

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL029
DA Number	DA/289/2017
LGA	Randwick City Council
Proposed Development	Alterations to Brigidine College including changes to Aeolia Street pedestrian entry, upgrade of levels 2 and 3 external courtyards, alterations to Connolly Williams Wing including enclosure of ground floor canteen and undercroft, new covered colonnades (south of Folly Wing and east of Kilbride Wing), new garbage storage, internal changes, upgrade of library and student spaces, new circulation stairs and lifts to connect buildings, landscaping and associated works (Heritage Item). The proposal seeks to remove one (Jacaranda) tree from the Level 2 courtyard (new paving, planning and seating), one (red Bloodwood) tree from the Aeolia Street entry (new paving) and three (Liquidamber) trees from the Level 3 main quadrangle (replace with four trees).
Street Address	6 Aeolia Street, Randwick
Applicant/Owner	Luigi Staiano & Larry Melocco, Brewster Hjorth Architects/The Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Date of DA lodgement	17 May 2017
Number of Submissions	No submissions
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	6 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes: (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments , group homes, health services facilities or places of public worship.
List of all relevant s79C(1)(a) matters	i.e. any: <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979, as amended • Environmental Planning and Assessment Regulation 2000, as amended • State Environmental Planning Policy (Infrastructure) (ISEPP) 2007 • Randwick Local Environmental Plan 2012 • Randwick Comprehensive Development Control Plan • Randwick Section 94A Development Contributions Plan
List all documents submitted with this report for the Panel's consideration	SCPP 2017SCL029 6 Aeolia Street Randwick Brigidine.docx
Report prepared by	Elias (Louis) Coorey
Report date	27 July 2017

Summary of s79C matters

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

Yes / No

Legislative clauses requiring consent authority satisfaction	Yes / No / Not Applicable
<p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?</p> <p><i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>	
Clause 4.6 Exceptions to development standards	Yes / No / Not Applicable
<p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	
Special Infrastructure Contributions	Yes / No / Not Applicable
<p>Does the DA require Special Infrastructure Contributions conditions (S94EF)?</p> <p><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	
Conditions	Yes / No
<p>Have draft conditions been provided to the applicant for comment?</p> <p><i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	

SYDNEY CENTRAL PLANNING PANEL (SCPP)

SCPP No	2017SCL029
DA Number	DA/289/2017
Local Government Area	Randwick City Council
Proposed Development	Alterations to Brigidine College including changes to Aeolia Street pedestrian entry, upgrade of levels 2 and 3 external courtyards, alterations to Connolly Williams Wing including enclosure of ground floor canteen and undercroft, new covered colonnades, new garbage storage, internal changes, upgrade of library and student spaces, new circulation stairs and lifts to connect buildings, landscaping and associated works (Heritage Item).
Street Address	6 Aeolia Street, Randwick NSW 2031
Applicant/Owner	Brewster Hjorth Architects/Trustees of The Sisters of The Brigidine Congregation
Number of Submissions	No submissions
Recommendation	Approval
Report by	Elias Coorey, Senior Environmental Planning Officer

1. Executive Summary

Council is in receipt of a development application proposing minor internal and external works to the Brigidine College “an educational establishment” at No. 6 Aeolia Street, Randwick.

The application is referred to the Sydney Central Planning Panel for determination pursuant to clause Schedule 4A, Clause 6 of the Environmental Planning and Assessment Act, 1979 as the project relates to an educational facility with a capital investment value of more than \$5 million.

The proposed development includes alterations and additions to the Aeolia Street pedestrian entry and signage, upgrade of levels 2, 3, 4 and 5, landscaping works including the northern quadrangle and southern courtyard, alterations to Connolly Williams Wing including works to the ground floor canteen and undercroft, new covered colonnades, new garbage storage, internal changes, upgrade of library and student spaces, and new circulation stairs and two lifts to connect buildings. The proposed works require the removal of several trees. In relation to operation, the application states that there is to be no increase in staff or student numbers.

The subject application was advertised and notified from 31 May 2017 to 15 June 2017 in accordance with Randwick Comprehensive Development Control Plan (RDCP) 2013 - Part A Public Notification and the EPA Act 1979. No submissions were received at the conclusion of the public consultation process.

The subject site is zoned SP2: Infrastructure under the Randwick Local Environmental Plan 2012. The purpose shown on the land zoning map includes “Educational

Establishments” as a permissible form of development. The DA will maintain the existing use of the development as an ‘educational establishment’ and therefore is a permissible form of development. In accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012, the subject site is a listed heritage item (reference number I248) and described as “Aeolia”, Brigidine Convent and Chapel (c. 1924). The site adjoins ‘The Spot’ Heritage Conservation Area. The subject site is also in the vicinity of heritage item to the south identified as ‘Ritz Cinemas’ at No. 39-47 St Pauls Street (reference number I447).

Council’s Heritage planner has reviewed the application and raises no objections to the proposed works subject to conditions. Councils Landscape Development Officer has also reviewed the application and raises no objections to the removal of trees subject to appropriate conditions being included in the recommendation.

The proposed works are mostly contained within the envelope of the existing buildings and external works don’t add any significant bulk or detract from the heritage significance of the building or the streetscape. The proposed works also do not result in any appreciable impacts on the amenity of neighbouring properties.

The proposal and supporting information is considered to satisfy the relevant assessment criteria and will satisfy the objectives of the zone, the applicable standards under the RLEP, and provisions of the RDCP.

Therefore a recommendation is made for approval.

2. Site description and locality

The subject site and surrounding area.

The site is formally described as Lot 21 DP 1134767 SUBJ OF VAR EASEMENTS known as 6 Aeolia Street, in Randwick. The area of the site shown bounded in green in aerial view below is irregular in shape with boundaries to three street frontages Aeolia Street where the main entry is located, to the north along Coogee Bay Road and to the south along St Paul’s Street. An aerial view of the site and surrounding area is shown immediately below. The site is highest in the middle along the Aeolia Street frontage and slopes down to northern and southern ends of the site by around 9m.

The land area of the total Brigidine College and convent site is 18,934.6sqm. No. 6 Aeolia Street containing the school buildings takes up around 13,000sqm of the site

The subject site is listed as a heritage item under the RLEP 2012 as are the other SP2 zoned sites east and north of the site at 7-37 Coogee Bay Road containing the Brigidine Convent and 57-63 St Paul’s Street containing a recently built multi storey residential flat building containing Seniors ILU housing. The area west and south of the site is a Heritage Conservation area taking in medium density R3 zoned land (shown in aerial below shaded red) and neighbourhood centre B1 zone land (shown in aerial below shaded blue).



Figure 1: Aerial view of subject site bounded in green. The subject site including surrounding properties (7-37 Coogee Bay Road and 57-63 St Paul's Street) are zone SP2 Infrastructure and listed as heritage items under the RLEP 2012. The blue shaded area are zone B1 Neighbourhood Centre, subject to maximum 12m heights and 1.5:1 FSR under the RLEP. The surrounding area west and south of the site is 'The Spot' Heritage Conservation Area

Development surrounding the site to the north and west is predominately residential in character with a mixture of dwelling houses and low to medium density developments. This land is subject to maximum 9.5m building heights and 0.75:1 maximum floor space ratio. The neighbourhood centre to the east and south running along Perouse Road and St Paul's Street predominately contain two storey commercial premises at ground level and either commercial or residential at first floor level. This land is subject to maximum building height of 12m and floor space ratio of 1.5:1.

The site



View towards pedestrian entry from Aeolia Street, Randwick.



Quadrangle/northern courtyard to be upgraded (Tully Wing, Folly Wing and Kilbride Wing)



Southern/entry courtyard to be upgraded (Kilbride Wing, Folly Wing and Connolly Williams Wing)



Connolly Williams Wing – west elevation (canteen undercroft on Level 2 to be infilled and upgraded)



Existing school entry from Aeolia Street to be upgraded

Views within the site.

3. Site and application history

DA/560/2013: 57-63 St Paul's Street. Approval issued for Concept Plan and Stage 1 DA for seniors housing development comprising independent living units, a residential care

facility with 93 beds and 20 x 1 bedroom serviced apartments in 4 building elements ranging from 5 to 8 storeys in height, basement parking for 154 vehicles and associated works

DA/1195/2003: Approval issued for development of a multi-purpose facility for Brigidine College including new classrooms, hall and gymnasium, new carpark for 168 vehicles, 3 new premises for potential retail/ commercial/ community uses and ancillary works (Heritage Item).

4. The proposed development

The subject application seeks consent for the following:

1. Minor demolition works involving removal of the following:

- (a) Internal fitouts (not original)
- (b) Some external stairs (not original)
- (c) Some retaining walls
- (d) Modified sandstone and brick boundary wall at pedestrian entry to the site from Aeolia Street.

2. Minor alterations and additions comprising:

- (a) Internal and external works to Connolly Williams Wing including enclosure of the ground floor canteen and undercroft area
- (b) New covered colonnade areas to the south of Folly Wing and east of Kilbride Wing
- (c) New external accessible entry ramp to the west of Connolly Williams Wing
- (d) New garbage storage west of Kilbride Wing
- (e) New stair west of Kilbride Wing to access Hydrant Pump room
- (f) New internal arrangements in part of Kilbride Wing, Folly Wing and Connolly Williams Wing
- (g) Installation of a lift in the south-eastern corner of the Folly Wing
- (h) Installation of two new lifts at northern end of Kilbride Wing
- (i) New pedestrian entry from Aeolia Street with identification signage and new lift access between Aeolia Street and southern courtyard (shown below)
- (j) New school gates at Aeolia Street entrance to include shield with school logo



- (k) New planter bed to south of Kilbride Wing
- (b) New paving to existing footpath at Aeolia Street entry and south of Connolly Williams Wing

- (l) New landscaping and paving to the Level 3 main quadrangle and Level 2 courtyard
- (m) Tree removal/replacement comprising:
 - (i) Level 3 Main Quadrangle: Removal of three Liquidambar trees (Tree Nos. 9, 10 and 11) to be replaced with four new trees (Japanese Zelkova). Trees are to be removed as they have lifted existing paving and are causing trip hazards in the courtyards.
 - (ii) Level 2 Courtyard: Removal of one tree within courtyard (Jacaranda) and one at Aeolia Street entry (Red Bloodwood) (Tree No. 12 and 13).

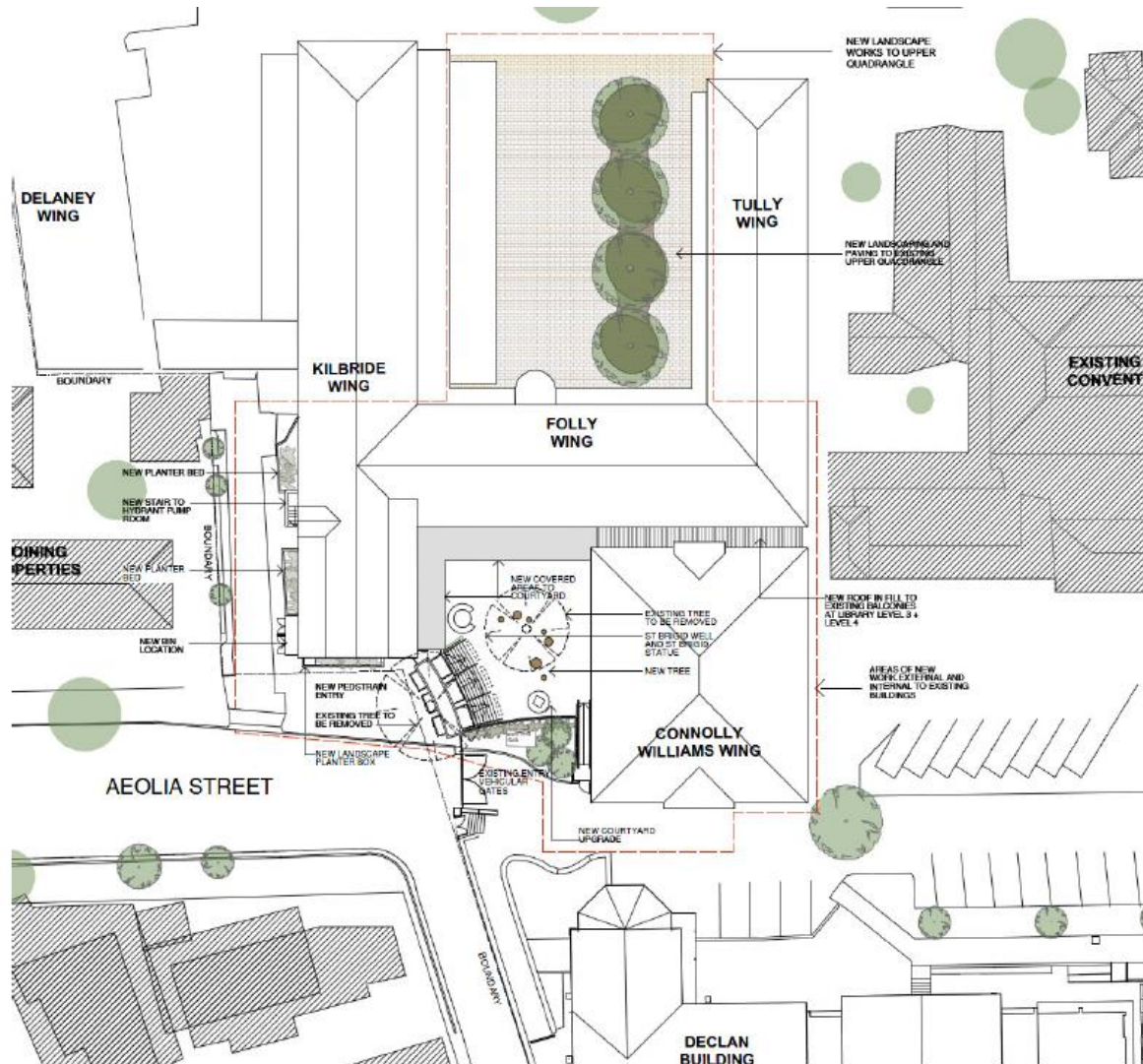


Figure 2: Site plan showing the wings referred to in the application.

There is no change proposed to the following:

- Existing student and staff population
- Operating hours
- Vehicular access, school drop-off and pick-up arrangements and on-site parking arrangements.

5. Notification

The subject application was advertised and notified from 8 March 2017 – 22 March 2017 in accordance with RDCP Part A Public Notification and the EPA Act 1979. Council has not received any submissions in response to the notification of the DA.

6. Technical officer and external comments

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided:-

6.1 Development Engineers comment

An application has been received for alterations and additions at the above site.

This report is based on the following plans and documentation:

- *Architectural Plans by Brewster Hjorth Architects and dated 17/5/17;*
- *Statement of Environmental Effects by Robinson Urban Planning;*
- *Arborist report by McArdle Arboricultural Consultancy*
- *Detail & Level Survey by RPS Group 28.10.16.*

Landscape comments:

The submitted Arborists Report has assessed a total of 16 trees at this site; of which; five are proposed for removal (T9-13); nine will remain completely unaffected (T1-7 & 15-16); with only two requiring the use of protection measures to avoid secondary impacts (T8 & 14), as discussed below.

*The inspection of 25 July 2017 confirmed the findings of the submitted Arborists Report, in that T13, the mature, 12m x 8m *Corymbia gummifera* (Red Bloodwood) located in the garden bed fronting Aeolia Street, just north of the existing main entry, is a major site feature given its prominent position, but despite being an endemic species that is also covered by Council's DCP, it is only in fair health and condition due to the presence of inclusions (structural defects), and is also covered in climbing Ivy.*

Its full biological potential is limited in this position due to its restricted growing environment, as the contained nature of the garden bed bordered by the masonry walls to its east and north, as well as the sleeper edging and concrete footpath to its west, would have all restricted/prevented normal radial root growth, with exposed roots already able to be observed at surface level within this area.

Further, major works associated with creation of the new school entrance in this same area will impact 100% of the tree both above and below ground, so in consideration of all of these factors, its retention will not be possible in this instance, so consent has been granted for its removal, and while a replacement canopy tree will not be possible back in this same area, feature landscaping to enhance this main entry will be provided, comprising an open pergola and decorative climbers.

*Within the site, on higher ground to the northeast of T13, located centrally within the existing bitumen courtyard, there is a juvenile, 9m tall *Jacaranda mimosifolia* (*Jacaranda*, T12) which is covered by the DCP, but is also in poor condition to the bias of its trunk and crown to the north, and is surrounding by an impervious bitumen surface that is not conducive to root growth and tree health.*

It has only been assigned a moderate retention value, is a very common species, and not significant in anyway, and as major changes in level and associated civil works will need to be performed in order to transform this same area into the new entry courtyard; including the use of large format concrete pavers, statues, plaques and the creation/re-interpretation of a well using re-claimed site sandstone, no objections are raised to its

removal in order to deliver on this vision, as has been shown on the plans, and as recommended by the Arborist.

There is a large and mature Norfolk Island Pine (T14) to their east, adjacent the southeast corner of the existing building is included as item 36 in Council's Register of Significant Trees, that would not be directly affected in anyway by these works.

However; in recognition of its importance to the history of the site and local landscape, protection measures still need to be imposed in order to prevent damage to its trunk and lower branches from secondary impacts such as trucks, machinery and similar during the course of works, consistent with the recommendations of the Arborists Report, with the same applying to the mature Canary Island Date Palm (T8) to the north of the existing Inner Courtyard, which is recognised as an 'associate/contributory' planting in the Register.

To the north of the entry area, within the Inner Courtyard, there is a stand of three juvenile Liquidambar styraciflua (Liquidambars, T9-11), which while they may provide seasonal foliage, are all in poor-fair health and condition due to a combination of poor past pruning, failed branches, as well as their restricted growing environment within an impervious bitumen surface, which has severely limited root growth, to the point where the trees can simply be pushed/swayed within their planting holes.

They are an exotic species of no benefit to native fauna, and as this area will also be significantly upgraded to feature more desirable treatment and tree species, consent has been granted for their removal, as shown.

While other trees elsewhere throughout the site have also been assessed by the Arborists Report, including enormous Fig trees (T15-16) to the east and south of those described above, some of which are included in the Significant Register, they are sited at such distances from the works and access ways that they would not be affected, with conditions not required.

6.2 Heritage Planner

The development application was referred to Council's Heritage Planner for assessment. No objection is raised to the proposed development.

The Site

The subject site was formerly part of the Brigidine Convent site which had frontages to St. Paul's Street, Coogee Bay Road and Daintrey Crescent. The original site was subsequently sub divided into three- the convent site at nos.7-37 Coogee Bay Road, the school site no.49-55 St. Paul's Street and 6 Aeolia Street, and the subject site. Randwick Local Environmental Plan 2012 includes the entire site as a heritage item. The Randwick Heritage Study Inventory Sheet notes that 'Aeolia' stands on an eminence, screened from Coogee Bay Road by a fine stand of trees and that the site commands sweeping views to the east and west and contains many mature Moreton Bay fig trees. The nearby Ritz Cinema in St Pauls Street is listed as a heritage item, and The Spot heritage conservation area includes adjacent properties in Perouse Road and St Pauls Street. The sandstone and brick retaining walls on Council land along Coogee Bay Road are also listed as a heritage item.

Background

A thorough Conservation Analysis and Guidelines report for the Brigidine College and Convent was prepared by Clive Lucas Stapleton and Partners in 1998.

DA/493/2012 for a seniors' housing development for the St. Paul's Street site was approved in December 2012.

DA/560/2013 for changes to the Aeolia Street entrance to Brigidine College, including new pedestrian and vehicular gates and new signage was approved in October 2013.

PL/57/2016 proposed changes to the Aeolia Street entrance to Brigidine College, including new pedestrian entry and drop off zone, and changes to the adjacent buildings and open space areas. Changes were proposed over 4 levels of the Kilbride wing, the Folly wing, the Tully wing and the Connolly Williams wing. Open space changes affected the courtyards to the north and south of the Folly wing.

Proposal

The application proposes changes to the Aeolia Street entrance to Brigidine College, including new pedestrian entry, and changes to the adjacent buildings and open space areas. Changes are proposed over 4 levels of the Kilbride wing, the Folly wing, the Tully wing and the Connolly Williams wing. Open space changes affect the courtyards to the north and south of the Folly wing.

Submission

The proposal has been accompanied by a Statement of Heritage Impact prepared by NBRS Architecture which addresses compliance with Randwick LEP 2012, Randwick DCP 2013 and the Conservation Management Plan, and includes a Heritage Impact Assessment. In relation to Views, the SHI notes that Brigidine College stands on top of one of the highest hills in the district and overlooks Coogee Bay, and is a prominent feature in the local area within the Coogee Bay Road streetscape, with significant views looking east over Coogee Bay from the College grounds. In relation to Curtilage, the SHI notes that the curtilage is defined by its legal lot boundaries and are marked by several fences, gates and access points around the perimeter, including the sandstone wall along Aeolia Street. The SHI notes that views to and from the College including within the campus form part of the curtilage of the place.

The SHI notes that the significant facades of the Kilbride, Folly and Tully facing the main quadrangle will be retained and conserved in conjunction with internal changes and reconfiguring of "rear" elevations. The SHI notes that the new lift will be accommodated within an area compromised by previous change. The SHI advises that externally, original fabric will be retained and reconstructed, and internally, that nibs and bulkheads will be retained to interpret the original layout, with new walls mindful of window locations. The SHI notes that the new entry and courtyard will remove a modified sandstone and brick boundary wall. The SHI further notes that the proposed works will have no impact on significant views to and from the place.

The SHI considers that the development respects the heritage value of the heritage item by locating change within areas of lesser significance, noting that much of the work is located within the interior and on elevations which will not be visible from the public domain. The SHI notes that an additional small section of glazed balustrade at the junction of the Folly and Kilbride wings will be reversible. The SHI notes that the small section of sandstone boundary wall which will be removed has been compromised by previous works. The SHI considers that views down Aeolia Street to the Hospital will be enhanced by the proposed new entry and redesign of the courtyard.

In terms of heritage impact, the SHI notes that the retention, conservation and reconstruction of the principle elevation facing the main quadrangle will respect and enhance the heritage significance of the heritage item while the negative impact of the removal of a small section of the sandstone boundary wall will be mitigated by incorporation of these sandstone blocks within new landscape treatment. In relation to the impact of proposed minor partial demolition (internal and external), the SHI notes that proposed works have been undertaken to ensure demolition avoids spaces and

features of high heritage significance, generally affecting elements which are later additions. An original door with fanlight over is to be widened by incorporating the fanlight into the enlarged opening. In relation to the impact of new services, the SHI notes that the two new lifts have been located within spaces having lower significance, with lift overruns accommodated within the roof space. The SHI requires that where the Folly Wing lift requires excavation, this should be reviewed by an archaeologist. In relation to the impact of new landscape works, the SHI advises that the minimal works are proposed to the Main Quadrangle courtyard (high significance) and that the removal of structures in the courtyard off Aeolia Street will reinvigorate a space of little heritage significance. In relation to the impact of tree removal and replacement, the SHI notes that trees are to be removed in both courtyards, several of which are in poor condition or impacting on existing paving, with no tree of high or significant retention value being impacted.

Comments

The Clive Lucas Stapleton and Partners Conservation Analysis and Guidelines report noted that the Kilbride wing dates from 1929, the Folly wing from 1912/14, the Tully wing from 1907, and the Connolly Williams wing from 1990. The report includes a Guideline for Conservation of Interiors of Buildings which provides floor plans ranking interior spaces by their degree of sensitivity to change. The semi-circular tower of the Folly wing is given a 1 ranking (requiring preservation of significant fabric, with restoration and reconstruction desirable). The open balconies of the Folly and Tully wings would also receive a 1 ranking. At basement level, the southern section of Kilbride wing is given a 2 ranking (requiring preservation of significant fabric, with restoration and reconstruction desirable, but sympathetic adaptation permissible). At ground floor level, the Folly and Tully wings are given a 2 ranking (requiring preservation of significant fabric, with restoration and reconstruction desirable, but sympathetic adaptation permissible), while the Kilbride wing is given a 3 ranking (adaptation permissible to suit new uses). At first floor level the Kilbride, Folly and Tully wings are generally given a 2 ranking, with some areas given a 3 ranking. At second floor level, the southern section of the Kilbride wings is given a 3 ranking. The Connolly Williams wing has little heritage significance.

The Conservation Analysis and Guidelines notes that from the outset of the convent and school until the 1970s, the formal entrance to the grounds was from Coogee Bay Road, including a gated driveway and a flight of steps. The Conservation Analysis and Guidelines notes that the boundaries of the convent and school on Coogee Bay Road, Daintrey Crescent and the lane south of Aeolia Street are formed by dressed rusticated sandstone retaining walls which were constructed in the 1930s. In terms of significance the Conservation Analysis and Guidelines notes that the grounds contain a number of built features which are now rare such as the inter-war era stone boundary wall.

Aeolia Street entrance

The SEE notes that while the main entrance to the site has historically been from Coogee Bay Road, Aeolia Street has in recent years become the main gateway to the school and that the application seeks to formalise this entrance to the school, separating pedestrian and vehicular entry.

The College site is somewhat elevated above the level of Aeolia Street, with sandstone perimeter retaining walls to the Aeolia Lane boundary at various heights and in some sections form a base for buildings above. The existing stairs and retaining walls to the elevated Aeolia Street courtyard are to be replaced with new stairs, retaining walls, pedestrian gates, ramp and lift. A high sandstone faced wall/retaining wall, stabilised with steel bracing, adjacent to the corner of the Kilbride Wing, is to be removed.

The proposed works will not affect the original entrance to the site from Coogee Bay Road and will not impact on the main perimeter retaining walls. It is noted that sandstone blocks from the section of sandstone boundary wall which is to be removed are to be reused in landscape works. Further detail is to be provided of proposed perimeter piers, gates and signage.

Internal building changes

One new lift is to be located at the intersection of the Kilbride and Tully wings and the other (with a new stair) is to be located at the intersection of the Folly and Tully wings, in areas ranked 3 (allowing change to suit new uses). The original stair within the Kilbride wing is to be retained. At basement level, minor changes are proposed to walls within areas ranked 2 (allowing sympathetic change). At ground level, a number of changes to walls are proposed within the Kilbride, Folly and Connolly Williams wings, within the areas ranked 2 and 3 (allowing change and sympathetic change). Works generally comprise removal of non-original partitions and amenities, removal of an existing stair, and provision of new operable partitions. At first floor level, a number of changes to walls are proposed within the Kilbride wing, within an area ranked 3 (allowing change to suit new uses) and an enlarged link is to be provided to the Connolly Williams wing. Works include removal of existing partitions, construction of new partitions and removal of an existing stair. The enlarged link will retain views of the south elevation of the Folly wing. At second floor level, a number of changes are proposed to walls within the Kilbride wing, within an area ranked 2 (allowing sympathetic change). Works include removal of existing walls and provision of new walls. It is noted that many walls and ceilings within these areas are not original. Removal of original walls will include retention of beams and nib walls to retain evidence of original layout. Provision of new walls relate to location of existing windows and generally improve the integrity of original spaces. The proposed works are generally consistent with the degree of change recommended by the CMP.

External building changes

A number of accretions are to be removed including a full height stair on the eastern side of the Kilbride wing and a two storey storeroom addition on the southern side of the Folly wing. Following removal of these accretions, new windows to match existing windows are proposed to the east elevation of the Kilbride wing and the south elevation to the Folly wing. These works will improve the presentation of these two buildings to the southern courtyard/Aeolia Street entrance. In the Connolly Williams wing roller shutters enclosing the undercroft of are to be replaced by glazed doors and windows, and vertical sunshading louvres are to be provided at ground floor level. The Connolly Williams wing was constructed in 1990 and does not contribute to the heritage values of the site. A new lower ground floor verandah is to be provided to the eastern side of the Kilbride wing and the southern side of the Folly wing. A garbage store is also proposed at lower ground floor level to the western side of the Kilbride wing. The southern end of the Kilbride wing is ranked 2 (allowing sympathetic change) while the basement of the Folly building contains no floor space and is unranked. In the Folly wing, several changes are proposed to north elevation openings at ground and first floor level at both ends of the building, to better facilitate circulation. A section of glazed balustrade is to be provided behind the existing decorative metal balustrade to the first floor balcony of the Folly wing, to meet safety requirements. The northern façade and verandah of the Folly wing are ranked 2 (allowing sympathetic change) and 3 (allowing change to suit new uses). The proposed works are generally consistent with the degree of change recommended by the CMP.

Open space changes

Within the northern courtyard/quadrangle, it appears that new trees and seating are to be provided. The northern courtyard (Quadrangle) is a landscape feature identified as significant fabric. Proposed changes will not affect the appreciation of this important

space, enclosed by the 1907 Tully wing and the 1912/14 Folly wing. Within the southern courtyard/Aeolia Street entrance, a number of existing trees are to be removed a new tree provided, as well as new paving and seating. The southern courtyard space is enclosed by the "rear" elevations of the Kilbride wing, the Folly wing and the recent Connolly Williams wing. The southern courtyard comprises a secondary open space on the site and proposed works will improve the school entrance, enhance the amenity and integrity of this open space, and the presentation of surrounding buildings.

Recommendation

The following conditions should be included in any consent:

- A brief archival recording of the area of the proposed works shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
- Details of proposed Aeolia Street entrance piers, gates and signage are to be provided. Details of the proposed entrance elements shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
- Where excavation is required for the proposed lift within the Folly Wing, this excavation should be reviewed by a historical archaeologist.*
- In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW be notified under the requirements of the Heritage Act.*

6.2.1 External referral – Sydney Central Planning Panel (SCPP)

Pursuant to Schedule 4A, Clause 6 of the Environmental Planning and Assessment Act, 1979, educational facilities with a capital investment value of more than \$5 million are regionally significant. As such, the application is referred to the Sydney Central Planning Panel (SCPP) for determination as the consent authority

7. Relevant Environmental Instruments

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

- State Environmental Planning Policy No. 55 – Remediation of Land**
- Randwick Local Environmental Plan 2012**
- Policy Controls**

7.1 State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The

subject site has maintained use as a school for a considerable period of time and it is unlikely to contain any harmful contaminants.

7.2 Randwick Local Environmental Plan 2012

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

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

- *To provide for infrastructure and related uses.*

The proposed works are associated with the continued use an existing educational establishment.

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

The proposed development will not detract from the provision of infrastructure. The proposed works are generally contained within the envelope of the existing buildings and subject to suitable conditions it will be compatible with the existing buildings and will not result in any adverse visual bulk and scale impacts from the streetscape.

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

The proposal will as previously indicated is generally contained within the envelope of the existing buildings on site and the location of new openings will not result in any significant or unreasonable adverse amenity impacts to the neighbouring properties.

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

The proposal upgrades the existing use for the purposes of an 'educational Establishments'.

Heritage Conservation

In accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012, the subject site is listed as a heritage item (reference number I248) and described as "Aeolia", Brigidine Convent and Chapel (c. 1924). The site also adjoins 'The Spot' Heritage Conservation Area. The subject site is also in the vicinity of heritage item to the south identified as 'Ritz Cinemas' at No. 39-47 St Pauls Street (reference number I447).

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

(1) Objectives

The objectives of this clause are as follows:

- a. To conserve the environmental heritage of Randwick*

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

Council's Heritage Planner has reviewed the proposed development raising no objections to the development subject to suitable conditions being included relating to archival recording of the existing elements of the building and addressing any unexpected archaeological finds on site during excavation. Council's Heritage Planner also indicates the colours, materials and finishes schedule submitted with the application are suitable for the development.

The proposed development is primarily associated with internal works and improving the accessibility throughout the buildings on site. Works to the fabric of the building are generally non-intrusive removing added on external staircases and new openings are strategically installed along elevations providing articulation, cross ventilation and without detracting from the significance of the heritage item, neighbouring heritage item "Ritz Cinema" or The Spot Heritage Conservation Area.

The objectives are satisfied subject to conditions of consent.

7.3 Policy Controls

7.3.1 Randwick Comprehensive Development Control Plan (RDCP) 2013

Part B2 Heritage

The subject site is a heritage item and the proposed works are not exempt development under the SEPP Codes 2008. The RDCP sets out guidelines and development controls for proposals affecting Heritage items and heritage conservation areas. The key objectives sought to be satisfied by the provisions in the RDCP relate to design and character, scale and form, detailing, Materials finishes and colour schemes, roofs and chimneys, verandahs and balconies, fences. The proposed development has been the subject of review by Council's Heritage Planner who raises no objection to the proposed development.

The majority of proposed works as part of this application are located internally will generally result in an improvement to the functioning of the school premises in terms of amenity and accessibility. Similarly, the majority of external works don't contain any significant bulk or scale and will not detract from the scale, building design elements associated with the spatial setting of existing buildings on site.

The external works that have the potential to impact on the streetscape character relate to the proposed alterations and additions to the pedestrian gate entrance off Aeolia Street. In order to ensure the detailing associated with perimeter piers, gates and signage will be sympathetic to the existing buildings on site and the streetscape itself.

7.3.2 Section 94 Contributions Plan

The Section 94A Development Contributions Plan, effective from 2 July 2007, is applicable to the proposal. In accordance with the Plan, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$6,045,600	1%	\$60,456.00

8. Section 79C Considerations

The following sections summarise the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
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, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant character in the locality. The proposal is not considered to result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	As detailed in this assessment, the site is considered to be suitable for the existing and continued future use for educational purposes, subject to proposed conditions of approval.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Refer to section 5 of this report for detail discussion.
Section 79C(1)(e) – The public interest	The continued use of the site for educational purposes is considered to be in the public interest subject to adequate management of any impacts arising from that use. It is considered that impacts of the proposed development have been adequately addressed in the application and controlled by way of proposed conditions of consent.

9. Relationship to City Plan

The relationship with the City Plan is as follows:

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

10. Financial Impact Statement

There is no direct financial impact for this matter.

9. Conclusion

The new works will maintain the significance of the existing heritage item of the 'Aeolia' Brigidine College and Convent (heritage item no. I248 within the RLEP2012) and will comply with the objectives of Clause 5.10: Heritage Conservation and will continue to conserve the heritage significance of the building including the associated fabric, settings and views of the development. Council's heritage planning officer has no objections to the proposed development.

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

DEVELOPMENT CONSENT 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

- 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
DA00 Revision L	brewster hjorth architects	11 May 2017	17 May 2017
DA01 Revision L		11 May 2017	17 May 2017
DA02 Revision K		11 May 2017	17 May 2017
DA03 Revision L		11 May 2017	17 May 2017
DA04 Revision K		11 May 2017	17 May 2017
DA05 Revision M		11 May 2017	17 May 2017
DA06 Revision K		11 May 2017	17 May 2017
DA07 Revision K		11 May 2017	17 May 2017
DA08 Revision M		11 May 2017	17 May 2017
DA09 Revision K		11 May 2017	17 May 2017
DA10 Revision L		11 May 2017	17 May 2017
DA11 Revision J		11 May 2017	17 May 2017
DA12 Revision J		11 May 2017	17 May 2017
DA13 Revision K		11 May 2017	17 May 2017
DA14 Revision K		11 May 2017	17 May 2017
DA21 Revision B		11 May 2017	17 May 2017
DA22 Revision B		11 May 2017	17 May 2017
LC01 Revision B	TaylorBrammer	04.05.2017	17 May 2017
LC02 Revision B		04.05.2017	17 May 2017

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 Randwick City Council or an Accredited Certifier. 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

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

Heritage Conservation

3. A brief archival recording of the area of the proposed works shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

Heritage Conservation

4. Details of proposed Aeolia Street entrance piers, gates and signage are to be provided. Details of the proposed entrance elements shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Design Alignment levels

5. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the new pedestrian entrance/walkway, shall:

- **Match the back of the existing Council footpath levels opposite the new pedestrian entrance/walkway.**

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$6,045,600 the following applicable monetary levy must be paid to Council: \$60,456.00

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 9093 6999 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

7. 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.

Security Deposits

8. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$1000.00 - Damage / Civil Works Security Deposit

Security deposits 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.

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 Sydney Water [Tap in™](#) online service replaces the Quick Check Agents as of 30 November 2015

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

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

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

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

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

10. In accordance with section 80 A (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). Details of compliance with the BCA are to be included in the construction certificate application.
11. 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.

Landscape Plan

12. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Taylor Brammer Landscape Architects, dwg LC01-02, rev B, dated 04.05.17.

Tree Protection Measures

13. In order to ensure the retention of **T1-8 & 14-16** (as taken from the Arborist Impact Assessment by Jim McArdle of McArdle Arboricultural Consultancy, dated 02/05/17; 'the Arborists Report') in good health as shown, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show their retention (along with their tree identification numbers), as well as the position and diameter of both their trunks and canopies in relation to existing structures and approved works.
 - b. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with 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, the Tree Protection Plan and Specification, Pruning Specification and any other instructions issued on-site.

- 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. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome, prior to proceeding further.
- e. In order to physically protect these trees, the recommendations contained in Appendix D of the Arborists Report are to be complied with at all times, and are to be installed as per the distances shown on the Tree Management Plan Sheet 1.
- f. 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, not machinery), ONLY by the Project Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible. Roots must not be left exposed to the atmosphere.
- g. Within the 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, with all Site Management Plans needing to acknowledge these requirements.
- h. The PCA and Project Arborist 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.

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' (PCA), 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, PCA & other Requirements

- 14. 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 licensed *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified 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.

Construction Noise & Vibration Management

15. 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 and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment is to be minimised, by using appropriate plant and equipment, silencers and the implementation of appropriate noise management strategies.

Construction Site Management Plan

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

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

17. 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 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.

Public Utilities

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

Landscape Plan

20. The Certifying Authority/PCA must ensure that the approved Landscape Plans are revised to also include the following additional details:
- a. A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the works;
 - b. The four *Zelkova serrata* (Japanese Zelkova) that are shown for the Inner Courtyard must be a minimum 50 litres (pot/bag size) at the time of planting, and to protect surrounding surfaces, are to have root barriers installed at 2.5m offsets from their stems, as per the specification shown at Appendix F of the Arborist Report;
 - c. A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival;
 - d. A high quality selection and arrangement of decorative species throughout the front setback so as to assist with presentation of the development to the streetscape.

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

21. 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.

Site Signage

22. 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

23. 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 or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - 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.

Demolition Work Requirements

24. 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

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

- Relevant 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 other 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 or a copy can be obtained from Council's Customer Service Centre.

Public Safety & Site Management

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

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) 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.
- c) 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.
- d) 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.

- e) 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- f) Site fencing, building materials, bulk bins/waste containers and other articles 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.
- g) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Support of Adjoining Land, Excavations & Retaining Walls

- 27. 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.
- 28. 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.

Heritage Conservation

29. Where excavation is required for the proposed lift within the Folly Wing, this excavation should be reviewed by a historical archaeologist.
30. In the event that historical archaeological remains or deposits are exposed during the works, the excavation works shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW be notified under the requirements of the Heritage Act.

Council's Infrastructure, Vehicular Crossings, street verge

31. The applicant must meet the full cost for a Council approved contractor to:
 - a. Replace the existing sandstone kerbing in Aeolia Street, opposite the new pedestrian entrance, with new concrete kerbing and guttering to Council's specifications and requirements.
 - a. Remove the existing Council concrete footpath and paved area located between the new pedestrian entrance and the vehicular crossing to the west. The area is to be replaced with either a new concrete footpath or an approved paving design which firstly has to be approved by Council's Asset Engineering Services.

Note: Any proposed paving design must include full construction details as required by Council's Asset Engineering Services.

32. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, 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.
33. 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.

Building Encroachments

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

Stormwater Drainage

- 35. 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.

- 36. 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.

Pruning

- 37. Where pruning of retained trees is required in order to avoid damage to the trees, to accommodate approved building envelopes, facilitate site access or similar; approval is granted for this, provided it is minimal and selective, and only performed directly by; or; under the direct supervision of; the Project Arborist.
- 38. All pruning works must be in accordance with Points 4 & 6, Recommendations, of the Arborists Report, in regards to compliance with AS 4373-2007 and the use of qualified industry professionals.

- 39. **Where the pruning of specimens that are listed in Council's Register of Significant Trees is sought, the applicant/Project Arborist must firstly contact Council's Landscape Development Officer on 9093-5513, giving at least 5 working days-notice, to arrange a joint site meeting to determine the exact location and extent of pruning that is permissible, prior to pruning, with Council's instructions to be strictly adhered to on-site.**

Tree Management

- 40. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plan:
 - a) The mature *Corymbia gummifera* (Red Bloodwood, T13), at the end of Aeolia Street, just north of the existing main entry, due to its fair health and condition rating, a lack of root development due to its restricted environment within the contained garden bed, as well as its direct conflict with the major works associated with creation of the new school entrance and feature landscaping in this same area as shown;

- b) Within the site, on higher ground to the northeast, located centrally within the existing bitumen courtyard, the juvenile *Jacaranda mimosifolia* (Jacaranda, T12) given its poor condition rating due to the bias of its trunk and crown to the north, lack of root development as a result of growing within impervious bitumen surfacing, as well as its direct conflict with the major changes in level and works associated with transforming this same area into the new entry courtyard through the use of large format concrete pavers, statues, plaques and the creation/re-interpretation of a well using re-claimed site sandstone;
- c) To the north of the entry area, within the Inner Courtyard, the stand of three juvenile *Liquidambar styraciflua* (Liquidambar, T9-11), which while they may provide seasonal foliage, are all in poor-fair health and condition due to a combination of poor past pruning, failed branches, and poor root development as result of growing within an impervious bitumen surface, and are also in direct conflict with the significant upgrades that are shown for this same area using more modern, desirable treatment/layout and feature tree species.

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

- 41. 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*.

Council's Infrastructure, Vehicular Crossings, street verge

- 42. The applicant must meet the full cost for a Council approved contractor to:
 - a. Replace the existing sandstone kerbing in Aeolia Street, opposite the new pedestrian entrance, with new concrete kerbing and guttering to Council's specifications and requirements;
 - b. Remove the existing Council concrete footpath and paved area located between the new pedestrian entrance and the vehicular crossing to the west. The area is to be replaced with either a new concrete footpath or an approved paving design which firstly has to be approved by Council's Asset Engineering Services.

Note: Any proposed paving design must include full construction details as required by Council's Asset Engineering Services.

43. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, 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.
44. 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.

Landscaping

45. Prior to issuing any type of 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 Landscape Plans by Taylor Brammer Landscape Architects, dwg LC01-02, rev B, dated 04.05.17, as well as any other relevant conditions of consent.
46. 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

47. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the PCA, written certification that confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of T1-8 & 14-16.

Service Authorities

Sydney Water Requirements

48. A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au

> Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

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

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.

External Lighting

49. 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.

Plant & Equipment – Noise Levels

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

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 & Heritage (EPA) Noise Control Guidelines.

Air Conditioners

51. 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.

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 Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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.
- A4 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.
- A5 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.
- A6 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.
- A7 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 9093 6944.

- A8 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 9093 6944.

- A9 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.

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

- A11 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

- A12 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

- A13 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.

- A14 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).