

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SCL024
<b>DA Number</b>	DA/132/2017
<b>LGA</b>	Randwick City Council
<b>Proposed Development</b>	Demolition of all existing structures in the south western corner of the site and construction of two buildings (E & F) containing a total of 79 independent Living Units (ILU's) purposes of Senior housing at the south western corner of the Montefiore Seniors Housing site
<b>Street Address</b>	30-36 Dangar Street, Randwick NSW 2031
<b>Applicant/Owner</b>	Equity Development Management/ Sir Joseph Montefiore Jewish Home
<b>Date of DA lodgement</b>	10 March 2017
<b>Number of Submissions</b>	Three (3)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	6 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes: (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, <b>educational establishments</b> , group homes, health services facilities or places of public worship.
<b>List of all relevant s79C(1)(a) matters</b>	i.e. any: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</li> <li>• State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>• Randwick Local Environmental Plan 2012</li> <li>• Policy Controls – S94A Contributions Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	SCPP Report - 2017SCL024 - 32-36 Dangar Street - Stage 2 Montefiore.docx
<b>Report prepared by</b>	Elias (Louis) Coorey
<b>Report date</b>	25 July 2017

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

**Yes / No**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes / No / Not Applicable**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes / No / **Not  
Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Yes / No / **Not  
Applicable**

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*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Have draft conditions been provided to the applicant for comment?

Yes / **No**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

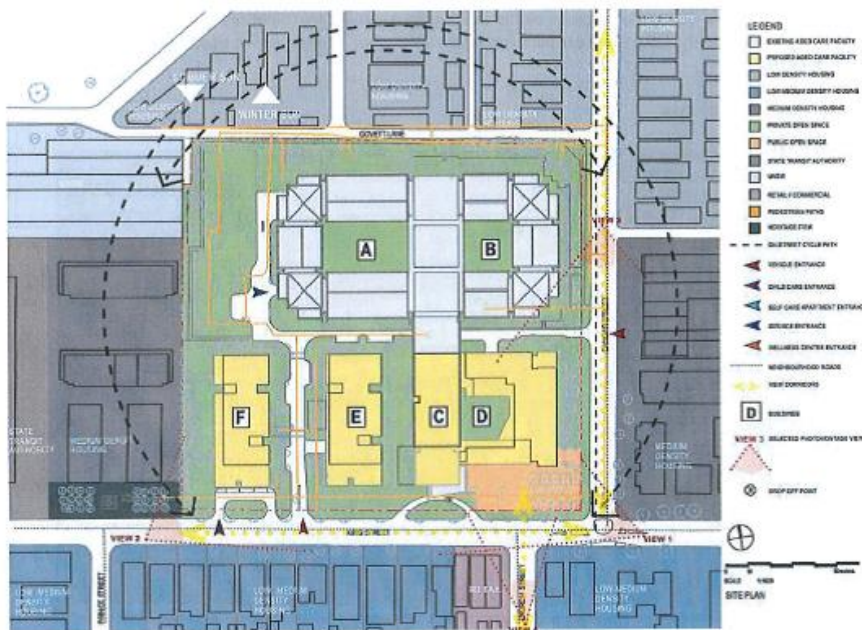
## Sydney Central Planning Panel (SCPP)

<b>JRPP No.</b>	2017SCL024
<b>DA No.:</b>	DA/132/2017
<b>Street Address</b>	30-36 Dangar Street Randwick
<b>Applicant</b>	Equity Development Management
<b>Owner</b>	Sir Joseph Montefiore
<b>Number of Submissions</b>	3
<b>Recommendation</b>	Approval
<b>Report By</b>	Elias Coorey

### 1. Executive Summary

Council is in receipt of a development application (DA) seeking consent for demolition of all existing structures in the south western corner of the site and construction of two buildings (E & F) containing a total of 79 independent Living Units (ILU's) purposes of Senior housing at the south western corner of the Montefiore Seniors Housing site.

The DA is for a subsequent stage of the Concept Plan Approval (MP09\_0188) determined by the Minister under Part 3A Major Projects of the Environmental Planning and Assessment Act 1979 (EP&A Act) since repealed. The Concept Plan approval has been modified under MP09\_0188 Mod 2 provides for six building elements (building A to F) – shown in figures 1 below and figure 2 further below.



Source: Proponent's submission

Figure 1 : Orientation of buildings as approved in Modification 2 of Concept Approval (MP09\_0188 MOD 2) – source Urbis.

Buildings A to C have been built and this DA seeks specific consent for building E & F inclusive of the following:

- Building E, located within the middle of the overall site presents as a 4-storey building from King Street and steps up to 7 storeys to the north (i.e. away from the street frontage). This building contains 39 ILU's.
- Building F is located toward the western boundary of the site and presents as a 4-storey building from King Street and steps up to 6 storeys to the north, although the top-most storey is also recessed within the overall building footprint. This building contains 40 ILU's.
- 97 basement car parking spaces over two levels of basement parking (77 for ILU's);
- A pool and gym;
- A dining room, support kitchen and communal space;
- Communal courtyard and landscaped area;
- Dedicated plant and services rooms;
- Two stormwater detention basins;
- The proposed development comprises the removal of some existing trees, the demolition of the existing childcare centre and at grade car parking within the King Street frontage and the construction of two buildings (Building E and Building F), both contained within already approved building envelopes.

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

The development application was publicly exhibited, advertised within the local newspaper and site notification attached to the subject premises as per the requirements of the Randwick Development Control Plan 2013 (RDCP2013) for Public Notification. Three submissions were received in response to the public exhibition raising issues with the height, parking congestion and view loss.

In relation to the proposed built form, this DA responds well to the building envelopes and development parameters for Buildings E and F, the subject of an approved modification application (MP09\_0188\_MOD 2) to the Concept Plan Approval. The proposed development meets the maximum building heights which allows for 900mm protrusions for lift overruns and plant. There are small protrusions (around 420mm) associated with balustrades and louvre screens along the upper levels of the western elevations of both buildings. These are areas that don't any significant bulk or result in any appreciable impact on the streetscape or the amenity of neighbouring properties. The louvre façade treatments and balustrades along the western elevation achieve a more coherent architectural language from the stepped in and out elements on the levels below and provide greater amenity in terms of protection from the harsher western sun, and more generous areas of open space for these upper level units.

In relation to concerns raised in submissions with regard to parking, the proposal provides 20 more parking spaces than that required under the State Environmental Planning Policy (Housing for Seniors and people with a Disability) 2004 (SEPP Seniors housing). The surplus parking spaces are able to be used to demand manage staff parking on site with particular attention to staff roster changes. It is also noted that the Child Care Centre (originally approved within Building F) is the subject of a S75W application with the Department of Planning and Environment (DPE) which is currently recommending approval for its deletion. The deletion of the child care centre will reduce demand for operational on-street and on-site parking. In addition, in order to better demand manage on site parking a condition is included requiring a Traffic and Parking Management plan to be submitted to Council for approval prior to operation of the premises detailing arrangements for staff on-site parking during staff roster cross overs. In relation to concerns associated

parking and traffic during the construction phase of the development, a suitable condition is included requiring a Construction Traffic Management Plan (CTMP) to be submitted to Council for approval prior to a Construction Certificate being issued.

In relation to concerns relating to view loss, as noted the envelope of building E and F are already approved under the modification No. 2 to the Concept Plan Approval. The impacts on view loss were considered in the assessment of this application, where it was stated that the loss of views from residents along King Street and Wentworth Street as acceptable. The proposal does not add any significant bulk or scale that alters this assessment particularly given that the overall height of the structures was the prime consideration in the previous view loss assessment. As the proposal does not alter the overall height of the development, it is not considered that any further consideration of view loss is warranted.

The application was referred to the Design Review Panel (DRP) as per the requirements of State Environmental Planning Policy 65: Design Quality for Residential Apartment Development (SEPP 65). The key issues raised by the DRP related to the desire to reduce the impression of a gated community and improve accessibility.

Improvements have been made in response to the comments provided by the Panel and Council. These include relocating the main driveway gate further back behind the frontage along King Street, improved landscaping around the site and around hard surface areas; providing accessible pathways along the western side of building F, between the two buildings and connection with the other buildings within the site; and improved levels of solar access and ventilation within each building. The amendments made to the application are considered to have suitably addressed the key issues raised by the Panel.

It is noted that the DRP also recommended a cross through link (from King Street to Govett Lane) however this was not insisted by Council given that this matter was considered in the assessment of the original Concept Plan approval and not included required in the Concept Plan approval. It is also noted that the cross link is somewhat problematic having regard to the topography of the site and surrounding land, and there are security and environmental operational requirements of the Seniors housing facility. The amendments made by the applicant introduce elements of permeability between the development and street level, and generally improve internal amenity for private and communal areas for future occupants.

The proposal will be consistent with the Concept Plan approvals issued thus far and will not result in any significant adverse impacts on the amenity of the neighbouring properties. As such, the application is recommended for approval.

## **2. Site Description and Locality**

The subject site (as show in Figure 1) at 100 – 120 King Street & 30 – 36 Dangar Street, Randwick (legally described as Lot 202 in DP879576). The site has a total area of 29,353m<sup>2</sup> with a 180m frontage to King Street to the south and a 165m frontage to Dangar Street to the east. The proposed development of Buildings E & F will face King Street and occupy the south-western quadrant of the site, replacing the existing child care centre, existing road entry from King Street and at grade car parking and removing the current. The land slopes down from the site's northern and southern boundaries to form a natural basin at centre of the western end of the site. Levels along the northern boundary of the site typically range from 40.5m AHD to the west up to 44.5m AHD to the east. Along the southern boundary, levels range from around 40m AHD to 45.5m AHD from west to east. Levels in the natural basin at the centre/west of the site are as low as around 37m AHD. The northern portion of the site is predominantly occupied by the existing residential aged care facility buildings A & B. One of the buildings (Building C) that comprises the existing



development extends into the southern portion of the site, which otherwise comprises landscaped area. Approved building D sits at the south eastern corner of the site.

To the north and north-west of the site is the North Randwick Heritage Conservation Area. To the west of the site is the former Tramways Repair Shop and a brick chimney stack, both listed as heritage items under Randwick LEP 2012. The subject site has no heritage items.

The western neighbour is identified as No. 88-98 King Street and known as 'Centennial' apartments comprising a multi-unit house development containing ninety three dwellings in four buildings and associated car parking for 130 vehicles for residential and 60 for State Transit Authority use. To the east of the site opposite side of Dangar Street, No. 89-91 Dangar Street & 69-87 Dangar Street comprise medium density housing development comprising 3 buildings with a total of 66 dwellings including 137 car spaces at basement level. On the opposite side of King Street to the south, properties are zoned low density residential containing a mixture of low to medium density housing.

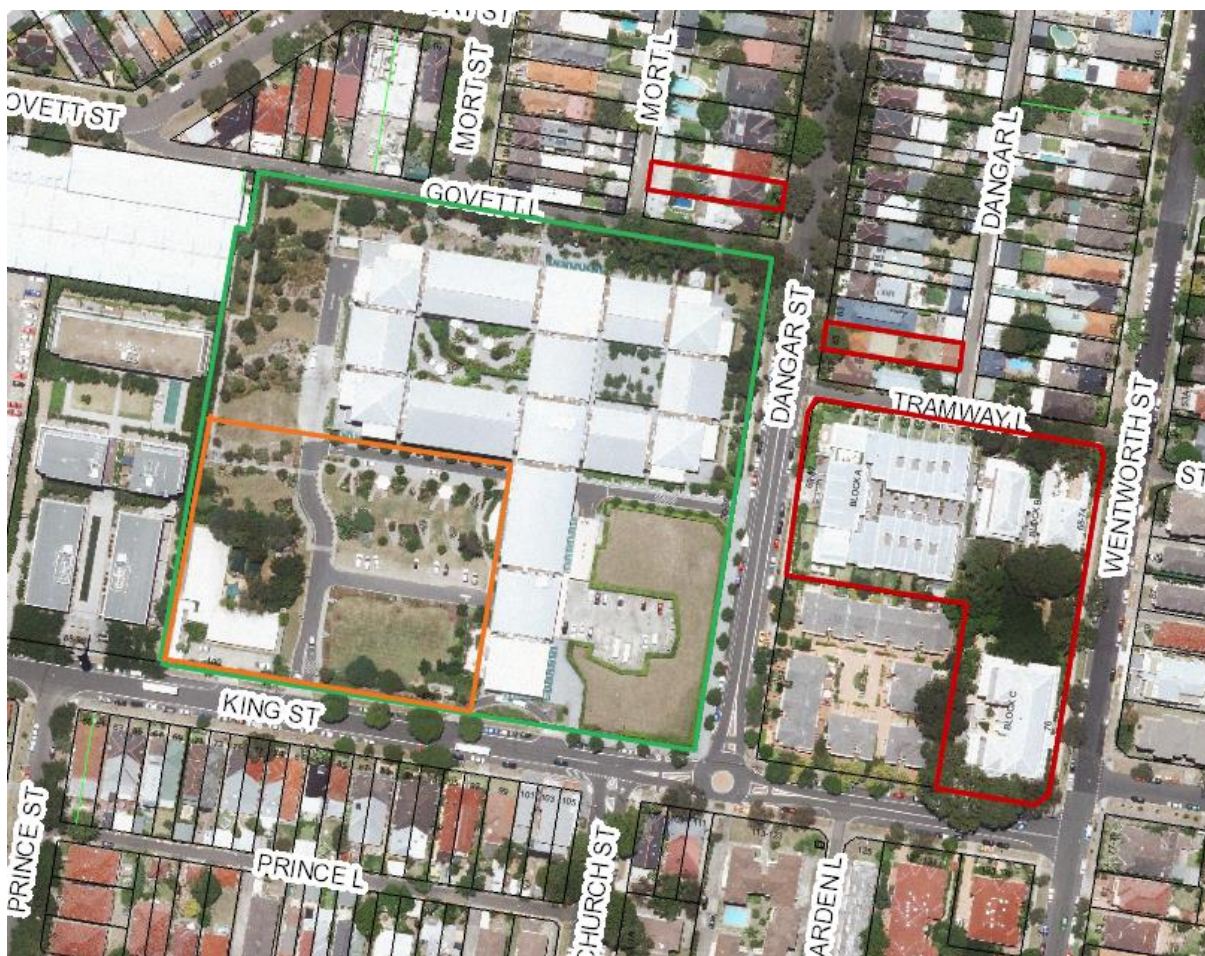


Figure 2: Subject site (bounded green) and proposed development site bounded in orange. Submissions are bounded in red.

### 3. Relevant History

Original applications approved by Department of Planning and Environment (DPE):

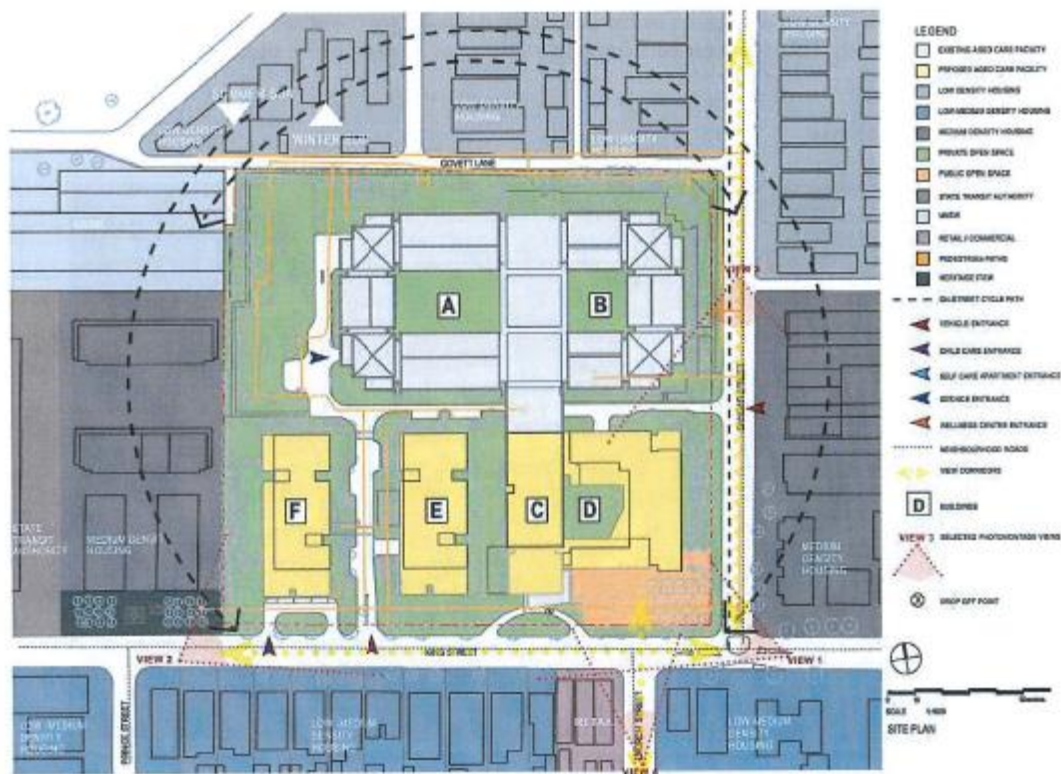
- Concept Plan approval (MP09\_0188) for expansion of Seniors Housing and Care Facility (Part3A of EP&A Act). Approved 19 July 2011.

- Project Application (MP10\_0044)) for Stage 1 of Seniors Housing and Care Facility. Approved 19 July 2011.

Modification applications approved by DPE:

- Modification 1 of Concept plan and Project application (MP 09\_0188 & MOD 1 & MP 10\_0044 MOD 1) to modify Condition A2 to correct administrative error (S75W of EP& A Act - Part3AMod). Approved 11 January 2012.
- Modification 2 of Concept plan (MP09\_0188 MOD 2) to convert horse shoe configuration of building E into two buildings (E and F) on a north-south axis. Conditions applied parameters for envelope and separation, increase in *independent Living Units (ILU's)*, reduction of *special aged care beds*; increased parking from 217 to 280 spaces. Approved 9 August 2016.

Figure 2: Sir Moses Montefiore Jewish Home – Modification 2



Source: Proponent's submission

Figure 3: Orientation of buildings as approved in Modification 2 of Concept Approval (MP09\_0188 MOD 2) – source Urbis SEE.

Building parameters: Maximum building height for building E to RL64.83 with specific provisions for stepping back upper levels (4 to 6) behind street elevation (southern wall) (maximum RL54.53). Levels 4-6 to provide an appropriate setback so they are not readily visible from a pedestrian's perspective on the footpath of King Street opposite. Building F maximum building height to RL58.53. Both buildings allowed for 900mm extension above the maximum building height for the purposes of plant and lift overrun.

Under assessment by DPE:

- Modification 3 of Project Application (MP10\_0044\_MOD 3) to delete the Child Care Centre at the front of building F (S75W of Part 3AMod). Subject of draft recommendation for approval awaiting Minister's signature.



- Modification to Concept Plan for Seniors Housing and Care Facility (MP09\_0188 MOD 3) to add a level to building D (plant) and relocate administration (from level 5) to level 3 retail space; Separate building C from building D except for level 4 walkway. Subject of assessment by DPE.

#### 4. The Proposed Development

The proposed development comprises the following:

- Demolition of the existing buildings and structures;
- Excavation, remediation and other site preparation works;
- Construction of Building E (7 storeys – higher land level) contains 39 Seniors ILU
- Building F (6 storeys- lower land level) contains 40 ILU
- 97 spaces across two basement levels
- Pool and Gym – lower round level of Building F;
- Dining room and common space on upper ground floor of building E
- Podium and upper level communal landscaped courtyards and terraces
- Associated landscaping works
- Dedicated plant and services rooms;
- Two stormwater detention basins;
- The proposed development comprises the removal of some existing trees, the demolition of the existing childcare centre and at grade car parking within the King Street frontage and the construction of two buildings (Building E and Building F), both contained within already approved building envelopes.



Figure 4: Elevation fronting King Street. Building F at left and Building E at right.

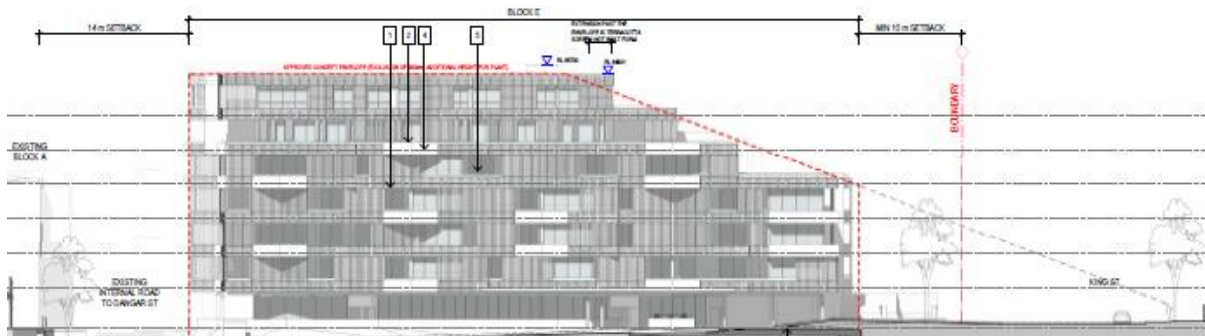


Figure 5: Western elevation of Building E showing King Street at right.





Figure 6: Eastern elevation of Building F showing King Street at left.

## 5. Notification/ Advertising

The subject development was advertised/notified to surrounding landowners for a period of 14 days between 21 May 2014 and 4 June 2014 in accordance with Council's DCP. As a result 7 submissions from the following properties were received.

- 26 Dangar Street;
- 10/69-87 Dangar Street;
- 65 Dangar Street;

The issues raised in the submissions are addressed below:

Issues	Comments
Lack of parking during construction, and operation of premises in relation to residents and staff	<p>Construction parking: The recommendation is subject to specific conditions relating to construction traffic management and demand managing staff parking.</p> <p>Operational parking: The proposal provides 20 more on-site parking spaces than that required by the SEPP Housing for Seniors or People with a Disability (SEPP Seniors). The surplus of parking can be used to demand manage staff parking during staff shift's crossing over. It is also noted that a S75W application with the DPE has made a recommendation approving the deletion of the Child Care centre. Its deletion will lessen the demand for parking and traffic associated with the development. This is subject of a condition of consent requiring a travel management plan to be submitted to Council for approval.</p>
Unacceptable height and obtrusive scale of buildings will be inconsistent with the character of the area.	The proposed density is generally consistent with the Concept Plan Approval (MP09_0188 as modified MOD 2) and provides for buildings of a size and scale that are commensurate with that approved. The development also provides substantial landscaping around the site, in between buildings in amongst the separation controls that apply to the

Issues	Comments
	<p>development under the Concept Plan Approval as modified. Councils Landscape Officer has also reviewed the proposal recommending conditions be included to assist with softening the appearance of hard surfaces and at the same time ensuring adequate casual surveillance.</p>
<p>Impact of high density on neighbouring residents</p>	<p>The amenity impacts associated with the proposed development are consistent with those assessed under the modification to the Concept Plan Approval (MP09_0188 MOD 2) which considered the impacts such as overshadowing, views from neighbouring properties and visual privacy.</p> <p>The proposed development generally maintains heights and setbacks associated with the envelope approval ensuring overshadowing and view loss is consistent with assessment carried out under MOD 2 to the Concept Plan Approval. In relation to views, a view analysis was conducted as part of the Concept Plan (MP09_0188) approval process. View loss was considered to be acceptable. The DPE's Environmental Assessment Report stated "the proposed modification to the height and scale of the building envelopes has a minor and acceptable impact on existing private views across the site from neighbouring properties" (Concept Plan Approval MP09_0188 MOD 2, p ii). In relation to views affected by the proposed envelopes associated with Buildings E and F, the Planning Assessment Commission (PAC) agreed with the DPE's assessment of the view impact assessment, being that the impact was 'minor to negligible'.</p> <p>In relation to privacy, the proposed development relies on measures such as louvre screens, separation and landscaping which are considered to provide suitable privacy protection. It is also noted that the proposed deletion of the child care centre reduces the potential for adverse noise impacts on the neighbouring properties.</p>
<p>The proposal services a very small percentage of the population with little benefit to the wider community.</p>	<p>Although the proposed facilities are established for the narrowly focused purpose and service to a religious based organisation, the development contains opportunities for retail, commercial and community uses to service the wider community located in Building D in the south-east portion of the site (at the Dangar Street / King Street corner). IN</p>

Issues	Comments
	terms of connectivity, the Concept Plan approval also contains a publicly-accessible open space area between the retail facilities and the corner of the site.
Lack of information such as artists impression of the development.	The submitted documentation including a streetscape plan, and model adequately demonstrate the developments design and scale within the site and amongst the surrounding area.

## 6. Technical Advice: Internal and External

### 6.1 Development Engineer and Landscape Officer

Council's Development Engineer and Landscape Officer has provide the following comments on the proposal:

*Council is in receipt of a development application seeking consent for demolition of all existing structures and construction of two buildings identified as building E (7 storeys) and Building F (6 storeys) containing a total of 79 independent Living Units (ILU's) for the purposes of Senior housing, basement parking and associated landscape works.*

*The subject DA is referred to the Sydney Central Planning Panel (SCPP) for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. The development has a capital investment value in excess of \$20 million.*

#### **Drainage Comments**

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

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

*The stormwater must be discharged (by gravity) directly into Council's underground drainage system located within the development site.*

*When commenting on the draft modification proposal in 2015 Council commented:*

*"The applicant has provided a revised drainage concept plan / strategy with the submission. Reference is made to the original drainage strategy and works to date. Any resubmission that relies on either using the previously approved drainage concept or an equivalent system must fully document the operation of the previously approved drainage system. The applicant must demonstrate that, as a minimum, the drainage system for this development is an equivalent system, (with identical or improved outcomes in terms of downstream flows, overland flowpaths / flow rates and onsite detention storage). To assist with assessment of this application it is recommended that the applicant document the development and approval process for the previously adopted stormwater drainage concept plan, (including but not limited to changes to Council's drainage network, downstream constraints, treatment of potential overland flowpaths, results of the flood study undertaken for the site and provision of onsite detention).*

*Changes to the provision of onsite stormwater detention may require an increase in storage volume if suitable overland flowpaths are not provided for storms greater than the previous design storm event. Any introduction of pumps/pump wet wells needs detailed consideration as the pump wet wells must be sized for the 1 in 100 year storm event of 2 hour duration, assuming that the pumps are not operational.*

*Any new/relocated Council controlled stormwater pipeline must be located in an area readily accessible by Council's maintenance equipment, including trucks and excavators, (with no structures positioned over the pipeline). Suitable width drainage easements must be created over any new/relocated Council controlled stormwater pipeline."*

*Conditions of consent have been included in this report consistent with the above advice.*

### **Parking and Traffic Comments**

*The draft modification proposal was considered by Council's Integrated Transport Team and no objections were raised. The proposed parking provision complies with Council's DCP and other relevant standards. In relation to concerns raised in submissions with parking demand, the proposal provides 18 more parking spaces than that required. These parking spaces should assist to manage staff parking demands on site with particular attention to change in rosters. It is noted that the application doesn't include the Child Care Centre which is the subject of a S75W application for removal from the development proposal. Deletion and subsequent demolition/removal of the Child Care Centre is currently the subject of a draft recommendation for approval by the Department of Planning and Environment. Deletion of the Child Care Centre should assist in some of the traffic issues experienced in King Street during peak pick up / drop off periods.*

*Suitable conditions are included requiring a Construction Traffic Management Plan to be submitted to Council for approval. A condition requiring the applicant to submit a Traffic and Parking Management to Council for approval prior to operation of the premises has also been included. This management plan requires the applicant to detail arrangements for staff on-site parking, particularly during staff cross over.*

*The existing and proposed vehicle circulation pattern throughout the site should be fully documented.*

### **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.*

### **Service Authority Comments**

*Section 3 Part F5 of Council's DCP 2013 states;*

- i) All overhead service cables, including power lines, telecommunications cables and associated infrastructure on the development site and in the street/s immediately adjacent to the development are to be placed underground in accordance with the requirements of the relevant power supply authority, at the applicant's cost where:*



- the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial non-residential development; and
  - there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.
- ii) If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.

The subject **is** subject to this clause. A suitable condition has been included in this report.

### **Landscape Comments**

An application has been received for the removal of trees, demolition of the existing child care centre & parking, and construction of two new buildings (E & F) between 4-7 storeys, containing 79 independent living units (ILU), 97 basement parking spaces, a pool, gym, communal courtyards and extensive re-landscaping of the above site.

This report is based on the following plans and documentation:

- Amended Architectural Plans by Jackson Teece, dwg's DA0000-9011, issue 2, dated 29/05/17;
- Landscape Plans by Oculus, dwg's DAL101 – 501, submitted with the original documentation package dated March 2017;
- Amended Landscape Plans by Oculus, dwg's DA-L-101 – 600, submitted with the amended documentation package, ref SA5652, dated 13 June 2017;
- Statement of Environmental Effects by Urbis, dated 10 March 2017;
- Arboricultural Impact Assessment by Warwick Varley of Allied Tree Consultancy, ref D2968, dated 14/01/17.

### **Landscape Comments**

The site inspection confirmed a row of four mature *Lophostemon confertus* (Brush Box, T21-24) of between 5-10m in height, within the King Street carriageway, not the verge, between the eastern side of the existing vehicle access and existing building within the subject site (opposite no. 95-97 King Street), that are covered by the provisions of Council's DCP, and which as a group, were observed to be a prominent feature of this already leafy streetscape.

All have been heavily and repeatedly pruned away from the overhead wires, which has affected their form and habit, with the plans showing that the existing vehicle entry/exit will be completely removed and relocated further to the east, in direct conflict with T21.

While Council would obviously prefer the retention of T21 so as to maintain the highly sought after 'avenue-effect' that exists in this section, approval of the original Concept Plan by both the NSW Department of Planning & Environment (DPE) and the Planning & Assessment Commission (PAC) did include relocation of the driveway to this position, knowing full well it would also necessitate removal of the tree.

*However, relocation of this crossing will also result in benefits for the site/development and future occupants as it will ensure that the central, internal roadway will be spaced evenly between the two blocks, E & F, which in turn will facilitate optimum pedestrian and vehicle movements, which is ideal for an aged care facility, and will also allow generous areas of landscaping/planting to be provided around all four sides of both buildings.*

*On this basis, retention of T21 will not be possible in this case, as higher consent authorities have already permitted this, with conditions reluctantly granting consent for its removal, wholly at the applicants cost.*

*In order to supplement other existing trees that are present along the length of both sides of King Street, to the east and west of this site, conditions also require that new street trees be installed in the verge directly in front of the site, which is the only vacant section in the street.*

*The remaining three street trees further to the east, T22-24, can all be retained in-situ, and despite an absence of any external works that would pose a direct threat, given the large scope of works involved, protection conditions and a bond still need imposed to ensure their preservation, and have been included in this report.*

*There is a large quantity of trees within the subject site, all of which have been planted rather than being naturally occurring species, having been installed as part of the various stages of improvements that have been undertaken over the past few decades, and while they do provide amenity for occupants, any benefit is largely restricted to within the site only, with none being recognised as being overly significant examples of their species or making an exceptional contribution to the local environment.*

*The submitted Arborists Report has assessed a total of 63 trees for this application, 59 of which are nominated for removal; however, only a fraction of these could be deemed worthy of retention, and given the large scope of works involved, as well as the extensive re-planting and landscaping that will be performed, there is seen to be justification for this, as summarised below.*

*T1-18, at the rear of the existing child care centre (which is to be demolished), are a stand of established native trees comprising She Oaks, Gums, Wattles, which are identified as the most desirable vegetation within the site; however, they are all in direct conflict with all levels of the scheme, from the basement all the way up to the actual building, with the major re-designs to accommodate their retention not warranted in this case given the impact this would have on the layout of the rest of the proposal.*

*With the exception of T45, being a mature Maidens Gum, the remainder of trees have been confirmed as mostly juvenile, exotic species whose loss would not impact the environment or site amenity in anyway, and could be easily replaced with like-for-like, and as such, approval has been granted for their removal, subject to full implementation of the approved landscaping.*

Suitable conditions are included in the recommendation to address the matters above.

## **6.2 Environmental Health Officer**

Council's Environmental Health Officer has provide the following comments on the proposal:

### **Proposed Development:**

*Construction of 79 aged care units with pool, gym, food catering, communal areas and associated facilities.*

**Comments:**

**Land Contamination**

*A contamination statement has been provided in section 5.4 of SEE with this application detailing the following:*

*A Site Contamination review has been prepared by CETEC and is provided in the SEE. The advice identifies contaminants of concern being hydrocarbons, lead and PAH in a detailed site investigation in Appendix K.*

*The report recommends further investigation and development of an RAP for the site. Further validation, monitoring at the completion of remediation works is proposed.*

*The report concludes the site is suitable for the intended use subject to further investigations and remediation works.*

*Based on the information provided appropriate conditions have been included in this report.*

**Acoustic**

*An acoustic report prepared by Renzo Tonin dated 10 January 2017 ref No: TJ379-01F02 Acoustic Assessment has been submitted with the application confirming acoustic compliance can be achieved subject to the following recommendations:*

*Building Design attenuation including glazing is required;  
A detailed Construction Noise Management Plan is to be for the site prior to a construction certificate;  
Assessment of mechanical plant at design stage is required.*

*Based on the acoustic report conclusions acoustic compliance can be achieved through acoustic design and management. An acoustic validation report is recommended prior to an occupation certificated being issued.*

Suitable conditions are included in the recommendation to address the matters above.

**6.3 Heritage Planner**

Council's Heritage Planner has provided the following comments on the proposal:

**The Site**

*The site is bounded by King Street, Dangar Street and Govett Lane, and is occupied by a residential aged care facility. The site was originally part of the Randwick Tramway Workshops established in 1881 and in operation until 1961 when trams were removed from service. To the north and North West of the site is the North Randwick heritage conservation area. To the west of the site is the former Tramways Repair Shop and a brick chimney stack, both listed as heritage items under Randwick LEP 2012. The Randwick Heritage Study Inventory Sheet for the Repair Shop describes its significance as "an impressive industrial structure; the largest and most substantial of the workshops on the site. Its construction is associated with the expansion of the workshops in 1902 and amalgamation of steam and electric powered trams on the site." The Randwick Heritage*

*Study Inventory Sheet for the chimney stack describes its significance as a landmark and example of industrial architecture within the Sydney metropolitan area, depicting the industrial nature of the site and previous development patterns. The Statement of Significance for the North Randwick heritage conservation area notes that the heritage value of the area largely derives from its Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings.*

*Existing development on the site is in the form of a large block adjacent to the northern boundary of the site enclosing a larger and smaller courtyard. A "tail" projects from the courtyard block and extends towards King Street.*

### **Background**

*PL/52/2016 proposed to expand the existing facility through the construction of two new buildings adjacent to King Street, including a pool and gymnasium, bar, dining room, kitchen, function room, and a 40 place childcare centre, as well as 77 independent living units. The western most building is to vary in height up to 6 levels, while the eastern most building is to vary in height up to 7 ½ levels.*

### **Proposal**

*The current application similarly proposes two new buildings adjacent to King Street in the south west corner of the site. The development similarly includes a pool and gymnasium, dining room, kitchen, function room, as well as 79 independent living units. The proposed childcare centre has been deleted. A landscaped courtyard and two communal rooftop terraces adjacent to the King Street frontage are to be provided. Carparking is to be provided over three levels, generally below ground. The western most building (Block F) is to have a 4 storey scale to King Street with the top level stepped back from the street. The eastern most building (Block E) is to have a 3 – 4 storey scale to King Street with the upper three level is a stepped configuration away from the street.*

### **Submission**

*The application has been accompanied by a Statement of Environmental Effects which includes a section addressing Heritage Conservation. The SEE notes that while the site is adjacent to several heritage items, the proposed development will be wholly contained within the approved built form envelopes and development parameters under the Concept Plan (as modified). The SEE argues that accordingly, no adverse heritage impacts are anticipated as a result of the proposed development.*

### **Controls**

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

### **Comments**

*Surrounding development to the north (opposite side of Govett Land) and south (opposite side of King Street) comprises predominantly single storey development. Development to the east of the site (opposite side of Dangar Street) presents a two storey scale to the street. Development to the west of the site, adjacent to the chimney, has a scale varying between 3 and 5 storeys.*

*The proposed buildings are separated from the North Randwick heritage conservation area to the north and north west by existing development on the site. The proposed buildings are separated from the Repair Shop by existing landscaping and existing development on the site. The chimney stack is around 45m high and the 4 ½ to 6 storey building will not challenge the dominance of the chimney or views to along King Street or it along the axis of Prince Street. The main views to the Repair Shop are from Govett Street to the north.*



The existing development is set back from surrounding streets and is separated from its surrounding residential context by high fences, high walls and landscaping. Despite its scale, the proposed setbacks allow for considerable perimeter landscape screening. The proposed development appears to be consistent with approved building envelopes. The proposed development will not adversely impact on the fabric, setting and views of surrounding heritage items, including the Tramways Repairs Shop and chimney stack, and the adjacent heritage conservation area. There are no heritage objections to the proposed materials and finishes.

### **Recommendation**

No further heritage consent conditions are required.

Suitable conditions are included in the recommendation to address the matters above.

## **6.4 Sydney Airport Corporation Limited**

The following comments were provided from Sydney Airport Corporation Limited:

*Application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996*

*Proposed Activity: PROPERTY DEVELOPMENT*

*Location: 30-36 DANGAR STREET, RANDWICK*

*Proponent: EQUITY DEVELOPMENT MANAGEMENT*

*Date: 29/03/2017*

*Sydney Airport received the above application from you.*

*The application sought approval for the PROPERTY DEVELOPMENT to a height of 66.0 metres Australian Height Datum (AHD).*

*In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to the following maximum heights:*

*Building E – 65.73m AHD*

*Building F – 59.50m AHD*

*Should you wish to exceed this height a new application must be submitted. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.*

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

*Information required by Sydney Airport prior to any approval is set out in Attachment A.*

*"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1))."*

*The height of the prescribed airspace at this location is 78 metres above AHD.*

#### Planning for Aircraft Noise and Public Safety Zones

*Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).*

*Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided*

#### **NOTE:**

1. *a person who conducts a controlled activity otherwise than with or in accordance with an approval commits an offence against the Act.*
  - *s. 183 and s. 185 Airports Act 1996.*
  - *Penalty: 250 penalty units.*
2. *if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.*

A suitable conditions are included

### **6.5 Eastern Suburbs Local Area Command**

The following assessment under CPTED has been provided to Council:

#### **1. Introduction**

*On Thursday the 6<sup>th</sup> of April 2017 a Crime Risk Assessment was conducted upon a proposed mixed development to be situated at 30-36 Dangar Street, Randwick by Constable Andrew CARTER, Crime Prevention Officer Eastern Beaches Local Area Command.*

*This Crime Risk Assessment will help planners, architects, crime prevention practitioners and design consultants to determine when, where and how to use Crime Prevention Through Environmental Design (CPTED) to reduce opportunities for crime.*

*It is based upon the International Risk Management Standard, AS/NZS/ISO: 31000, and uses qualitative and quantitative measures of the physical and social environment to create a contextually adjustable approach to the analysis and treatment of crime opportunity.*

*The proposed development is for the construction of a mixed use development comprising of:*

- *6 Storey building*
- *7 Storey*
- *79 independent living units*
- *Pool gymnasium*
- *Dining room*
- *Kitchen*
- *Communal room*

- 2 basement levels containing 97 car park spaces
- Podium garden
- 3 roof top communal terraces
- Landscaping and associated works

The proposed development is to be located close to the intersection of Dangar Street and King Street, Randwick. The area is located close to the intersection of Allison Road and Darley Road, which are the main feeder roads to the area providing access from the city, western and eastern suburb areas. With this in mind this development may experience higher incidents of crime than other locations.

## 2. Location



## 3. Identify, assess & rate the issues

The following issues have been identified, assessed and rated for these types of developments:

Issue	Activity	Likelihood	Consequence	Rating
Fall from height	Inappropriate use of windows or balconies relating in falling from height	L2 Unlikely	L5 Catastrophic	Extreme
Sexual Assault	Use threat of or violence to harm people	L3 Possible	C3 Moderate	High
Anti social behaviour	Behave in an inappropriate manner against the norms of society.	L4 Possible	C3 Moderate	High
Arson	Use fire to injure people or damage property.	L3 Possible	C3 Moderate	High
Break, enter & steal	Force entry to property to take property without owners consent.	L3 Possible	C3 Moderate	High
Drug distribution	Distribute illegal substances.	L3 Possible	C3 Moderate	High
Drug possession	Possess illegal substances.	L3 Possible	C3 Moderate	High
Fraud	Use deception to take property without the owners consent.	L3 Possible	C3 Moderate	High
Malicious damage	Damage property maliciously without owners consent.	L4 Likely	C3 Moderate	High
Traffic related	Vehicle congestion which may lead to impeding emergency service response	L4 Likely	C3 Moderate	High
Steal from motor vehicle	Take property from motor vehicle without the owner's consent.	L4 Likely	C3 Moderate	High
Steal from mail box	Take property from mail box without the owner's consent.	L4 Likely	C3 Moderate	High
Stolen motor vehicles	Take motor vehicle without the owner's consent.	L2 Unlikely	C3 Moderate	Moderate
Trespass	Enter or remain upon property without owners consent.	L2 Unlikely	C3 Moderate	Moderate
Assault	Use threat of or violence to harm people	L2 Unlikely	C3 Moderate	Moderate

Determine what course of action should be taken?

E	Extreme	This level of risk is considered <b>unacceptable</b> and must be given immediate priority.
H	High	This level of risk is considered <b>borderline unacceptable</b> and must be given immediate priority.
M	Moderate	This level of risk is generally regarded as <b>tolerable</b> , but should be further mitigated if a benefit to so can be demonstrated and there is additional control measures which are recognised as best practice.
L	Low	This level of risk is <b>tolerable</b> and should be monitored continuously.

#### 4. Community Safety Concerns

*Police have community safety concerns with the proposed development and the location;*

*Similar developments to this within the Local Area Command have experienced a number of issues which need to be addressed to reduce opportunities for crime.*

*High rise buildings also pose another concern which is people falling from either balconies or windows. In many instances people who may be affected by drugs or alcohol try to scale between balconies or fall over railings. Balconies also need to be designed to restrict people scaling between balconies or falling from balconies. Windows need to be fitted with*



*devices to restrict people falling from these areas. Windows need to be fitted with devices to restrict people falling from these areas.*

*There have also been issues with sexual assaults taking place on people using the isolated car park areas, gymnasiums, loading or bin areas. In many instances the victims have been dragged by Persons of Interest into these areas and sexually assaulted. Try to limit these types of areas.*

*Areas with poor surveillance, access control and confusion over who owns or cares for the space will often result in inappropriate use by people involved in criminal or anti-social behaviour. This could result in drug use or distribution or groups of unwanted people congregating in this area. It is important that all areas of the proposed development be connected in some way to the development to clearly demonstrate ownership and control of the space.*

*Unit complexes such as this will sometimes be used by criminals to abandon vehicles that they have used in the commission of crimes. In many instances they have set fire to these vehicles with the intent to destroy DNA they may have left. This can result in major fires within the car park areas which in turn result in the building having to be evacuated causing major disruptions to the owners of properties within the complex.*

*There have also been reports of break, enter and steal dwelling. The Persons of Interest will either access the main building by tailgating (following people inside) or using the access control system posing as delivery persons. Over the years there this Command has also experienced instances where the thieves have scaled the sides of the building to access the units via the balconies which are often left unsecured by residents believing that no person would be able to reach their property on the upper level.*

*There have been a number of reports to police of thieves breaking into the **mailboxes to steal the contents such as credit card, PIN numbers, or driver's licences are being targeted**. In some instances statements for utility services such as water, electricity, council, etc are being stolen and used as points to create an identity. More and more unit complex mailboxes are being broken into because you have a large number in a smaller area, rather than having to target a number of houses in a street. The location of the mailboxes is often isolated and not seen (poor surveillance) from the premises or located in areas where offenders can use excuses to loiter around the mailboxes. In many instances the owner of these items are not aware that the property has been taken because they were not aware the item had been sent and it is sometimes a considerable time later that they find their identity has been taken and used for the wrong purposes. There have been a number of steal from motor vehicle or stealing reports made to police. The offenders gain access to the resident's car parks and steal property from either the cars or from storage areas within these locations.*

*Older model vehicles which are not fitted are often the targets of thieves. These vehicles are stolen to either get from one location to another or in many instances are often used to commit other crimes.*

## **5. Recommendations**

*The proposed developments have the potential to introduce new victims, crime opportunities and offenders to the development sites and their surroundings. With this in mind Crime Prevention Through Environmental Design (CPTED) treatments need to be considered to reduce opportunities for crime;*

### **5.1 Surveillance**

*Surveillance is achieved when users of the space can see or be seen. Generally people involved in antisocial or criminal behaviour do not like to have their activities monitored. With this in mind the layout of the developments, orientation and location, the strategic use of design, lighting and landscaping can increase the effort and reduce the rewards for people involved in antisocial or criminal behaviour to operate with ease. Surveillance should be a by product of a well planned, well designed and well used space to reduce opportunities for crime.*

### **Objectives**

- a) *Ensure that there is good surveillance to and from the development and neighbouring properties to reduce opportunities for crime.*
- b) *Ensure that the design of the development does not impede surveillance to reduce opportunities for crime.*
- c) *Ensure that a Closed Circuit Television System which complies with **Australian Standards - Closed Circuit Television System (CCTV), AS:4608.1.2.3.4.** is installed to monitor activity in and around the development.*
- d) *Ensure lighting is designed to increase surveillance opportunities to and from the property during the hours of darkness.*
- e) *Ensure that lighting in and around the development is commensurate with CCTV requirements to illuminate the development and surrounds during the hours of darkness.*
- f) *Ensure fences and gates are designed to increase surveillance opportunities to and from the property.*
- g) *Ensure that movement (predictors) pathways and corridors in the development do not become, or lead to possible assault sites.*

### **Recommendations**

1. *The mailbox must be installed in an area which can be seen from the premises (surveillance opportunities). (See Annexure 8)*
2. *The mailbox must be well lit to increase surveillance opportunities during the hours of darkness. (See Annexure 8)*
3. *A Closed Circuit Television System (CCTV) which complies with **Australian Standard -Closed Circuit Television System (CCTV) AS: 4806.1.2.3.4.** <http://www.standards.org.au> must be installed within these developments to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform to Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.*
4. *This system should consist of surveillance cameras strategically located in and around the premises to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise.*
5. *A minimum of two cameras should be strategically mounted across the front of the development to monitor activity around these areas. These cameras should be positioned to watch one another to protect them from tampering.*
6. *One or more cameras should be strategically mounted at entry/egress points to monitor activities around these areas.*
7. *This equipment should be secured away from public access areas to restrict tampering with the equipment and data.*
8. *Staff should be trained in the operation of the system.*

9. *Lighting which complies with the Australian Standard - Lighting must be installed in and around the property to increase surveillance opportunities during the hours of darkness.*
10. *Emphasis should be on installing low glare/high uniformity lighting levels over all areas.*
11. *Lighting is to deny criminals the advantage of being able to operate unobserved however, if an area cannot be overlooked or viewed during the hours of darkness, then lighting will only help a criminal see what they are doing, not deter them.*
12. *Light covers must be designed to reduce opportunities for malicious damage (vandalism).*
13. *Lighting sources should be compatible with requirements of any surveillance system installed.*
14. *A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.*
15. *The lighting must also be commensurate with the Closed Circuit Television requirements to enhance surveillance during darkness.*
16. *Landscaping should be designed to maximise surveillance opportunities to and from the development.*
17. *Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the development.*
18. *Optically permeable (open design) style fences and gates must be considered to increase surveillance and reduce concealment opportunities particularly between the development and the pathway on the northern side of the property.*
19. *Pathways must be sufficiently well lit at all times to avoid use of unsafe routes.*
20. *Good sightlines and signage must be installed at decision making points to assist people using pathways.*
21. *Paths to be located near activity generators and areas with natural surveillance*
22. *Pathways and stairs should be located so that they are easily accessible and designed such that there are no blind corners. Straight or gently curved pathways are encouraged.*
23. *Walkways and pathways should be designed to have at least one clearly marked "exit" sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.*
24. *Multi-storey car parks should be designed to permit maximum natural surveillance, access control and illumination, eg. By using cable railings in place of concrete retaining walls.*

## **5.2 Access control**

*Access control should restrict, channel and encourage people into, out of and throughout the development. It can be used to increase the time and effort required to commit a crime and to increase the risk to people and reduce rewards involve in anti social and criminal behaviour. The tactical use of design features including facility construction, configuration, location, security hardware, and on site guardians (guardians; are those people that are likely to take action should an incident take place) such as staff or security should be used to reduce opportunities for crime.*

### **Objectives**

- a) *Ensure that access to the developments is controlled to reduce opportunities for crime.*
- b) *Ensure that access to restricted areas within development is controlled to reduce opportunities for crime.*
- c) *Ensure fences and gates are designed to control access to and from the property.*

### **Recommendations**

1. *The mailboxes must be of solid construction and designed to restrict access. (See Annexure 8.1.)*
2. *The mailboxes must be securely anchored to reduce opportunities of removal.*
3. *The mailboxes must be secure with a lockset which is difficult to access or manipulate.*
4. *Fences must be installed around the perimeter of the development to control access.*
5. *Gates must be secured with quality locks which comply with the Australian Standards, Lock Sets, AS: 4145 to control access.*
6. *The main entry/egress doors to the buildings must be fitted with an access control system similar to key, code or card operated system to restrict, control the movement of people and vehicles into and throughout the complex.*
7. *An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.*
8. *Doors to the complex should be of appropriate construction to restrict and control access into and throughout the complex.*
9. *Doors must be fitted with locksets which comply with the Australian Standards - Locksets for buildings and the building code (fire regulations).*
10. *Doors should be secured to control and restrict access to and from the development and individual properties.*
11. *Doors to plant and equipment areas must be fitted with access control to restrict and control the movement of authorised people into and throughout these areas in order to reduce opportunities for injury to people or tampering with equipment.*
12. *Doors or gates must be installed to car park entry/egress points to restrict access to these areas.*
13. *The access control system similar to key, code or card operated system must be fitted to these doors or gates to restrict, control the movement of people and vehicles into and throughout the car park.*
14. *An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.*
15. *Windows which can be opened must be fitted with key operated locks which comply with the Australian Standards - Locksets for windows in buildings.*
16. *By law in NSW, windows above ground level in strata schemes must have safety devices installed to reduce opportunities for people falling. To find out more check out the window safety device requirements page;  
[http://www.fairtrading.nsw.gov.au/ftw/Tenants and home owners/Strata schemes/Window and balcony safety/Window safety device requirements](http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Strata_schemes/Window_and_balcony_safety/Window_safety_device_requirements).*
17. *Balconies on the development must be designed at a height to reduce opportunities for people scaling the railings to access other balconies and falling. This can also assist in reducing opportunities for children falling from balconies.*

18. *The public car park and residential car park should be separated by barriers to restrict unauthorised access to the residential car parks.*
19. *Access to parking areas should be via a surveillance entry point.*
20. *The storerooms in the car park areas must be of solid construction.*
21. *The doors to the storerooms must be fitted with locksets which comply with the Australian Standards - Locksets for buildings and the building code (fire regulations).*

### **5.3 Territorial Re-enforcement**

*Territorial re-enforcement is about ownership, who owns the development, who manages the development, and who cares for the development. Criminals are more likely to be deterred by the presence of people who are connected with and protective of a development than by people who are just passing through. It employs actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with the development, to encourage community responsibility for the development and to communicate to people where they should and should not be and what activities are appropriate.*

#### **Objectives**

- a) *Identify the location of the property to comply with the Local Government Act, 1993, Section 124, Order No. 8,*
- b) *Identify the location of the property to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- c) *Identify individual levels in each of the buildings to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- d) *Identify individual units in each of the buildings to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- e) *Ensure that signs are posted in and around the property to warn intruders of what security treatments may be in place and reduce excuse making opportunities.*
- f) *Ensure that signs are posted in and around the property to provide guidance to users.*
- g) *Promote the development of landscape plans which enhance the visual amenity of an area but which do not have the potential to jeopardise the safety of the users of a site.*
- h) *Ensure that landscaping is designed so as not to impede surveillance opportunities to and from the property.*
- i) *Ensure that landscaping is designed so as not to provide concealment or entrapment areas.*
- j) *Ensure fences and gates are designed to clearly define the property boundaries.*

#### **Recommendations**

1. *The street number must be prominently displayed at the front of this property to comply with the Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act can result in penalties. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation.*

2. *The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.*
3. *The number of each unit must be prominently displayed on the front doors to assist users of the property identify locations particularly in emergency situations.*
4. *The numbers should be in contrasting colours to building materials and be a minimum height of 120 mm.*
5. *The mailbox must be located on the property to reduce excuse making opportunities by offenders.*
6. *Signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespasser will be prosecuted. Warning, no large amounts of money kept on premises. Warning, these premises are under electronic surveillance.*
7. *Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.*
8. *Landscaping needs to be maintained on a regular basis to reduce concealment opportunities.*
9. *Obstacles & rubbish should be removed from property boundaries, footpaths, driveways, car parks & buildings to reduce concealment & prevent offenders scaling your property.*
10. *A zone of at least 1.5 metres in width on either side of a fence line should be kept free of vegetation to increase surveillance and restrict un-authorized by scaling fences.*
11. *Fences must be installed around the perimeter of the property to clearly define the property boundary.*
12. *Fences and gates must be maintained in good condition and should be checked regularly to assist with the protection of your property.*
13. *Lighting needs to be checked on a regular basis to ensure that it is operating effectively.*
14. *Good signage must be used for way-finding to assist people using the buildings and car parks.*
15. *No parking should be permitted adjacent the building core, elevators or fire stairs to reduce opportunities for vehicles loading with improvised explosive devices being parked against these structure with the intention to damage or destroy the buildings.*

#### **5.4 Space & Activity Management**

*Space and activity management involves the supervision, care and control of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. Space and activity management strategies are an important means of developing and maintaining natural community control. This can assist you to determine whether a development should remain or be relocated to a more appropriate location.*

#### **Objectives**

- a) *Ensure that a monitored intruder alarm system to monitor & detect unauthorised entry to the development and facilities is installed.*
- b) *Ensure that a fire safety assessment of essential fire safety measures is conducted each year.*
- c) *Ensure that a Fire Safety Schedule and Fire Safety Statement is displayed in the property.*
- d) *Ensure that a Fire Safety Schedule and Fire Safety Statement is provided to local Council and the Commissioner, Fire & Rescue NSW.*



- e) *Ensure that a plan of management is established for the development for management, staff and residents.*
- f) *Ensure that an emergency plan has been prepared, implemented and tested to ensure that people within the development can escape in the event of an emergency.*

### **Recommendations**

1. *An Intruder Alarm System (IAS) which complies with the Australian Standard - Systems Installed within Clients Premises, AS:2201 must be installed in the development to enhance the physical security and monitor activity on the development.*
2. *This standard specifies the minimum requirements for intruder alarm equipment and installed systems.*
3. *It shall apply to intruder alarm systems in private premises, commercial premises and special installations.*
4. *The Intruder Alarm System (IAS) must be monitored by a security company or your own staff.*
5. *Duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so.*
6. *Detectors must be fitted to the doors of plant room areas to detect unauthorised access to these areas. This can reduce the opportunity for litigation against your organisation.*
7. *The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.*
8. *The system must be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively.*
9. *Staff should be trained in the correct use of the system.*
10. *As a number of premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.*
11. *The owner of the development must ensure that an annual fire safety assessment of essential fire safety measures for your property is carried out each year.*
12. *The owner of the development must ensure that a Fire Safety Schedule listing essential fire safety measures for your property is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1993.*
13. *The owner of the development must ensure that a Fire Statement is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1993.*
14. *The owner of the development must ensure that a copy of the Fire Safety Schedule and Fire Safety Statement is provided to your local Council and the Commissioner for Fire & Rescue NSW to comply with the Environmental Planning and Assessment Act, 1993. Failure to comply with these requirements can result in financial penalties against your property*
15. *Private spaces such as court yards, stairwells and parking bays must be clearly identified to reduce use by undesirable users.*

16. *A plan of management must be established so that management, staff and residents are aware of what they need to do in the event of situations taking place or what is permitted or not permitted within the development.*
17. *An emergency plan must be developed, implemented and tested on a regular basis to ensure that users of the development understand what is required of them particularly in emergency situations. The emergency plan must provide, emergency procedures including, an effective response to an emergency, evacuation procedures, notifying emergency service organisations promptly, medical treatment and assistance, effective communication between the authorised person who coordinates the emergency response and all persons in the development, testing of the emergency procedures, including the frequency of testing.*
18. *Information, training and instruction to relevant workers in relation to implementing the emergency procedures.*
19. *When preparing and maintaining an emergency plan, the PCBU must consider all relevant matters including, the nature of the work being carried out at the workplace, the nature of the hazards at the workplace, the size and location of the workplace, the number and composition of the workers and other persons at the workplace.*
20. *The code of practice Managing the work environment and facilities provides more information about preparing and maintaining an emergency plan. Call Workcover NSW 13 10 50 or view the Workcover NSW website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) for more information about emergency plans*

## **6. Conclusion**

*In conclusion the New South Wales Police Force has a vital interest in ensuring the safety of the members of the community and the security of their property. By using the recommendations contained in this assessment, any person acknowledges that;*

*t is not possible to make areas assessed by the NSWPF absolutely safe for members of the community or the security of their property.*

- *It is based upon information provided to the NSWPF at the time the assessment was undertaken.*
- *This assessment is a confidential document and is for the use by the organisation referred to on page one only.*
- *The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the organisation referred to on page one.*

*The NSW Police Force hopes that by using the treatments recommended in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property increased. However it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its treatments are followed.*

*Should you have any questions in relation to this report contact Constable Andrew CARTER, Crime Prevention Officer, Eastern Beaches Local Area Command, Phone 02 9349 9299.*

Suitable condition included in the recommendation to address the matters above.

### **6.6 Design Review Panel – SEPP 65 Design Quality of Residential Apartment Development**

Council's Design Review Panel reviewed the proposal on 3<sup>rd</sup> April 2017 and provided the following comments:

**SEPP 65 DESIGN REVIEW PANEL COMMENTS AND RECOMMENDATIONS:**

*This is the DA that responds to the built form envelopes and development parameters for the site that have already been approved under concept plan approval MP09-0188.*

*Concept plan approval and P09\_0188 (as amended) provides building envelope and height controls which govern development on the site. The proposed development with minor exceptions complies with these controls.*

*The proposed development accommodates 79 independent living units and does not include a childcare centre, the inclusion of which the Panel supported strongly.*

**Principle 1: Context and Neighbourhood Context**

*The block formed by Dangar Street, King Street and Darley Road, forms a 750 meter unbroken block for a large area of Randwick, near Centennial Park. In urban design terms, there should be at least 2 and possibly 3 cross site links through this block. The Panel strongly supports a cross site link on this site linking King Street and Govett lane. The Panel supports a one-way system, and does not understand the response made by the applicant.*

*The impression of a gated community should be avoid in all instances, particularly in terms of gate placements and landscaping around the site's edges. As noted above, the Panel appreciates the sensitivities around security, however, this proposal relates to independent living units, which are similar to conventional residential apartments and should be accessed in a similar manner. Visitors to the site should be able to walk through the streets, spaces and up to the lobby entrances with ease.*

*The space between building E and building F has improved however further work is required to reduce the amount of hard paving in this area. The space seems dominated by the street and associated footpaths.*

**Principle 2: Scale and Built Form**

*The DA should conform to concept plan controls. Terracotta screens on the west will continue to radiate heat into the evening. The 3.2 meter floor to floor heights for the swimming pool and Gym do not provide sufficient amenity. The resolution of this should involve the elimination of unit F02 and the creation of a generous high ceiling open community space looking out onto the garden.*

**Principle 3: Density**

*Satisfactory.*

**Principle 4: Sustainability**

*The panel feels the orientation of some of the louvres has a negative effect on the solar access. Particular care should be taken with louvres that are oriented toward the south west and south east.*

*The operation of the glazing facing north into the extension of stair 2 should be shown on the drawings to ensure cross ventilation. These should not be fixed glass panels.*

*Further considerations:*

- *All bathrooms on external walls should have external windows to reduce the need for artificial ventilation.*

- *The method of window operation and their fire treatment on each elevation should indicated on the drawings*
- *Awning windows provide poor ventilation options. Louvres should be considered.*
- *Sun-shading and or weather protection provided to suit orientation*
- *Consideration of solar hot water heaters and on-site water retention*
- *Ceiling fans for bedrooms and living areas - these should be marked on the plans*
- *Air-conditioning appears to be shown on the roof - this needs to be clarified. Photovoltaics should be included on the roof to mitigate energy usage for air conditioning. A solar photovoltaic system (10 kilowatts) could power common areas with any excess energy feeding into the grid. The array also shades the roof.*
- *Ventilating skylights to top floor apartments, natural daylight and northern winter sun could be optimised on the top floor apartments by introducing clerestory windows*
- *Window types and operation to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security.*
- *Roof slabs should be provided with foam insulation covered with pebble ballast to create effective thermal comfort to the top floor apartments if no solar array is used.*
- *Outdoor clothes drying areas*

### **Principle 5: Landscape**

*This should not be a gated community. Blocks E and F should be accessible without security gates, and the central road and drop off treated like a normal residential street.*

*A publicly accessible cross site link between King Street and Govett Lane should be provided. This would allow residents south of King Street more direct access to Centennial Park.*

*Residents of the community should be able to freely walk around all building F and building E in a continuous loop to make full use of the proposed landscape design. This would require a stair access to link the court yard north of the communal function area, and the common open space between buildings block E and block C. Further work needs to reduce the hard paving between block F and block E.*

*More consideration and detail design work needs to be dedicated to the entire matrix of open spaces and the circulation connecting them, to ensure the widest range of possible open space and recreation options for the residents and their visitors.*

*Given the location, a dedicated cycleway should be provided along Dangar Street. The development should also provide sheltered, dedicated bicycle parking areas for visitors.*

*Landscape Plan indicates a densely planted zone along the western boundary that appears to limit access and provide a limited zone for the ground floor units to use. The panel appreciates the challenging topography around the edge, though there appears to be an unrealised opportunity to improve the amenity of those ground floor apartments.*

### **Principle 6: Amenity**

*Planter boxes on the facade need to have easy and safe materials and access.*

*Solar access to the balconies appears to be restricted by the angle of the particularly elevation design, with the protruding living spaces placing the glazing line at edge of the building, both limiting solar access to the bedrooms and placing a greater heat-load on the glazing. The panel questions the advantage of the chamfered glazing line.*

### **Principle 7: Safety**

*Satisfactory.*

### **Principle 8: Housing Diversity and Social Interaction**

*The provision of additional housing which allows ageing in place, as well as the 10% of affordable accommodation is commended. The gated community will actively discourage social interaction with the residential neighbourhood and is not acceptable to the Panel.*

**Principle 9: Aesthetics**

*Careful detailing of the terracotta louvres balustrades and decks including drainage is required.*

**SUMMARY AND RECOMMENDATIONS**

*The new submission has reacted negatively to a number of Panel recommendations. The Panel reiterates that this is an important site in the context of the Randwick LGA, and its redevelopment should offer considerable public benefits. A cross site link should be investigated. A minimum for the Panel is a completely publicly accessible address to King Street, the lobby and, the roundabout, together with continuous connectivity of the landscaped open spaces around the new buildings.*

Planning comments:

The key issues raised by the Panel relate to the following:

- Consider providing a cross link through the site for the benefit of the residents and visitors access to and from Centennial park
- Remove the impression of a gated community and to improve permeability of the site with the public domain;
- Improve accessibility throughout the site for residents and visitors;
- Reduce hard surfaces between buildings E & F;
- Increased amenity of the pool level within building F by increasing the floor to ceiling height;
- Improve solar access of units by careful consideration of the orientation of louvres away from the proposed south west and south east direction;
- Reduce heat load and improve cross ventilation by providing operable glazing on balconies of single aspect apartments;
- Improve accessibility throughout the site and around the western side of building F;
- Improve energy efficiency by locating solar panels on the roof, water recycling;

The applicant submitted a response to the Design Excellence Panel comments and amended plans which are considered to have adequately addressed the heads of consideration required under SEPP 65. In particular, the amended application and responses made in relation to the DEP panel comments include:

- Justification for not providing a cross through link on the basis that the original concept plan approval considered and did not require a cross link;
- The impression of a gated community is challenged by the need to provide adequate security and environmental protection of the residents and visitors to the site. Despite this the applicant has reduced the impression of a gated community from the King Street side by relocating the vehicle entrance gates from the frontage to around 55m within the site, improved levels of landscaping in the space between buildings E and F, provided featured paving to reinforce the shared zone environment of this area;
- Provided an accessible path for residents and visitors west of Building F to a new garden spaces which links with the pool terrace; provide a stair access between building C and E and the courtyard on the upper ground level at the eastern side of building E which assists with providing a continuous loop of accessible pathways between buildings E and F and buildings E and C.



Figure 7: Accessible pathways throughout the two buildings and connection with other pathways within the site north and east.

- The protruding living rooms along the side elevations will not unnecessarily restrict solar access to the bedrooms as the walls of the living spaces that protrude beyond the glass line of the bedrooms along the eastern elevation line of the bedrooms along the are made of operable glazing which assists with connecting the uses of open space with the internal living spaces. In terms of design it is considered that providing these protrusions will also provide a more consistent articulation along the side elevations.
- Amendment to the projections along the façade of one bedroom units will result in shortfall of balcony area down to 7sqm which is 1sqm short of the 8sqm required under the Apartment Design Guide (ADG) affecting five units in total (F11, F21, E21, F31 & E31). The shortfall is minor and as indicated above the amendments provide for greater consistency in architectural form across the eastern elevation of both buildings and when the living room is open it allows for a large area of open space as shown in figure 8 below.



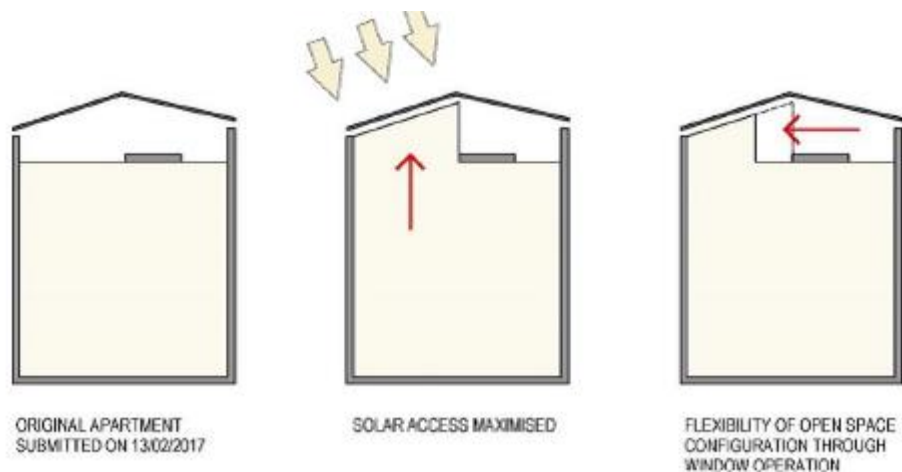


Figure 8: operation of glazing within one bedroom apartments allowing for flexible arrangement of open space and internal living space for single bedroom apartments.

- Solar panels are proposed to be located on the roof of each building and a 450kl retention tank is provided under the road between the two buildings;
- Ventilated skylights are provided to the top floor apartment bathrooms;
- Screens in the balconies provide privacy and hide private drying areas and internal laundry's are provided within each apartment;
- A cross through link has not been provided. A cross through link was considered in the Concept Plan and did not form part of the Concept plan approval. Notwithstanding, the permeability of the site has been improved by locating the vehicle entrance gates further within the site;
- It is noted that the DEP panel commended the provision of 10% of the total units throughout the site as affordable accommodation;

Overall it is considered that the proposed development has amended has adequately addressed the key matters raised by the panel and will satisfy the heads of consideration under SEPP 65. AN assessment of the proposal against the ADG is carried out further below.

## 7. Relevant Environmental Planning Instruments

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- **State Environmental Planning Policy (State and Regional Development) 2011**
- **State Environmental Planning Policy No. 55 – Remediation of Land**
- **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**
- **State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004**
- **State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**
- **Randwick Local Environmental Plan 2012**
- **Policy Controls**

### 7.1 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 \$20 million. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Sydney Central Planning Panel.

## 7.2 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. Council's Environmental Health Officers have reviewed the development application and the site is suitable for its intended purpose subject to compliance with the remediation strategy adopted pursuant to the Concept approval and the subject of conditions included in the recommendation.

## 7.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves the development of a residential flat building being 3 storeys and more in height. The proposal has been considered by Council's Design Review Panel. The Panel's comments are included in Section 7. An assessment has been carried out in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the Apartment Design Guide against the design criteria requirements. Any non-compliance to the design criteria includes a merits based assessment as per the design guidance of the Apartment Design Guide.

Clause	Requirement	Proposal	Compliance
<b>Part 3: Siting the Development</b>			
3A-1	Site Analysis		
	Each element in the Site Analysis Checklist should be addressed	The submitted development application addresses each relevant section of the site analysis checklist.	Complies.
3B-1	Orientation		
	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	Both buildings address the King Street frontages	Complies.
	Where the street frontage is to the east or west, rear buildings should be orientated to the north	NA	NA.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Overshadowing to the street and to the eastern side of Centennial apartments.	Complies
3B-2	Orientation		
	Living areas, private open space and communal open space should	Good levels of solar access provided.	Complies

Clause	Requirement	Proposal	Compliance
	receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access		
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	Adequate solar access to the eastern elevation of Centennial Park units to the west.	Complies
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	NA	Complies
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	Meets with the building envelopes	Complies
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks	Incorporates upper level setbacks of building E and F.	Complies
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	Meets with the building envelopes	Meets the building envelopes.
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	No reduction of solar access to neighbouring roofs to less than four hours.	Complies.
3D-1	Communal and Public Open Space		
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	The site contains at 51.2% of communal open space at ground (43.4%) and podium upper ground floor level (7.6%). Communal balcony areas at level 4 of both buildings and level 6 of building E have not be included in the calculation.	Complies
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal	The communal courtyards at ground and podium levels will receive the required 50% of direct solar access into this space.	Complies

Clause	Requirement	Proposal	Compliance												
	open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)														
3E-1	Deep Soil Zones														
	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>&lt;650m<sup>2</sup></td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650-1500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>6m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup> with sig. existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum Dimensions	Deep Soil Zone (% of site area)	<650m <sup>2</sup>	-	7%	650-1500m <sup>2</sup>	3m	>1500m <sup>2</sup>	6m	>1500m <sup>2</sup> with sig. existing tree cover	6m	27% deep soil provided based on a site area of 8900sqm.	Complies
Site area	Minimum Dimensions	Deep Soil Zone (% of site area)													
<650m <sup>2</sup>	-	7%													
650-1500m <sup>2</sup>	3m														
>1500m <sup>2</sup>	6m														
>1500m <sup>2</sup> with sig. existing tree cover	6m														
3F-1	Visual Privacy														
	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>&gt;25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	>25m (9+ storeys)	12m	6m	<p>Separation distances are compliant with the Concept Plan approval except for the following areas:</p> <p>Western side balconies at level 4 of building F associated with two x three bedroom units are 14mm from the western side boundary and don't meet the 18m minimum approved in the Concept Plan approval. The shorter separation does not raised any concerns regarding privacy as the distance between the balconies and the western side boundary is 5m further away than the minimum required under the ADG.</p>	Complies.
Building height	Habitable rooms and balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
>25m (9+ storeys)	12m	6m													

Clause	Requirement	Proposal	Compliance								
	space when measuring privacy separation distances between neighbouring properties.										
<b>Part 4: Designing the Building</b>											
<b>4A</b>	<b>Solar and Daylight Access</b>										
	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	86% of units will receive a minimum of two hours of direct solar access to the living rooms and private open spaces within the two building blocks. This is an increase from the original application.	Complies.								
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	One apartment (1.2%) will receive no direct solar access – Building F unit G01 located at the south western corner of the ground level.	Complies								
<b>4B</b>	<b>Natural Ventilation</b>										
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	63% are naturally cross-ventilated.	Complies.								
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Two level 4 three bed apartments have depths exceeding the maximum glass line depth.	Does not comply. Acceptable on merit given the good amenity of the units.								
<b>4C</b>	<b>Ceiling Heights</b>										
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table border="1" data-bbox="341 1691 778 2016"> <tr> <td colspan="2">Minimum Ceiling height for apartment and mixed use buildings</td> </tr> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor; 2.4m for second</td> </tr> </table>	Minimum Ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor; 2.4m for second	<u>Residential</u> The apartments will achieve the minimum floor to ceiling height of 2.7 metres  <u>Commercial:</u> 3.4m for pool area within building F and 3.5m for ground level upper communal area for building E.	Complies
Minimum Ceiling height for apartment and mixed use buildings											
Habitable rooms	2.7m										
Non-habitable	2.4m										
For 2 storey apartments	2.7m for main living area floor; 2.4m for second										

Clause	Requirement	Proposal	Compliance										
	<table border="1"> <tr> <td></td> <td>floor where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </table> <p>These minimums do not preclude higher ceilings if desired.</p>		floor where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.						
	floor where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.												
4D	<p><b>Apartment Size and Layout</b></p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup>each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3bedroom	90m <sup>2</sup>	All bedrooms are greater than the minimum	Complies
Apartment Type	Minimum Internal Area												
Studio	35m <sup>2</sup>												
1 bedroom	50m <sup>2</sup>												
2 bedroom	70m <sup>2</sup>												
3bedroom	90m <sup>2</sup>												
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms comprise of a window opening and will not comprise with less than 10% of the floor area of the room.	Complies.										
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies.	Complies.										
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Open plan layouts are located within 8 metres of a habitable room window and will the habitable space	Complies.										



Clause	Requirement	Proposal	Compliance															
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	Bedrooms and master bedrooms will achieve the minimum area requirements in 9m <sup>2</sup> and 10m <sup>2</sup> , respectively.	Complies															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3 metres.	Complies.															
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>		Complies															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Apartment widths are not less than 4 metres internally.	Complies															
4E	Private open space and balconies																	
	<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio Apt.</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bed Apt.</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bed Apt.</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bed Apt.</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio Apt.	4m <sup>2</sup>	-	1 bed Apt.	8m <sup>2</sup>	2m	2 bed Apt.	10m <sup>2</sup>	2m	3+ bed Apt.	12m <sup>2</sup>	2.4m	<p>All apartments have direct access to a private open space in the form of a balcony and the majority will comply with the minimum area and depth requirements to provide a reasonable level of amenity to the occupants.</p> <p>The exceptions are 5 one bedroom apartments which have 7sqm of balcony area. As indicated in the SEPP 65 referral section of this report, it is considered that shortfall is minor and given the added benefits of solar access and architectural coherency it is considered the area provided is adequate.</p>	Complies.
Dwelling Type	Minimum Area	Minimum Depth																
Studio Apt.	4m <sup>2</sup>	-																
1 bed Apt.	8m <sup>2</sup>	2m																
2 bed Apt.	10m <sup>2</sup>	2m																
3+ bed Apt.	12m <sup>2</sup>	2.4m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m	The proposal includes greater than 15sqm of terrace areas for ground level apartments.	Complies.															
4F	Common Circulation and Spaces																	
	The maximum number of apartments off a circulation core on a single level is eight	Each core will provide 8 apartments from a single core.	Complies.															

Clause	Requirement	Proposal	Compliance										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The development is less than 10 storeys in height. Not applicable.	Not applicable.										
4G	Storage												
	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m3</td> </tr> <tr> <td>1 bedroom</td> <td>6m3</td> </tr> <tr> <td>2 bedroom</td> <td>8m3</td> </tr> <tr> <td>3bedroom</td> <td>10m3</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage Size Volume	Studio	4m3	1 bedroom	6m3	2 bedroom	8m3	3bedroom	10m3	The subject site includes ample space to provide storage within each apartment and across the basement levels.	Complies.
Dwelling Type	Storage Size Volume												
Studio	4m3												
1 bedroom	6m3												
2 bedroom	8m3												
3bedroom	10m3												

#### 7.4 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004

As this proposal is for an expansion of existing seniors housing comprising two new buildings, the provisions of this SEPP must be taken into consideration.

The proposal is defined as "residential care facility" under Clauses 11 of the SEPP. The relevant provisions of the SEPP are addressed as follows:

Clause	Requirement	Proposal	Compliance
<b>Chapter 1 Preliminary</b>			
2	Aims of Policy		
	(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability,	The proposal will increase the supply and diversity of residential accommodation for seniors or people with a disability.	Complies
	(b) make efficient use of existing infrastructure and services, and	The development will make efficient use of existing site use for seniors housing. Infrastructure and services will be required to be upgrade and the proposal includes measures that environmentally sustainable.	Complies
	(c) be of good design.	The proposed development is considered to be of good design.	Complies
<b>Chapter 2 Key concepts</b>			
15	This Chapter allows the following development	The subject site is zoned for urban development and the	Complies

	despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:  (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing	proposed is permissible under the Concept Plan approval.	
<b>Chapter 3 Development for seniors housing</b>			
<b>Part 2 Site-related requirements</b>			
26	Location and access to facilities		
	(1) Residents of the proposed development will have access that complies with subclause (2) to:  (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and  (b) community services and recreation facilities, and  (c) the practice of a general medical practitioner	The subject proposal is ancillary to the retail floor area approved in building D.  The subject site is located in close proximity to an established urban area which accommodates a range of building forms, land uses and services including, educational institutions, a bus depot, neighbourhood retail, recreational parkland and predominantly low and medium density residential uses.  The proposed development also provides communal gardens, activity rooms and dining facilities for the residents.  In regard to the requirements of Clause 26, an aged care facility already exists and it appears, has been able to provide a reasonable level of access to other facilities and services within the locality of this site.	Complies
27	Bush fire prone land	The site is not located within bush fire prone land.	N/A
28	Water and sewer		

	The consent authority must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The provision of civil and utility services will be required by standard conditions.	Complies.
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	The site is zoned to permit the proposed use.	N/A
<b>Part 3 Design requirements</b>			
30	Site analysis		
<b>Division 1 general</b>			
	(1) The consent authority is to be satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A detailed site analysis was submitted and considered by the DPE with the concept approval for the building envelope and separation requirements. The proposal is supported by concept and contextual analysis drawings and model. Given that this proposal is for detailed analysis of the development for building E and F the main issues relate to the architectural design of the development, the landscaping elements relative to the streetscape, accessibility throughout the site, visual and acoustic privacy measures, solar access for occupants of the ILU's, waste management, parking and traffic, stormwater and crime prevention.	Complies
	(2) A site analysis must: (a) contain information about the site and its surrounds as described in subclauses (3) and (4). (b) be accompanied by a written statement: (i) explaining how the design of the proposed development has regard to the site analysis, and (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.		
31	Design of in-fill self-care housing		
	Consent Authority to take into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development (SLP)</i>	The amenity of self-contained dwellings in Building E and F have been assessed with regard to the Apartment Design Guide (ADG). The high level of compliance with the ADG criteria and objectives ensure the development complies with the Intent of the Seniors living policy and SEPP Seniors	

		2004 which requires level access and additional circulation requirements under Australian Standards. The application has been the subject of amendments to improve pedestrian connectivity and accessibility and to other parts of the site as indicated in the DEP comments section above.	
32	Design of residential development The consent authority is to be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Addressed below.	Complies.
<b>Division 2 Design principles</b>			
33	<b>Neighbourhood amenity and streetscape</b> The proposed development should:		
	(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and	The proposed buildings have been designed to complement the site and the surrounding area. The proposal has been assessed by the Design Excellence Panel (DEP) and is considered to be acceptable in regard to urban design qualities	Complies
	(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	This has been addressed as part of the development application and reviewed by Council's Heritage Planner and considered to be satisfactory.	Complies
	(c) maintain reasonable neighbourhood amenity and appropriate residential character by:  (i) providing building setbacks to reduce bulk and overshadowing, and	<ul style="list-style-type: none"> <li>Appropriate building setbacks have been provided consistent with the Concept plan approval except as indicated in the SEPP 65 Section which adequately addresses the non-compliant setbacks provided at</li> </ul>	Complies

	(ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	level 4 of Building F and Level 5 of Building E. In short there will be no appreciable adverse impacts on the amenity of neighbouring properties and it is considered that the development has been design to minimise adverse visual and amenity impacts on the adjoining properties.	
	(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line, and	The site has frontages to King Street and is consistent with the requirements of the Concept Plan approval.	Complies
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	The landscape plan as amended and conditioned will provided a suitable combination of trees, shrubs and ground covers to provide an aesthetically pleasing presentation to the streets and surrounding lots.	Complies
	(f) retain, wherever reasonable, major existing trees, and	The significant trees on the site will be removed however the proposal will provide a comprehensive landscaping throughout the site.	Complies
	(g) be designed so that no building is constructed in a riparian zone.	Not applicable.	N/A
34	<b>Visual and acoustic privacy</b>		
	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:  (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and	<ul style="list-style-type: none"> <li>The design scheme have incorporated suitable setbacks and utilised various measures to minimise privacy impacts on the neighbouring properties, including landscaping, screening devices and location of windows along horizontal and vertical planes.</li> </ul>	Complies

	(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	<ul style="list-style-type: none"> <li>Noise impact on the proposed residential accommodation is minimised by the location of the driveway at the southern side of building E, with the parking facilities being contained within the basement levels.</li> <li>A condition is recommended to request an acoustic report prior to the release of the occupational Certificate to specify that all mechanical plant and equipment complies with the NSW EPA industrial Noise Criteria to ensure adequate living amenity is achieved.</li> </ul>	
35	<b>Solar access and design for climate</b>		
	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<ul style="list-style-type: none"> <li>The proposed development will retain an acceptable level of direct sunlight to the adjoining residential properties. A detailed discussion is provided in the "Environmental Assessment" section of this report.</li> <li>The development displays a high level of compliance with the ADG requirements for Solar access and ventilation.</li> </ul>	Complies
36	<b>Stormwater</b>		
	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on</p>	Standard conditions are recommended to ensure the development complies with Council's stormwater management requirements.	Complies.



	<p>adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practicable, on-site stormwater detention or re-use for second quality water uses.</p>		
37	<b>Crime prevention</b>		
	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:		
	(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	The proposal has been examined by the Local Area Command and security and surveillance issues are the subject to conditions of consent.	Complies
	(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	See comment above	Complies
	(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	See comment above	Complies
38	<b>Accessibility</b>		
	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and</p>	<ul style="list-style-type: none"> <li>The principal entries to the development are clearly identifiable.</li> <li>Access has been provided for pedestrian and vehicular traffic. The footpaths on King</li> </ul>	Complies.

	parking for residents and visitors.	Street are overlooked by the windows of the building and surveillance cameras.	
39	<b>Waste management</b>		
	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The submitted drawings show the provision of garbage rooms within the development.  A standard condition is recommended to ensure adequate waste management measures are implemented during the operational phase.	Complies.
<b>Part 4 Development standards to be complied with</b>			
<b>Division 1 General</b>			
40	Development standards - minimum sizes and building heights		
	(2) The size of the site must be at least 1,000 square metres.	29,353m <sup>2</sup>	Complies
	(3) The site frontage must be at least 20m wide measured at the building line.	The frontage exceeds 20 metres.	Complies
	(4) Height in residential zone where residential flat buildings are not permitted	Subject to concept plan approved building envelopes	Complies
<b>Division 2 Residential care facilities - standards concerning accessibility and useability</b>			
	Refer to the Commonwealth aged care accreditation standards and the Building Code of Australia.	The proposal is for serviced self-care housing	NA

<b>Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability</b>			
41	Standards for hostels and self-contained dwellings		
	(1) A consent authority must not consent to a development application unless the proposed development complies with the standards specified in Schedule 3 for such development.	Specific conditions are recommended to ensure compliance with the standards stated under Schedule 3 of the SEPP.	Complies, subject to conditions
<b>Part 5 Development on land adjoining land zoned primarily for urban purposes</b>			
42	Serviced self-care housing		
	1 consent authority must be satisfied that the development has access to home delivered meals, personal care and home nursing and assistance with housework.	The Seniors housing establishment has operated for a significant period of time on the subject site and there is historical application history over a lengthy period to suggest that the proposed occupants of the building will be adequately provided where needed services described at left.	Complies
<b>Part 6 Development for vertical villages</b>			
45	Vertical villages		
	(6) 10% Affordable housing provided.	The development scheme <i>will provide at least 10% of its housing stock as affordable housing in order to encourage housing affordability within the area.</i> The applicant further indicates the proposal is in the public interest as it will <i>Increase the supply of affordable housing choices for seniors within the locality;</i>	A condition is included.
<b>Part 7 Development standards that cannot be used as grounds to refuse consent</b>			
<b>Division 4 Self-contained dwellings</b>			
50	<b>Standards that cannot be used to refuse development consent for residential care facilities</b> A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of self-contained	Addressed below.	

	dwelling on any of the following grounds:		
	(a) building height:	The proposed development responds to envelopes and development parameters set by the concept plan approval MP09_0188 (as modified). As such, the guidelines within Clause 50 which relate the matters that cannot be used to refuse a DA (rather than minimum standards) are not strictly relevant.	N/A
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	See note above.	N/A
	(c) landscaped area: if a minimum of 30% of the site is landscaped area	More than 30% of the site is landscaped area	Complies
	(d) Deep soil zones: minimum 15%	More than 15% of deep soil is provided	Complies
	(e) Solar access: at least 70% receive 3 hours of solar access	72% receive three hours of solar access	Complies
	(f) Private open space: - min of 15sqm for ground level apartments - min of 10sqm above ground level	Minimum of 15sqm provided for ground level apartments Balcony sizes are provided in accordance with the ADG.	Complies  Five one bedroom apartments don't provide the necessary minimum areas. Does not comply. See comment below.
	Comments: The proposal achieves a better planning outcome having regard to a combination of providing for a larger living space within one bedroom apartments, ensuring adequate solar access to bedrooms and at the same time providing operable windows across the living area to create a semi outdoor area around 11.9sqm, which is above the minimum 10sqm required under the SEPP Seniors housing.		
	(h) Parking: 0.5 space for each bedroom	77 required and 97 provided	Complies

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

SEPP: BASIX applies to the proposed development. The development application is accompanied with a BASIX Certificate.

## 7.6 Randwick Local Environmental Plan 2012:

The subject site is zoned R3 Medium Density Residential under the Randwick Local Environmental Plan 2012. The proposal is permissible in the zone under the Concept Plan approval. The proposed development will promote the aims of the LEP in relation to the aesthetic character, sustainability, environmental qualities and social amenity of the locality.

## 7.7 Policy Controls

The following policy controls apply in the assessment of the proposed development and are elaborated upon in the section below:

- **Randwick Comprehensive Development Control Plan 2013**

This DCP provides guidance for development applications (DAs) to supplement the provisions of the Randwick Comprehensive Local Environmental Plan (RLEP). Whilst the RLEP provisions for height of buildings and floor space ratio are not applicable due to the Concept Approval for the development providing a layer of specifics in relation to the envelope built forms for Buildings E and F, there are General Controls in part B of the RDCP that remain relevant to the application providing guidance in achieving a good planning outcome.

These general controls include: Part B1 Design, B2 Heritage, B3 Ecologically sustainable Development, B4 Landscaping and biodiversity, Part B5 Preservation of trees and vegetation B6 Recycling and waste management, B7 Transport, Traffic, parking and access, B8 Water management.

In relation to the considerations that remain in the Randwick DCP that are relevant to the subject DA, these are largely assessed as acceptable and where necessary have been the subject of technical officers comments and conditions recommended for inclusion in the determination.

- **Randwick City Council Section 94A Development Contributions Plan.**

A suitable condition is included requiring the payment of a S94A contribution in accordance with the requirements of Council's plan.

## 8. Environmental Assessment

Section 79C Consideration	'Matters for	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument		Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument		N/A.
Section 79C(1)(a)(iii) – Provisions of any development control plan		Refer to the "Policy Control" section of this report above for details. The concept Approval provides the relevant controls for the development. As indicated in an earlier section of this report the proposed development complies with the relevant

Section 79C 'Matters for Consideration'	Comments
	provisions of this approval as amended and where non-compliance such as the fabric protrusions along the western side of building E these are minor and the development provides for adequate separation and spatial relationship with the buildings on neighbouring properties and the streetscape as a whole.
Section 79C(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	The proposal is note subject to a VPA.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in the body of this report.</p> <p>In terms of social and economic impacts, the proposal will increase the availability of Seniors and adaptable housing and is consistent with the demographic provided for under the SEPP Housing for Seniors or People with a Disability 2004. The Concept approval ensures that there will be a mix of incomes amongst residents with some units being owner occupied and others being rented to low level income occupants. The added population will generate additional needs for businesses, employees and patrons which will in turn encourage the provision of such services within the retail component of the development located at the south eastern part of the site within Building D.</p>
Section 79C(1)(c) – The suitability of the site for the development	The subject site is located within an established suburban area and has convenient access to the local and regional road network, within 400m of a regular public transport service, social infrastructure and services. The site has an appropriate size and configuration and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Submissions have been addressed in the body of this report
Section 79C(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable ecological, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

## 9. Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4: Excellence in urban design.  
Direction 4a: Improved design and sustainability across all development.

## 10. Conclusion

The proposal is appropriate on the site given the building envelopes approved in the Concept approval issued for the site as modified (MP09\_0188 MOD 2), having regard to the desired future character of the area. The proposal also satisfies the relevant objectives contained within SEPP 'Seniors Housing' 2004, SEPP 65, the specific terms of the Concept approval (as modified), the RLEP 2012, and the relevant requirements of RDCP 2013. The development (as amended) proposes a built form, landscaping, and spatial relationship with neighbouring properties and the public domain that balances the need to provide for greater housing choice for seniors and people with disability and the need to safeguard the character of the Residential neighbourhood. The internal layout such as larger than minimum ADG sizes for apartments provides a high level of amenity for future occupants. Similarly, the external spaces have also been amended providing pedestrian access paths along the western side of building F make better use of the site and greater levels of accessibility for future residents of the development.

The proposal will not have a significant impact on surrounding properties and the projections of the façade beyond the concept approved built form are minor and will not result in any significant or unreasonable adverse impacts.

The application is therefore recommended for approval subject to conditions.

## 11. Recommendation

That the Sydney Central Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/132/2017 for expansion of Sir Moses Montefiore Jewish Home aged care facility including demolition of existing child care centre and car parks, construction of a 6 storey building (Building F) and a 7 storey (Building E), containing 79 independent living units, pool and gymnasium, dining room, kitchen, communal room, 2 basement levels containing 97 car park spaces, podium garden, 3 roof top communal terraces, landscaping and associated works at the south western side of the site at 30-36 Dangar 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>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA0000 Issue 2	Jackson Teece	13/02/2017	13 June 2017
DA0100 Issue 2		13/02/2017	13 June 2017
DA0103 Issue 2		13/02/2017	13 June 2017
DA1201 Issue 2		13/02/2017	13 June 2017
DA1202 Issue 2		13/02/2017	13 June 2017
DA1203 Issue 2		13/02/2017	13 June 2017
DA1204 Issue 2		13/02/2017	13 June 2017
DA1205 Issue 2		13/02/2017	13 June 2017
DA1206 Issue 2		13/02/2017	13 June 2017
DA1207 Issue 2		13/02/2017	13 June 2017
DA1208 Issue 2		13/02/2017	13 June 2017
DA1209 Issue 2		13/02/2017	13 June 2017
DA1210 Issue 2		13/02/2017	13 June 2017
DA3202 Issue 2		13/02/2017	13 June 2017
DA3203 Issue 2		13/02/2017	13 June 2017
DA4201 Issue 2		13/02/2017	13 June 2017
DA4202 Issue 2		13/02/2017	13 June 2017
DA9030 Issue 1		29/05/17	13 June 2017
DA9031 Issue 1		29/05/17	13 June 2017
DA - L-101 Rev K		19/05/17	13 June 2017

BASIX Certificate No.	Dated	Received
769823M_02	21 July 2017	21 July 2017

### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
  - a. Demonstrate that at least 10% of the dwellings for the accommodation of residents in the proposed development of Building E and F will be set aside as affordable place, as defined under Clause 45 (12) Definitions of the SEPP Housing for Seniors and People with a disability.
  - b. The solar panels located on the roof shall not exceed 900mm above the maximum building envelope heights for Building E RL 64.83 and Building F RL58.53.

### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

### **Consent Requirements**

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

### **External Colours, Materials & Finishes**

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

### **Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$88,726,000 the following applicable monetary levy must be paid to Council: \$887,260.00.

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

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

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**

6. 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*.

*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.*

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

### **Security Deposit**

7. 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 occupation certificate or completion of the civil works.

### **Electricity Substation**

8. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

### **Sydney Water**

9. 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 [Tap in™](#) service provides 24/7 access to a range of services, including:

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

Sydney Water's [Tap in™](#) in online service is available at:  
<https://www.sydneywater.com.au/tapin>

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

### **Land Contamination & Remediation**

10. A *Remediation Action Plan* (RAP) is required to be prepared and be submitted to Council, which demonstrates that the land can and will be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999.

The RAP is also required to be reviewed by an independent Environment Protection Authority Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the RAP satisfies the relevant legislative requirements and guidelines and that the land is able to be remediated to the required level and will be suitable for the intended development and use.

11. 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.
12. An Environment Protection Authority Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.
  13. A *Site Audit Statement* and *Summary Site Audit Report* must be submitted to Council prior to issuing a Construction Certificate for building works (other than site retaining structures that are necessary to facilitate the excavation and remediation works). The Site Audit Statement and 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 forms part of the Site Audit Statement and Site Audit Report, 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.

14. 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 Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
15. Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS 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*.

16. The Site Audit Statement 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 and the Site Auditor.

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 the Site Auditor.

17. The catering kitchen, food storage room is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
18. A detailed Construction noise management plan shall be developed by a suitably qualified person .
19. All residential units on the site are to achieve the relevant internal acoustic amenity criteria set in:
  - iv) SEPP 65 - Design Quality of Residential Apartment Development
  - v) Randwick City Council DCP - Part C – Residential - Medium Density Residential
20. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

#### **Tree Protection Measures**

21. In order to ensure retention of the three most eastern street trees, *Lophostemon confertus* (Brush Box, T22-24) growing within the King Street roadway, to the east of the existing/new vehicle access in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies, and tree identification numbers (taken directly from the Arboricultural Impact Assessment by Warwick Varley of Allied Tree

Consultancy, ref D2968, dated 14/01/17; "the Arborists Report"); to be clearly and accurately shown on all plans in relation to the works.

- b. In order to minimise root damage to these street trees, any excavations associated with the installation of new services, pipes, stormwater systems or similar over the King Street frontage must be located hard up against either side of the new vehicle access, with all plans to demonstrate compliance.
- c. The Construction Certificate plans must show that the eastern edge of the new vehicle crossing will be offset a minimum distance of 8m to the west of T22, as has been shown on the Upper Ground Floor architectural plan, dwg DA1203.
- d. Prior to the commencement of any site works, the trunks of each of these three trees is to be physically protected by wrapping layers of geo-textile, underfelt or layers of Hessian, from ground level to a height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing, as per Section 7.4 of the Arborists Report. There is to be NO nailing to the trunk.
- e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE".
- f. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the base of each tree.
- g. Other than the approved works, the applicant is not authorised to perform any other works to these public trees, and must contact Council's Landscape Development Officer on 9093-6613 should canopy pruning or similar works be necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to the issue of any Occupation Certificate.
- h. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble around their trunks, with all Site Management Plans needing to acknowledge these requirements.
- i. The PCA 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 Occupation Certificate.
- j. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's

'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6613).

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

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

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

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

#### **Compliance with the Building Code of Australia & Relevant Standards**

22. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
23. 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, to the satisfaction of the Certifying Authority.
24. Demonstrate that Buildings E and F will comply with the requirements under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings* including but not limited to the relevant standards under AS 1428 and AS 4299.

#### **BASIX Requirements**

25. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

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

#### **Site stability, Excavation and Construction work**

26. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-

- 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, support 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, to the satisfaction of the *Principal Certifying Authority*.
  - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath t
27. A SAS section (A) and Summary Site Audit Report (SSAR) is to be provided to the Council prior to the issue of any subdivision certificate/construction certificate for building work (other than shoring work, piling work, retaining structures or any other work which is necessary to carry out remediation works) in each stage of the development, to certify that the site is suitable for its intended uses.

It is noted that any proposed development and remediation strategies must be undertaken in such a manner that minimise the potential for cross contamination of land and ground water during the staged the development.

28. All residential units on the site are to achieve the relevant internal acoustic amenity criteria set in:
- iv) SEPP 65 - Design Quality of Residential Apartment Development
  - v) Randwick City Council DCP - Part C – Residential - Medium Density Residential

**Sydney Airport:**

29. The maximum height of the proposed buildings, is granted to a maximum of RL64.83 for Building E RL 64.83 and RL58.53 for Building, as denoted in the Sydney Airport Corporation Limited letter to Council dated 4 April 2017 (Reg No: 17/0269). Should these heights be exceeded, a new application may be required to be submitted unless written consent is obtained to exceed these heights.

SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information requirements are contained in the letter identified above.

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

**Crime Prevention through Environmental Design (CPTED)**

30. The proposed development shall incorporate the recommendations made in the Crime Risk Assessment Report by NSW Police Eastern Beaches Local Area Command date stamped received by Council on 7 April 2017.



### **Landscape Plans**

31. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Amended Landscape Plans by Oculus, dwg's DA-L-101 – 600, submitted with the amended documentation package, ref SA5652, dated 13 June 2017, subject to the following additional amendments being added:
- a) The 'proposed boundary trees' shown on the Landscape Detail Plan West, dwg DA-L-101, across the length of the King Street frontage, must be located wholly within the subject site, and are to be positioned in a formal arrangement, selecting a species that will develop a clear trunk with no lower growing foliage, so as to facilitate passive surveillance between the public domain and subject site;
  - b) Careful species selection for those garden areas adjacent ground floor courtyards to ensure sufficient solar access;
  - c) Certification that all advanced replacement trees (100L and above) have been sourced and supplied by a registered Nursery that adheres to the AS 2303;
  - d) It must be demonstrated that there will be appropriate species selection for all planting over podium to ensure there is sufficient soil volume to sustain them for their life term;
  - e) The plant schedule and planting plans must nominate the exact location and quantity of only those species that will be used and where, and are to be shown at their mature size;
  - f) Additional notation showing soil and mulch details, irrigation and lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

### **Tree Protection Measures**

32. In order to ensure the retention of T56-60 & 63, as recommended in the Arboricultural Impact Assessment by Warwick Varley of Allied Tree Consultancy, ref D2968, dated 14/01/17 ("the Arborist Report") in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks, canopies and tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
  - b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and the recommendations contained in part 9 of the "Arborist Report".
  - c. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.

- d. Prior to entering the site, all staff must firstly perform a site induction where they will be briefed on all requirements relating to the recommendations of the Arborist Report, Tree Protection Measures/Specification and conditions of consent, so as to ensure preservation of these trees.
- e. Any excavations associated with the installation of new services, pipes, stormwater systems or similar with their TPZ's can only be performed in accordance with section 8.2, Protection Specification, and 9.4 of the Arborists Report, either by; or; under the direct supervision of, the Project Arborist.
- f. Any excavations related to footings must be performed in accordance with Section 8.1 of the Arborists Report.
- g. Any changes to existing ground levels or surface conditions must be performed in accordance with Section 8.4 of the Arborists Report.
- h. Each of these trees must be physically protected in accordance with Section 9.6, and as illustrated in Plan 2, Appendix B of the Arborists Report.
- i. Within their TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, or any other activities listed in Section 8.5 – 8.10 of the Arborists Report, with all Site Management Plans needing to acknowledge this requirement.
- k. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools), only by the Project Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible. Roots are not to be left exposed to the atmosphere.
- l. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

### **Traffic conditions**

- 33. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
- 34. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
- 35. Prior to the issuing of a Construction Certificate the applicant must provide Council with a detailed parking layout of the entire development site, (including the proposed parking arrangement for Buildings E and F). The parking layout must document car space allocations, in particular the location and number of spaces for staff parking.

36. Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved a Parking Management Strategy for ensuring that, wherever possible, staff vehicles are accommodated onsite (not in the streets surrounding the development site). The strategy shall focus on staff parking arrangements during staff change over periods, (worst case scenario) and must be prepared in consultation with Council. The approved strategy must be complied with at all times.
37. The existing and proposed vehicle circulation pattern throughout the site should be fully documented within the Construction Certificate plans to the satisfaction of the Certifying Authority.

**Design Alignment levels**

38. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:
  - **Match the back of the existing footpath along the full King Street site frontage.**

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

Any enquiries regarding this matter should be directed to Council’s Development Engineer on 9093-6881/9093-6923.

39. The above alignment levels and the site inspection by Council’s Development Engineering Section have been issued at a prescribed fee of \$10164 calculated at \$57.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
40. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

**Stormwater Drainage & Flood Management**

41. Prior to lodging a Construction Certificate for this development the applicant must submit to Council for approval, and have approved, a flood study for the subject site that determines the critical 1%AEP flood level. The applicant must liaise with Council’s Development Engineer Co-ordinator prior to preparation of the flood study to obtain Council’s requirements and parameters for the subject flood study. Together with establishing the current 1%AEP flood levels the flood study must demonstrate that the proposed development has no adverse impact on flood levels within, upstream or downstream of the subject development site.
42. Prior to lodgement of a Construction Certificate the applicant must submit to Council for approval, and have approved, a detailed stormwater strategy for the development site. The strategy must include, but not be limited to the following:
  - The design and location of the proposed new / upgraded Council stormwater pipeline to be located along the southern and western site boundaries;

- The detailed staging plan for all stormwater works on the new / upgraded Council stormwater pipeline;
- Details of the drainage easement to be located over the new / upgraded Council stormwater pipeline;
- The location and design of all onsite stormwater detention systems / areas;
- Full design details for ensuring that flows within the new upgraded Council stormwater pipeline do not exceed the downstream capacity of the existing Council pipeline;
- Certification that the stormwater strategy is generally compliant with previously adopted stormwater strategies for this development site;
- Full details on how all habitable floor levels and openings into basement carparks etc. are to be suitably protected from stormwater inundation up to the critical 1%AEP Flood levels plus 500 millimetres freeboard.

The applicant must liaise with Council's Development Engineer Co-ordinator prior to preparation of the stormwater strategy to obtain Council's requirements and parameters for the subject stormwater strategy.

The stormwater strategy shall be in general accordance with the "Flood and Stormwater Report" for buildings E and F prepared by Emerson and Associates document number 1114-4 and dated 24/11/16.

All stormwater drainage works associated with construction of the new / upgraded Council stormwater pipeline, creation of the drainage easement and the onsite stormwater detention areas must be completed to Council's satisfaction prior to the issuing of an occupation certificate. All costs associated with construction of the new / upgraded Council stormwater pipeline, creation of the drainage easement and the onsite stormwater detention areas must be met by the applicant.

43. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
44. Any new/relocated Council controlled stormwater pipeline must be located in an area readily accessible by Council's maintenance equipment, including trucks and excavators, (with no structures positioned over the pipeline). Suitable width drainage easements must be created over any new/relocated Council controlled stormwater pipeline. The Construction Certificate plans must demonstrate compliance with this requirement.
45. The ground floor levels for the proposed buildings shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

46. All proposed footings / structures located adjacent to the new / upgraded Council pipeline and associated drainage easement shall either be:
- A. Founded on rock, or;
  - B. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

The footings and structures must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to the certifying authority prior to proceeding to the subsequent stages of construction.

47. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

#### **Internal Drainage**

48. The site stormwater drainage system is to be provided in accordance with the

following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) directly into Council's underground drainage system located within the site in accordance with the approved stormwater strategy
- c) On-site stormwater detention system must be provided in accordance with the adopted / approved stormwater strategy for this site.
- d) 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% AEP (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.

- e) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
  - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
  - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- f) 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.
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

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

- i) 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.*

- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored. A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- k) Mulch or bark is not to be used in on-site detention areas.

### **Groundwater**

- 49. A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development, prior to issuing a Construction Certificate, to the satisfaction of the Certifying Authority.

The report must confirm whether or not the site is or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater. ***A copy of the report must be provided to Council prior to the issuing of a Construction Certificate.***

### **Site Seepage & Dewatering**

- 50. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- a. The design and construction of the basement level/s must preclude the need for dewatering after construction.

That part of the development that may be impacted by the water table must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- b. Groundwater management systems shall be designed to transfer groundwater around, through or under the proposed development without a change in the range of the natural groundwater level fluctuations in the locality.

Where an impediment to the natural flowpaths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, artificial drains such as perimeter drains and through drainage may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property or infrastructure.

Groundwater management systems:

- Are to be designed to be easily maintained.
- Should have a design life of 100 years.

- c. The basement level/s of the building must be designed by a structural engineer who is qualified and experienced in the design of structures below a water table. Details of the proposed methods of managing groundwater, tanking and waterproofing must be submitted to and approved by the certifying authority, prior to issuing the **construction certificate**. A copy of the engineer's qualifications and experience must also be submitted to the Certifying Authority.

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

51. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), and prior to the issue of a construction certificate, a report must be submitted to and approved by the Certifying Authority, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

The report is to be prepared by a suitably qualified and experienced Geotechnical and/or Hydrogeological Engineer and include:

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from the Office of Water.
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*



- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/ construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
  - appropriate and in accordance with 'best practice' principles; and
  - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

A copy of the approved report must be submitted to Council, (for Council's record keeping purposes and as confirmation that this condition has been complied with), prior to the commencement of any site construction works.

Any practices or recommendations made by the consulting engineer/s in the approved report must be implemented accordingly and the dewatering process must be monitored by the consulting engineer/s to the satisfaction of the Principal Certifying Authority.

### **Waste Management**

52. 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.*

53. All garbage rooms / garbage storage areas must be sized to accommodate bins and any compactors in accordance with the recommendations of the approved waste management plan.
54. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

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

55. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work and the requirements of the *Home Building Act 1989* must be satisfied accordingly; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
  - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

#### **Site Remediation**

56. 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.

### **Street Tree Management**

57. The applicant must submit full payment to Council for the following:
- a. To remove, stump-grind and dispose of the existing street tree, *Lophostemon confertus* (Brush Box, T21) from the King Street roadway, to the east of the existing vehicle access, so as to allow for the relocated vehicle access in this same area as shown on the approval issued by the Department of Planning & Environment (DPE) and Planning & Assessment Commission (PAC);
  - b. To supply, plant and maintain new 25 litre street trees in King Street, whether within the verge or roadway, where appropriate, selecting a species to Council's satisfaction;
  - c. As a loss of amenity fee in recognition that the only reason that the established native tree, T21, is being removed from public property is to accommodate the development of private property, with this fee to be used towards additional public plantings elsewhere in the street or surrounding area.

**The applicant must contact Council's Landscape Development Officer on 9093-6613 to obtain the total cost for this work, which will need to be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre, prior to the commencement of any site works.**

**Upon payment, the receipt number must be quoted through to Council's Landscape Development Officer, who will make arrangements for the removal of T21 (allowing at least four working weeks; longer for public holidays or extended periods of rain), and must be contacted again upon the completion of works to arrange for planting of the replacements.**

**After payment, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.**

### **Home Building Act 1989**

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

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

### **Dilapidation Reports**

59. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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**

60. 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 Principal Certifying Authority and 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**

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must 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**

62. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) 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, in accordance with the following requirements:

- 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 EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

### **Public Liability**

63. 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 Principal Certifying Authority and Council.

### **Construction Traffic Management**

64. 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 King 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.

65. 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.*

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

#### **Civil Works**

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

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

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

#### **Public Utilities**

68. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
69. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

#### **Traffic Management - Travel Plan**

70. The Plan of Management of the Seniors housing development shall include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development; The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, effective management of workplace parking spaces, & incentives for public transport use.

The Travel Plan shall be submitted to and approved by Council's Department of Integrated Transport prior to any issuing of an occupation certificate.

#### **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**

71. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

#### **Building & Demolition Work Requirements**

72. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork 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;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

#### **Removal of Asbestos Materials**

73. 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 Principal Certifying Authority.



- 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 Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or competent person), must be provided to Council and the Principal certifying authority 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.*

#### **Excavations, Back-filling & Retaining Walls**

74. 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 Principal Certifying Authority.

#### **Support of Adjoining Land**

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

#### **Sediment & Erosion Control**

76. 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 included in the Construction Site Management Plan and a copy must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

#### **Dust Control**

77. 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**

78. 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 PCA.

*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**

79. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:

- 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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

*Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.*

- 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**

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

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

### **Restriction on Working Hours**

81. 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></ul>

	<ul style="list-style-type: none"> <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**

82. 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 to the satisfaction of the Principal Certifying Authority (PCA):

- 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 PCA.

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

### **Building Encroachments**

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

### **Site Remediation Works**

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

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of the Environmental Consultant and Site Auditor.

85. 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 Site Auditor 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**

86. 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;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection of the Environment Operations Act 1997 (NSW) and*
  - *NSW DECC/EPA Waste Classification Guidelines (2008).*
87. 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.
88. The design, construction and operation of the catering kitchen, food storage room and coffee bar must comply with the following general requirements (as applicable):-
- a) Floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
  - b) Walls of the kitchen and food preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the

wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

- c) The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, sinks, wash hand basins and equipment.
- d) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or other approved materials.
- e) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material. 'Drop-down' ceiling panels are not to be provided to food preparation and cooking areas.
- f) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- g) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- h) Adequate fly screens and doors with self-closing devices, are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- i) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

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

- j) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- k) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- l) Cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.

- m) Any space or gaps between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
89. Prior to a construction certificate being issued for the 'fit-out' of the kitchen, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction of the food storage room and coffee bar satisfies the relevant requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.
90. Prior to the issuing of an occupation certificate, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
91. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards.
- Tree Removal**
92. Approval is granted for removal of the following trees in order to accommodate the works in these same areas as shown, subject to full implementation of the approved Landscape Plans:
- a) T1-20, 25-55, 61-62 as identified in Part 9.2 of the Arboricultural Impact Assessment by Warwick Varley of Allied Tree Consultancy, ref D2968, dated 14/01/17.

**Pruning**

93. Permission is granted for the minimal and selective canopy pruning of those trees being retained at this site, only where necessary in order to avoid mechanical damage; or; interference with the approved works.
94. Pruning can only be undertaken either by the Project Arborist; or; must supervise another Arborist who must hold a minimum of AQF Level III in Arboriculture.
95. It must be performed 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), and must not involve the loss of more than 10-15% of their crowns.

**Site Seepage & Stormwater**

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

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged

- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

### **Road/Asset Opening Permit**

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.



- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

**Roadway**

- 98. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Traffic Management**

- 99. 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.
- 100. 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.
- 101. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

**Stormwater Drainage**

- 102. 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.

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

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

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

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

### **Occupation Certificate Requirements**

105. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

### **Fire Safety Certificates**

106. Prior to issuing an interim or final Occupation Certificate, 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, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

### **Structural Certification**

107. 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, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council with the Occupation Certificate.

### **Sydney Water Certification**

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

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

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

### **BASIX Requirements & Certification**

109. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifying Authority* and Council upon issuing an Occupation Certificate.

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

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

In this regard, the operation of the plant and equipment 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.

111. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any 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 Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

### **Swimming & Spa Pools**

112. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a child-resistant barrier (e.g. fence), that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools*

*Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2008 and relevant Standards. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

113. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
  - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
  - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

#### **Notification of Swimming Pools & Spa Pools**

114. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Office of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made **prior to the issue of an Occupation Certificate** for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifying Authority and Council accordingly.

115. Fill material including top soils for landscaping and materials used in open spaces that are imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) 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 and Site Auditor.

116. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Noise Control Manual & Industrial

Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

### **Landscaping**

117. Prior to issuing any Final Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Amended Landscape Plans by Oculus, dwg's DA-L-101 – 600, submitted with the amended documentation package by Urbis, ref SA5652, dated 13 June 2017, and any other relevant conditions of consent.
118. Suitable strategies shall 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**

119. Prior to the issue of any Final Occupation Certificate, the site Arborist must submit to, and have approved by, the PCA, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of those trees described in the Tree Protection condition.
120. The nature-strip upon Council's footway shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to the issue of any Occupation Certificate.

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

121. The owner/developer must meet the full cost for a Council approved contractor to:
  - a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb in King Street opposite the vehicular entrance to the premises to Council's specifications and requirements.
  - b) Remove all redundant concrete vehicular crossings and laybacks in King Street and to reinstate the areas with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Construct the new / upgraded Council stormwater pipeline along the southern and western site boundaries.
122. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
123. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
  - a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond,

typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.

- b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
  - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.
124. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **Service Authorities Sydney Water**

125. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

#### **Undergrounding of Power**

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

#### **Stormwater Drainage**

127. 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.
128. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
129. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.
- The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.
130. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.

**Waste Management**

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

**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.

132. 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.
133. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.
134. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

135. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
136. There are to be no emissions or discharges from the premises which will give rise to a public nuisance, vibration, or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
137. Within one (1) month of the occupational certificate being issued for the development, a written report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development complies with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent. The report is to be submitted and approved by Council prior to the issuing any occupational certificate.

The report should include (but not limited to) the use of all plant and equipment, at all times of the day including the night time period as defined by NSW EPA Industrial Noise Policy. The report should also include but not be limited to the noise generated from all vehicle movements including deliveries, mechanical ventilation, refrigeration compressors, the pool pump and the lift shaft.

138. Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
139. The pool 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 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.
140. The proprietor must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. A 24 hour contact number is to be provided for resident complaints. All complaints are to be attended to in a courteous and efficient manner and referred promptly to



the operations manager. The appropriate remedial action, where possible, is to be implemented immediately and the operations manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the proprietor must make available the incident book to Council officers.

141. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available at all times to check the temperature of food items.
142. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
143. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
  - Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.
  - Design and construction of food premises, fixtures, fitting and equipment.

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

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

144. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
145. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the Liquor Act 2007.
146. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, including for the collection of the sharps container by a licensed waste transporter, to the satisfaction of Council.

### **Fire Safety Statements**

147. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must 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*.

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* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

#### **Environmental Amenity**

148. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance. Lighting shall operate in accordance with the Schedule 3 Clause 3 of the SEPP (Housing for Seniors or People with a Disability) 2004.
149. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

150. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.
151. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Stormwater Detention/Infiltration System**

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

#### **Residential Parking Permits**

153. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
154. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

## 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 In keeping with the NSW EPA Auditor Guidelines, upon the completion of all Site Audit Statements being issued for the staged development, one overarching site audit statement is to be issued for the entire development site.
- A2 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.
- Failure to comply with these 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 \$6,000) 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.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
  - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 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 construction certificate.
- A6 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
- A7 A Local Approval application must be submitted to and be approved by Council 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 on 9399 0944.

- A8 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A9 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](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.
- A10 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.
- A11 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.
- A12 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).
- A13 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

A14 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A15 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

A16 An application must be submitted to an 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*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

A17 Swimming/spa pool 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 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

A18 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.

A19 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.