

Sydney Central Planning Panel (SCPP) – Supplementary report

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

1. Introduction:

On 17 August 2017 the Sydney Central Planning Panel (SCPP) resolved to defer the subject application for development at No. 32-36 Dangar Street Randwick (Ref: 2017SCL024) as per the following:

The Panel, whilst minded to grant approval, agreed to defer the determination of the application due to the need to clarify whether the proposal satisfies the provisions of Clause 26 of the Seniors SEPP. If it does not, then a clause 4.6 variation request will be required to be submitted and assessed

The applicant shall provide Council with the necessary documentation by 28 August 2017 and Council shall provide supplementary report to the Panel by 8 September 2017.

In relation to the conditions, should the Panel Favourably determine the application, the following amendments to the draft conditions shall apply:

Condition 1: amended to reflect that Plan DA-L-101 Rev K was drawn by Oculous (not Jackson Teece)

Condition 39 amended to read as follows:

The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$5,985 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.

Condition 126 amended to read as follows:

The applicant shall meet the full cost for the overhead power lines and/or telecommunication cables located along the King 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.

Conditions 4, 20, 41, 51, 111, 114, 116 and 120 be amended pursuant to letter from Urbis to Randwick Council dated 16 August 2017.

2. Environmental Assessment:

2.1 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 – ('SEPP Seniors')

As this proposal is for an expansion of existing seniors housing comprising two new buildings, the provisions of this State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – 'SEPP Seniors' must be taken into consideration. The Sydney Central Planning Panel deferred the application in order to clarify whether the proposed development satisfies the provision of Clause 26 of the Seniors SEPP and if not then require the submission and assessment of a Clause 4.6 exception to the development standard.

Clause 26 requires that the premises be located within 400m of a public transport facility providing at least one public transport service in the morning (8am and 12noon) and afternoon (12noon and 6pm) that accesses (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, (b) community services and recreation facilities, (c) the practice of a general medical practitioner.

Clause 26(2b(i)) requires the 400m distance to be accessible by means of a suitable access pathway, defined under Clause 26(3) as follows:

the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

A suitable access pathway is not provided in that the pathways to the bus stops within 400m of the site exceed the maximum pathway gradients identified above.

The applicant has submitted a clause 4.6 exception to this development standard which is assessed in the section immediately below.

2.2 Clause 4.6 Exception to a Development Standard

The proposal contravenes the standard requiring public transport service to be accessible by means of a suitable access pathway contained in clause 26(2b(i)) of SEPP Seniors. The applicant has submitted a written request seeking to justify the contravention of the standard pursuant to Clause 4.6 of RLEP 2012.

The variation sought is to the standard requiring an accessible suitable access pathway to the public transport service thus exceeding the standard in the SEPP Seniors.

Assessment against the applicant's written justifications for the contravention of the development standard

Pursuant to clause 4.6(3) of RLEP 2012 development consent must not be granted for development that contravenes a development standard unless the consent authority has

considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, the consent authority must be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The concurrence of the Department of Planning and Environment must also be obtained for development that contravenes a development standard. However, pursuant to the Notification of assumed concurrence under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08-003 (dated 9 May 2008) the concurrence of the Department of Planning and Environment under clause 4.6(4)(b) of RLEP 2012 may be assumed in certain cases.

In relation to the matters required to be demonstrated by subclause (3) there are various ways that may be invoked to establish that compliance with a development standard is unreasonable or unnecessary as discussed by Chief Justice Preston of the NSW Land and Environment Court in the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although the *Wehbe* case was decided in relation to State Environmental Planning Policy No 1—Development Standards ("SEPP 1") and not clause 4.6 of RLEP 2012 it remains of some assistance in relation to identifying the ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. Further, of particular relevance to the subject application, the applicant states that the decision of Justice Robson in *Principal Healthcare Finance Pty Ltd v Council of the City of Ryde* [2016] NSWLEC 153 found that Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is a development standard that can be varied under Clause 4.6 of an LEP.

Has the applicant's written request adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In the *Wehbe* case Justice Preston said the most commonly invoked way to establish that compliance with a development standard is unreasonable or unnecessary is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The aims and objectives of the Seniors Housing SEPP are listed within Clause 2 and Chapter 3 as follows:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) *make efficient use of existing infrastructure and services, and*

(c) be of good design.

(2) These aims will be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Under Chapter 3 Site planning requirements Clause 14 Objective covering the standard under Clause 26 it states as follows:

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

The applicant's written justifications in the following key arguments for the departure from the standard are as below:

4. ASSESSMENT OF CLAUSE 4.6 VARIATION

The following sections of the report provide a comprehensive assessment of the request to vary the Clause 26 access to services development standard under Clause 4.6 of RLEP 2012.

Detailed consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the Land and Environment Court.

The following sections of the report provides detailed responses to the key questions required to be addressed within the above documents.

Is the Planning Control a Development Standard?

The decision of Justice Robson in *Principal Healthcare Finance Pty Ltd v Council of the City of Ryde [2016] NSWLEC 153* found that Clause 26 of the Seniors Housing SEPP is a development standard that can be varied under Clause 4.6 of an LEP and is not a prohibition.

Is the Development Standard Excluded from the Operation of Clause 4.6?

The proposed variation is not excluded from the operation of Clause 4.6 as it does not comprise any of the matters listed within Clause 4.6(6) or Clause 4.6(8) of the RLEP 2015.

What is the Underlying Object or Purpose of the Standard?

There are no specific objectives applying to access to facilities and services within the Seniors Housing SEPP. The overall objective for the relevant chapter of the SEPP is listed as follows:

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

It is assumed that the underlying objective or purpose of the standard is to encourage the provision of additional seniors housing in locations with satisfactory access to the facilities and services that are reasonably expected to be required by the residents of the development. Consideration should be given to the level of access required for seniors who are independent, mobile and active, as well as for residents who are frail or have a disability.

Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Compliance with the development standard is unreasonable and unnecessary having regard to the following circumstances of the case:

- The site is an existing and well established facility that currently operates a private bus service for all site residents (including those future residents of Buildings E and F, the subject of this application). This private service provides direct transport to the range of facilities and services identified within Clause 26 in town centre locations such as Woollahra and Bondi Junction (including the Westfield's Shopping centre). As a consequence, the proposal provides a more direct and convenient private transport solution than would be the case if the site was located within 400m of a public bus stop that complied with the required gradient.
- The existing Montefiore facility is one that provides a range of seniors housing opportunities in a consolidated location that utilises centralised functions such as administration, home-care services and private transport. 276 aged care beds have been approved and currently exist on the site and have been operating satisfactorily in respect to the provision of necessary services and facilities (including transport) for these residents. In this respect, refusal of the subject application on the grounds of not meeting the development standard is unreasonable and unnecessary.

Overall, it is considered that the continued use of the site as a seniors living facility, incorporating the provision of ILUs the subject of this application, is entirely appropriate, particularly having regard to the standard of access to both off-site and on-site facilities and services which will meet the needs of residents.

Each of the matters listed within the 'five part test' outlined in *Wehbe v Pittwater [2007] NSWLEC 827* and *Varying development standards: A Guide* is listed and responded to as follows:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

Buildings E and F form an important part of the 'ageing in place' concept that is integral to the Montefiore offer as they provide seniors housing for more independent and able-bodied seniors together with housing that is designed in a manner that can also provide assisted or supported services within the home. These additional home care and support services are provided directly from the site.

In effect, the site is an important piece of seniors housing infrastructure that allows social and economic benefits and efficiencies to be derived due to the 'ageing in place' concept. The level of on-site services, coupled with the direct and convenient private bus transport provided to off-site services means the proposed development will continue to meet the objective of the development standard as identified above.

- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

The underlying objective or purpose of the standard will be achieved as outlined above.

- *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

The underlying object or purpose would be defeated if compliance was required and accordingly, strict compliance with the development standard is considered unreasonable.

The primary aim of the Seniors Housing SEPP is to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. However, strict compliance with the development would result in a loss of opportunity to provide a key component of seniors housing, being independent housing, being built within this existing and approved seniors housing infrastructure asset. This would result in the significant reduction of the social and economic benefits derived from co-locating various types of seniors housing on the one consolidated site.

The site has operated as a successful and well regarded aged care facility for over 10 years and it is considered unreasonable to refuse the development based on a minor variation to the access requirements under Clause 26 of the SEPP.

- *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

The above consideration is not relevant to the circumstances of this case.

- *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone*

The site has operated as a successful and well regarded aged care facility for over 10 years and it is considered unreasonable to refuse the development based on a minor variation to the access requirements under Clause 26 of the SEPP.

The site and immediately adjoining footpath system is relatively flat. The proposed development can tie into the existing development on the site in a manner that addresses topography through a network of gradient-compliant access ways and lifts.

The site has been previously issued with a Site Compatibility Certificate which was previously identified by the DPE within its assessment and approval of the site's Concept Plan.

Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

There are sufficient environmental planning grounds to justify the proposed variations to the development standard, including:

- The proposal will make a significant contribution to maintaining supply and increasing diversity of housing that meet the needs of seniors in accordance with the aims of the Seniors Housing SEPP. The inclusion of ILUs as part of the overall 'aging in place model' will make efficient use of the existing site infrastructure.
- The proposal provides a more direct and convenient private transport solution than would be the case if the site was located within 400m of a public bus stop that complied with the required gradient.
- The site contains a variety of essential site facilities and services that can immediately be accessed by future residents of Buildings E and F. Furthermore, both Buildings E and F represents a high-quality design which has been reviewed and endorsed by Council's Design Excellence Panel.

Based on the above, it is considered appropriate to vary the application of the development standard.

Will the Proposed Development be in the Public Interest Because it is Consistent with the Objectives of the Particular Standard and Objectives for Development within the Zone in which the Development is Proposed to be Carried Out?

The proposed development satisfactorily addresses the underlying objectives listed within Clause 14 of the Seniors Housing SEPP. The proposed development will form an important part of the 'ageing in place' concept that is integral to the Montefiore offer as they provide seniors housing for more independent and able-bodied seniors together with housing that is designed in a manner that can also provide assisted or supported services within the home. These additional home care and support services are provided directly from the site.

In effect, the site is an important piece of seniors housing infrastructure that allows social and economic benefits and efficiencies to be derived due to the 'ageing in place' concept. The level of on-site services, coupled with the direct and convenient private bus transport provided to off-site services means the proposed development will continue to meet the assumed objective of the development standard as identified above.

The site is located within Zone R3 Medium Density Residential zone. The proposal is also consistent with the land use objectives that apply to the site under the RLEP 2012 as indicated in the table below.

Table 2 – Assessment of Compliance with Land Use Zone Objectives

Objective	Assessment
R3 Medium Density Residential	
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	<p>The objective most relevant to the proposed variation to clause 26 is the following:</p> <p><i>To provide a variety of housing types within a medium density residential environment.</i></p> <p>It is noted that without approval of the subject application, the objective of providing a range of housing types on the site cannot be met. On this basis, the proposal, inclusive of its alternative private transport solution, can meet this relevant objective and is within the public interest.</p>
<i>To provide a variety of housing types within a medium density residential environment.</i>	
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	
<i>To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.</i>	
<i>To protect the amenity of residents.</i>	
<i>To encourage housing affordability.</i>	
<i>To enable small-scale business uses in existing commercial buildings.</i>	

The proposal is in the public interest as the development is consistent with the underlying objectives of the access to services standard and the land use zone objectives.

Would Non-Compliance with the Development Standard Raise any Matter of Significance for State or Regional Environmental Planning?

The proposed non-compliance with the access to services development standard will not raise any matter of significance for State or regional environmental planning.

Is There a Public Benefit of Maintaining the Development Standard?

The proposed development achieves the underlying objective of the access development standard and the land use zoning objectives despite the numerical non-compliance.

It has been demonstrated that the proposal will result in a better access solution for future residents than would be available if the site was located within 400m of a public bus stop that complied with the required gradient.

Overall, it is determined that the proposal will result in a satisfactory outcome for the site and its future residents. There would be no public benefit in maintaining the development standard as it would result in the loss of seniors housing within the locality and the underutilisation of a significant seniors housing asset.

Any Other Matters Required to be Taken into Consideration Before Granting Concurrence

There are no additional matters that need to be considered within the assessment of the Clause 4.6 request prior to granting concurrence.

5. SUMMARY AND CONCLUSION

This request is made pursuant to Clause 4.6 of RLEP 2012 and seeks to vary the access to services development standard prescribed under Clause 26 of the Seniors Housing SEPP. This report has demonstrated that strict compliance with the numerical standard in this circumstance is both unreasonable and unnecessary for the following reasons:

- The site is an existing and well established facility that currently operates a private bus service for all site residents (including those future residents of Buildings E and F, the subject of this application). This private service provides direct transport to the range of facilities and services identified within Clause 26 in town centre locations such as Woollahra and Bondi Junction (including the Westfield's Shopping centre). As a consequence, the proposal provides a more direct and convenient private transport solution than would be the case if the site was located within 400m of a public bus stop that complied with the required gradient.
- The existing Montefiore facility is one that provides a range of seniors housing opportunities in a consolidated location that utilises centralised functions such as administration, home-care services and private transport. 276 aged care beds have been approved and currently exist on the site and have been operating satisfactorily in respect to the provision of necessary services and facilities (including transport) for these residents. In this respect, refusal of the subject application on the grounds of not meeting the development standard is unreasonable and unnecessary.
- In effect, the site is an important piece of seniors housing infrastructure that allows social and economic benefits and efficiencies to be derived due to the 'ageing in place' concept. The level of on-site services, coupled with the direct and convenient private bus transport provided to off-site services means the proposed development will continue to meet the objective of the development standard.

- The primary aim of the Seniors Housing SEPP is to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. However, strict compliance with the development would result in a loss of opportunity to provide a key component of seniors housing, being independent housing, being built within this existing and approved seniors housing infrastructure asset. This would result in the significant reduction of the social and economic benefits derived from co-locating various types of seniors housing on the one consolidated site.
- The site has operated as a successful and well regarded aged care facility for over 10 years and it is considered unreasonable to refuse the development based on a minor variation to the access requirements under Clause 26 of the SEPP.
- The proposal is consistent with the underlying objective of the access to services standard and also the relevant objectives with the R3 Medium Density Residential zone.
- There would be no public benefit in maintaining the development standard as it would result in the loss of seniors housing within the locality and the underutilisation of a significant seniors housing asset.

Overall, it is considered that the proposed variation to the access to services development standard is appropriate and can be supported under the provisions of Clause 4.6 Exceptions to development standards.

28 August 2017

The General Manager
Randwick City Council
30 Francis Street
Randwick NSW 2031



MONTEFIORE

ATTENTION: Mr Kerry Kyriacou

Dear Sir,

DA 132/2017: Buildings E and F, Montefiore: 100-120 King Street Randwick and 30-36 Dangar Street, Randwick

On behalf of the Sir Moses Montefiore Jewish Home, I confirm that the organisation's existing bus fleet that service the transport needs of residents located at the Randwick campus will continue to be provided for the future residents of Buildings E and F, the subject of the current DA with Randwick Council, as well as the future residents of Building D.

This bus service will provide direct access to the range of services identified within Clause 26 of the Seniors Housing SEPP and at a frequency also identified within Clause 26.

If you have any questions about this matter, please feel free to contact me on 8345-9103.

Yours sincerely,

Robert Orie
Chief Executive Officer

In assessing whether the Applicants' Clause 4.6 exception to the Suitable access path gradient standard is well founded the following matters must be addressed:

Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

Comment:

- **Aims and objectives of the SEPP Seniors and the standard:**

The aims and objectives of the Seniors Housing SEPP are listed within Clause 2 and chapter 3 site related requirements as follows:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) *make efficient use of existing infrastructure and services, and*
 - (c) *be of good design.*
- (2) *These aims will be achieved by:*
 - (a) *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
 - (b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
 - (c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Under *Chapter 3 Site-related requirements* covering the standard under Clause 26 of the SEPP states:

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

Despite the non-compliance with the location and access to facilities requirement for a suitable gradient not being satisfied under Clause 26 of the SEPP Seniors, it is considered that the above aims and objectives are being satisfied for the following reasons:

- The proponent commits to a Community private bus service with direct access to and frequency of services identified in Clause 26 of SEPP Seniors as per correspondence received with the application; this service will provide reasonable access to services not provided on site or across the road such as banking. The private bus service is also more direct and convenient;
- The Concept plan issued by the department and subsequent modifications approved the development for the purposes of Seniors Housing. The proposed development contains independent living units which will generally contain a greater number of more able bodied Seniors.

- The design and layout of the facility as a whole will provide in house facilities and services identified under Clause 26 such as shops, swimming pool and facilities, bar and function areas as well as landscaped gardens. The independent living units contain kitchen and laundry facilities. A café and laundry is located on the opposite side of King Street within 400mm accessible via a suitable access pathway as required under Clause 26.
 - The facility also contains a wellness centre, hydrotherapy centre;
 - A retail area within building D (yet to be constructed) is also capable of accommodating GP consulting rooms/dental surgery, café, hairdressing salon.
 - The facility also provides approximately 366 aged care beds providing home-care service to the less mobile and more dependent residents of the seniors housing facility;
- **Consistency with the objectives of the R3 medium density residential zone:**

R3 zone objectives:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

Comment:

The subject site is zoned R3 Medium Density Residential under the Randwick Local Environmental Plan (RLEP) 2012. The proposal is permissible in the zone under the Concept Plan approval. The proposed development will generally promote the aims of the RLEP in relation to the aesthetic character, sustainability, environmental qualities and social amenity of the locality. The proposed development despite not meeting the standard of access satisfies the above R3 zone objectives for the following reasons:

- The majority of the site has historically operated as a Seniors housing facility and the expansion of it has been the subject of Concept Plan approval and development consent by the Department of Planning. The subject application is consistent with these approvals continuing the use within the site catering for the living needs of the occupants of the Independent living units;
- The facility provides a portion of the site for the purposes of affordable accommodation for Seniors;
- The facility provides areas on site that will enable small-scale business uses
- The provision of a private bus service from the facility which is the subject of a commitment letter pertaining to the requirements under the Clause 26 and the subject of a Travel Management plan will satisfy the objectives.

Has the applicant's written request adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard?

Comment:

The proposal has been designed and will be the subject of conditions that will satisfy the purpose of the standard and planning objectives in terms of accessibility to facilities for future residents.

The applicant's written request has successfully demonstrated that there are sufficient environmental planning grounds particular to the site to justify contravening the development standard.

Does the Council have delegation to exercise the concurrence function of the Department of Planning and Environment for development that contravenes a development standard? If so:

(a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) The public benefit of maintaining the development standard.

Comment:

Pursuant to the Notification of assumed concurrence under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08-003 (dated 9 May 2008) the concurrence of the Department of Planning and Environment under clause 4.6(4)(b) of RLEP 2012 may be assumed to the granting of development consent to the development that contravenes the development standard for the suitable access path gradients in clause 26 of SEPP Seniors.

Variation from the adherence to the suitable access path gradients will not be detrimental to the orderly use of the site or access to facilities and there is no public benefit in maintaining the development standard in this instance.

The proposed development and variation from the development standard does not raise any matters of significance for State or regional environmental planning.

3. 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 the original SCPP and supplementary SCPP 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 the original SCPP report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement		The proposal is not 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 'Matters for Consideration'	Comments
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 original SCPP and supplementary SCPP 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 added population of seniors 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 as well as the surrounding area. It will also maintain the demand for the private community bus service identified and committed to as part of this application.</p>
Section 79C(1)(c) – The suitability of the site for the development	<p>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. Whilst the a suitable access path to the public transport facility is not compliant with the maximum gradients required under the SEPP Seniors, it is considered that the applicant has provided suitable justification as to why it is unreasonable and unnecessary to apply this standard to the development.</p> <p>Overall, the site has an appropriate size, and will provide reasonable accessibility to either in house and of site services and facilities.</p> <p>Therefore, the site is suitable for use as Seniors Housing.</p>
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 the Original SCPP 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.

4. Conclusion

The proposal is appropriate for the site. The applicant has submitted a comprehensive Clause 4.6 exception to the development standard of access required under Clause 26 of the SEPP Seniors. The applicant has suitably demonstrated that despite the non-compliance with the gradient standard of access to public transport it will satisfy the objectives contained within SEPP 'Seniors Housing' 2004, and the zone requiring suitable access to services.

The application is therefore recommended for approval subject to conditions as amended in this supplementary report to the original report deferred by the Sydney Central Planning Panel.

5. Recommendation

- A. That The Sydney Central Planning Panel supports the exceptions to development standard under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 26(2b(i)) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, relating to *Location and access to facilities*, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. 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:

Plan	Drawn by	Dated	Received by Council
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	Oculus	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 the relevant 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:

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

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™** 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:
 - o SEPP 65 - Design Quality of Residential Apartment Development
 - o 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 the relevant 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:
- o SEPP 65 - Design Quality of Residential Apartment Development
 - o 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 and RL58.53 for Building F, 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 \$5,985 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 the relevant 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 carpark 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 the relevant Construction Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to the relevant 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 the relevant 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.

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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the 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 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 is 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"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Survey Requirements

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 > *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.

Registration must be made **prior to the issue of the relevant 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 the relevant 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 the relevant 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 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 King 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

126. 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.
127. 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).

128. 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.

129. 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

130. 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.

131. 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.
132. 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.
133. 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).

134. 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.
135. 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.
136. 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.

137. 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.
138. 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.
139. 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.

140. 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.

141. 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.
142. 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.

143. 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.
144. 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.
145. 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

146. 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

147. 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.
148. 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.

149. 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.
150. 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

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

Residential Parking Permits

152. 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.
153. 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 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 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.