the current pick-up and drop-off procedures are not working at optimum and there needs to be some improvements in procedures and management of the pick-up and drop-off zone. Development Engineering have significant

concerns that the increase in student numbers will create further issues in traffic flow in the Avenue and potentially Cowper St if current practices continue. Driver behaviour was also determined to be a contributing factor. Conditions relating to a detailed TMP to be submitted to Council have been included in this report to address this important issue.

### **Flooding/Drainage Comments**

The proposed significant redevelopment of the site has the potential to increase surface runoff from the redeveloped portion of the site. Conditions requiring the provision of an on-site stormwater detention system have been provided in this report which will restrict the stormwater discharge from the redeveloped portion of the site to what would normally occur for the 1 in 5yr storm event for existing site conditions for all storm events up to the 1 in 20yr storm event.

Any overland flow paths are to be maintained.

### **Undergrounding of power lines to site**

At the ordinary Council meeting on the 27<sup>th</sup> May 2014 it was resolved that;

*Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.*

The subject **is** located within 15m of a power pole on the same side of the street hence the above clause **is** applicable. A suitable condition has been included in this report.

## **6.3 Landscape Development Officer**

A site inspection was performed on 19 August 2016, and confirmed the findings of the Arborists Report, in that there are 133 trees present, 12 of which are proposed for removal, comprising 1 of High Retention Value Tree (T27), 10 of Medium Value (T17-18, 20-23, 40, 60-62) and 1 of Low Value (T19).

Removal has been 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 alternative design solutions that would allow their retention.

The row of T17-23 are located along the western side of the existing vehicle entry/exit/carpark off Cowper Street; and while their established, co-joined canopies do have a presence in the streetscape, works associated with the new carpark will be in direct conflict with this area, and as several other mature specimens nearby will be retained so as to maintain amenity, no objections are raised to their removal in this case, with the same also applying to T27, further to their east.

Further to their southeast is T40, a mature Port Jackson Fig, of 10m x 6m, which is one of the more arboricultural significant trees at this site given a combination of its age, central location and presence as a focal point within the school grounds.

However, it is in poor health, with the extensive dieback and epicormic shoots evidence that it is under stress, presumably as a result of recently completed works involving the sealing and altering of ground levels around its trunk, directly over its root system.

Any significance this tree provides is restricted to within the school grounds only as the adjacent buildings surround it on 3 of its 4 sides, and as it is also in direct conflict with the new building that is shown for this same area, consent has been given for its removal, subject to a replacement of the same species being provided further to the south, within the 'The Green' outdoor play area, as has been shown on the Overall Site Plan.

The small trees located centrally within the site, comprising T60 (Brush Box), 61 (unidentified) and 62 (Bottlebrush) are not significant in anyway so can be removed as shown.

There are inconsistencies in the documentation, in that the Landscape Plan shows that T74-75 will both need to be removed, while the Arborists Report lists both of them for retention.

However; as T74 (Liquidambar) is only a juvenile, insignificant specimen, no objections are raised to its removal, and as the architectural plans show that the mature Eucalyptus robusta (Swamp Mahogany, T75) would also be within the footprint of the new building C (which is already exempt from the DCP due to its location within 2m of the existing building), conditions also allow its removal.

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

The various small street trees along the length of the Cowper Street verge should not be affected given an absence of any external works, with conditions not required.

The Landscape Plans show a high level of detail that will result in a more modern, high quality outcome for the School, including an increase of green space, planting and canopy trees, with conditions requiring that it be fully implemented as part of any approval.

## **6.4 Building Control Officer**

### Proposed Development:

It is proposed to carry out demolition and new building and associated works to the open space and renovation work, as follows:-

- Demolition of an existing building associated with the Open High School;
- Expansion of existing open space and sports facilities;
- Construction of a new multi-purpose school building; and

- Minor refurbishments to Block A and Block 1.

#### Comments:

No objection seen. Additional information and satisfactory reports accompany the application.

### **6.5 Heritage Planning Officer**

#### The Site

The site has frontages to Avoca Street, Cowper Street, The Avenue and Frances Street. Both Randwick Public School and Randwick North High School are listed as heritage items under Randwick Local Environmental Plan 2012. The Randwick Heritage Study Inventory Sheet for Randwick North High School notes that the original building was constructed in 1886 as Randwick's first public school, with the northern wing constructed in 1909. The Randwick Heritage Study Inventory Sheet for Randwick Public School notes that the building dated 1924 is part of the historic school grouping. There are a number of heritage items in the vicinity of the site including Randwick Town Hall immediately to the south in Avoca Street. The site is within the St. Jude's heritage conservation area, and is in the vicinity of the St. Mark's hca and the Gordon Square hca.

The site currently houses Randwick Public School (in the north and west), Centennial Park School (in the south) and the Open High School (in the east).

#### Proposal

The application proposes to accommodate a larger school population through demolition of a number of existing buildings and construction of a new building. The early Open High School building is to be retained for use by Randwick Public School, another Open High School building to the rear is to be demolished and a number of demountable classrooms are to be removed. A new three storey building is to be constructed adjacent to Cowper Street, and open space provided in the centre of the site.

#### 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 use since the late nineteenth century for both primary and secondary education for boys and girls. The HIA notes the original L-shaped school building was completed in 1887, with a new wing, resulting in a symmetrical appearance opened in 1909. Further additions to this building were later removed, along with a residence which once stood on the corner of Avoca and Cowper Streets. The two storey block on the Cowper Street frontage of the site was designed and constructed in two stages (1915-1918 and 1915-1924). A two storey

girls' high school building towards the north east corner of the site was and a two storey boys' high school building to the south of the 1887-1909 building were constructed in the 1930s. The three storey building on the southern edge of the site was constructed during 1960s. 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 argues that the significant elements on the site are to be retained and conserved, with the buildings which are to be demolished having no heritage significance. The HIA notes some minor internal and external demolition in the early twentieth century building and minor internal demolition of the 1887 building, not impacting on heritage significance. In relation to the new development, the HIA argues that the impact of the contemporary appearance of the new building will be minimised by its footprint, building envelope and modulated architectural design. The HIA argues that the proposed development will not alter the heritage significance of the hca or adjacent heritage items and hcas. The HIA also notes impacts of the proposed development on views to Randwick Public School, but will be offset by regained views due to the demolition of the 1960s building. In relation to landscape works and trees, the HIA notes that existing landscaping across the site is relatively recent with no historical significance. The line of trees along the western boundary which interprets the tramline reservation will be retained. New plantings will provide an appropriate main entrance to the school, and the central part of the site, opened up by the demolition of the 1960s building will enhance the setting of the heritage items. The HIA concludes that the proposed development will have several positive heritage outcomes and that the new development is acceptable in terms of its overall height, placement on the site and architectural resolution.

### Controls

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

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

The unusual splayed configuration of the western wing of the 1924 building relates to the line of the former tramway which ran diagonally between the school and the fire station and bowling club sites. The setback of existing buildings from Cowper Street reflects the historic street pattern- Cowper Street formerly ran on a straight alignment with an offset junction with Frenchmans Road.

### Demolition of existing buildings

The three storey Open High School building is to be demolished and a number of demountable buildings removed. The Open High School building has a Z-shaped footprint behind the single storey 1887-1909 building and the two storey 1930s

Centennial Park School building. The building footprint encloses a courtyard behind the single storey building. The demountable buildings behind have only been installed fairly recently and have no connection with the site. There are no heritage objections to the demolition of the 1960s building. This building looms up behind the 1887-1909 building when it is viewed from Avoca Street, and its proximity to the 1915-1924 building detracts from its setting and views towards its rear elevations.

#### Changes to Avoca Street building (1887 – 1909)

The Avoca Street building, currently occupied by the Open High School has been considerably altered. The early building comprised an H-shaped footprint with subsequent single storey additions to the rear. The single storey additions were removed for the construction of the 3 storey building. External alterations include rendering and painting of the original face brick and roughcast 1909 wing and provision of a skillion roofed addition across the rear of the building (possibly in conjunction with removal of the original rear wall). Internal changes include partitions to subdivide the original large classroom spaces for office use, and replacement or covering of original ceilings. An original floor plan displayed in the central hallway of the building but is not included in the HIA. This display should be salvaged for display following completion of the works.

Changes are proposed to the Avoca Street building for use as staff areas, including removal of existing walls and provision of new walls. External changes relate only to the significantly altered rear elevation, with no external changes to the more intact front elevation. Internal changes will not significantly affect the integrity of original classroom spaces in the building, which have already been significantly comprised by earlier building works. It is unclear whether the proposed works will create any opportunity to uncover and reinstate any original building fabric, such as ceilings which have been covered by false ceilings. An appropriate consent condition should be included.

The car park in front of the Avoca Street building detracts from its setting and views towards it. Pre-lodgement comments suggested that consideration be given to upgrading provision for landscaping in front of this building. It appears however, that the need to maximise carparking will limit the ability to provide additional landscaping adjacent to the front of the building.

#### Changes to Cowper Street building (1915 - 1924)

The Cowper Street building is currently used for classroom accommodation, as well as the library spaces and staff areas. The first stage of the building, the eastern half, was constructed between 1915-1918, with the second stage, the western half, constructed between and 1915-1924. Hallways along the northern and eastern sides of the building provide access to classrooms behind. The building largely retains its original external form and internal layout, despite some new partitioning to accommodate staff areas and changes to internal openings between hallways and classrooms.

Changes are proposed to the Cowper Street building to convert several areas which have been used for other proposes back to classroom spaces. At ground and first floor level, internal changes are proposed to the both halves of the building to better accommodate classroom spaces. These changes affect previously modified areas.

At ground and first floor level, external changes are proposed at the eastern end of the building to allow for a link to the new building and for access to an outdoor learning area adjacent to the library. These changes affect a minimum number of openings in the eastern elevation of the building. A consent condition should be included requiring changes to be carefully carried out to minimise damage to original internal and external building fabric. 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 items are carried out in conjunction with the development.

#### Proposed new buildings

The new three storey building facing Cowper Street is to be located between the two storey 1915-1924 building and the one and two storey 1930s building. The new building is to be separated from the 1915-1924 building by around 5m with a first floor link, from the 1930s building by around 2m, and from the 1887-1909 building by around 15m. The first and second floor levels of new building will project around 3m further forward than the 1930s building and around 7m further forward than the 1915-1924 building. It is noted that the new building will have a similar height to the 1960s Open High School building which is to be demolished.

There are some concerns that the proposed building is positioned considerably forward of the building line of the heritage item, is one level higher and appears to contrast with the heritage item in terms of form, materials and detailing. The new building would have a more sympathetic relationship to the 1915-1924 building if the setbacks of the two buildings were the same, if the top floor level were further set back to better articulate the three storey scale of the building, and if more recessive materials and finishes were employed. Landscape plans indicate that existing Cowper Street boundary planting will remain, while a number of trees and shrubs are to be removed within the site to provide a single consolidated carpark. While the proposed tree removal will reduce potential landscape screening between the old and new buildings, remaining boundary planting will partially screen the new building from the east and west along Cowper Street. A consent condition should be included that consideration be given retaining some of the trees within the site, in conjunction with the provision of the consolidated carpark. It is noted that existing boundary planting along Cowper Street also screens streetscape views of the heritage item. While the new building will somewhat impact on oblique views of the heritage item from the north east, views of the symmetrical Cowper Street entrance façade will still be able to be appreciated.

The heritage impact and dominance of the new building is reduced by the proposed free standing building envelope with a recessive link to the heritage item. The proposed materials, finishes and detailing comprise aluminium composite panels, fibre cement façade system and composite wood screens. The first and second level homebases will be clad in multi-coloured fibre cement panels, while the slightly recessed stair element will be clad in composite wood screening, assisting in articulating the form of the new building, and defining a simple blocky form which does not compete with the adjacent heritage item. The proposed colour scheme will draw attention to the new building as the main entrance to the school and enliven the building for the benefit of the school population. The applicant has advised that a number of design options have been investigated for the site and that the proposed

perimeter building approach facilitates functional relationships between buildings and maximises open play space in the centre of the site.

#### Recommendations

The following conditions should be included in any consent:

- The framed copy of the original architectural drawings of the Avoca Street building which is currently displayed in the central hallway of the building should be salvaged prior to commencement of the works. The framed drawing is to be stored in a safe and secure location on site and re-hung in a public position within the building for heritage interpretation purposes on completion of the works.
- Changes to the Cowper Street building to accommodate changes to spatial layout, to provide a link to the new building, and to provide external access are to be carefully carried out to minimise damage to original internal and external building fabric.
- A Schedule of Conservation Works for the existing heritage buildings 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.

#### Advisory condition

- Consideration should be given retaining some of the trees within the site, adjacent to the Cowper Street frontage, in conjunction with the provision of the proposed consolidated carpark.
- In relation to any original building fabric, such as ceilings in the Avoca Street building which have been covered by false ceilings, consideration should be given to reinstatement in conjunction with the proposed works.

## **6.6 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 Randwick Public School.

### Comments:

#### Land Contamination

A preliminary Stage 1 & 2 Environmental Site Assessment prepared by Environmental Investigation Services (REF: E28881KDrpt,E28881KDrpt2rev respectively) dated 17 December 2015 & 17 May 2016as 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 EIS report for Preliminary Stage 2 Environmental Site Assessment provided the following advice regarding the site:

“EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to better manage the risks:

1. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site;
2. Prepare a Validation Assessment (VA) report on completion of remediation, (including surface asbestos clearance);
3. Prepare an Environmental Management Plan (EMP) for the ongoing management of contamination remaining on site. The EMP will require establishment of appropriate public notification under Section 149(2) of the E&PAA 1979 or a covenant registered on the title to land under Section 88B of the Conveyancing Act 1919; and
4. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work.

In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.”

The following recommendations are incorporated in this report:

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, demolition & construction remaining on site.
4. Undertake a hazardous materials assessment for the existing buildings prior to the commencement of demolition work.

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 dated 14 May 2016 was submitted with the development application. The review determines that:

- The school design facilitates shielding of outside 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 required treatments made prior to construction certificate 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 of 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 Stage 1 Preliminary Environmental Site Investigation prepared by Hayes Environmental Consulting Pty Ltd (report no. EP1138 AB) and dated 11 February 2014 indicates whilst the site has not been subject to widespread soil contamination and is generally free of harmful contaminants. Council's Environmental Health Officer advises that a specific condition that a site validation report be prepared by a suitably qualified and experienced specialist to be submitted to Council confirming the land has been 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 multi-purpose building will not be out of character with the existing buildings within the subject site. The three storey scale will be of a similar building height plane as the neighbouring buildings at Blocks A and D. The multi-purpose building has a proposed RL92.3 and Blocks A and D at RL91.83 and RL91.94, respectively. The proposed scale is considered to be compatible with the existing buildings and will not create any adverse visual bulk and scale impacts from the streetscape.

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

The proposal will not give rise to any adverse amenity impacts to the nearby and adjoining developments. Any additional shadowing cast from the new multi-purpose building will fall on the subject site itself with shadowing being cast to the library and first floor level east facing class room windows during the morning period and the forecourt areas during noon and afternoon periods. With respect to visual privacy,

the significant building separation of the multi-purpose building to the neighbouring buildings at nos. 91-95 Cowper Street on the opposite side of the roadway (Cowper Street) does not contribute to any adverse overlooking impacts and no significant views will be lost from the neighbouring buildings or from the public domain. The proposed development will demonstrate compliance with the objective of the SP2: Infrastructure zoning in providing a reasonable level of amenity.

- *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 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 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 modifications to the Avoca Street building referred to as 'Block 1' comprise mostly of an internal reconfiguration of the room layout including administration, staff and amenity facilities. The external works involve modification to the door opening along the western elevation at the rear and will not be visible from Avoca Street. Similarly, the modifications to the Cowper Street Building referred to as 'Block A' also consists of an internal reconfiguration of the room layout including classrooms, library and amenity facilities. The external works involve modifications to door openings to the eastern elevation of 'Block A' and will not compromise the heritage appearance of the building.

With respect to the 'multi-purpose building', Council's heritage planning officer has raised concerns with the sitting of the building located further forward of the

predominant front building alignment between Blocks A and D. However, the strategic siting of the building further forward is to maximize the play spaces within the centre of the site. Furthermore, the materials and finishes to the new development and curved front building façade provides a strong level of articulation from the street frontage which will not visually dominate, compete or overwhelm the adjoining heritage buildings. Views from the north-eastern side of the development along Cowper Street will result in only oblique view impacts of the heritage item and therefore in considering the matters relating to heritage conservation. The siting of the development is acceptable given the development will not compromise the fabric, setting and views of the immediately adjoining heritage items and the St. Judes Heritage Conservation Area. The objectives of Clause 5.10: Heritage Conservation of RLEP 2012 has been generally complied with subject to conditions of consent.

### **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: A site analysis forms part of the Stage 1 Concept Site Development Plan as does detail of surrounding land uses relating to an 'educational establishment', the existing built form, heritage buildings, public domain, outdoor play spaces, common circulation spaces, traffic and parking, pedestrian movement and access.

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

Comment: Details of staging have been provided within the development application. The concept proposal is sought to be delivered in one stage in accordance with the Department of Education's program for delivery of the Randwick Public School. The Stage 1 works involve the demolition of a building associated with the open high school, construction of a new three storey multi-purpose building, minor internal refurbishments of Block A and Block 1 and new open space areas including sports fields and landscaping. 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 multi-purpose building and internal alteration of the classroom areas identifies areas of use relating to classrooms, staff rooms,

administration building, amenities, library, areas of internal circulation between buildings, 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 multi-storey building which includes the proposed floor plates, the number of storeys, the side setbacks from the adjoining buildings at Blocks A and D, the front setback from Cowper Street, the additional gross floor area, the reduced levels of each respective floor, the floor to ceiling heights and the maximum building height. The submitted plans provide for sufficient details to allow Council to identify the built form parameters of the proposed development.

*(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: Council's development engineer has reviewed the development application and no objections have been received with respect to the requirements of off-street parking and additional vehicular traffic. Furthermore, suitable conditions of consent have been included to provide for additional sustainable transport options including the increase of motorbike and bicycle parking for this development.

*(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 will result in the removal of trees within the subject premises. Council's landscape officer has reviewed the development application and advised has no objection to the removal of significant trees given that they are unsuitable for retention within the school grounds due to their pre-existing structural faults and direct conflict with works.

*(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 1 Preliminary Environmental Site Investigation prepared by Hayes Environmental Consulting Pty Ltd (report no. EP1138 AB) and dated 11 February 2014 indicates whilst that the site is generally free of harmful contaminants. Suitable conditions of consent have been included that a site validation report be prepared by a suitably qualified and experienced specialist to be submitted to Council confirming the land has been remediated. Council's Development engineering have also advised that the subject site is not located within flood prone land.

*(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 proposes a total of approximately 53 staff members on site. Subsequently, a vehicular parking rate of 37 car spaces is required to be provided to accommodate for the total staffing demand.

Comments received from Council's Development Engineering Unit that at present the subject site accommodates for 42 parking spaces and will comply with the minimum vehicular parking rates as prescribed within the RDCP2013. In addition to this, as the proposal involves the closure of the Open High School, an additional 41 spaces within its grounds will be made available to Randwick Public School. Subsequently, the proposed development will comply with the minimum off-street parking requirements of the RDCP2013.

## **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 not subject of any public consultation under this Act and that has been notified to the consent authority.

*(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 new building block is north/south orientated and subsequently any additional overshadowing impacts is likely to fall on the subject site and does not result in any additional shadowing to the neighbouring premises. 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 the first floor classrooms of Block A. At noon the shadowing will fall on the proposed 'learning garden' and 'the green' spaces just south of the new building block 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'. The extent of shadowing is acceptable given the new multi-purpose building will continue to provide ample direct sunlight to the new outdoor play spaces to the south of the building for extended periods throughout the day and will also provide ample shade cover to the common circulation spaces.

Visual Privacy:

The proposal will not contribute to any visual privacy impacts to the neighbouring buildings. The northern neighbour at nos. 91-95 Cowper Street is substantially setback from the new multi-purpose building and will not result in any overlooking impacts to the living and habitable room windows. Furthermore, the northern neighbour does not include any areas of private open space and therefore there are no impacts to these areas. Similarly, overlooking to the east is also substantially setback from the proposed development and does not contribute to any privacy impacts.

Acoustic Privacy

Council's environmental health officer has reviewed the development application and has raised no objection to the increase in number of students and staff and the potential noise impacts of the proposed development. An acoustic report prepared by Wilkinson Murray Report dated 14 May 2016 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 required treatments made prior to construction certificate 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 three storey scale of the multi-purpose building will not contribute to any adverse visual bulk and scale impacts visible from the existing streetscape setting. The built form consists of a reduced level of RL92.3 and will only slightly protrude above the heights of Blocks A and D at RL91.83 and RL91.94, respectively. The building height is presents a suitable scale given it maintains a compatible building height plane from the adjoining building blocks and does not visually dominate the appearance of the building within the streetscape. The sitting of the built form protrudes slightly forward of the front building alignment of the adjoining Blocks A and D with a varying front setback between 14.2m to 19.1m from Cowper Street. However, the proposed front building alignment is generally parallel of the front property boundary and continues to define the building edge with the adjoining building blocks. Subsequently, the transition of the building blocks and the reduced front setback will not compromise the appearance of the building within the streetscape in particular from key viewing vistas from the north-east and south-west of Cowper Street.

#### 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.

*(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**

The relationship with the City Plan is as follows:

**Outcome 4:** Excellence in urban design and development.  
**Direction 4b:** New and existing development is managed by a robust framework

## **10. Financial Impact Statement**

There is no direct financial impact for this matter.

## **11. Conclusion**

The proposed Stage 1 works to the Randwick Public School including the 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 has been carefully assessed and the proposed development is considered to be an acceptable form of development. The proposal will not contribute to any unreasonable amenity impacts with respect to solar access and overshadowing, visual privacy and views to and from the neighbouring buildings.

The new works will maintain the significance of the existing heritage item of the 'Randwick Public School (c. 1924) and Randwick North High School (1886)' and located within the St. Judes Heritage Conservation Area (heritage item no. I266 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.

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/338/2016 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 at 62-88E Avoca Street, RANDWICK, NSW 2031 subject to the following conditions:

### **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:

| <b><i>Plan</i></b>         | <b><i>Drawn by</i></b> | <b><i>Dated</i></b> | <b><i>Received<br/>Council</i></b> | <b><i>by</i></b> |
|----------------------------|------------------------|---------------------|------------------------------------|------------------|
| AR-CA—1102<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—1103<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—1104<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—1105<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—1106<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—1201<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—2001<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—2002<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—2003<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—2004<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—3001<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—3002<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 2016                        |                  |
| AR-CA—3101<br>(Revision A) | TKD Architects         | 13.05.16            | 25 May 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 1 DP797564, Lot 1 DP 537130, Lots 1-4 DP797629, Lots 8, 10-13 & 15 Sec 10 DP 758867, at 62-88E Avoca 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. The framed copy of the original architectural drawings of the Avoca Street building which is currently displayed in the central hallway of the building should be salvaged prior to commencement of the works. The framed drawing is to be stored in a safe and secure location on site and re-hung in a public position within the building for heritage interpretation purposes on completion of the works.
6. Changes to the Cowper Street building to accommodate changes to spatial layout, to provide a link to the new building, and to provide external access are to be carefully carried out to minimise damage to original internal and external building fabric.
7. A Schedule of Conservation Works for the existing heritage buildings 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.
8. 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:**

9. 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:
  - 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. Given the surplus of staff parking, consideration should be given to dedicating some spaces from the one of the Cowper Street carparks to pickup and drop-off during peak times. Additional measures to manage the additional demand shall include but not be limited to:
  - Deployment of supervisors to monitor parent duration within pickup-drop-off zones.
  - Registration scheme to match student to approaching vehicle
  - Staggering start & finish times for different years
  - Parent re/education
  - Car Sharing
- Operation of Intersections: the TMP must consider the current and future operation of the intersection of Frances Street and The Avenue. Given that significant queuing has been observed, the TMP needs to consider recommendations for improving the operation of this intersection and traffic Flow in The Avenue.

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**

10. 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**

11. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$10,106,996 the following applicable monetary levy must be paid to Council: \$101,069.96.

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](http://www.randwick.nsw.gov.au).

### **Long Service Levy Payments**

12. 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**

13. 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*:

- \$5000.00 - 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**

14. A minimum of 2 motorbike and 4 bicycle spaces shall be provided for this development. Plans submitted for the Crown certificate shall demonstrate compliance with this requirement.

#### **Sydney Water**

15. 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™** 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.

#### **Stormwater Drainage**

16. 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) Location of overland flow paths.
  - 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.
17. A site stormwater drainage system for the redeveloped portion of the site 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 in front of the subject site in Cowper Street, The Avenue or Frances 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 via a new and/or existing kerb inlet pit in the Avenue or Frances Street; 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 redeveloped portion of 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 relevant certifying body.

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 arrestor pit shall be regularly inspected and cleaned".

*Sketch details of a standard sediment/silt arrestor 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):
  - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- 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**

- 18. 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.*

#### **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 155651, 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 recommendations contained in part 6: 'Site Establishment – Prior to Demolition/Construction' and part 6.2: 'During Construction' of the Arboricultural Impact Assessment by Bluegum Tree Care & Consultancy, dated May 2016 ("the Arborists Report") must be complied with.
  - c. 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.
  - d. 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.

- e. 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.
  - f. 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.
21. 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.
22. 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.
23. 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 Parsons Brinckerhoff 2014 report, "Asbestos in Grounds, Asbestos Management Plan, Randwick Public School, Randwick, NSW" ref: 2171479A PR\_0051, dated March 2014 (referred to as PB 2014 Report) and a copy 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.
24. 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.

25. 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*.
26. 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*.

27. 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**

28. 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**

29. 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**

30. 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**



31. 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**

32. 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**

33. 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**

34. 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**

35. 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**

36. 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**

37. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be

provided in the vicinity of the site (not Avoca Street) for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

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

38. 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.*

39. 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**

40. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
41. 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 applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

**Landscape Plan**

42. The Landscape Plans by Context, DA Package 001, ref 155651, Rev A dated May 2016 must be amended to include the following additional details:
- a) An advanced (minimum pot/bag size of 200L at the time of planting) *Ficus rubiginosa* (Port Jackson Fig) must be provided in deep soil, centrally within the site, in the outdoor play area proposed as 'The Green', as a direct replacement for T40 which is being removed;
  - 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**

43. 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**

44. 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**

45. 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](http://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**

46. 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 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. 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](http://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**

47. 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.

48. 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**

49. 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**

50. 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**

51. 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**

52. 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**

53. 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**

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

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

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

### **Survey Requirements**

55. 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**

56. 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**

57. 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**

- 58. 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.
- 59. 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.
- 60. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

### **Stormwater Drainage**

- 61. 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**

- 62. 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 155651, Rev A dated May 2016:
  - a) The row of seven trees along the western side of the existing vehicle entry/exit/carpark off Cowper Street, being T17-23, comprising six *Eucalyptus robusta* (Swamp Mahogany's) and one *Acacia fulciformis* (Broad Leafed Hickory), so as to accommodate works associated with the new/reconfigured carpark in this same area,
  - b) T27, *Hibiscus tileaceus* (Cottonwood) further to their east, on the eastern side of the existing carpark, for the same reasons listed in point 'a' above;

- c) Further to the east again, centrally within the outdoor play area, T40, a mature *Ficus rubiginosa* (Port Jackson Fig) as it is already in poor health and declining condition, with extensive dieback and epicormic shoots throughout its canopy;
- d) The small trees located centrally within the site, comprising T60 (Brush Box), 61 (unidentified) and 62 (Bottlebrush), as they are all insignificant, and would not pose a constraint to the works in anyway;
- e) T74 (Liquidambar) as it is only a juvenile, insignificant specimen, and then further to its south, towards the southern site boundary, T75, a *Eucalyptus robusta* (Swamp Mahogany), as it will be within the footprint of the new building C, and is already exempt from the DCP due to its location within 2m of the existing building, and directly overhangs this structure.

*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**

- 63. 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.
- 64. 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).
- 65. 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**

- 66. 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.

- 67. 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**

68. 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).*

69. 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**

70. 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**

71. 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**

72. 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.

### **Noise Control Requirements & Certification**

73. 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.

74. 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**



75. 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.

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

76. 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.
77. 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.
78. 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**

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](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

*The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing of a Crown completion certificate.*

80. As a mains power distribution pole/s are 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 nearest mains distribution pole/s in Cowper/Avoca Street and the development site to an underground (UGOH) connection as applicable

### **Stormwater Drainage**

81. 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.
82. 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).
83. 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.

84. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

#### **Landscaping**

85. 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.
86. 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**

87. 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**

88. 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.
89. 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**

90. 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**

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

### **Traffic Management Plan**

92. The approved Traffic Management Plan must be complied with at all times, and any proposed amendments to the Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.
93. 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.
94. 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.
95. 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](http://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 Consideration should be given retaining some of the trees within the site, adjacent to the Cowper Street frontage, in conjunction with the provision of the proposed consolidated carpark.
- A11 In relation to any original building fabric, such as ceilings in the Avoca Street building which have been covered by false ceilings, consideration should be given to reinstatement in conjunction with the proposed works.
- A12 Underground assets (eg pipes, cables etc) 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](http://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.
- A13 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.
- A14 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.