

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL036
DA Number	DA/664/2016
LGA	Randwick
Proposed Development	Demolition of the existing structures, construction of 2 x 8 storey shop top housing development within lots E1.1 and E1.2 including retail/commercial tenancies, 128 residential apartments, 2 basement levels of parking with 137 car spaces, an urban plaza, associated site, remediation and landscape works.
Street Address	164-174 Barker St, RANDWICK
Applicant/Owner	Cbus Property Sydney Residential Pty Ltd
Date of DA lodgement	20/12/2016
Number of Submissions	7
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development that has a capital investment value of more than \$20 million.
List of all relevant s79C(1)(a) matters	<p>i.e. any:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 Randwick Local Environmental Plan 2012 Randwick Development control plan 2013 Draft Voluntary planning agreement under section 93F
List all documents submitted with this report for the Panel's consideration	Copies of submissions
Report prepared by	Kerry Kyriacou
Report date	25/7/2017

Summary of s79C matters

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

Yes / No

Legislative clauses requiring consent authority satisfaction

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

Yes / No / Not Applicable

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

Clause 4.6 Exceptions to development standards

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

Yes / No / Not Applicable

Special Infrastructure Contributions

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

Yes / No / Not Applicable

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes / No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be

considered as part of the assessment report

Sydney Central Planning Panel

SCPP No.	2017SCL036
DA No:	DA/664/2016, 164-174 Barker St, RANDWICK (Corner lot A DP 330407) – Integrated development application for demolition of the existing structures, construction of 2 x 8 storey shop top housing development within lots E1.1 and E1.2 including retail/commercial tenancies, 128 residential apartments, 2 basement levels of parking with 137 car spaces, an urban plaza, associated site, remediation and landscape works.
Applicant:	Cbus Property Sydney Residential Pty Ltd
Report By:	Kerry Kyriacou

Executive Summary

Council is in receipt of a development application (DA) seeking consent for demolition of all existing structures and construction of two eight-storey buildings, comprising ground floor retail/commercial tenancies and 128 residential apartments, basement parking and associated landscape works.

The proposal is situated on Lot E1 at the northern end of the eastern precinct of the Newmarket site, at 164-174 Barker Street, Randwick. Lot E1 has an approximate area of 4,354m². The site has a frontage of 74.3m to Barker Street and 50.95m to Young Street. The site currently accommodates a large single-storey horse stable with associated landscaping and structures. Five significant trees are located within the site along the eastern boundary and are proposed to be retained.

The DA is for a subsequent stage of the Concept Plan approval for a Staged DA (88/2016) that provided for a mixed use development on the subject site comprising the following:

- Site preparation including demolition of structures, removal of vegetation and excavation
- Road infrastructure and public domain conceptual layout
- Subdivision into 9 development lots and one public open space lot
- Four new public streets intersecting from Young, Jane and Botany Street
- A set of built form controls (dwelling types, storeys, heights, setbacks and landscape areas) that will guide the form and character of buildings to be erected on the site
- 19 buildings which range from 2 to 8 storeys with an indicative number of 650-750 residential dwellings, retail and commercial uses including an urban plaza.
- Provision of parking at the basement level in addition to on-street parking across the site
- Adaptive re-use of the Newmarket House and the Big Stable Building
- Site remediation and earthworks

The Concept Plan approval also includes a new 5,000sqm public park within the eastern precinct which is consistent in its location with Section 3.4: Open Space Network and Landscaping of the Newmarket Green DCP. The roads would also be dedicated to Council as part of the subdivision. The Newmarket site is subject to a voluntary planning agreement which provides a 1.5% contribution of affordable housing, the transfer of the Big Stable and its curtilage to Council, dedication of a public park and roads as well as a contribution towards traffic calming. The proposal is consistent with the terms of the VPA.

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

The development application was publicly exhibited, advertised within the local newspaper and site notification attached to the subject premises as per the requirements of the Randwick Development Control Plan 2013 (RDCP2013) for Public Notification. Seven submissions were received in response to the public exhibition raising issues with the density, size and scale of buildings, traffic & parking as well the loss of amenity for neighbouring residents.

The application includes a request under Clause 4.6: Exceptions to Development Standard given the development results in a breach to the maximum building height development standard of 25 metres. The proposal has been carefully designed to achieve the purpose of the standard and planning objectives for the locality. It will be an appropriate fit within the scale and character of development in the immediate and broader context whilst minimising potential adverse impacts on surrounding properties. The applicant's request under Clause 4.6: Exceptions to Development Standards is well founded as it will remain consistent with the envelope approved pursuant to the Concept Plan approval.

The application was referred to the Design Review Panel (DRP) as per the requirements of State Environmental Planning Policy 65: Design Quality for Residential Apartment Development. The key issue raised by the DRP relates to the location of vehicular entry point to the basement carpark. As the proposed vehicular entry point is situated under the eastern building at its southern end, most vehicles will traverse along the new road ST1 which is situated at the interface between the urban plaza and the public park to the south. The DRP is concerned that this arrangement will conflict with the desire line created for pedestrians through the urban plaza to the park. The DRP has recommended that the vehicular entry point be either from Young St or from the western building at its southern end to limit the amount of traffic crossing the desire line. Council's Development Engineer asserts that it's not feasible to provide the vehicular entrance from Young St due to flooding and traffic management constraints. It is also not preferable for the access to be provided from the southern end of the western building given its proximity to the intersection. Siting the vehicular entry point at this location will also disrupt the continuity of the retail frontage as it returns from Young St into the new road adjacent to the park. It will also result in a blank façade to the south eastern end of the building which has an interface with the urban plaza. As such, its siting at this location will detract from the ability of the proposal to provide continuous active edges and a lively interesting environment. On balance, it's considered that the vehicular entry point should remain where it's currently proposed under the eastern building. Whilst there will be the need for traffic to cross the desire line to the park, the road will be designed as a shared zone and will have a calming device and low speed environment. In order to minimise the extent of inactive spaces along the park frontage of the proposed development, it's also recommended that the garbage area adjacent to the vehicular entry point be deleted and an alternative waste area be provided in the basement of the proposed development. This would allow an extension of the retail frontage along the edge of the park and improve the streetscape appearance of the proposed development.

The proposed development satisfies the relevant statutory assessment criteria and will result a built form and spatial relationship with the public domain that will become an exemplary addition to the urban fabric. As such, the application is recommended for approval.

1.0 Site Description and Locality

The subject site includes a number of allotments comprising the following addresses and respective lot and DP numbers including:

Address:	Lot and DP number
164-174 Barker Street, Randwick	Corner Lot A, DP 330407 Newmarket Stable
158-162 Barker Street, Randwick	Corner Lot 1, DP 1041725 Pt Stable 2

156 Barker Street, Randwick	Lot 4 DP 165055
152-154 Barker Street, Randwick	Lot 1 DP 81877 & Lot 4 DP 1039981
150 Barker Street, Randwick	Lot 1, DP 932027
1 Jane Street, Randwick	Lot B DP 344447
18 Jane Street, Randwick	Lot 1 DP 85107
21 Jane Street, Randwick	Lot B DP 312682
181 Botany Street, Randwick	Lot 3 DP 1102370
8-12 Young Street, Randwick	Lot 1 DP 87614
14-20 Young Street	Corner Lot 3 DP 1041725
28 Young Street, Randwick	Part Lot 1 DP 541576
30 Young Street, Randwick	Part Lot 1 DP 541576
32-42 Young Street, Randwick	Lot 1 DP 1102864

The site comprises of a total site area of 5.063 ha and is bound by roads including Barker, Young, Middle, Jane Botany and Meeks Street. Topographically the site falls approximately 1 metre from west to east along the Barker Street frontage, 3 metres from north to south along the eastern end and is relatively flat from east to west along the southern end of the site. The existing improvements on the site comprise of a commercial animal boarding/training establishment and other ancillary structures associated with horse stabling varying in the number of storeys.

The immediate context of the subject site, to the north of Barker Street is the Neuroscience Research Australia buildings at 31.2 metres (as measured to the top of the plant rooms) and approval has been granted to extend the width of the existing Neurosciences Research Building further west to Hospital Road. To the east is the Randwick Girls High School, to the west along Botany Road and Jane Street is single and two storey dwelling houses and to the south (rear) is Paine Reserve and Rainbow Street Public School. See Figure 1 of the site and surrounds.



Figure 1: E1 Site & surrounds (Source: Urbis SEE)

The subject DA is situated on Lot E1 at the northern end of the eastern precinct, at 164-174 Barker Street, Randwick. It is legally known as Lot A DP330407. Lot E1 has an

approximate area of 4,354m². The site has a frontage of 74.3m to Barker Street and 50.95m to Young Street. The site currently accommodates a large single-storey horse stable with associated landscaping and structures. Five significant trees are located within the site along the eastern boundary and are proposed to be retained.

Lot E1 adjoins Randwick Girls High School to the east, the future public park to the south, and existing stable buildings separated by Young Street to the west. The site is directly opposite The Prince of Wales Hospital Precinct and specifically the Neuroscience Research Building.

2.0 Relevant History

Staged Development application No 88/2016 was the subject of a S34 agreement pursuant to the Land & Environment Court Act. The approved Concept Plan provided for a mixed use development on the subject site comprising the following:

- Site preparation including demolition of structures, removal of vegetation and excavation
- Road infrastructure and public domain conceptual layout
- Subdivision into 9 development lots and one public open space lots
- Four new public streets intersecting from Young, Jane and Botany Street
- A set of built form controls (dwelling types, storeys, heights, setbacks and landscape areas) that will guide the form and character of buildings to be erected on the site
- 19 buildings which range from 2 to 8 storeys with an indicative number of 650-750 residential dwellings, retail and commercial uses including an urban plaza.
- Provision of parking at the basement level in addition to on-street parking across the site
- Adaptive re-use of the Newmarket House and the Big Stable Building
- Site remediation and earthworks

The proposal also includes a new 5,000sqm public park within the eastern precinct which is consistent in its location with Section 3.4: Open Space Network and Landscaping of the Newmarket Green DCP. The roads would also be dedicated to Council as part of the subdivision.

The approved scheme allowed an exceedance of the height at the northern end of the site in providing for part 8 storey to the buildings fronting Barker St and included a draft voluntary planning agreement which also provides a 1.5% contribution of affordable housing and the transfer of the Big Stable and its curtilage to Council. The following figure indicates the approved buildings envelopes and the urban structure associated with the Concept Plan approval.



Figure 2: Approved building envelope plan

3.0 The Proposed Development

The proposed development comprises the following:

- Demolition of the existing buildings and structures;
- Excavation, remediation and other site preparation works;
- Construction of two eight-storey buildings, comprising ground floor retail tenancies and 128 residential apartments (54 X 1 bedroom, 62 X 2 bedroom, & 12 X 3 bedroom) across seven floors;
- Construction of two full levels of basement parking with access from the new shared-way, known as ST1, accommodating;
 - 137 car parking spaces,
 - 135 bicycle spaces, and
 - 3 motorcycle spaces;
- An urban plaza, connecting Barker Street to the future public park and forming a view corridor to the heritage listed Big Stable building;
- Retention and protection of significant trees including a Norfolk Island Pine and four Moreton Bay Fig trees on the eastern boundary of the site; and
- Associated landscaping works.

4.0 Clause 4.6 Exception to Development Standard

Height of Buildings

The proposal contravenes the maximum Height of Buildings development standard contained in clause 4.3(2) of RLEP 2012. The applicant has submitted a written request seeking to justify the contravention of the standard pursuant to Clause 4.6 of RLEP 2012. The variation is summarized in the table below:

Proposed maximum height of buildings	28.02m for E1.1 & 28.47m for E1.2
Maximum height of buildings	25 metres

Maximum Height exceeding LEP control	3.47m (13.8%)
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Assessment against the applicant's written justifications for the contravention of the development standard

Pursuant to clause 4.6(3) of RLEP 2012 development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

Further, the consent authority must be satisfied that:

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

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

In relation to the matters required to be demonstrated by subclause (3) there are various ways that may be invoked to establish that compliance with a development standard is unreasonable or unnecessary as discussed by Chief Justice Preston of the NSW Land and Environment Court in the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although the *Wehbe* case was decided in relation to State Environmental Planning Policy No 1—Development Standards ("SEPP 1") and not clause 4.6 of RLEP 2012 it remains of some assistance in relation to identifying the ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case.

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

In the *Wehbe* case Justice Preston said the most commonly invoked way to establish that compliance with a development standard is unreasonable or unnecessary is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The objectives of the height of buildings standard are set out in clause 4.3(1) of RLEP 2012 as follows:

- a) To ensure that the size and scale of development is compatible with the desired future character of the locality,*
- b) To ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- c) To ensure that the size and scale of development is compatible with the desired future character of the locality.*

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

"This request forms a Clause 4.6 objection to vary the Building Height control. Strict compliance with Clause 4.3 is considered unnecessary in the circumstances for the following reasons:

- The objectives of the Randwick LEP 2012 Building Height control are achieved notwithstanding the technical non-compliance.*
- The objectives of the Randwick LEP 2012 for the Neighbourhood Centre Zone (B1) are achieved notwithstanding the technical non-compliance.*
- The proposal complies with applicable planning policy provisions.*
- There are sufficient environmental planning grounds to support the proposed variation.*

Each issue is addressed in the following sections. The assessment of the proposed variation has been undertaken in accordance with the requirements of the Randwick LEP 2012, Clause 4.6 Exceptions to Development Standards.

2) THE PROPOSED VARIATION

The Newmarket Green, Randwick concept master plan approved an alternative solution to that envisaged in the 'Indicative Concept Plan' contained within the Randwick Development Control Plan (DCP) 2013. The alternative solution achieved the overall vision, objectives, and development principles outlined in the Randwick DCP 2013, whilst providing a more appropriate transition in building bulk and scale, street layout, and public open space arrangement, as well as reduced impacts on adjoining properties.

The key variances from the DCP's 'Indicative Concept Plan' are described as follows:

- Eastern Road: In order to accommodate the new street on the eastern boundary as recommended by the Design Review Panel, the building proposed to the east of the park has been deleted.*
- Reduced height at the centre of the site: In the centre of the site, the masterplan proposes lower building heights than those envisaged by the DCP in order to provide a better transition in scale to existing properties in the Struggletown Conservation Area.*
- Additional height fronting Barker Street: In order to provide greater built form balance with the adjoining hospital precinct and to provide a built form that responds to the required flooding levels, the proposed buildings fronting Barker Street project above the LEP maximum height of 25 metres.*
- Widening of DV1: In order to provide a greater setback to Paine Reserve and additional on-street visitor parking, the proposed DV1 road has been widened.*

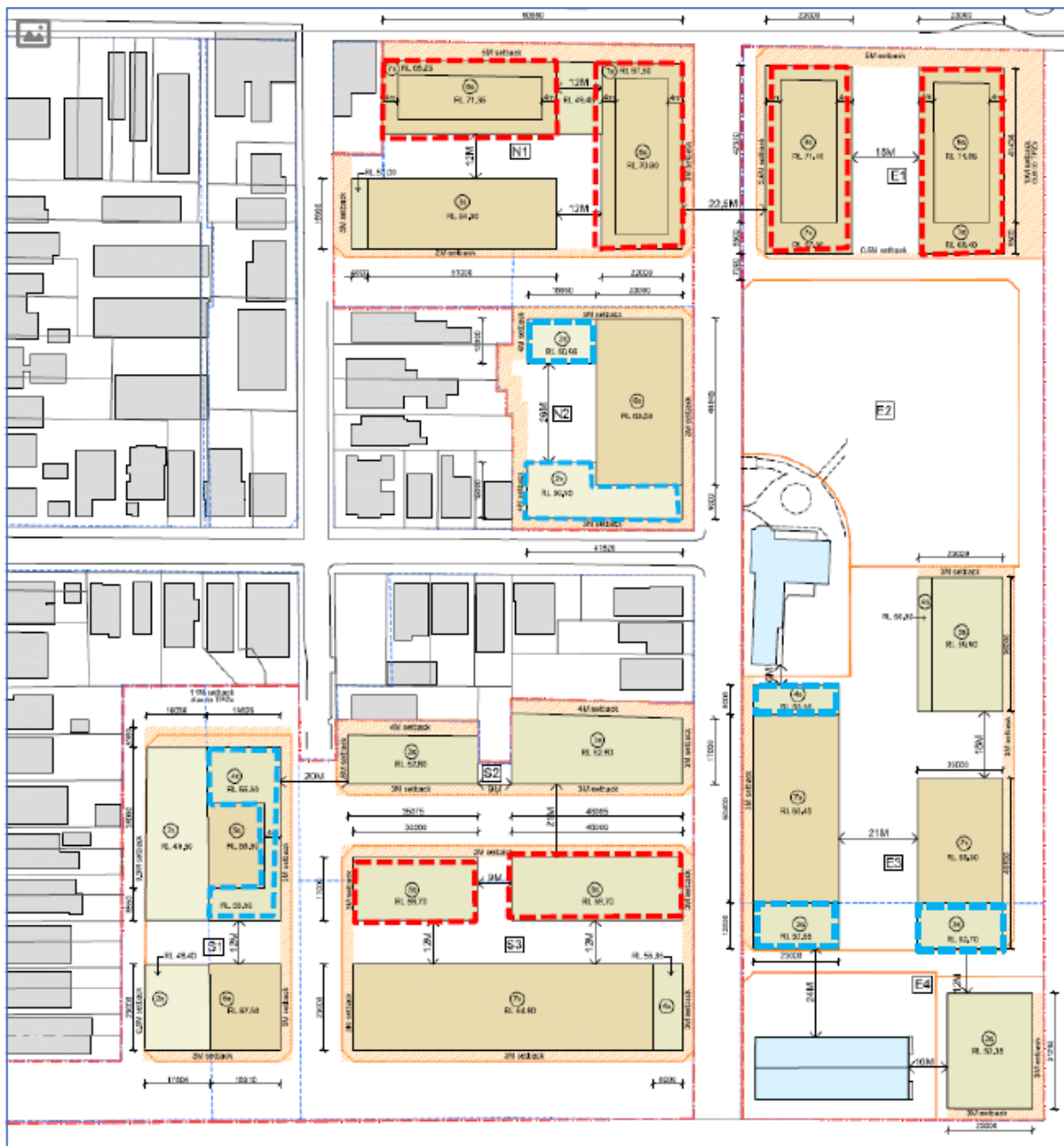
In order to reduce the building bulk and scale at the centre of the Newmarket Green site, adjacent to the Struggletown Heritage Conservation Area and heritage listed Newmarket House and Big Stable building, the concept master plan proposed to exceed the maximum height of building development standard in two locations. These included:

- Barker Street: Four eight-storey buildings are proposed fronting Barker Street on Lots E1 and N1.*
- Lot S3: Two five-storey buildings are proposed on Lot S3 fronting the new road, ST3 (it is noted that the current detailed planning for the Southern Precinct does not realise this approved height).*

These minor exceedances were complemented by significant reductions in the maximum height of buildings within the centre of the site at Lot N2, E3 and S1, adjacent to the Struggletown Conservation Area, Newmarket House, and the Big Stable buildings.

Figure 1 below identifies those buildings approved within the concept master plan which exceed the maximum height of building development standard (in red), as well as those building which provide a reduced building bulk and scale than that permitted under the Randwick LEP 2012 (in blue).

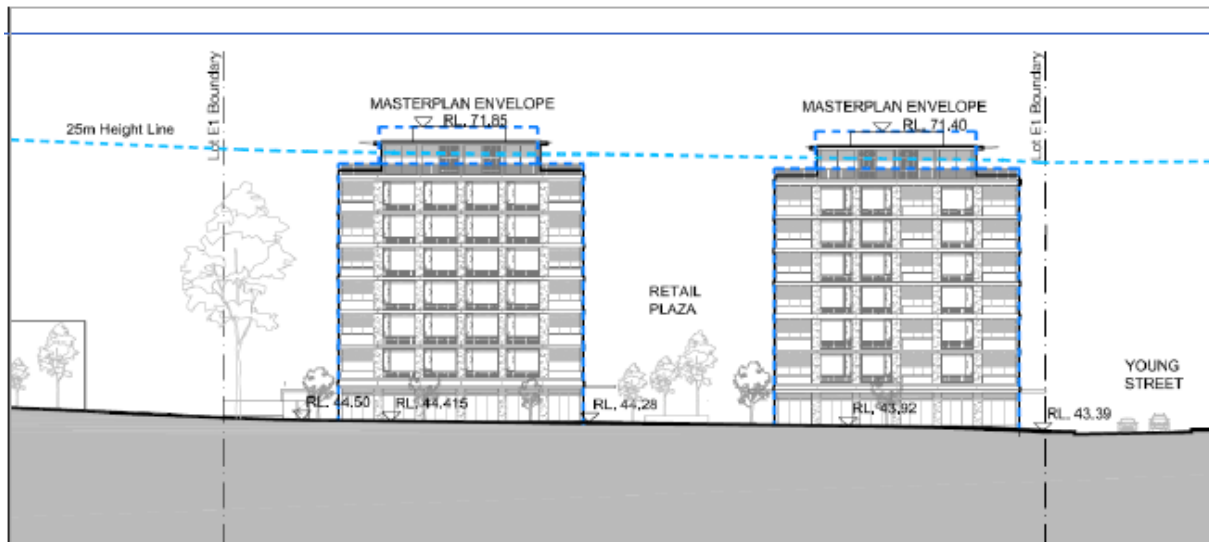
Figure 1 – Approved Concept Master Plan Heights



The subject DA for Lot E1 is consistent with the built form approved under the Newmarket Green, Randwick concept master plan. As shown in Figure 2, the proposed Buildings E1.1 and E1.2 sit entirely within the building envelopes approved under the concept master plan.

Importantly, we note that the originally submitted DA for Lot E1 proposed an 8-storey consistent built form. As part of this amended DA, the proposal involves Level 8 being setback by 4 metres to the eastern and western building edges to reduce the perceived bulk and scale of the building and reduce the associated environmental impacts.

Figure 2 – Barker Street Elevation



The degree of non-compliance with the maximum building height controls is detailed in **Table 1**.

Table 1 – Building Height Controls Comparison with Approved Master Plan and Subject DA

Building	Max. Height of Buildings Permitted	Stage 1 Approved Height of Buildings	Stage 2 DA Proposed Height	Difference	Maximum Height Exceedance
E1.1	25m	8 storeys 28.38m (lift overrun)	8 storeys 28.02m (lift overrun)	360mm reduction	3.02m
E1.2	25m	8 storeys 28.5m (lift overrun)	8 storeys 28.47m (lift overrun)	30mm reduction	3.47m

The proposed buildings present as a seven-storey form to Barker Street with the eighth storey setback, as well as a reduced seven-storey scale to the future public park. As shown in Figure 3, the reduced scale adjacent to the public park sits within the maximum 25 metre height of building development standard. Thus, the proposed variation to the maximum height of building development standard only relates to the upper component of the eight-storey section and the associated plant of the building.

The eight-storey form has been deliberately setback from the public park to the south and from the eastern and western elevations so as to ensure there is no additional overshadowing impacts associated with the additional building height in this location, when compared to a compliant building form. The proposed non-compliant portion is therefore confined to the centre of the building.

Building E1.1 exceeds the 25-metre maximum height of building standard by 3.02m. Building E1.2 exceeds the 25 metres maximum height of building standard by 3.47m. Significantly, we note the exceedance on Buildings E1.1 and E1.2 does not relate to an entire residential level. Rather the exceedance primarily relates to the upper section of the centralised eighth residential level, the building parapet, plant and lift overrun. Further, as discussed the eighth level is setback from the building edges thus reducing the perceived height of the buildings from the street level and surrounding vantage points.

Strict compliance with the maximum height of building development standard would result in a seven storey built form fronting Barker Street. This is considered to be inconsistent with the existing scale fronting Barker Street. Specifically, the adjacent Neuroscience

Research Precinct, which contains buildings up to 31.7 metres in height or RL 76.2. The proposed Barker Street buildings will have a maximum RL of 71.85 which is considerably less than the adjacent building (refer Figure 3).

Figure 3 – Young Street Elevation



3) NSW LAND AND ENVIRONMENT COURT: CASE LAW (TESTS)

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. These include:

- *Winten v North Sydney Council*
- *Wehbe V Pittwater* [2007] NSW LEC 827

The following section addresses the local provisions of Clause 4.6 of the Randwick LEP 2012 together with principles of *Winten v North Sydney Council* as expanded by the five (5) part test established by *Wehbe V Pittwater* [2007] NSW LEC 827.

4) CONSIDERATION OF PLANNING PARTICULARS

Is the Planning Control in question a development standard?

The planning control in question is Clause 4.3 of the Randwick LEP 2012. The planning control as a numerical control is a development standard capable of being varied under the provisions of Clause 4.6 of the LEP.

What is the underlying objective of the Standard?

The objectives for the development standard provided at subclause 4.3(1) of the LEP are set out in the following Table 2 and an assessment of the proposal's consistency is provided. In summary, despite the numerical non-compliance with the development standard, the proposal is entirely consistent with the objectives of the maximum height of buildings development standard.

Table 1 – Consistency of the proposal with the Height of Buildings development control objectives

Objective	Assessment
<i>(a) to ensure that the size and scale of development is compatible with the desired future character of the locality.</i>	<p>Chapter E5 of the Randwick DCP 2013 sets out the following vision for the 'Newmarket Green' site: <i>Newmarket Green will be a high quality, socially cohesive and sustainable development that celebrates the unique landscape and built heritage of the site, in a manner that supports the growth of Randwick's Education and Health Specialised Centre, through the delivery of open space, diverse housing and complementary uses.</i></p> <p>Further, the DCP states the following in relation to the 'Barker Street Precinct':</p> <ul style="list-style-type: none"> • <i>This is the most urban precinct reflecting the growth and scale of the Randwick Education and Health Specialised Centre.</i> • <i>Focused on Barker Street, non-residential uses at the ground floor should create an active and vibrant interface along the street frontage. Active uses, with shop-fronts and outdoor seating, are encouraged on the ground floor.</i> • <i>Along Barker Street, buildings to a maximum height of 25 metres will provide a balance to the adjacent Hospital and create a prominent building alignment along Barker Street.</i> <p>The proposed development has been designed to achieve the desired future character for the Barker Street precinct and will deliver the key elements through the proposed site layout, built form massing and open space provision.</p> <p>The increases in building height have been specifically located to ensure the precinct specific objectives will continue to be met through the response to the surrounding residential interface and the heritage significance of the site and surrounds.</p> <p>The height of buildings proposed are consistent with the adjacent Neuroscience Research Precinct, which contains buildings up to 31.7 metres in height or RL 76.2. The proposed Barker Street buildings will have a maximum RL of 71.85.</p> <p>Buildings E1.1 and E1.2 have been designed to reflect the scale of the adjacent Hospital development and create a prominent building alignment along Barker Street that is 'in balance' with the Neuroscience building. The urban scale of these buildings will contribute to the directions and expectations of the future of the Randwick Education and Health Specialised Centre.</p>

Objective	Assessment
<p><i>(b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item</i></p>	<p>The proposed non-compliant buildings are located outside the curtilage of the heritage items and are contained in areas where the additional height will not adversely impact on the heritage values of specific items or conservation areas.</p> <p>A Heritage Impact Statement was prepared by OCP Architects and submitted with the Stage 1 master plan. The statement confirmed that the concept master plan had been sympathetically designed to address the significance of the area. Specifically, the statement was supportive of the introduction of a new and significant view corridor from Barker Street through the landscaped corridor towards Newmarket House and The Big Stable. The subject DA maintains the introduction of this significant view corridor.</p> <p>OCP Architects have reviewed the Architectural Drawings for Lot E1 and have confirmed that the proposal is consistent with the concept master plan and will not impact on the heritage significance of the adjoining conservation area. This Heritage Impact Statement was submitted at Appendix J to the Statement of Environmental Effects.</p>
<p><i>(c) to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.</i></p>	<p>The variation has been informed from a detailed site context analysis and design assessment. The proposal represents a site-specific design solution that has identified, on balance, the most appropriate development response across the wider Newmarket Green, Randwick precinct.</p> <p>The scale of the development is complementary to and compatible with the existing and planned future development in the vicinity of the site. In particular the proposed building heights present an appropriate response to the taller building forms on the opposite side of Barker Street, which have a height of approximately 32m.</p> <p>The proposed buildings have been designed to limit overshadowing to adjacent properties, as well as the future public park to the south. Overshadowing diagrams have been prepared which demonstrate that the eight-storey component of the proposed development does not create any additional impact, when compared to a compliant seven-storey form.</p> <p>Building elevations have been provided which demonstrate that the proposed increase in building height does not relate to an entire residential level. Rather the exceedance primarily relates to the upper section of the centralised eighth residential level, the building parapet, plant and lift overrun. Further, the eighth level is setback from the</p>

Objective	Assessment
	<p>building edges thus reducing the perceived height of the buildings from the street level and surrounding vantage points.</p> <p>Adequate separate distances are provided which reduce the potential for overlooking and loss of privacy. The eighth level of each of the buildings have been further separated by 8 metres to address any perception of privacy impact.</p> <p>The proposed buildings have been orientated north-south and a large 18m wide urban plaza is provided in order to open up views from Barker Street through the public park towards the Big Stable Building beyond.</p>

Is the proposal consistent with the objectives of the zone?

The proposed variation to the Height of Building development standard does not prevent the satisfaction of the B1 Neighbourhood Zone objectives. Specifically, the proposal addresses each of zone objectives as set out in the following Table 3.

Table 3 – Consistency of the proposal with the B1 Zone objectives

Objective	Assessment
<i>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</i>	<p>The proposal integrates commercial / retail land uses which complement the proposed residential land uses and contribute to providing for the local needs of the broader community.</p> <p>The entire ground floor level, with the exception of building services, plant and entry lobbies, is proposed as retail / commercial floor space comprising several individual tenancies. It is proposed that these tenancies front Barker Street to the north, Young Street to the west, the proposed retail plaza in the centre of the site and the proposed public park to the south in order to encourage activation and improve pedestrian connectivity throughout the site.</p>
<i>To enable residential development that is well-integrated with, and supports the primary business function of, the zone.</i>	<p>The proposal incorporates a range of apartment types and sizes in one, two and three bedroom configurations located above the ground floor retail / commercial land uses.</p> <p>While the proposal will result in a predominantly residential development it does not impact on the amenity of the ground floor retail / commercial environment. The proposal integrates residential entry lobbies at carefully selected locations to enhance activation of the ground plane, including the retail plaza.</p>

Objective	Assessment
	<p>Apartment layouts have been designed to ensure that living spaces and private balconies overlook the public domain to achieve casual surveillance. This includes both the surrounding public areas and the ground level retail plaza.</p> <p>Further, the buildings are orientated on a north-south alignment and therefore the retail plaza receives excellent solar access between 11am and 1pm.</p> <p>The integration of residential development will also contribute to improving housing affordability in the area by increasing the supply of residential product in the Randwick LGA, that is well located in terms of proximity to public transport infrastructure and retail services.</p>
<p><i>To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.</i></p>	<p>The proposal clearly delineates public and private domain and encourages a high amenity outcome for future residents, whilst not impacting on the current amenity enjoyed by neighbouring residents.</p> <p>As discussed, the proposed buildings have been designed to limit overshadowing to adjacent properties, as well as the future public park to the south. Overshadowing diagrams have been prepared which demonstrate that the eight-storey component of the proposed development does not create any discernible impact, when compared to a compliant seven-storey form.</p> <p>Adequate separate distances are provided which reduce the potential for overlooking and loss of privacy. The eighth level of each of the buildings have been further separated by 8 metres to address any perception of privacy impact.</p> <p>As discussed in the Statement of Environmental Effects prepared by Urbis, the environmental impacts resulting from the proposed development are considered to be acceptable.</p>

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The proposal's consistency with the relevant aims of the Randwick LEP 2012 has been addressed in Section 5.1.5 of Statement of Environmental Effects prepared by Urbis. In summary, the proposal achieves a high level of consistency with the relevant controls of the Randwick LEP 2012. Specifically, the proposal is consistent with the floor space ratio, preservation of trees or vegetation, heritage conservation, and special provision Clauses. Furthermore, the proposal is consistent with the objectives of the B1 Neighbourhood Centre zone.

The objects set down in section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979* are summarised as follows:

"to encourage... the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment... and the promotion and co-ordination of the orderly and economic use and development of land..."

The development is consistent with the objects of the Act, in respect to the following:

- The proposal is consistent with the significance of development envisaged for the Newmarket Green, Randwick precinct. The variation to the building height is proposed to achieve a better urban design outcome for the site and wider Newmarket Green, Randwick precinct when compared to a compliant scheme.
- The site is located within an established urban environment and is zoned for the intended use. The redevelopment of the site for higher density residential and neighbourhood scale retail uses contributes to urban consolidation.
- The delivery of new housing and jobs within an established urban environment, located near public transport options, without significant or unreasonable environmental impact is considered to be both orderly and economic use of urban land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is considered unreasonable and unnecessary in the circumstance of the application based on the following:

- The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of the LEP.
- The proposed variation to the maximum height of buildings development standard does not hinder the proposal's ability to satisfy the objectives of the B1 Neighbourhood Centre zone.
- The proposal includes additional building height above that permitted in carefully considered appropriate locations across the site. The proposed variation is a deliberate strategy to bring about a superior urban design outcome for the wider Newmarket Green, Randwick precinct. In particular, this includes a greater level of sensitivity to the heritage items of the site and an improved public realm contribution.
- The proposal is fully compliant with the floor space ratio controls that apply to the site.

- Any potential impacts of the development, including the building height variation proposed, have been documented and detailed in the Statement of Environmental Effects prepared by Urbis and as supplemented by letter dated 8 June 2017.
- The proposed does not contravene the environment planning objectives of the building height control, nor does it result in unreasonable impacts on adjacent land.

Taking into account the above, the particular circumstances of this application warrant a variation of the development standard to facilitate a superior outcome than that which would result from a compliant scheme. As such it is considered that a complying development is neither reasonable nor necessary in circumstances of the case.

Is the development standard a performance based control?

No. The development standard is not a performance based control.

Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Yes, there are sufficient environmental planning grounds to justify the contravening development. These include:

- A superior outcome for the community with a preferred built form arrangement that aligns with the vision for the wider Newmarket Green, Randwick precinct.
- The Statement of Environmental Effects prepared by Urbis and as supplemented by a letter dated 8 June 2017 demonstrates that any impacts associated with the proposed development are acceptable, particularly since there are no significant solar access impacts on neighbouring properties or the public domain as a result of the height variation.
- The additional building height within Lot E1 is offset by the lower form of the buildings within Precincts S1, E3 and N2 than that envisaged through the LEP and DCP controls (refer Figure 1).
- The variation does not result in unreasonable adverse amenity impacts on adjacent land.
- The variation does not diminish the development potential of adjacent land.
- The development is compliant with the floor space ratio development standards.
- The scale of development is considered appropriate given the significance of the site as supporting the continued growth of the Randwick Specialised Health and Education Precinct.

Is the objection well founded?

The objection is considered to be well founded given the motivation of the variation is to create a preferable urban design outcome for the wider Newmarket Green, Randwick precinct.

The proposed development does not result in any unreasonable or significant adverse environmental (social, economic or biophysical) impacts. In particular, the variation does not diminish the redevelopment potential or amenity of any adjoining land.

Compliance in this circumstance would result in an inferior outcome, with a development that is less responsive to the heritage characteristics of the surrounding Conservation Area. Further, compliance has the potential to diminish the quality of the public realm provided within the wider precinct, thereby impacting on the amenity provided for future occupants of the area.

It is our view that to force compliance in the circumstance would be antipathetic to the inherent flexibility provided by clause 4.6, thereby hindering the attainment of its objectives.

Would non-compliance raise any matter of significance for State or Regional Planning?

The non-compliance will not raise any matter of State or Regional Significance.

Is there a public benefit of maintaining the planning control standard?

The proposed development is not contrary to the public interest and accordingly there can be no quantifiable or perceived public benefit in maintaining the standard.

5) CONCLUSION

As described in the preceding sections, taking into account the significance of the site, its context, and the vision for the locality, strict compliance with the numerical standard in this instance is both unreasonable and unnecessary for the following reasons:

- As demonstrated in the proposal, the built form has been developed in response to site constraints and the design development for the built form and massing across the site. The concept master plan envisaged a precinct which achieves design excellence through built form and place making. This has been achieved through use of building scale and arrangement of the public realm as a key feature of the site.
- The proposed building heights within the approved concept master plan respond well to existing and future proposed adjoining properties, in particular those within the 'Struggletown' heritage conservation area, Newmarket House and the Big Stable Building, as well as the adjacent Neuroscience Research Precinct. The future desired character of the wider Newmarket Green, Randwick precinct is achieved through an enhanced pedestrian experience, social cohesion and conservation of the built heritage of the precinct.
- The proposed built form that specifically relate to the buildings subject of this DA are entirely within the building envelopes approved for Lot E1 under the concept master plan.
- The additional height will not result in any detrimental amenity impacts (overshadowing, views or privacy) to surrounding development when compared to a complying design. Nor will the extent of the non-compliance result in any adverse visual impact on the locality.
- The non-compliance will not hinder the development's ability to satisfy the objectives of the B1 Neighbourhood Centre zone.
- The proposed built form and height is consistent with the desired future character of Newmarket Green, as envisaged by the Randwick DCP 2013. Furthermore, the proposal seeks to utilise the flexibility afforded to the Consent Authority by Clause 1.6 of the Randwick DCP 2013 by presenting a reasonable alternative solution that provides an improved public benefit and achieves greater design excellence.

Based on the reasons outlined, it is concluded the request is well founded and the particular circumstances of the case warrant flexibility in the application of the maximum height of building development standard.

In assessing whether the Applicants' Clause 4.6 exception to the building height standard is well founded the following matters must be addressed:

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

1. The objectives of the Height of Buildings standard are as follows:

a) To ensure that the size and scale of development is compatible with the desired future character of the locality,

Assessment:

- The proposed development will result in a breach of the height of buildings development standard at its highest point by 3.47m. However, the proposed buildings will remain within the envelope approved pursuant to the Concept Plan. The variation does not result in any adverse amenity impacts and the size and scale

of the buildings will be consistent with the desired future character that is anticipated by the height standard. The exceedance in height occurs at the upper level (8th storey) of the buildings which have been setback 4-8m from the edges of the level below. The built form outcome will be one that is consistent with the objectives of the height standard as the scale and presence of the upper levels will not be readily apparent in the context of the streetscape given the upper levels are recessive and secondary in size to the volume of the dominant built form. The proposed buildings will present a predominant street wall height of 7 storeys which is consistent with the maximum 25m height. As such, the proposal will respectfully transition from the higher Neurosciences building across from the site and provides for a coherent scale of buildings along Barker St as the western lots within the Newmarket site also have an upper level setback requirement.

b) To ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,

Assessment:

- The Newmarket site has been the subject of extensive detailed consideration of its opportunities, constraints and particular characteristics. These considerations have led to the amendment of the RLEP 2012, the preparation of a DCP and a Concept Plan approval which combine together to articulate a specific built form outcome. Appropriate building heights and the scale relationship with neighbouring buildings have been considered in great detail in preparing the planning controls. In essence, the adopted strategy allows for higher buildings along Barker St given the relationship with the approved development on the Prince of Wales (POW) campus. The buildings are then scaled down to be more compatible with the finer grain pattern of development in the Struggletown Conservation area and sympathetic to the items of environmental heritage that exist on and around the site. This relationship is maintained by the current DA by ensuring the upper levels of the proposed buildings are recessed and secondary in size to the main building, thereby reducing their apparent scale when viewed from the neighbouring conservation area.

c) To ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

Assessment:

- The proposed scheme will not result in any adverse visual privacy impacts to the immediate neighbouring dwellings as they are located a considerable distance from the subject site and well beyond the separation distances provided for in the Apartment Design Guidelines.
- The extent of the solar access impacts to the neighbouring buildings and the public domain are acceptable. The site strategy that has adopted two north-south oriented buildings which will limit overshadowing to the future public park to the south. The increased setback of the 8th storey components will result in no additional overshadowing impact when compared to a compliant height.
- The additional building height does not contribute to any adverse view loss impacts to any neighbouring buildings as the building volumes will be situated within the prescribed building zones & envelope, consistent with the Concept Plan approval.

Consistency with the objectives of the zone:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The site is strategically located within the Randwick Health & Education super precinct as identified in the Greater Sydney Commission Draft Central District Plan. Council commissioned economic research from MacroPlan Demasi in 2016 into the future non-residential floor space demand and related employment in Randwick, taking into account the impact of light rail and the nearby Health and Education Super Precinct. This identified an expected increase in employment of 28% between 2011 and 2036, with a corresponding increase in floor space demand of between 15,000 and 17,000 sqm. Subsequent to this research the draft Central District Plan (released in November 2016) identifies substantially higher expected employment growth in the Health and Education Super-precinct, of between 40% and 56% between 2016 and 2036. The commercial areas of Randwick Junction, the Spot and the area of Newmarket fronting Barker Street are included within the Super Precinct boundary. The increased employment targets in the draft District Plan reflect a higher focus on innovation, smart jobs, and the related commercial uses, shops and services required to support this workforce, and also the Super-precinct's visitors, staff, patients and students. With both Randwick Junction and the Spot constrained by heritage-based planning controls, the commercial area of the Newmarket site fronting Barker Street will benefit from this demand, and will be an important contributor in meeting the District Plan's employment targets.

The proposed development incorporates retail on the ground level addressing all street frontages and introduces an urban plaza between the buildings. This arrangement and quantum of retail/commercial uses in conjunction with the desire line to the public park will create an activity node that will significantly contribute to the economic viability of the neighbourhood centre and the Super Precinct. The first floor levels will have an increased floor to ceiling height which would allow ongoing flexibility of building use should there be a demand for first floor commercial in the future.

- *To enable residential development that is well-integrated with, and supports the primary business function of the zone.*

The increase in residential occupancy on the site will generate demand for services and employment opportunities thereby contributing to the ongoing economic viability of the neighbourhood zone and Super Precinct. The design of the residential component has been well integrated into the commercial level. Residential entries are clearly identified and facilitate easy access to the retail/commercial level. The residential levels have also been designed to provide casual surveillance of the urban plaza.

- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*

The proposal will provide for appropriately sized and scaled buildings that minimise the impacts to nearby residents. The placing of taller buildings on Barker Street which then transition down to lower building forms close to the properties in the conservation area is a sound planning approach. The proposal will also maximise access to sunlight for the adjoining recreational open space area through a sensitive design.

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

The proposal has been carefully designed to achieve the purpose of the standard and planning objectives for the locality. It will be an appropriate fit within the scale and character of development in the immediate and broader context whilst minimising potential adverse impacts on surrounding properties.

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

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

- (a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and**
- (b) The public benefit of maintaining the development standard.**

Comments:

Pursuant to the Notification of assumed concurrence under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08–003 (dated 9 May 2008) the concurrence of the Department of Planning and Environment under clause 4.6(4)(b) of RLEP 2012 may be assumed to the granting of development consent to the development that contravenes the development standard for the maximum building height in clause 4.3 of RLEP 2012.

Variation from the adherence to the numerical building height standard will not be detrimental to the orderly use of the site and there is no public benefit in maintaining the development standard in this instance.

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

5.0 Notification/ Advertising

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

- 23 Wark Avenue, Pagewood
- Resident of Barker St, Kingsford (request not include personal details)
- 111 Barker Street, Kingsford
- 112 Barker, Kingsford
- Unit 6, 80 Middle Street, Randwick
- 88 Middle St, Randwick
- No residential address provided

The issues raised in the submissions are addressed below:

Issues	Comments
Lack of residential and retail car parking for the development & invalidity of the Green Travel Plan	The proposed development will provide car parking in accordance with the approved Concept Plan which incorporated rates that are greater than those nominated in Green Travel Plan. It's anticipated that the proposed parking provision will cater for the likely demand generated by the development.
Potential vermin associated with a vacant site	A DA has also been submitted with Council for demolition of nominated buildings and site preparatory works. This is likely to commence in the next few months. Notwithstanding, the owner of the land is obliged to ensure that premises is not left in an unhealthy or unsafe state.
Inappropriate increase in density, size and scale of buildings	The proposed density is consistent with the Concept Plan approval and provides for

Issues	Comments
	buildings of a size and scale that are commensurate with that approval.
Adverse impact of the increased demand on the transport & traffic network, social infrastructure services such as schools hospitals, child care and local amenities	The increased demand that would be placed on existing infrastructure by the proposed development was a matter for consideration at the rezoning stage and was deemed not to be an impediment to the increased density on the site. Since the rezoning, a light rail system will be provided close to the site, there has been traffic signalisation at the intersection of Barker & Botany streets and an expansion of Prince of Wales hospital has just been announced. Consent was also granted recently for the expansion of Rainbow St public school. As part of the Voluntary Planning Agreement the Applicant will also dedicate the Big Stable building to Council for the purposes of a community facility and will provide a public park. Council's S94A plan also continues to apply and the Applicant will be required to contribute towards local infrastructure.
Housing needs should be provided in low scale terrace housing	The Concept Plan approval makes provision for a range of housing types and scale of buildings.
Impact of high density on neighbouring residents	The amenity impacts associated with the proposed density are consistent with those anticipated by the zoning of the land & the Concept Plan approval.
Overshadowing impacts on neighbouring properties	The overshadowing impacts from the proposal have been minimised by the site strategy which has two north -south oriented buildings separated by a retail plaza and the increased setbacks of the upper levels.
Construction traffic impact on road network	A suitable condition is included in the recommendation requiring a construction traffic management plan to be prepared to minimise any construction traffic impacts.
No cycle path being provided	The approved Concept Plan for the site did not include a dedicated cycle way as the connection to the existing streets meant that a limited road width was only available. However, the road network will operate under a low speed environment which is conducive to cycling. Bicycle storage facilities throughout the development will also be provided.
No consideration of light rail road closures, adverse traffic impact on intersections, & traffic study	As part of the consideration of the Concept Plan, Council engaged a traffic expert that assessed the proposal in the context of the changes to the road network as result of the light rail. Council's traffic expert did not object to the overall traffic generation of the development as it was consistent with that envisaged by the rezoning of the site

Issues	Comments
	at its increased density. However, it was identified that there was a need for a study about traffic calming in Middle and Meeks St and that forms part of the Concept approval. Traffic lights at the intersection of Barker & Botany St were also constructed as part of the light rail works to address the capacity issue.
Impact on residents from new clearways	The Roads & Maritime Services (RMS) have required conditions of consent in the Concept Plan approval for clearway restrictions at the Avoca & Barker St intersections.
Does not satisfy the objectives of the RLEP2012	The proposal is generally consistent with the aims of the plan. The proposed uses and built form will provide for the housing and economic needs of the community whilst enhancing the aesthetic character and protecting the amenity of the local residents.
Building separation is inadequate	The proposal complies with the building separation requirements under the Apartment Design Guidelines (ADG)
Unsympathetic to the heritage listed buildings	The Concept Plan approval has adopted a site strategy that locates taller building envelopes onto Barker St and for lower built forms to be situated nearer to the finer grain pattern of development in the Struggletown Conservation area. This approach will ensure a sympathetic relationship with the items of environmental heritage that exist on and around the site

6.0 Technical Advice: Internal and External

6.1 Development Engineer and Landscape Officer

Council's Development Engineer and Landscape Officer have provided the following comments on the proposal:

Drainage / Flood Planning Level Comments

On site stormwater detention is required for this development.

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

The stormwater must be discharged (by gravity) directly into Council's underground drainage system located in one of the streets fronting the development site.

Flood planning levels for the streets fronting this development site, and their relationship to proposed floor levels and key infrastructure within the site, were the subject of detailed discussion in the determination of DA/88/2016. Conditions relating to flood

planning levels and certification of the floor levels and protection of openings have been included within this report.

Parking Comments

Parking Requirements for the development have been assessed as per the rates specified in the development consent for DA/88/2016. Condition 41 of the development consent for DA/88/2016 sets the following rates:

Vehicle Parking

Vehicle Parking for multi-unit housing is to be provide at the following rates;

0.5 space per 1 bedroom unit

1 space per 2 bedroom unit

1.5 spaces per 3 bedroom unit

1 visitor space per 5 units

1 space per 40m² for commercial

The subject development generally complies with the parking provision except for the commercial rate. The provision of only 12 spaces for commercial parking is provided at a rate approximately 1 in 80 to 90m². The applicant has stated that the commercial / retail spaces will be allocated to staff.

The commercial / retails spaces are located adjacent to the visitor spaces and it is recommended that the visitor spaces be made commercial spaces during commercial / retail hours and visitor spaces outside of commercial hours. A condition of consent has been included within this report.

Visitor parking is provided at a rate of 1 per 5 units (26 in total) however only 19 are provided within the basement levels. Seven (7) of the spaces are to be provided on-street and this is allowed for in Condition 41 of the development consent for DA/88/2016. A condition requiring full documentation of the visitor parking allocations (both onsite and on-street) has been included within this report.

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

Vehicular Entry / Exit Point Comments

The development considered three options for the location of the vehicular entry / exit point for the site. One option was to locate the entry/ exit point in Young Street and two options considered locating the entry/exit point in proposed road ST1.

The Young Street option was problematic on traffic grounds. It potentially had an adverse effect on northbound through traffic in Young Street, it reduced on-street parking (Young Street parking spaces were considered ideal for loading / servicing of the site) and it impacted on pedestrian movements in Young Street.

The Young Street option was also problematic when flood planning levels were considered. A high point in the driveway at least 500mm above the critical 1%AEP flood level was required. Achieving the freeboard created issues in the design of the internal ramp gradients.

The eastern most of the ST1 options is favoured. This location is away from any street intersections and traffic flows along ST1 are relatively low. The vehicle movements

associated with this development are at, or slightly less than 1 per minute in the peak. It is located off a shared way and the design of shared ways is such that priority is given to pedestrians.

RMS / Randwick Traffic Committee Comments

The development consent for DA/88/2016 included a condition requiring the applicant to meet RMS, Randwick Traffic Committee and Council requirements for additional clearways / timed parking restrictions in Barker Street (near intersection with Avoca Street).

The development consent for DA/88/2016 included a condition requiring the applicant to meet RMS, Randwick Traffic Committee and Council requirements for additional clearways / timed parking restrictions in Avoca Street (near intersection with Barker Street).

The development consent for DA/88/2016 included a condition requiring the applicant to meet the Randwick Traffic Committee and Council requirements for construction of a pedestrian crossing in Barker Street.

Conditions of consent have been included that require all clearway and pedestrian crossing matters to be resolved prior to the issuing of an occupation certificate for this development. There will be no traffic generation associated with this development prior to the issuing of an occupation certificate.

Service Authority Comments / Undergrounding of Power Comments

All power lines within the Newmarket Green development site must be underground. There are no overhead power lines in Barker Street fronting the development site.

Landscape Comments

This report is based on the following plans and documentation:

- Architectural Plans by Bates Smart, dwg's DA.E1.00.000 – 10.001, issue C, dated 26.05.17;*
- Landscape Report by Arcadia Landscape Architects, dwg's 1.0 – 16.0, issue 1, dated June 2017, and Landscape Plans, dwg's 001-502, issue B, dated June 2017;*
- Preliminary Arboricultural Report by Tree IQ, rev A, dated 12/02/16 and Covering Letter dated 08/09/16.*

On Council's Baker Street verge, in the area between just west of the roundabout up to the corner of Young Street, there is a row of four, evenly spaced Jacaranda mimosifolia (Jacaranda's, T85-88) of between 5-7m in height, of good health but fair-poor condition, which are covered by the provisions of Council's DCP.

They form part of a single species avenue planting that was observed to extend further to both the east and west of this site along this major roadway, so as a group, are recognized as a desirable feature of the streetscape, and are worthy of retention, as has been shown on all plans.

The only works in this vicinity that have the potential to impact these trees will be the requirement to upgrade the entire frontage from the existing standard concrete footpath and grassed verge into feature paving across its full width and length, which is supported by Council as this will assist with presentation of the development to the public domain, as well as create a sense of place and identity, with general protection measures and a bond to ensure they are successfully incorporated into these external works included in the report.

Further to above, conditions also require the applicant to cover all costs associated with upgrading both the Barker Street and Young Street frontages in accordance with Council's Urban Elements Design Manual for this precinct, with a site specific Public Domain Plan containing all of Council's inclusions needing to be prepared and submitted for approval.

Despite the Landscape Plans (dwg 001, 101, & 10) appearing to show existing street trees being removed from the secondary frontage, Young Street, these do not exist, so while the public domain works will need to extend into this area, the only conditions required here will be those that require the applicant to cover the costs for the planting of new street trees, where possible, to Council's specifications.

*While the row of five, evenly spaced, under-pruned *Ulmus parvifolia* (Chinese Weeping Elms, T80-84) within the site, along the length of the western site boundary, do provide a contribution to the amenity of Young Street, particularly given their location at the street entry; they are an exotic, deciduous species, that are not significant examples of the species or significant to the local environment in anyway.*

Despite the Arborist Report assigning them a 'moderate Landscape Significance', with a 'consider for retention' value, demolition works will be undertaken just to their east, and despite the western wall of the basement being setback well away from these trees, dwg DA.E1.02.001 shows that sub-surface OSD tanks will be constructed in this same area.

Further, major civil works will also be undertaken along Young Street associated with widening of the carriageway, with new kerb, gutter and a public footpath to also be provided in order to link-in with treatment in Barker Street.

Given their direct conflict with all of the works described above, their retention will not be possible in this case, with the relevant consent for their removal and replacement provided, as has been shown on the submitted landscape plans.

The only significant vegetation within this site is along the eastern boundary, where there is a row of large, mature and prominent trees which are recognised as major site features that must be retained and incorporated into the works at all costs.

*They comprise from north to south, a 28m x 6m *Araucaria heterophylla* (Norfolk Island Pine, T1) in the northeast corner, then a further four (4) *Ficus macrophylla* (Moreton Bay Figs, T2-5), of 18m x 10m, whose co-joined canopies extend right up to the southeast corner of this Lot.*

They are all in good health and condition, have been assigned a 'very high Landscape Significance' and a 'Priority for Retention' value in the Arborists Report, are covered by the provisions of Council's DCP, as well as being included as items 56 L and 56 F-I (respectively) in Volume 4 of Council's Register of Significant Trees, so their preservation is non-negotiable as part of this application.

The Basement Plan (dwg DA.E1.02.001) shows that the eastern wall of the basement level will be constructed a distance of 12.4m from the eastern site boundary, which dwg DA.E1.06.002 has calculated as resulting in only minor encroachments (less than 10%) of their TPZ's, being 5% of T1; 6% of T2; 0.3% of T3; 5% of T4; with only T5 having a major encroachment (greater than 10%) at a total of 13.4%, but will not encroach into any of their SRZ's at all.

The area between the eastern wall of the basement/building and the eastern site boundary/trees will be retained as undisturbed deep soil, and will be extensively landscaped, including an elevated timber boardwalk as well as areas of paving.

The Arborists covering letter dated 08/09/16 states that due their good vitality, providing relevant protection measures are imposed, these works would not impact their Safe

Useful Life Expectancies (SULE), which Council concurs with, so relevant conditions have been included in this report.

The Arborist letter also details that three-dimensional laser surveying was undertaken in order to accurately determine the extent of pruning of their western aspects that would be needed to allow for the new building envelopes, and has confirmed that this would only be a minor amount, representing no greater than 5% of their crowns, with relevant conditions permitting this also provided.

The submitted Landscape Plans contain a high level of detail and treatment, including a combination of ground level mass-planting, open lawns, a floating timber walkway and pergola structure in the eastern side setback; along with a central plaza including another overhead pergola structure, alfresco dining area and feature trees (on podium), with conditions requiring that these images be developed further and implemented on-site as part of any approval."

In relation to the car parking provision, the relative small size of the tenancies and the likelihood that they would be patronized mostly by walk-ins from the POW, surrounding properties and occupants of the site, the rate of car parking provided is sufficient to cater for the retail component of the development which will also be supplemented by the shared visitor parking on the site.

6.2 Environmental Health Officer

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

Proposed Development:

The original version of the application sought consent for a mixed-use retail and residential development, incorporating:

- *Demolition of the existing buildings and structures;*
- *Excavation, remediation and other site preparation works;*
- *Construction of two eight-storey buildings, comprising ground floor neighbourhood scale retail and business premises and 133 residential apartments across seven floors;*
- *Construction of two full levels of basement parking with access from the new shared-way, known as ST1, accommodating 137 car parking spaces, 135 bicycle spaces, and 3 motorcycle spaces;*
- *An 18m wide urban plaza, connecting Barker Street to the future public park and forming a view corridor to the heritage listed Big Stable building;*
- *Retention and protection of significant trees including a Norfolk Island Pine and four Moreton Bay Fig trees on the eastern boundary of the site; and*
- *Associated landscaping works.*

Minor amendments have been made to the application as a result of the recent concept master plan approval and associated conditions of consent, as well as the comments received at the Design Excellence Panel meeting held on 1 May 2017. The amendments result in a reduction of residential apartments from 133 to 128, as well as a reduction in retail / business premises floor space.

Comments:

The matter was listed before the Land and Environment Court (Appeal No: 2016/249149). Environmental Health Conditions were agreed upon referenced: D02981970 and L&E Court Appeal No 2016/249149. These conditions have been copied below and reformatted to suit. Additional information has been submitted, reference D02981723.

Land Contamination

A preliminary investigation contamination report prepared by Douglas Partners (project 71659.03) dated June 2015 was submitted with the development application, which identifies that the site may be contaminated. The report concludes that based on the results of the contamination investigation, it is considered that the site, for the most part, is suitable for future residential and open space land uses, subject to appropriate management of identified contamination. It was also identified that detailed site investigations were required.

Subsequently a Detailed Site Investigation (DSI) on contamination was prepared by Douglas Partners (project no. 71659.04) dated July 2016. Based on the results of the current DSI and previous investigations, EHU considered that the site can be made suitable for future residential and open space land uses, subject to appropriate management of identified contamination in soil and groundwater.

Sources of contamination identified include the former dry cleaner site where there are underground storage tanks and a localised plume of perchloroethylene was identified. This source of contamination is proposed to be removed under DA/347/2016 as per the remedial action plan (RAP) prepared by ME Tech Consulting (Project no. EP39-RP02) dated 17 May 2016. It is noted that the DA is just to remove tanks and no remediation was undertaken as part of the works.

Hydrocarbons have been identified in the groundwater and it is noted that the nearby source is from the 7 Eleven, has an obligation under their voluntary management plan to continue treatment and monitoring of groundwater contamination as regulated by NSW EPA.

The DSI envisages that further management and monitoring of the identified contamination will be required which is to include but not limited to the preparation of an RAP for the entire site, implementation and validation of the RAP and implementation of an acid sulfate soils (ASS) management plan where it is identified that disturbance of ASS will occur.

Following the DSI a RAP has been prepared by Douglas Partners (project no. 71659.08) dated September 2016 with details of the remedial strategies considered to be the most appropriate for practicality and cost effectiveness.

Based on the staged development and the complexity and extent of contamination it is agreed that a site auditor be required to review the investigations and the proposed remediation strategies. Accordingly, Site Audit Statements' (SAS) will be required.

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

6.3 Heritage Planner

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

The Site

The site comprises the northern, southern and eastern precincts, with the eastern precinct containing the Newmarket Sale Ring, Big Stable and Newmarket House and garden. The Big Stable is also listed on the State Register. The site is partly within, and adjacent to the Struggletown heritage conservation area. There are a number of heritage items in the vicinity of the site including nos.84, 88 and 90 Middle Street, nos.11 and 15 Jane Street, and no.139 Botany Street, as well as Rainbow Street Public School.

Background

The site has been the subject of a Heritage Assessment prepared by Godden Mackay Logan Heritage Consultants and an Aboriginal Archaeology Preliminary Assessment prepared by Mary Dallas Consulting Archaeologists, in conjunction with the preparation of a Master Plan and Development Control Plan for residential and mixed use of the previous horse sales and stabling facility. The development of the Master Plan has addressed a number of heritage concerns to minimise impacts of the development on the heritage values of the site and surrounding area.

DA/88/2016 comprising a Stage 1 development application for a concept master plan for the development of the site was approved in the Land and Environment Court in April 2017. No approval was sought for demolition or construction which will be sought by subsequent development applications. The concept master plan includes subdivision into 9 development lots, building envelopes to accommodate 65,000 m² of floor area, adaptive reuse of the Big Stable and Newmarket House, provision of basement and on street car parking, road infrastructure and public domain concept design. The concept master plan proposes 19 buildings ranging in height from 2 – 8 storeys accommodating approx. 750 residential dwellings and 2,000m² of commercial floor space, an urban plaza, a 5,000m² public park, four new public streets and the extension of Jane Street, and adaptive reuse of the two heritage buildings for residential and/or commercial uses.

Proposal

The current applicant proposes demolition, site remediation, and construction works, on Lot E1 in the eastern precinct of the site. Lot E1 has a northern boundary to Barker Street, an eastern boundary to Randwick High Schools, a southern boundary to the new public park, and a western boundary to Young Street. The development comprises two 8 storey buildings over two levels of basement carparking. Each of the buildings is to contain ground level retail/business uses and 7 residential levels over 2 levels of basement carparking. An open space is to be provided between the two buildings which will connect Barker Street with the future public park. A number of significant trees are to be retained and protected, in conjunction with new landscaping works.

Submission

The application was accompanied by a Conservation Management Plan and a brief Heritage Impact Statement prepared by OCP Architects, an Aboriginal Archaeological Assessment for E1 area prepared by Mary Dallas Consulting Archaeologists (MDCA), and a submission addressing Historical Archaeology prepared by GML Heritage. An Interpretation Strategy prepared by OCP Architects has now been received.

Aboriginal Archaeological Assessment (MDCA)

The Archaeological Assessment notes that there is a likelihood that the least disturbed parts of the site may retain archaeological evidence of the Aboriginal use of the area. The Assessment notes that geotechnical testing was conducted across the site in May 2016, but that the presence of cultural remains in the deposits cannot be known until a program of test excavation is undertaken. The timing of these investigations is tied to the pre- and post- demolition phases of the project and the infrastructure works, as access to the subsurface deposits is currently limited by buildings and paved surfaces in Lot E1. The test excavations will lead to final management outcomes for the site.

The Assessment notes that the Office of Environment and Heritage will not issue an Aboriginal Heritage Impact Permit without an approved development application. The Assessment notes that MDCA have commenced the process of Aboriginal community and government authority consultation required to support the AHIP application to OEH.

Historical Archaeology submission (GML Heritage)

In relation to Lot E1, the submission notes that the Lot E area holds some potential for a range of archaeological phases, however the integrity and condition of these is unknown. The submission notes that ground disturbance will require an application to the Heritage Division for a permit under Section 140 of the Heritage Act 1977, and that archaeological mitigation would be required for deposits of heritage significance. A Historical

Archaeological Significance Assessment (HAA) for the entire Newmarket site has been requested by the NSW Heritage Division. The HAA has now been completed by GML Heritage, and a copy has been submitted to accompany DA/370/2017.

The HAA provides a Historical Archaeological Significance Assessment and an Updated Assessment of Historical Heritage Significance (developed through the CMP for the site). Historical Archaeological Management recommendations are based on relevant CMP policies and consultation with the Heritage Division. The HAA suggests that archaeological test excavations for Aboriginal and Historical resources be coordinated and provides a Historical Archaeological Research Design. A number of recommendations are made in relation to archaeological testing, updating the HAA and AZP and in relation to approvals and exceptions.

Heritage Impact Statement (OCP Architects)

The HIA notes that the development proposal for Lot E1 complies with the requirements of the DCP in terms of building heights, setbacks to the streets and the eastern boundary, retention of significant trees and provision of views to the Big Stable from Barker Street.

The HIS notes that the Newmarket Green Masterplan Statement of Heritage Impact concluded that the Masterplan development would not adversely impact on the heritage values of the site. The HIS concluded that as the proposal for Lot E1 is consistent with the Masterplan, it is consistent with the heritage provisions of Randwick LEP and DCP and acceptable in heritage terms.

Conservation Management Plan

The final CMP which has been submitted which includes Comparative Analysis, floor plans, Schedules of significant elements, and detailing relating to a number of Conservation Policies. A costed Cyclical Maintenance Plan has also been included.

In relation to Interpretation, the CMP requires that a variety of methods be used to interpret the identified significant values and associations of the site. The CMP recommends that methods include conservation, reconstruction, introduction of interpretative devices, use of historic photographs, preserving evidence of original finish and fabric and allowing access for specialist study and/or presentation in publications.

Interpretation Strategy (OCP Architects)

The submission which has been received notes that the Interpretation Strategy provides a site-wide interpretative philosophy for the site which will guide future Interpretation Plans for each development stage which will be submitted for approval prior to implementation on site. The Interpretation Strategy identifies opportunities and constraints, interpretation themes and examples of interpretative actions (including signage, multimedia, interpretation in the landscaping and archaeology and moveable collections), as well as suggested locations for interpretation. In terms of implementation, the Interpretation Strategy recommends that Council accept the Interpretation Strategy as a framework for the development of Interpretation Plans to guide the approach to interpretation of the site and inform the design of individual interpretation devices and associated installations. An implementation strategy for the development on individual interpretation plans is provided.

Comments

The GML Heritage Assessment recommended that the design of proposed new residential blocks adjacent to retained elements of heritage significance or the main residential concentration of Struggletown to be further developed (articulation and materials) to enhance compatibility with their context. The current development application occupies part of the block to the east of Young Street (E1). The block to the west of Young Street (N1) separates the subject site from the Struggletown area further to the west.

Demolition

The GML Heritage Assessment notes that the Newmarket site contains three simple timber Round Yards that are important components of the overall historic functioning of the site.

The Heritage Assessment notes that two of the Round Yards are within the boundary of the main Newmarket site and the third is within the Struggletown conservation area. The Master Plan proposed that the two Round Yards within the main Newmarket site were to be retained. One round yard is located to the north of the recent administration building (northern round yard) and the other to the north of the Big Stable (southern round yard). The demolition and site analysis plan indicate the removal of the existing stable building and timber round yard structure.

This northern round yard is to be removed to allow for the construction of the new street connecting to Young Street and for the provision of the new public park. The southern round yard, within the curtilage of the Big Stable is apparently also to be removed. A submission from OCP Architects has now been received in relation to two structures to the north of the Big Stable identified by the Heritage Division of the Office of Environment and Planning- the southern round yard and a garbage bin enclosure. In relation to the larger structure, the submission notes that this structure was constructed prior to 1943, is of rudimentary design and construction, and is not considered worthy of retention. The round yards comprise hardwood posts, and a timber framed corrugated iron roof over a round timber fenced enclosure for corralling horses. **There are concerns that the removal of the two round yards (the northern round yard as part of the current application) will forgo the opportunity to either retain in situ or dismantle and reconstruct these structures, which may lend themselves for use as shade structures either within the public park or adjacent to the Big Stable, and which have important interpretative value.**

View Analysis

View analyses which were submitted with the Stage 1 development application/concept Master Plan (DA/88/2016) however indicated that the higher building envelopes along Barker Street will have considerable visibility in views to and from the Struggletown heritage conservation area. The issue of view impacts has been resolved as part of the Court approval process for DA/88/2016.

Interpretation

An Interpretation Strategy for the site has now been prepared to guide interpretation of the broader history of the site and the sale ring in particular, especially its use over the last 140 years for horse sales. Detailed Interpretation Plans providing interpretative media and locations for interpretative devices are then required for individual development stages, so that installation can be implemented in conjunction with the works. The Interpretation Strategy identifies the main foyers of the apartment buildings as one of the key locations for interpretation. On the subject site there are three apartment foyers- the foyer to the north western building entered from Young Street, the foyer to the south western building entered from Young Street, and the foyer to the eastern building entered from the walkway parallel to the western boundary. The Interpretation Plan for Lot E1 is now required in order to inform the detailed design of interpretative devices which must be implemented in conjunction with the current development works. An appropriate consent condition should be included.

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

7.1 Sydney Airport Corporation Limited

The following comments were provided from Sydney Airport Corporation Limited:

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 71.8 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority

(CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 71.8 metres AHD. Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

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

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

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

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

Planning for Aircraft Noise and Public Safety Zones

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

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

NOTE:

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

Eastern Suburbs Local Area Command

The following assessment under CPTED has been provided to Council:

1. Introduction

On Tuesday the 11th of October 2016 a Crime Risk Assessment was conducted upon a proposed mixed development to be situated at 164 - 174 Barker Street Randwick by

Constable Andrew CARTER, Crime Prevention Officer Eastern Beaches Local Area Command.

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

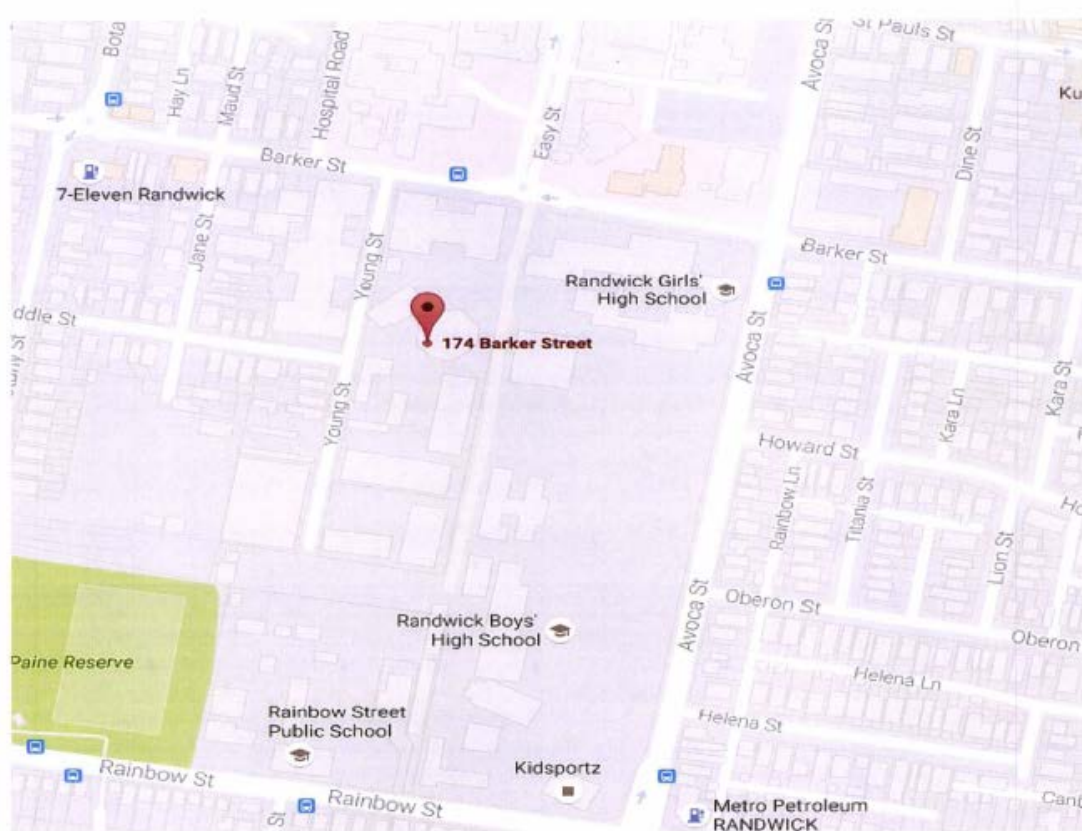
It is based upon the International Risk Management Standard, AS/NZS/ISO: 31000, and uses qualitative and quantitative measures of the physical and social environment to create a contextually adjustable approach to the analysis and treatment of crime opportunity.

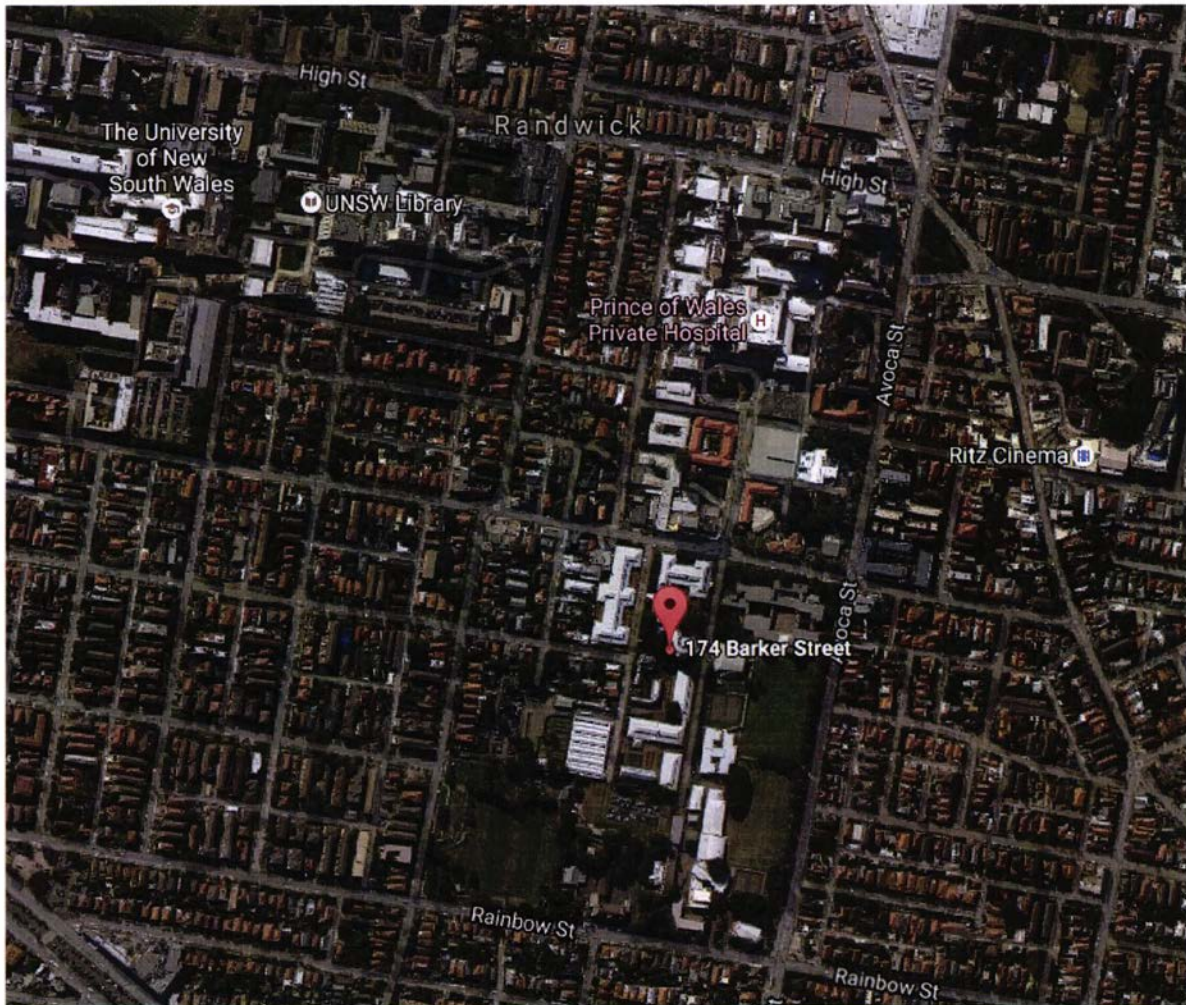
The proposed development is for the construction of a mixed use development comprising of;

- 2 x 8 storey shop top housing development containing lots E1. 1 and E1 .2
- 14 commercial tenancies
- 133 residential apartments
- 2 basement levels of parking with 137 car spaces
- An urban plaza, associated site
- Remediation and landscape works

The proposed development is to be located close to the intersection of Barker Street and Avoca Street, Randwick. The area is characterised by a mix of dwelling types including residential dwellings and residential unit blocks. The proposed development is closely located to the Prince of Wales Hospital, Randwick and Avoca Street which leads into the Randwick business district. Other commercial uses are generally not present along Barker Street.

2. Location





3. Identify, assess & rate the issues

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

Issue	Activity	Likelihood	Consequence	Rating
Fall from height	Inappropriate use of windows or balconies relating in falling from height	L2 Unlikely	L5 Catastrophic	Extreme
Sexual Assault	Use threat of or violence to harm people	L3 Possible	C3 Moderate	High
Anti social behaviour	Behave in an inappropriate manner against the norms of society.	L4 Possible	C3 Moderate	High
Arson	Use fire to injure people or damage property.	L3 Possible	C3 Moderate	High
Break, enter & steal	Force entry to property to take property without owners consent.	L3 Possible	C3 Moderate	High
Drug distribution	Distribute illegal substances.	L3 Possible	C3 Moderate	High
Drug possession	Possess illegal substances.	L3 Possible	C3 Moderate	High

Fraud	Use deception to take property without the owners consent.	L3 Possible	C3 Moderate	High
Malicious damage	Damage property maliciously without owners consent.	L4 Likely	C3 Moderate	High
Traffic related	Vehicle congestion which may lead to impeding emergency service response	L4 Likely	C3 Moderate	High
Steal from motor vehicle	Take property from motor vehicle without the owner's consent.	L4 Likely	C3 Moderate	High
Steal from mail box	Take property from mail box without the owner's consent.	L4 Likely	C3 Moderate	High
Stolen motor vehicles	Take motor vehicle without the owner's consent.	L2 Unlikely	C3 Moderate	Moderate
Trespass	Enter or remain upon property without owners consent.	L2 Unlikely	C3 Moderate	Moderate
Assault	Use threat of or violence to harm people	L2 Unlikely	C3 Moderate	Moderate

Determine what course of action should be taken?

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

Based upon the International Risk Management Standard, AS/NZ/ISO:31000.

4. Community Safety Concerns

Police have community safety concerns with the proposed development and the location; Similar developments to this within the Local Area Command have experienced a number of issues which need to be addressed to reduce opportunities for crime.

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

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

PROTECTED

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

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

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

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

There have been a number of steal from motor vehicle or stealing reports made to police. The offenders gain access to the resident's car parks and steal property from either the cars or from storage areas within these locations.

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

5. Recommendations

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

5.1 Surveillance

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

Objectives

- a) Ensure that there is good surveillance to and from the development and neighbouring properties to reduce opportunities for crime.*
- b) Ensure that the design of the development does not impede surveillance to reduce opportunities for crime.*

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

Recommendations

1. *The mailbox must be installed in an area which can be seen from the premises (surveillance opportunities). (See Annexure 8)*
2. *The mailbox must be well lit to increase surveillance opportunities during the hours of darkness. (See Annexure 8)*
3. *A Closed Circuit Television System (CCTV) which complies with Australian Standard -Closed Circuit Television System (CCTV) AS: 4806.1.2.3.4. <http://www.standards.org.au> must be installed within these developments to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform to Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.*
4. *This system should consist of surveillance cameras strategically located in and around the premises to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise.*
5. *A minimum of two cameras should be strategically mounted across the front of the development to monitor activity around these areas. These cameras should be positioned to watch one another to protect them from tampering.*
6. *One or more cameras should be strategically mounted at entry/egress points to monitor activities around these areas.*
7. *This equipment should be secured away from public access areas to restrict tampering with the equipment and data.*
8. *Staff should be trained in the operation of the system.*
9. *Lighting which complies with the Australian Standard - Lighting must be installed in and around the property to increase surveillance opportunities during the hours of darkness.*
10. *Emphasis should be on installing low glare/high uniformity lighting levels over all areas.*
11. *Lighting is to deny criminals the advantage of being able to operate unobserved however, if an area cannot be overlooked or viewed during the hours of darkness, then lighting will only help a criminal see what they are doing, not deter them.*
12. *Light covers must be designed to reduce opportunities for malicious damage (vandalism).*
13. *Lighting sources should be compatible with requirements of any surveillance system installed.*

14. *A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.*
15. *The lighting must also be commensurate with the Closed Circuit Television requirements to enhance surveillance during darkness.*
16. *Landscaping should be designed to maximise surveillance opportunities to and from the development.*
17. *Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the development.*
18. *Optically permeable (open design) style fences and gates must be considered to increase surveillance and reduce concealment opportunities particularly between the development and the pathway on the northern side of the property.*
19. *Pathways must be sufficiently well lit at all times to avoid use of unsafe routes.*
20. *Good sightlines and signage must be installed at decision making points to assist people using pathways.*
21. *Paths to be located near activity generators and areas with natural surveillance*
22. *Pathways and stairs should be located so that they are easily accessible and designed such that there are no blind corners. Straight or gently curved pathways are encouraged.*
23. *Walkways and pathways should be designed to have at least one clearly marked "exit" sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.*
24. *Multi-storey car parks should be designed to permit maximum natural surveillance, access control and illumination, eg. By using cable railings in place of concrete retaining walls.*

5.2 Access control

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

Objectives

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

Recommendations

1. *The mailboxes must be of solid construction and designed to restrict access. (See Annexure 8.1.)*
2. *The mailboxes must be securely anchored to reduce opportunities of removal.*
3. *The mailboxes must be secure with a lockset which is difficult to access or manipulate.*
4. *Fences must be installed around the perimeter of the development to control access.*

5. *Gates must be secured with quality locks which comply with the Australian Standards, Lock Sets, AS: 4145 to control access.*
6. *The main entry/egress doors to the buildings must be fitted with an access control system similar to key, code or card operated system to restrict, control the movement of people and vehicles into and throughout the complex.*
7. *An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.*
8. *Doors to the complex should be of appropriate construction to restrict and control access into and throughout the complex.*
9. *Doors must be fitted with locksets which comply with the Australian Standards - Locksets for buildings and the building code (fire regulations).*
10. *Doors should be secured to control and restrict access to and from the development and individual properties.*
11. *Doors to plant and equipment areas must be fitted with access control to restrict and control the movement of authorised people into and throughout these areas in order to reduce opportunities for injury to people or tampering with equipment.*
12. *Doors or gates must be installed to car park entry/egress points to restrict access to these areas.*
13. *The access control system similar to key, code or card operated system must be fitted to these doors or gates to restrict, control the movement of people and vehicles into and throughout the car park.*
14. *An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.*
15. *Windows which can be opened must be fitted with key operated locks which comply with the Australian Standards - Locksets for windows in buildings.*
16. *By law in NSW, windows above ground level in strata schemes must have safety devices installed to reduce opportunities for people falling. To find out more check out the window safety device requirements page;*
http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Strata_schemes/Window_and_balcony_safety/Window_safety_device_requirements.page
17. *Balconies on the development must be designed at a height to reduce opportunities for people scaling the railings to access other balconies and falling. This can also assist in reducing opportunities for children falling from balconies.*
18. *The public car park and residential car park should be separated by barriers to restrict unauthorised access to the residential car parks.*
19. *Access to parking areas should be via a surveillance entry point.*
20. *The storerooms in the car park areas must be of solid construction.*
21. *The doors to the storerooms must be fitted with locksets which comply with the Australian Standards - Locksets for buildings and the building code (fire regulations).*

5.3 Territorial Re-enforcement

Territorial re-enforcement is about ownership, who owns the development, who manages the development, and who cares for the development. Criminals are more likely to be deterred by the presence of people who are connected with and protective of a development than by people who are just passing through. It employs actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with the development, to encourage community responsibility for the development and to

communicate to people where they should and should not be and what activities are appropriate.

Objectives

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

Recommendations

- 1. The street number must be prominently displayed at the front of this property to comply with the Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act can result in penalties. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation.*
- 2. The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.*
- 3. The number of each unit must be prominently displayed on the front doors to assist users of the property identify locations particularly in emergency situations.*
- 4. The numbers should be in contrasting colours to building materials and be a minimum height of 120 mm.*
- 5. The mailbox must be located on the property to reduce excuse making opportunities by offenders.*
- 6. Signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespasser will be prosecuted. Warning, no large amounts of money kept on premises. Warning, these premises are under electronic surveillance.*
- 7. Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.*
- 8. Landscaping needs to be maintained on a regular basis to reduce concealment opportunities.*
- 9. Obstacles & rubbish should be removed from property boundaries, footpaths, driveways, car parks & buildings to reduce concealment & prevent offenders scaling your property.*

10. *A zone of at least 1.5 metres in width on either side of a fence line should be kept free of vegetation to increase surveillance and restrict un-authorised by scaling fences.*
11. *Fences must be installed around the perimeter of the property to clearly define the property boundary.*
12. *Fences and gates must be maintained in good condition and should be checked regularly to assist with the protection of your property.*
13. *Lighting needs to be checked on a regular basis to ensure that it is operating effectively.*
14. *Good signage must be used for way-finding to assist people using the buildings and car parks.*
15. *No parking should be permitted adjacent the building core, elevators or fire stairs to reduce opportunities for vehicles loading with improvised explosive devices being parked against these structure with the intention to damage or destroy the buildings.*

5.4 Space & Activity Management

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

Objectives

- a) *Ensure that a monitored intruder alarm system to monitor & detect unauthorised entry to the development and facilities is installed.*
- b) *Ensure that a fire safety assessment of essential fire safety measures is conducted each year.*
- c) *Ensure that a Fire Safety Schedule and Fire Safety Statement is displayed in the property.*
- d) *Ensure that a Fire Safety Schedule and Fire Safety Statement is provided to local Council and the Commissioner, Fire & Rescue NSW.*
- e) *Ensure that a plan of management is established for the development for management, staff and residents.*
- f) *Ensure that an emergency plan has been prepared, implemented and tested to ensure that people within the development can escape in the event of an emergency.*

Recommendations

1. *A Intruder Alarm System (IAS) which complies with the Australian Standard - Systems Installed within Clients Premises, AS:2201 must be installed in the development to enhance the physical security and monitor activity on the development.*
2. *This standard specifies the minimum requirements for intruder alarm equipment and installed systems.*
3. *It shall apply to intruder alarm systems in private premises, commercial premises and special installations.*
4. *The Intruder Alarm System (IAS) must be monitored by a security company or your own staff.*
5. *Duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so.*

6. *Detectors must be fitted to the doors of plant room areas to detect unauthorised access to these areas. This can reduce the opportunity for litigation against your organisation.*
7. *The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.*
8. *The system must be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively.*
9. *Staff should be trained in the correct use of the system.*
10. *As a number of premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.*
11. *The owner of the development must ensure that an annual fire safety assessment of essential fire safety measures for your property is carried out each year.*
12. *The owner of the development must ensure that a Fire Safety Schedule listing essential fire safety measures for your property is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1993.*
13. *The owner of the development must ensure that a Fire Statement is displayed near the entrance to your property to comply with the Environmental Planning and Assessment Act, 1993.*
14. *The owner of the development must ensure that a copy of the Fire Safety Schedule and Fire Safety Statement is provided to your local Council and the Commissioner for Fire & Rescue NSW to comply with the Environmental Planning and Assessment Act, 1993. Failure to comply with these requirements can result in financial penalties against your property*
15. *Private spaces such as court yards, stairwells and parking bays must be clearly identified to reduce use by undesirable users.*
16. *A plan of management must be established so that management, staff and residents are aware of what they need to do in the event of situations taking place or what is permitted or not permitted within the development.*
17. *An emergency plan must be developed, implemented and tested on a regular basis to ensure that users of the development understand what is required of them particularly in emergency situations. The emergency plan must provide, emergency procedures including, an effective response to an emergency, evacuation procedures, notifying emergency service organisations promptly, medical treatment and assistance, effective communication between the authorised person who coordinates the emergency response and all persons in the development, testing of the emergency procedures, including the frequency of testing.*
18. *Information, training and instruction to relevant workers in relation to implementing the emergency procedures.*
19. *When preparing and maintaining an emergency plan, the PCBU must consider all relevant matters including, the nature of the work being carried out at the workplace, the nature of the hazards at the workplace, the size and location of the workplace, the number and composition of the workers and other persons at the workplace.*
20. *The code of practice Managing the work environment and facilities provides more information about preparing and maintaining an emergency plan. Call Workcover NSW 13 10 50 or view the Workcover NSW website: www.workcover.nsw.gov.au for more information about emergency plans*

6. Conclusion

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

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

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

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

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

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

Water NSW

The following comments were provided by Water NSW as an integrated referral:

Re: Integrated Development referral under s.91A of the Environmental Planning and Assessment Act 1979 for 164-174 Barker Street Randwick

Reference is made to your request for a response in relation to the proposed development described as 164-174 Barker Street Randwick and also identified as DA/664/2016.

Please be advised that, in addition to requiring development consent, parts of the development that intercept or extract groundwater are also required to be authorised under water management legislation. The information requirements for such an authorisation are explicitly detailed in the NSW Aquifer Interference Policy—including the need for the applicant to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted. As defined in that policy, such requirements apply to activities interfering with all aquifers, including low yielding and saline groundwater systems.

The proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation therefore General Terms of Approval have been provided.

Please also be advised that the recipient and postal address details indicated on your correspondence require updating. It is strongly recommended that you update those details for all future referral letters to ensure that such correspondence can be delivered appropriately and that unnecessary delays will be avoided.

*Please direct all related correspondence to the following address:
Water Regulation – Coastal (Parramatta)
Water NSW
LOCKED Bag 5123
PARRAMATTA NSW 2124*

The GTAs have been included in the recommendation.

NSW Heritage Office

The application was referred to the NSW Heritage Office for comment. To date, no written comments have been received. However, as the site of this DA is not on the lot containing the 'Big Stable' a formal referral is not required under the integrated provisions of the Environmental Planning & Assessment Act, 1979. The NSW Heritage Office has verbally advised Council that they do not have any objection to subject application.

Design Review Panel – SEPP 65 Design Quality of Residential Apartment Development

Council's Design Review Panel reviewed the proposal on 1 May 2017 and provided the following comments:

1st MAY 2017

SEPP 65 DESIGN REVIEW PANEL COMMENTS AND RECOMMENDATIONS:

This is a Stage 2 Development Application for demolition of the existing structures, construction of 2x8 storey shop top housing development containing lots E1.1 and E.1.2 including 14 commercial tenancies, 133 residential apartments, 2 basement levels of parking with 137 car spaces, an urban plaza, associated site remediation and landscape works.

Principle 1: Context and Neighbourhood Context

150-174 Barker Street, Newmarket Green, is located in a transitional area between a medical precinct to the north of Barker Street and a dense, low rise residential area to the south. Immediately to the east of the site is located Randwick Girls High School and Randwick Boys High School. Paine Reserve is located to the southwest of the site but is not contiguous with any boundary of Parcel E1. The historically significant area of Struggle Town is just to the west of the site and contains a number of structures with physical or social significance to the early settlement of Randwick.

Built form typology ranges from one storey single family residences to residential 3 level flat buildings up to the 6 level Neuroscience Research Australia building directly across Barker Street from the site.

Principle 2: Scale and Built Form

The proposal is consistent with the bulk and height as described in the Newmarket DCP.

Principle 3: Density

The floorspace ratio is consistent with that as described in the Newmarket DCP.

Principle 4: Sustainability

- Further considerations:*
- All bathrooms on external walls should have external operable windows to reduce the need for artificial ventilation.*
- The method of window operation and their fire treatment on each elevation should indicated on the drawings.*
- Solar panels where possible on available roof space for hot water systems and electricity generation.*
- On-site water harvesting, storage, treatment and re-use.*
- Ceiling fans for bedrooms and living areas - these should be marked on the plans.*
- Air-conditioning is not shown and the passive approach is supported by the panel.*
- Outdoor clothes drying areas should be indicated*

Principle 5: Landscape

A landscape plan has been submitted with the drawings. The effort to retain existing trees is noted. The service street running east-west at the south end of the site could be reduced in width by making it a one-way street – this would allow two more significant trees in the proposed public park to be retained. Making this service road one way would allow additional street parking, which would serve to dampen the traffic.

Further consideration should be given to configuring the basement to allow for deep soil planting within the urban plaza to improve privacy amenity in this location. The central public space should have an extensive zone of deep soil planting to allow mature trees to successfully thrive. Modification of the basement to extend further toward the site boundary (in particular to the west) will allow an area of deep soil planting in the central space running for nearly the full length of the surrounding buildings.

While the residential private gardens have been located where existing tree cover is being retained, the BBQ area will not receive afternoon sun. This area is also directly adjacent to the proposed commercial loading dock.

The layout of the urban plaza should be modified so the landscape treatment creates a village square at the heart of the development and avoids creating only two linear zones along the building faces. The through-building connections should be further refined and developed to integrate with the central public space. These connections should also incorporate building entries, and allow for the possibility of smaller sized retail spaces, to encourage economic diversity in the precinct.

The extensive terraces on the upper levels of buildings should have dedicated and generous planter beds integrated into their structure. A significant planting palette should be proposed for these areas to enhance the buildings' appearance against the sky.

Principle 6: Amenity

The proposal results in compromised amenity for some residents in particular:

- *The configuration on balconies along the urban plaza will result in direct overlooking. Consideration should be given as to how this may be ameliorated.*
- *The entrance to the eastern block appears somewhat obscure within the garden setting.*
- *A stronger link between the cores and the urban plaza should be considered. Access to the plaza from a 'modified fire stair' arrangement is not satisfactory and does not provide a real address point to activate the plaza.*
- *The parking entrance should be located closer to Young Street to avoid service and parking traffic passing by the connection between the urban plaza and the public park.*
- *MRV loading area, SRV loading area and the retail waste configuration provides poor amenity at this location to residential units directly above. Consideration should be given to locating these elements in the basement.*
- *Some balconies are below minimum size.*
- *Consideration should be given to providing higher floor to floor heights in the retail area to allow for restaurant services and on Level 1 to allow flexibility for commercial uses. Some relaxation of the height plane of the masterplan envelope would be considered if projections beyond it were limited to service elements.*
- *The proposal should incorporate a generous dedicated, covered area for bicycle parking for residential visitors and retail customers visiting the site.*

Principle 7: Safety

- *The entrance to the E1.2 block appears somewhat obscure within the garden setting.*
- *Opening residential lobbies, with clear through block sightlines, will help provide a safer urban plaza.*

Principle 8: Housing Diversity and Social Interaction

The Panel generally supports the proposal in its current form to improve housing availability in the area.

Principle 9: Aesthetics

A frame and infill approach is supported; however the Panel needs further design development information demonstrating that elevations would provide a lighter outcome. The information in the package appears to have a very heavy frame. Consider the hierarchy of elements that reach the ground versus those that stop at Level 1.

SUMMARY AND RECOMMENDATIONS

The Panel is generally supportive of the proposal and would like to see further refinement of the façade treatment to introduce variety in appearance that reflects and enhances the plan modulation of the buildings. Public amenity needs improvement in terms of service access, residential lobby activation of the urban plaza, additional deep soil planting and consideration of privacy overlooking across the urban plaza. Some relaxation in the Masterplan Envelope height plane could be considered for service elements to allow better floor to floor heights on the ground level and on level 1 for future retail and/or commercial uses.

The applicant responded to the issues raised above with an amended scheme that is the subject of this assessment. The Design Review Panel provided the following comments in on the amended scheme:

3th July 2017

It was noted that this was a Development Application and the first Panel meeting with the applicant.

A copy of the Panel's Comments are attached, including the nine SEPP 65 Design Quality Principles (if the Application falls under SEPP 65). The Panel's comments, set out below, are to assist Randwick Council in its consideration of the application, and to assist applicants to achieve better design outcomes in relation to these principles.

The absence of a comment under any of the heads of consideration does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it be that changes suggested under other heads will generate a desirable change.

The Panel draws the attention of applicants to the Apartment Design Guide (ADG), as published by Planning NSW (JULY 2015), which provides guidance on all the issues addressed below.

This document is available from the Department of Planning Environment

Note: The Panel members' written and verbal comments are their professional opinions, based on their experience.

To address the Panel's comments, the applicant needs to submit amended plans. Prior to preparing any amended plans, the applicant should discuss the Panel's comments and any other matter that require amendment with the assessing Planning Officer.

When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements or Urban Design Excellence & best practice.

In these instances it is unlikely the scheme will be referred back to the Panel for further review.

The Panel's comments are intended to assist Council in their design consideration of an application against the SEPP 65 principles. The absence of a comment under a head of consideration does not imply that particular matter to be satisfactorily addressed, more likely the changes are suggested elsewhere to generate a desirable change.

Your attention is drawn to the following;

- *SEPP 65, including the 9 Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation and construction phases of the project.*
- *The Apartment Design Guide, as published by Planning NSW (July 2015), which provides guidance on all the issues addressed below.*

Both documents are available from the NSW Department of Planning.

Note:

The Design Review Panel is appointed by the NSW Minister for Planning, on the recommendation of Council. The Panel's written and verbal comments are their professional opinions and constitute expert design quality advice to Waverley Council, the architect and the applicant.

1. *To address the Panel's comments, the applicant may need to submit amended plans. Prior to preparing any amended plans or attending additional Panel presentations, the applicant MUST discuss the Panel's comments and any other matter that may require amendment with Council's assessing Planning Officer.*
2. *When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances it is unlikely the scheme will be referred back to the Panel for further review.*

PANEL COMMENTS

This is a Stage 2 Development Application for demolition of the existing structures, construction of 2x8 storey shop top housing development containing lots E1.1 and E1.2 including 14 commercial tenancies, 133 residential apartments, 2 basement levels of parking with 137 car spaces, an urban plaza, associated site remediation and landscape works. Panel members are familiar with the site and surrounding area.

This is the second review of the scheme. A traffic review was also provided between scheme review meetings.

Principle 1: Context and Neighbourhood Context

150-174 Barker Street, Newmarket Green, is located in a transitional area between a medical precinct to the north of Barker Street and a dense, low rise residential area to the south. Immediately to the east of the site is located Randwick Girls High School and Randwick Boys High School. Paine Reserve is located to the southwest of the site but is not contiguous with any boundary of Parcel E1. The historically significant area of Struggle Town is just to the west of the site and contains a number of structures with physical or social significance to the early settlement of Randwick.

Immediately south of the development site, along the same side of Young Street, are two significant heritage items that formed part of the original equestrian complex on the site: Newmarket House and the Big Stable Building. These items, along with the original Sales Ring and parade areas, are important parts of the public domain experience and heritage re-use of the site, along an axis extending from Barker Street through to the south end of the development site.

Built form typology ranges from one storey single family residences to residential 3 level flat buildings up to the 6 level Neuroscience Research Australia building directly across Barker Street from the site.

Principle 2: Scale and Built Form

The proposal is consistent with the bulk and height as described in the Newmarket DCP.

Principle 3: Density

The floorspace ratio is consistent with that as described in the Newmarket DCP.

Principle 4: Sustainability

Panel comments have been addressed including:

- It is noted that only two bathrooms on each level are located on external walls and that structural elements preclude placement of a window.*
- Solar panels have been indicated on available roof space for hot water systems and electricity generation.*
- On-site water detention is indicated.*
- It is noted that air conditioning is provided however ceiling fans should also be provided for bedrooms and living areas to minimize the use of the air conditioning- these should be marked on the plans.*
- An outdoor clothes drying area has been indicated.*

Principle 5: Landscape

The revised Proposal has addressed Panel comments in particular:

The layout of the urban plaza has been modified so the landscape treatment creates a village square at the heart of the development and avoids creating only two linear zones along the building faces.

A contiguous soil area has been provided in the central area below paving that combined with upstand soil areas provides adequate soil to support larger trees. This soil zone will allow root growth to spread to the tree canopy extent. The raised planters along this central strip should be increased in size to ensure successful tree growth. The ground surface treatment in the secondary seating zones in this area should be a breathable, permeable surface to allow necessary aeration and irrigation of the soil below, in which the roots of the plaza trees will propagate. Details of this treatment should be provided.

The changes to the eastern garden area to be a more contemplative space are supported.

Planting areas have been identified on the upper terraces between units and on the large expanses. Further consideration should be given to locating planters continuously along the north and south edge of the roofs to provide visual relief when viewed from below.

Principle 6: Amenity

The revised Proposal has addressed Panel comments in particular:

- *The configuration of apartments has been modified to reduce the extent of direct overlooking from living areas and balconies. Screens have been provided to reduce overlooking to a minimum of each balcony overlooking only one other.*
- *A stronger link between the cores and the urban plaza has been developed and is supported.*
- *Balconies have been revised to meet minimum standards.*
- *Higher floor to floor heights have been provided in the retail area to allow for flexibility.*

Further consideration is warranted for:

- *The Panel notes the traffic reports and flood issues associated with locating parking access but maintains its position that the parking/service entrance should be located closer to Young Street to avoid this traffic passing by the connection between the urban plaza and the public park.*
- *MRV loading area, SRV loading area and the retail waste configuration provides poor amenity at this location to residential units directly above and mitigation measures should be provided.*
- *Dedicated, covered area for bicycle parking for residents and residential visitors has been indicated. Bicycle parking for the retail area has been provided along Barker Street; instead, locating two banks alongside the building under the awnings should be investigated.*

Principle 7: Safety

Panel comments have been addressed including:

- *The entrance to the E1.2 block has been supplemented with a more legible entrance from the urban plaza to supplement its address point through the garden. This provides safer alternative for entering this lobby.*
- *Residential lobbies have been provided with clear through block sightlines to help provide a safer urban plaza.*

Principle 8: Housing Diversity and Social Interaction

The Panel generally supports the proposal in its current form to improve housing availability in the area.

Principle 9: Aesthetics

Further detailing of the façade demonstrates that a finer grain of tectonic layering has been provided and is supported. This can be developed as the project moves forward.

In particular, the modulation and refinement of the corners is successful. This should be extended vertically, through investigating penetrations in the roof slab of the topmost corner balconies to allow light and views of sky, further mediating the building mass at the corners.

SUMMARY AND RECOMMENDATIONS

The Panel is supportive of the proposal and appreciates the modifications made in response to previous comments from the Panel.

The issue of parking and service access has not been resolved as far as interface with the public domain is concerned. Further work is needed to resolve this issue.

The key issue raised by the DRP relates to the location of vehicular entry point to the basement carpark. As the proposed vehicular entry point is situated under the eastern

building at its southern end, most vehicles will traverse along the new road ST1 which is situated at the interface between the urban plaza and the public park to the south. The DRP is concerned that this arrangement will conflict with the desire line created for pedestrians through the urban plaza to the park. The DRP has recommended that the vehicular entry point be either from Young St or from the western building at its southern end to limit the amount of traffic crossing the desire line. Council's Development Engineer asserts that it's not feasible to provide the vehicular entrance from Young St due to flooding and traffic management constraints. It is also not preferable for it to be provided from the southern end of the western building due to its proximity to the intersection. Siting the vehicular entry point at this location will disrupt the continuity of the retail frontage as it returns from Young St into the new road adjacent to the park. It will also result in a blank façade to the south eastern end of the building which has an interface with the urban plaza. As such, its siting at this location will detract from the ability of the proposal to provide continuous active edges and a lively interesting environment. On balance, it's considered that the vehicular entry point should remain where it's currently proposed under the eastern building. Whilst there will be the need for traffic to cross the desire line to the park, the road will be designed as a shared zone and will have a calming device and low speed environment. In order to minimise the extent of inactive spaces along the park frontage of the proposed development, it's also recommended that the garbage area adjacent to the vehicular entry point be deleted and an alternative waste area be provided in the basement of the proposed development. This would allow an extension of the retail frontage along the edge of the park and improve the streetscape appearance of the proposed development.

In relation to the loading zone adjacent to the private communal open space, a condition of consent is included requiring its deletion and replacement with landscaping as there are adequate loading zones available on the street network. The remaining issues in relation to aesthetics, ceiling fans, bicycle parking and planter boxes are addressed by recommended conditions.

Relevant Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- Randwick Local Environmental Plan 2012

8.1 State Environmental Planning Policy (State and Regional Development) 2011

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed development as its capital investment value is in excess of \$20 million. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Sydney Central Planning Panel.

8.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council's Environmental Health Officers have reviewed the development application and the site is suitable for its intended purpose subject to compliance with the remediation strategy adopted pursuant to the Concept approval.

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

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

Clause	Requirement	Proposal	Compliance
Part 3: Siting the Development			
3A-1	Site Analysis		
	Each element in the Site Analysis Checklist should be addressed	The submitted development application addresses each relevant section of the site analysis checklist.	Complies.
3B-1	Orientation		
	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	The eastern and western blocks address the both their street frontages	Complies.
	Where the street frontage is to the east or west, rear buildings should be orientated to the north	NA	Complies.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Building configuration achieves east orientation	Complies
3B-2	Orientation		
	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Good levels of solar access provided.	Complies
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	NA.	Complies
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	NA	Complies
	If the proposal will significantly reduce the solar access of	Meets with the building envelopes	Complies

Clause	Requirement	Proposal	Compliance												
	neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy														
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks	Incorporates upper level setbacks	Complies												
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	Meets with the building envelopes	Meets the building envelopes.												
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	NA	Complies.												
3D-1	Communal and Public Open Space														
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	9% area of communal open space is offset by the retail plaza.	No, but acceptable on merit												
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	The communal courtyard area will receive the required 50% of direct solar access into this space.	Complies												
3E-1	Deep Soil Zones														
	<div>Deep soil zones are to meet the following minimum requirements:</div> <table><tr><th>Site area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td><650m2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650-1500m2</td><td>3m</td></tr><tr><td>>1500m2</td><td>6m</td></tr><tr><td>>1500m2 with sig. existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum Dimensions	Deep Soil Zone (% of site area)	<650m2	-	7%	650-1500m2	3m	>1500m2	6m	>1500m2 with sig. existing tree cover	6m	11% deep soil provided and width of 10m	Complies
Site area	Minimum Dimensions	Deep Soil Zone (% of site area)													
<650m2	-	7%													
650-1500m2	3m														
>1500m2	6m														
>1500m2 with sig. existing tree cover	6m														
3F-1	Visual Privacy														

Clause	Requirement	Proposal	Compliance												
	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>>25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	>25m (9+ storeys)	12m	6m	18m which exceeds minimum separation distance.	Complies.
Building height	Habitable rooms and balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6m	3m													
Up to 25m (5-8 storeys)	9m	4.5m													
>25m (9+ storeys)	12m	6m													
Part 4: Designing the Building															
4A	Solar and Daylight Access														
	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	81% of units will receive a minimum of two hours of direct solar access to the living rooms and private open spaces within the two building blocks.	Complies.												
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	No apartments will receive no direct solar access.	Complies												
4B	Natural Ventilation														
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels	62.5% are naturally cross-ventilated.	Complies.												

Clause	Requirement	Proposal	Compliance												
	allows adequate natural ventilation and cannot be fully enclosed														
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Type 2B-A apartments exceed the maximum depth of 18 metres by 1m.	Does not comply. Acceptable on merit given the good amenity of the spaces created by the floor plan.												
4C	Ceiling Heights														
	<div>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<table><tr><td colspan="2">Minimum Ceiling height for apartment and mixed use buildings</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use.</td></tr></table><div>These minimums do not preclude higher ceilings if desired.</div></div>	Minimum Ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.	<div><u>Residential</u> The apartments will achieve the minimum floor to ceiling height of 2.7 metres</div> <div><u>Commercial:</u> 3.1 m to 3.6m</div>	Does not comply. The floor to ceiling height for two of the retail tenancies does not meet the minimum of 3.3m due to the required flood levels. However, any loss of amenity from the reduced height is compensated by their large window openings facing north as well as the dual frontages of one of the tenancies to Barker St and the urban plaza which will enhance the sense of space.
Minimum Ceiling height for apartment and mixed use buildings															
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.														
4D	Apartment Size and Layout														
	Apartments are required to have the following minimum internal areas:	Unit type 2bed-C contains two bathrooms and does not comply	Acceptable on merit given the generous rooms sizes												

Clause	Requirement		Proposal	Compliance										
	<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m2</td></tr><tr><td>1 bedroom</td><td>50m2</td></tr><tr><td>2 bedroom</td><td>70m2</td></tr><tr><td>3bedroom</td><td>90m2</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.</p>	Apartment Type	Minimum Internal Area	Studio	35m2	1 bedroom	50m2	2 bedroom	70m2	3bedroom	90m2			and spatial configuration allows the apartments to function effectively.
Apartment Type	Minimum Internal Area													
Studio	35m2													
1 bedroom	50m2													
2 bedroom	70m2													
3bedroom	90m2													
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms comprise of a window opening and will not comprise with less than 10% of the floor area of the room.		Complies.										
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies.		Complies.										
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Open plan layouts are located within 8 metres of a habitable room window and will the habitable space		Complies.										
	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)	Bedrooms and master bedrooms will achieve the minimum area requirements in 9m2 and 10m2, respectively.		Complies										
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3 metres.		Complies.										
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments	The studio apartments will consist of a minimum width of 3.6 – 3.8 metres		Acceptable on merit given their configuration allows for a functional space										
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Apartment widths are not less than 4 metres internally.		Complies										
4E	Private open space and balconies													
	All apartments are required to have primary balconies as follows:	All apartments have direct access to a private open space in the form of a balcony and will comply		Complies.										

Clause	Requirement			Proposal	Compliance
	Dwelling Type	Minimum Area	Minimum Depth	with the minimum area and depth requirements to provide a reasonable level of amenity to the occupants.	
	Studio Apt.	4m2	-		
	1 bed Apt.	8m2	2m		
	2 bed Apt.	10m2	2m		
	3+ bed Apt.	12m2	2.4m		
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.				
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m			The proposal does not include any new ground floor apartments as part of the development.	Complies.
4F	Common Circulation and Spaces				
	The maximum number of apartments off a circulation core on a single level is eight			Each core will provide less than 8 apartments from a single core.	Complies.
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			The development is less than 10 storeys in height. Not applicable.	Not applicable.
4G	Storage				
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			The subject site includes ample space to provide storage within each apartment and across the basement levels.	Complies.
	Dwelling Type	Storage Size Volume			
	Studio	4m3			
	1 bedroom	6m3			
	2 bedroom	8m3			
	3bedroom	10m3			
	At least 50% of the required storage is to be located within the apartment				

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

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

8.5 Randwick Local Environmental Plan 2012:

The subject site is zoned B1 Neighbourhood Centre under the Randwick Local Environmental Plan 2012. The proposal is permissible in the zone with Council's consent. The proposed development will promote the aims of the LEP in relation to the aesthetic character, sustainability, environmental qualities and social amenity of the locality. The

proposal is consistent with the specific zone objectives as discussed in the Clause 4.6 assessment.

6.16 Special provision—land at Young Street Randwick

- (1) This clause applies to land at Young Street, Randwick, shown as Area 1 on the [Key Sites Map](#).
- (2) Despite clause 4.5 (3), but subject to the other provisions of clause 4.5, the land to which this clause applies is taken to be a single site area for the purposes of applying a floor space ratio.
- (3) The consent authority may approve development with a floor space ratio of up to 1.3:1 on the land to which this clause applies but only if the consent authority is satisfied that:
 - (a) a part of the land will be used for recreational purposes, and
 - (b) that part will be contiguous and will have an area of at least 5,000m², and
 - (c) the configuration and location of that part will be appropriate for those recreational purposes.

The Concept Plan approval has addressed the above provision by providing the public reserve in accordance with the above criteria.

In terms of floor space, as this application is the first to provide buildings on the site, it will represent an FSR of 0.24:1 which will comply with the maximum FSR of 1.3:1 for the overall site.

Policy Controls

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

- **Randwick Comprehensive Development Control Plan 2013 & Newmarket Green Randwick DCP**

This DCP provides detailed guidance for development applications (DAs) to supplement the provisions of the Randwick Comprehensive Local Environmental Plan (RLEP). The DCP includes objectives and controls for ensuring well designed, quality land use and development within the Local Government Area (LGA) to enhance Randwick City as a vibrant community and desirable place to live, work and visit. The Newmarket Green DCP was prepared for the purpose of supplementing the Randwick Comprehensive DCP and to set site specific controls for the subject site. As such it represents the primary considerations in the assessment of any applications given they are particular to the site and it was derived from the planning proposal. The subsequent Concept Plan approval that was granted addressed the provisions of the site specific DCP and provides for another layer of specificity in terms of the site's urban structure and resultant built form. The proposed development is consistent with the terms of the Concept Plan approval.

In relation to the considerations that remain in the Randwick DCP that are relevant to the subject DA, the provisions relating to adaptable housing have been incorporated into the proposal and meet the objective of ensuring that a suitable proportion of dwellings include layouts and design features to accommodate changing mobility requirements of residents

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

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

9. Environmental Assessment

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the "Policy Control" section of this report above for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	The proposal is subject to a voluntary planning agreement which provides a 1.5% contribution of affordable housing and the transfer of the Big Stable and its curtilage to Council, dedication of a public park and roads as well as a contribution towards traffic calming. The proposal is consistent with the terms of the VPA.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in the body of this report.</p> <p>In terms of social and economic impacts, the proposal will increase the availability of housing and would bring a likely demographic of single persons or share households; younger couples and "empty nester" households as well as young families. It is likely that there will be a mix of incomes amongst residents with some units being owner occupied and others being rented. The added population will generate additional needs for businesses, employees and patrons which will in turn encourage the location of services and facilities into the area.</p>
Section 79C(1)(c) – The suitability of the site for the development	The subject site is located within an established suburban area and has convenient access to the local and regional road network, public transport, social infrastructure and services. The site has an appropriate size and configuration and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Submissions have been addressed in the body of this report
Section 79C(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable ecological, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

11.0 Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4: Excellence in urban design.

Direction 4a: Improved design and sustainability across all development.

Conclusion

The clause 4.6 exception lodged with respect to the non-compliance with the maximum height standard is considered to be well founded in the circumstances.

The proposal is appropriate on the site given the desired future character of the area, and satisfies the objectives contained within SEPP 65, RLEP 2012, the relevant requirements of RDCP 2013, Newmarket Green DCP and the specific terms of the Concept Plan approval. The development proposes a built form and spatial relationship with the public domain that will become an exemplary addition to the urban fabric.

The proposal will not have a significant impact on surrounding properties and the non-compliances with statutory and policy controls will not exacerbate impacts in an unacceptable manner. The application is therefore recommended for approval subject to conditions.

Recommendation

That the Sydney Central Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/664/2016 for demolition of the existing structures, construction of 2x8 storey shop top housing developments within lots E1.1 and E1.2 including retail/commercial tenancies, 128 residential apartments, 2 basement levels of parking with 137 car spaces, an urban plaza, associated site, remediation and landscape works, subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

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

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA.E1.08.003 Rev C - Section CC	BATESSMART	26.05.2017
DA.E1.08.002 Rev C - Section BB -	BATESSMART	26.05.2017
DA.E1.08.001 Rev C - Section AA	BATESSMART	26.05.2017
DA.E1.07.010 Rev C - Streetscape Elevations	BATESSMART	26.05.2017
DA.E1.07.003 Rev C - Retail Plaza Elevations	BATESSMART	26.05.2017

DA.E1.07.002 Rev C - East & South Elevations	BATESSMART	26.05.2017
DA.E1.07.001 Rev C - North & West Elevations	BATESSMART	26.05.2017
DA.E1.06.002 Rev C - Area Calculation Plans Sheet 2	BATESSMART	26.05.2017
DA.E1.06.001 Rev C - Area Calculation Plans Sheet 1	BATESSMART	26.05.2017
DA.E1.05.003 Rev C - Unit Type Plans Sheet 3	BATESSMART	26.05.2017
DA.E1.05.002 Rev C - Unit Type Plans Sheet 2	BATESSMART	26.05.2017
DA.E1.05.001 Rev C - Unit Type Plans Sheet 1	BATESSMART	26.05.2017
DA.E1.02.108 Rev C - Roof Plan	BATESSMART	26.05.2017
DA.E1.02.107 Rev C - Level 7	BATESSMART	26.05.2017
DA.E1.02.102 Rev C - Typical Level 2-6	BATESSMART	26.05.2017
DA.E1.02.101 Rev C - Level 1	BATESSMART	26.05.2017
DA.E1.02.100 Rev C - Ground Level	BATESSMART	26.05.2017
DA.E1.02.002 Rev C - Basement B02	BATESSMART	26.05.2017
DA.E1.02.001 Rev C - Basement B01	BATESSMART	26.05.2017
DA.E1.01.002 Rev C - Existing Conditions, Demolition & Site Analysis Plan	BATESSMART	26.05.2017
DA.E1.01.001 Rev C - Site Plan	BATESSMART	26.05.2017
BASIX Certificate number: 756170M_03		02.06.2017

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Four (4) units must be transferred to Council for this stage of the development in accordance with the terms of the Voluntary Planning Agreement applying to the subject site.
 - b. The proposed garbage area at the ground level of the eastern building (E1.2) shall be deleted from the plans and the adjacent retail area extended in its place. An alternative garbage area shall be provided in the basement of the proposed development. Details to be submitted in conjunction with the Waste Management Plan to Council's Manager Development Assessment for approval prior to the issuing of construction certificate.
 - c. The proposed loading dock adjacent to the south eastern corner of building E1.2 shall be deleted and replaced with landscaping.
 - d. Bicycle parking along Barker Street shall be relocated to be alongside the buildings and under awnings.
 - e. Planters shall be provided continuously along the north and south edges of the upper level terraces to provide visual relief when viewed from below. Details to be submitted to Council's Manager Development Assessment for approval prior to the issuing of construction certificate.
 - f. Ceiling fans must be provided for bedrooms and living areas to minimize the use of the air conditioning.
 - g. Penetrations in the roof slab of the topmost corner balconies shall be provided to allow light and views of sky, further mediating the building mass at the corners. Details to be submitted to Council's Manager Development Assessment for approval prior to the issuing of construction certificate.

Heritage conditions

3. An Interpretation Plan for Lot E1 is to be prepared to guide interpretation of the history of the site within the main foyers of each of the apartment buildings on Lot E1. The Interpretation Plan is to be based on the Interpretation Strategy prepared by OCP Architects and is to include interpretative media, locations for interpretative devices, text, images and design details. The Interpretation Plan is to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The Interpretation Plan is to be implemented in conjunction with the proposed works.

Aboriginal archaeology

4. An Aboriginal Heritage Impact Permit under the *National Parks and Wildlife Act 1974* is required prior to work commencing. A copy of the required archaeological excavation permit under the National Parks and Wildlife Act, shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Consultation with the Aboriginal community in relation to the proposal works is required in support of the AHIP application. Aboriginal community consultation is to be in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*.
6. Heritage Council approval is required as the proposed works will disturb land likely to contain historical archaeological remains. A copy of the excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. An oral history program should be commenced to record recollections and attitudes of people associated with the site especially those involved in the thoroughbred sales and racing industry.

Historical archaeology

8. A program of historical archaeological testing should be undertaken in conjunction with proposed Aboriginal archaeological testing.
9. To undertake historical archaeological testing outside the SHR curtilage of the Big Stable, a request for Exception under Section 139 (4) of the Heritage Act should be submitted to the Heritage Division, OEH.
10. This request for an Exception should be supported by a cover letter with a Work Method Statement (WMS) outlining the proposed approach to testing and Management of any exposed historical archaeological remains, as well as a copy of this report.
11. Following test excavations, a succinct post excavation report outlining the results of archaeological test excavation should be prepared.
12. The findings of archaeological test excavations within the site should be used to update and refine the AZP (Archaeological Zoning Plan) in this HAA (Historical Archaeological Assessment). Note that if test excavations determine that the site has little or no potential for archaeological remains, no further archaeological mitigation would be required.
13. Following refinement of this HAA, and ARD (Archaeological Research Design) should be prepared in response to detailed development plans in support of a Development

Application. It should include an assessment of the impacts to the historical archaeological resources outlined in this HAA.

14. An application under Section 140 of the Heritage Act must be submitted to the Heritage Division, OEH, in advance of ground disturbance work outside the SHR curtilage of the Big Stable. The application will provide archaeological management in line with the various development stages. The ARD and updated version of this HAA should be submitted as supporting documents.

Approvals from the Heritage Council must be issued prior to all ground disturbance works commencing.

15. Consideration should be given to the retention of the dismantling and salvage of the existing round yard on the site as required by the Master Plan. There are concerns that the removal of the two round yards will forgo the opportunity to either retain in situ or dismantle and reconstruct these structures, which may lend themselves for use as shade structures either within the public park or adjacent to the Big Stable and which have important interpretative value.
16. Consideration should be given to relocation of a representative example of the twentieth century stable building designed by Timothy Court and Company to Warwick Farm (recording prior to removal).

Crime Prevention through Environmental Design

17. The recommendations included in the CPTED Crime Risk Assessment dated 11 October 2016 shall be implemented into the design and form part of the documentation for the construction certificate.

Airport (Protection of Airspace) Regulations 1996

18. Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") prior to the issuing of a construction certificate.

19. Water NSW General Terms of Approval

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

(b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
(c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

5. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:

(a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]

7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).

11. A copy of a valid consent for the development shall be provided in the initial report.

12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

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During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

16. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation

21. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:

(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

- 20. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
- 21. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to Council's Manager Development Assessments for approval prior to the issuing of the construction certificate for the development.

Section 94A Development Contributions

- 22. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$54,158,048 the following applicable monetary levy must be paid to Council: \$541,580.48.

The levy must be paid in **cash**, **bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

23. 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 Deposit

24. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$5000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Electricity Substation

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

Sydney Water

26. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

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

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

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

Tree Protection Measures

27. A detailed, site specific Tree Protection Plan and Specification, as well as a separate Pruning Specification, relating to the preservation of Trees 1-5 (as taken from the Preliminary Arboricultural Report by Tree IQ, rev A, dated 12/02/16 and Covering Arborists Letter by Tree IQ, dated 08/09/16; *"the Arborist Reports"*), that has been prepared by an AQF Level 5 Arborist, (who is a registered member of a nationally recognized organization/association), must be submitted to, and be approved by, Council's Director City Planning.
28. The Tree Protection Plan & Specification must detail the measures that will be employed both on the plans and on-site to ensure the retention of T1-5, and must provide recommendations and mitigation measures in regards to the following specific components of the new works:
 - a) The new MRV & SRV Vehicle Loading areas and sub-station shown to the west of T4-5 on the Ground Floor Plan, dwg DA.E1.02100(C);
 - b) Method and timing of hand excavation and root pruning/treatment, prior to the commencement of works associated with the eastern wall of the basement level and building;
 - c) Offsets to be provided between the trees and any new works/structures, and other than the approved building footprint, there must be no other continuous strip footings for retaining walls or similar located within their TPZ's;
 - d) Any changes proposed to existing ground levels within their TPZ's for new gardens, lawns, paved areas and similar, and must include details of material selection and sub-surface treatments, with a permeable/porous treatment needing to be used in these areas;
 - e) Confirmation that no major excavations will be required for any new services, hydraulic/stormwater systems and similar in the area between the eastern wall of the basement/building and eastern site boundary;
 - f) Use of a flexible footing system, such as 'pier and beam' for the elevated timber boardwalk in the eastern side setback, as well as for any boundary fencing, so as to allow placement around any roots encountered that need to be preserved.
29. The Pruning Specification must also clearly nominate the likely extent of pruning required to each tree, and is to be identified as a quantity; height above ground

level; growth direction and branch diameter, and must not result in the loss of more than 5% of each of their crown volumes, as confirmed in the Arborists Covering Letter dated 08/09/16.

30. Works on-site must be performed in accordance with the approved Tree Protection Plan and Specification and Pruning Specification, to Council's satisfaction, and only by the Project Arborist; or; under their direct supervision.

Street Tree Protection

31. In order to ensure retention of the row of four (4) existing *Jacaranda mimosifolia* (Jacaranda's, T85-88) on the Barker Street verge, between the roundabout and corner of Young Street in good health as has been shown, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show their retention (including their tree identification numbers), with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar across this frontage can only be located towards the eastern or western site boundaries; or; be an equal distance between each of their trunks so as to minimise root damage and future maintenance issues.
 - c. These four trees must be incorporated into the Public Domain Plan and approved external works on-site.
 - d. Where existing ground levels are to be altered (raised or lowered) by more than 200mm, which would have a negative effect on the trees, Council's Landscape Development Officer (9093-6613) must be contacted before proceeding further with the works, giving at least 2 working days-notice, to arrange a joint site inspection to determine the course of action to be taken.
 - e. In the unexpected case that any of these trees require removal so as to accommodate approved civil works or similar, all costs for this, as well as for replacements and a loss of amenity value must be borne wholly by the applicant, to Council's satisfaction, prior to the commencement of any external works.
 - f. Each of these trees must be physically protected by installing evenly spaced star pickets at a setback of **1 metre** (measured off the outside edge of their trunks at ground level), on all four sides, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose each tree for the duration of works.
 - g. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - h. If additional or alternative trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around affected areas, to which, lengths of evenly spaced hardwood timbers shall be placed around their circumference, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
 - i. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the

perimeter of the TPZ.

- j. Other than the approved works, the applicant is not authorised to perform any other works to these public trees, and must contact Council's Landscape Development Officer on 9093-6613 should pruning or similar works appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to performing the work, and prior to the issue of any Occupation Certificate.
- k. 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.
- l. Where roots are encountered which are in direct conflict with the approved Public Domain works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
- m. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- n. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,500.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6613).

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

- 32. A SAS section (A) and Summary Site Audit Report (SSAR) is to be provided to the Council prior to the issue of any subdivision certificate/construction certificate for building work (other than shoring work, piling work, retaining structures or any other work which is necessary to carry out remediation works) in each stage of the development, to certify that the site is suitable for its intended uses.

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

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

- vi) Randwick City Council DCP - Part E - Specific Sites – Newmarket Green
- vii) Aircraft noise intrusion - Building siting and construction AS-2021-2015

34. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia & Relevant Standards

35. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
36. 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.

BASIX Requirements

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

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

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

Site stability, Excavation and Construction work

38. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be

implemented to ensure the stability and adequacy of the development and adjacent land.

- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
 - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
 - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath t
39. A SAS section (A) and Summary Site Audit Report (SSAR) is to be provided to the Council prior to the issue of any subdivision certificate/construction certificate for building work (other than shoring work, piling work, retaining structures or any other work which is necessary to carry out remediation works) in each stage of the development, to certify that the site is suitable for its intended uses.

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

40. All residential units on the site are to achieve the relevant internal acoustic amenity criteria set in:
- iv) SEPP 65 - Design Quality of Residential Apartment Development
 - v) Randwick City Council DCP - Part C – Residential - Medium Density Residential
 - vi) Randwick City Council DCP - Part E - Specific Sites – Newmarket Green
 - vii) Aircraft noise intrusion - Building siting and construction AS-2021-2015
41. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources. he adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

Traffic conditions

42. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

43. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
44. The proposed visitor car spaces shall be designated as Commercial / Retail car spaces during standard commercial / retail hours and Visitor car spaces at all other times. The car spaces shall be signposted / line marked in accordance with this requirement and future strata plans must reflect this parking allocation. The Construction Certificate plans must demonstrate compliance with this requirement.

Splay Corners

45. The Construction Certificate plans must show a minimum 2.5 metre by 2.5 metre splay corner at the intersection of Barker Street and Young Street. The splay corner must be dedicated as public road, at no cost to Council, prior to the issuing of an Occupation Certificate.
46. The Construction Certificate plans must show a minimum 2.5 metre by 1.5 metre splay corner at the intersection of Young Street and proposed road ST1. The splay corner must be dedicated as public road, at no cost to Council, prior to the issuing of an Occupation Certificate.

Design Alignment levels

47. The design alignment level (the finished level of concrete, paving or the like) at the Barker Street property boundary for driveways, access ramps and pathways or the like, shall be 2.5% above the top of kerb in Barker Street at all points opposite.

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

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

48. The design alignment level (the finished level of concrete, paving or the like) at the Young Street property boundary for driveways, access ramps and pathways or the like, shall be 2.5% above the top of kerb in Young Street at all points opposite.

Note: the top of kerb in Young Street referenced will be the top of kerb as shown on the approved civil design plans following the issuing of a construction certificate associated with Development Application 662/2016.

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

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

49. The design alignment level (the finished level of concrete, paving or the like) at the proposed road ST1 property boundary for driveways, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer prior to lodgement of the Construction Certificate. The level shall be generally be 2.5% above the edge of the carriageway at all points opposite.

Note: the edge of the carriageway in ST1 referenced will be the edge of carriageway as shown on the approved civil design plans following the issuing of a construction certificate associated with Development Application 662/2016.

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

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

50. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$4647.00 calculated at \$57.00 (inclusive of GST) per metre of site frontage to Barker Street. This amount is to be paid prior to a construction certificate being issued for the development.
51. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

Street Awnings

52. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
 - a) The minimum clear distance from the footpaths in Barker Street and Young Street to the underside of the proposed awning shall be 3.00 metres.
 - b) All new awnings shall be set back a minimum of 600mm from the face of kerb.

Stormwater Drainage & Flood Management

53. Prior to lodgement of a Construction Certificate the applicant shall submit to Council for approval, and have approved, a detailed plan showing the critical 1%AEP flood levels along the Barker Street, Young Street and ST1 site frontages.

The applicant's hydraulic consultant must certify to Council's satisfaction that all residential components of the development are protected up to the critical 1%AEP flood level plus 500mm, excluding the internal driveway ramp which must have a high point at or above the critical 1%AEP flood level. The certification must also cover the protection of the commercial / residential areas. The applicant's hydraulic consultant must certify that the commercial residential floor areas are above the critical 1%AEP levels and are consistent with the development consent for DA/88/2016.

54. Prior to lodgement of a Construction Certificate the applicant shall accurately locate, (depth and alignment) the stormwater drainage line located to the east of the eastern site boundary. The structural design of the basement carpark levels must not have an adverse impact on the integrity of the stormwater drainage pipeline. Details of compliance are to be provided with the Construction Certificate.
55. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1%AEP flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
56. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the determined 1%AEP

flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.

57. The ground floor level located along the three street frontages shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

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

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

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

Internal Drainage

59. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this

consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

- b) The stormwater must be discharged (by gravity) to the underground drainage system in Young Street via a new and/or existing kerb inlet pit
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an annual exceedance probability (AEP) of 1% (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1% AEP (1 in 100 year) storm.

- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
 - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).

- i) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.

- k) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

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

- l) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - ii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iii. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area

- iv. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- o) Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property / areas accessible by residents of all units.

Groundwater Site Seepage & Dewatering

60. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table or by seepage flows), the following requirements apply:

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

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

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

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

Groundwater management systems:

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

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

In the event of the development being modified in a manner that changes building/structural loads or alters the basement design, a suitably qualified

and experienced structural engineer must certify that the design of the basement remains adequate for the site conditions.

61. Prior to the issue of a construction certificate, a report must be submitted to and approved by the Certifying Authority, detailing the proposed methods of excavation (including support), managing groundwater and dewatering the site.

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

- a. Details of compliance with relevant approvals and licences (e.g. Council's conditions of consent and Water Licence from the Office of Water).
- b. The proposed method of excavation, shoring/piling and dewatering.
- c. Assessment of the potential risk of off-site impacts such as damage to surrounding buildings or infrastructure due to differential sediment compaction and surface settlement during and following pumping of groundwater. *Note: The assessment must demonstrate that the proposed method of excavation and dewatering will not pose an unacceptable risk of damage.*
- d. The zone of any possible settlement.
- e. Details of the proposed temporary disposal of groundwater and/or construction site stormwater to Council's drainage system. *Note: Prior to discharging groundwater (or site stormwater) into Council's stormwater drainage system, separate written approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993.*
- f. The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- g. Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in an environmentally sensitive manner. The details must demonstrate compliance with relevant requirements and approvals of the Office of Environment & Heritage, Council and the Protection of the Environment Operations Act 1997.
- h. The program to monitor fluctuations of the water table during dewatering/construction to ensure that the conditions of consent and other relevant requirements are satisfied.
- i. The location of all proposed monitoring and pumping equipment in relation to the property boundaries (where monitoring or pumping equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- j. Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)
- k. Certification that the proposed methods of dewatering and excavation are:
 - appropriate and in accordance with 'best practice' principles; and
 - should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

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

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

Waste Management

62. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

63. The residential and commercial garbage areas must be sized to accommodate the number of bins, (and any compactor units) proposed in the approved waste management plan.
64. The commercial garbage area must be separated from the residential bin storage areas. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Landscape Plans

65. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Report by Arcadia Landscape Architects, dwg's 1.0 – 16.0, issue 1, dated June 2017; and Landscape Plans, dwg's 001-502, issue B, dated June 2017, with the following additional information to be included on revised plans, which must be submitted to, and be approved by, Council's Director of City Planning:
- a) In order to sustain the feature trees that are shown on podium in the central plaza, as well as those in the Level 7 planters, details must be provided showing that sufficient soil depth and width (volume) will be provided for the species selected in these respective areas, with dimensions to be included;
 - b) Construction details of the pergola's, water feature/stage, lighting, screening elements, retaining walls, planters, fencing, seats, tables, benches, sculptures/artworks and any other details required to full explain the scope of works.

REQUIREMENTS BEFORE REMEDIATION COMMENCES

The following conditions of consent must be complied with before remediation commences.

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

66. A Site Audit Statement (SAS) issued under section (B) is to be provided to Council prior to the commencement of any remediation works to determine that:
- i. the nature and extent of the contamination has been appropriately determined
- AND
- ii. the investigation/remedial action plan/management plan is appropriate for the purpose stated above
- AND
- iii. the site can be made suitable for the intended uses.
67. The Remedial Action Plan (RAP) indicates possible capping/containment under roads and open spaces that will be dedicated back to Council. An amended RAP must be submitted prior to remediation works commencing to ensure land to be dedicated to Council does not have any capping/containment of contaminated materials. Please be advised that Council will not accept dedication of land that will contain capping/containment of contaminated material.
68. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- a) General site management, site security, barriers, traffic management and signage
 - b) Hazard identification and control
 - c) Worker health & safety, work zones and decontamination procedures
 - d) Prevention of cross contamination
 - e) Appropriate site drainage, sediment controls, and if necessary dewatering
 - f) Air quality criteria to be implemented during remediation, in accordance with Part 8 of the WHS Regulation 2011
 - g) Air and water quality monitoring requirements
 - h) Air quality management measures for asbestos to protect on-site workers and the surrounding community during remediation, particularly in relation to dust mitigation
 - i) Site work responses to be implemented during remediation should environmental monitoring criteria be exceeded
 - j) Storage, handling, classification and disposal of hazardous wastes
 - k) contingency plans and incident reporting, including Health and Safety and environmental incident management
 - l) details of provisions for monitoring implementation of remediation works and persons/consultants responsible (to include contact name and numbers)

- m) Details for deliveries, parking and vehicular access to and from the site, ensuring adequate measures are in place to minimise environmental and neighbourhood disturbance
- n) Any other proposed preventative response procedures to manage the issue of public exposure to contaminants including but not limited to asbestos
- o) Containment control zones

A copy of the Auditor approved Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

69. Prior to works commencing a Class "A" licensed asbestos removalist is to be engaged and is required to ensure the following is undertaken during works:

- Develop an Asbestos Removal Control Plan (ARCP). The ARCP shall identify measures to reduce and prevent exposure to asbestos during works,
- ensure that contaminants do not result in a public nuisance or affect the health and safety of the site workers or surrounding community,
- satisfy the relevant conditions of development consent,
- detail the engagement of an independent licensed asbestos assessor to perform air monitoring during the asbestos works,
- Address a range of related requirements specified under Part 8 of the *WHS Regulation 2011* in regard to Class A Licensed asbestos removal work (safety measures to prevent exposure during the work, various notifications requirements etc), and
- Ensure appropriate neighbourhood notification is undertaken

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification and Building Inspection Requirements

70. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work and the requirements of the *Home Building Act 1989* must be satisfied accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

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

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

Dilapidation Reports

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

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage and other structures located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report must be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Site Management Plan

73. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

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

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

74. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- Date the demolition works will commence

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Construction Noise & Vibration Management Plan

75. A Construction Noise & Vibration Management Plan, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, in accordance with the following requirements:

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

Public Liability

- 76. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Construction Traffic Management

- 77. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Barker Street and/or Young Street for the duration of the demolition & construction works.

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

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

- 78. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works

- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

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

Civil Works

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

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

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

Public Utilities

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

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

Project Arborist

83. Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and any recommendations of the Arborist Report.
84. The site 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.
85. Given the inclusion of T1-5 on Council's Register of Significant Trees, **the Project Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving at least 2 working days-notice) to arrange a joint site meeting, prior to any canopy or root pruning being performed**, to confirm the exact location and extent that is permissible, with the Arborist to comply with any other instructions issued by Council's Officer.

Public Domain

86. The applicant must meet all costs associated with upgrading both the Barker Street and Young Street frontages in accordance with Council's Urban Design Elements Manual, for their full width and full length, including the cost to supply, plant and maintain new street trees as selected by Council. All works carried out on Council property must be in accordance with Council's requirements for Civil Works on Council property.

Detailed, site specific streetscape plans for both of these frontages showing **proposed paving design, street furniture, signage, awnings, grades, finished levels, existing and proposed street trees, tree squares, vehicle and pedestrian entrances** as well as any other details required by Council's Landscape Architect must be submitted to, and be approved by, Council's Director of City Services, prior to commencement of any external works.

In this regard, the applicant will need to liaise with Council's Landscape Architect on 9093-6543, prior to preparation of the streetscape plan to obtain any of Council's specific design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant must then liaise with Council's Capital Works Engineer on 9093-6931, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect and Capital Works Engineer, with confirmation of approval to be provided in writing, prior to the issue of any type of Occupation Certificate.

REQUIREMENTS DURING REMEDIATION AND DURING WORK

The following conditions of consent must be complied with during the remediation and earth works.

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.

87. The remediation of land must be implemented in accordance with a Remedial Action Plan (RAP), as amended and approved pursuant to these conditions, for the subject land and the following matters must be satisfied:

i) A copy of the Remedial Action Plan is to be forwarded to Council. The Remedial Action Plan (together with any proposed amendments) is to be reviewed by the Site Auditor and prior to the commencement of remediation works written confirmation is to be provided to Council from the Site Auditor which confirms that the Remedial Action Plan satisfies the relevant legislative provisions, guidelines and conditions of this consent:

- State Environmental Planning Policy No. 55.
- Contaminated Land management Act 1997.
- Contaminated Land Management Regulation 2013.
- Managing Land Contamination Guidelines 1998 (NSW EPA).
- Guidelines for the Assessment of On-site Containment of Contaminated Soil (EPA/DEC).
- Randwick City Council Contaminated Land Policy 1999.
- Protection of the Environment Operations Act 1997.

ii) Should it be proposed to provide on-site containment/capping of asbestos or other contaminants, written details of the proposal must be contained in the Remedial Action Plan and must be referred to Council for consideration and written concurrence must be obtained from Council prior to implementation of the Remedial Action Plan.

A copy of the Management Plan(s) and details of relevant notations/restrictions upon the Certificates of Title must be forwarded to Council prior to the issue of any SAS section A in respect of the site, together with a written statement from the Site Auditor, which confirms that the Management Plan is consistent with the Guidelines for the Assessment of Onsite Containment of Contaminated Soils and any other relevant guidelines and legislative requirements.

iii) The strategy for staged remediation of the site is to incorporate measures to ensure that adequate environmental and public health safeguards are implemented and monitored, including (but not be limited to):

- Cross-contamination, of any potential activity, which may result in the contamination of a clean or remediated area from an area that has not been remediated,
- Drainage including cross-contamination via drainage,
- Worker health and safety,
- Worker movement,
- Environmental impact and potential for migration or release of contaminants from the site,
- Groundwater movement across the site.

These shall be effectively addressed in a controlled manner through the development, implementation and monitoring of a detailed Site Management Plan (SMP) to be implemented during site remediation and infrastructure works.

The Site Management Plan for staged signoff is to be developed and implemented by a suitably qualified and experienced Environmental Consultant, to the satisfaction of the Site Auditor and Council. Written confirmation of the Site Auditors review and concurrence is to be forwarded to Council prior to commencement of remediation works.

88. Information and measures are to be documented detailing any staged remediation strategy to the satisfaction of the site auditor and Council prior to the commencement of remediation of the site including but not limited to:

The roles and responsibilities of all of the key stakeholders in the Project Team are to be clearly identified and fully detailed, including Any additional conditions that are specified in the Site Audit Statement(s) and Summary Site Audit Report(s) by the EPA Accredited Site Auditor, form part of this consent and must be complied with prior to the issue of any occupation certificate in relation to the site. All conditions must be discussed by the auditor with the planning authority, and agreed to by the Council prior to the completion of the Site Audit Statement. The following is noted:

- i) The key stakeholders can include, but are not limited to:
 - The site owner
 - The Project Manager
 - The Environmental Consultant
 - The Licensed Asbestos Removalist
 - The Remediation Contractor
 - The Waste Transporter
 - The Waste Receiving Contractor(s)
 - The Independent Site Auditor, and
 - The Relevant Regulator Agencies (i.e. Council, EPA NSW Health etc.)
- ii) Documentation detailing the staging of the remediation shall be provided (including periodical updates on the status of works).
- iii) The Unexpected Finds Protocol is to be expanded to include other potential unexpected finds such as waste fill and underground services.
- iv) Any significant amendments or changes to the staged remediation strategy are to be forwarded to Council for concurrence including necessary amendments or additional details required to be included in the strategy arising from the conditions of this consent, prior to the issue of any Site Audit Statement issued under the staged remediation strategy, together with written confirmation of the suitability of the amendments or changes from the Site Auditor.

An acid sulphate soil (ASS) management plan is to be developed and implemented as part of any further development application/s submitted in relation to the site, if acid sulphate soils are encountered prior to commencement of works. Any ASS management plan shall outline mitigation measures to the satisfaction of a suitably qualified environmental consultant and in accordance with the NSW Government ASS Manual (1998)

89. An Environmental Management Plan (EMP) is to be developed in accordance with the Western Australian Department of Health Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (WA DOH, May 2009) section 5.3 Ongoing Management. Any requirements contained within an Environmental Management Plan (EMP) form part of this consent and must be implemented accordingly. Land where capping and containment is proposed must be specified. Council must be consulted with prior to

the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

90. Any beneficial reuse of material on-site is to be monitored and classified by a suitably experienced environmental specialist, together with the Site Auditor. Such material must be confirmed as suitable for reuse on the site by the Site Auditor prior to placement where it is to be reused either initially by issue of a Clearance Instruction by the Site Auditor and subsequently by issue of a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 2013 and a copy provided to Council.
91. Documentary evidence such as clearance certificates must be obtained from the appointed Licenced Asbestos Removalist and Licenced Asbestos Assessor which confirms confirmation that the relevant requirements of the:
- *Work Health Safety (WHS) Regulation 2011* (in particular, Part 8)
 - *How to Safely Remove Asbestos: Code of Practice* by Safe Work Australia, 2016
 - *Managing Asbestos in or on Soil*, NSW EPA 2014
 - Relevant conditions of consent relating to land contamination and remediation have been satisfied accordingly and the implementation of the development has not impacted or affected the site investigations and associated Management Plans.
92. Remediation work shall be conducted within the following hours:
- | | |
|---|-----------|
| Monday – Friday | 7am – 5pm |
| Saturday | 8am – 5pm |
| No work permitted on Sundays or Public Holidays | |
93. A sign displaying the (24 hour) contact names and telephone details of the remediation contractor (and the site manager if different to remediation contractor) as well as the Class A Licensed Asbestos Removalist shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
94. Any variations to the remediation strategy or, new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.
- The written concurrence of the site auditor must be obtained prior to implementing any changes to the remediation action plan, strategies or associated conditions of consent.
95. Hazardous or intractable wastes arising from the site works, excavation and remediation process must be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *Work Health and Safety Act 2011;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection of the Environment Operations Act 1997 (NSW) and*
 - *NSW EPA Waste Classification Guidelines (2014).*

The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and Regulations.

96. Any contaminated land must be remediated to satisfy the relevant requirements of the *Contaminated Land Management Act 1997* and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to the Site Auditor and Council from a suitably qualified Environmental Consultant upon completion of the remediation works

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

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

Inspections during Construction

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

Building & Demolition Work Requirements

98. 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

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.

- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or competent person), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Excavations, Back-filling & Retaining Walls

100. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

Support of Adjoining Land

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

Sediment & Erosion Control

102. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

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

Dust Control

103. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include: -

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

104. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required to be provided to protect the public (unless otherwise approved by Council) if:
 - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the PCA.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

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

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

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

- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

Site Signage

106. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted

Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted
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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Survey Requirements

108. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the PCA.

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

Building Encroachments

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

Site Seepage & Stormwater

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

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Road/Asset Opening Permit

111. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
 - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
 - d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
 - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
 - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
 - h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
 - i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
 - j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
 - k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Roadway

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

excavate below the base of the footings. The notice is to include complete details of the work.

Traffic Management

113. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
114. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
115. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

116. 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.

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

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

118. 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.

Street Awning

119. Upon completion of the construction of the proposed awnings, certification of the structural adequacy of the awnings must be provided to the Council.

Pruning

120. Approval is granted for the minor and selective pruning of only those branches from the western aspects of T1-5, which are located along the length of the eastern site boundary, only in accordance with the approved Pruning Specification.
121. This pruning may be performed prior to the commencement of site works so as to minimize the chance of damage being caused to the trees by machinery and similar during demolition activities.
122. Pruning can only be performed by the Project Arborist, or, they must directly supervise a AQF Level III Practicing Arborist, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Tree Removal

123. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plans:
- a) The row of five, evenly spaced *Ulmus parvifolia* (Chinese Weeping Elm, T80-84) along the length of the western site boundary, as despite the western wall of the basement being setback to their east, architectural plan DA.E1.02.001 shows that sub-surface OSD tanks will be constructed in this same area, with Young Street also to undertake major civil works associated with widening of the carriageway and providing a new kerb, gutter, footpath and associated works so as to match in with the treatment in Barker Street.

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

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

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

Fire Safety Certificates

125. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

Structural Certification

126. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council with the Occupation Certificate.

Sydney Water Certification

127. A *section 73 Compliance Certificate*, under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. An Application for a Section 73

Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 20 92.

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

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

BASIX Requirements & Certification

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

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

Noise Control Requirements & Certification

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

130. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

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

Council's Infrastructure, Vehicular Crossings & Road Openings

131. The owner/developer must meet the full cost for a Council approved contractor to:
- Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises in ST1 to Council's specifications and requirements.
 - Remove all existing footpaths along the Barker Street and Young Street site frontages and to reconstruct them to Council's specification.
 - Reconstruct Barker Street and Young Street along the full Barker and Young Street site frontages to Council's specification and in accordance with the development consents for DA/88/2016 and DA/662/2016.
 - Construct proposed road ST1 for the full site frontage to Council's specifications, requirements and in accordance with the development consents for DA/88/2016 and DA/662/2016.

- e) Install any traffic management treatments and/or signage in the streets fronting and surrounding the development site to Council's specification.
132. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
133. 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.

Service Authorities

Sydney Water

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

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

Undergrounding of Power

135. All telecommunication cables and power cables located in Barker Street, Young Street and ST1 (and fronting the development site) must be located underground. The applicant shall meet the full cost for all required undergrounding of power and telecommunication cables. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

Stormwater Drainage

136. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
137. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
138. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

139. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.

Landscaping

140. Prior to issuing any type of Final Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Arcadia Landscape Architects, dwg's 1.0 – 16.0, issue 1,

dated June 2017, and Landscape Plans, dwg's 001-502, issue B, dated June 2017, as well as any relevant conditions of consent.

141. Suitable strategies must also 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

142. Prior to the issue of any Occupation Certificate, the Project Arborist must submit to, and have approved by, the PCA, written certification (Final Compliance Report) which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of T1-5.

Waste Management

143. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
144. The waste storage areas shall be clearly signposted.
145. Prior to the issuing of an Occupation Certificate the applicant must have met the Roads and Maritime Services' terms and conditions for additional clearways / timed parking restrictions in Avoca Street (near the intersection with Barker Street).
146. Prior to the issuing of an Occupation Certificate the applicant must have met the Randwick Traffic Committee's terms and conditions for additional clearways / timed parking restrictions in Barker Street (near the intersection with Avoca Street).
147. Prior to the issuing of an Occupation Certificate the applicant must have met the Council's and the Randwick Traffic Committee's terms and conditions for a pedestrian crossing in Barker Street (near the intersection of Barker and Young Street).

Operational Requirements

148. A *Strata Parking Management Plan* must be developed and implemented for the development, which includes strategies and measures to 'self-manage' resident and visitor parking within the development.

Strategies and measures may include:

- Adoption of parking by-laws;
- Installation of suitable barriers, bollards, low-height fencing and gates;
- Installation of signage and notices;
- Intercom or key card systems;
- Security systems and security personnel;
- Enforcement processes and provisions to be implemented by the Owners Corporation/Strata Management

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.

Use of parking spaces

149. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

Fire Safety Statements

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

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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

Environmental Amenity

151. 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.

152. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

153. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.

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

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

Stormwater Detention/Infiltration System

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

Residential Parking Permits

156. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

157. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 In keeping with the NSW EPA Auditor Guidelines, upon the completion of all Site Audit Statements being issued for the staged development, one overarching site audit statement is to be issued for the entire development site.
- A2 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.
- Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A6 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A7 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

A8 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A9 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).

A10 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

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

A11 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.

A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

A13 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

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

A14 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.

A15 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.

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.

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.