

## Sydney Eastern City Planning Panel

<b>SCPP No.</b>	<b>2017SCL046</b>
<b>DA No:</b>	<b>DA/370/2017, (Lots A &amp; B in DP 330407) 29-39 Young Street, RANDWICK– Integrated development application for Lots E3 and E4 within the Newmarket Randwick development comprising of demolition of existing structures, remediation works construction of 4 residential flat buildings between 3 and 7 storeys containing 165 dwellings, two levels of basement car parking with 175 residential car park spaces, 17 visitor spaces, 165 bicycle spaces, 10 motorcycle spaces, landscaping and associated works (Heritage Item).</b>
<b>Applicant:</b>	<b>Cbus Property Sydney Residential Pty Ltd</b>
<b>Report By:</b>	<b>Willana Associates Pty Ltd</b>

### Executive Summary

Development Application (DA) No.370/2017 was lodged with Randwick City Council (RCC) on 23 June 2017 seeking consent for Stage 1A works which involve the demolition of some existing structures on site, construction of four (4) new residential flat buildings (RFB's) with basement car parking and site and landscaping works. In total 165 dwellings are proposed comprising of a mix of one, two and three bedroom apartments and car parking for a total of 192 vehicles (including visitor parking) in the form of two levels of basement car parking with vehicular access off Young Street.

The proposed works are to be situated on Lots E3 and E4 (the Site) within the 'Eastern Precinct' of the Newmarket Green site, located at 29-39 Young Street, Randwick (refer to **Figure 2**). The Site has a frontage of over 200m to Young Street and a total site area of 7,816m<sup>2</sup>. The Site currently accommodates several single storey stables buildings. The historically important and significant buildings (Heritage Items) on the Site include Newmarket House and the Newmarket Big Stable buildings. These buildings are to be retained and no works are proposed under this application. A Heritage Item named the Newmarket Sales Ring, is within close vicinity of the proposal, i.e. to the north of Building E3.1. It is to be integrated into the design of the new Public Park (refer to DA No.662/2017 for these particular infrastructure and public works). No works are proposed to this item under this application.

Further, three (3) large, significant Moreton Bay Fig Trees are to be retained and integrated into the design of the development. There are a series of other trees that require removal however these are not considered to be important and their removal has been justified and supported by an Arborists report that accompanies this application (refer to the Arborist Report prepared by TreelQ, 6 June 2017).

The proposal is anchored by a series of consents and policy provisions that provide future strategic direction for the Newmarket Green site and establishes the redevelopment potential for the individual precincts. In particular, the approval for a Staged DA (88/2016) granted consent to the Concept Plan that underpins redevelopment on the site. This approval provides for development across the Newmarket Green site comprising the following:

- Site preparation including demolition of structures, removal of vegetation and excavation.
- Road infrastructure and public domain conceptual layouts.
- Subdivision into 9 development lots and one public open space lot.
- Four new public streets intersecting from Young, Jane and Botany Streets.
- A set of built form controls (such as dwelling types, storeys, heights, setbacks and landscape areas) that will guide the form and character of buildings to be erected on the site.

- Nineteen (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 Newmarket Big Stable Building.
- Site remediation and earthworks.



**Figure 1: 3D Visual Perspective of the western elevation of Building E3.3 when viewed from Young Street (courtesy smart design studio, 2017)**

This Concept Plan also approved a new 5,006sqm public park within the eastern precinct, with its size and siting being consistent with Section 3.4: Open Space Network and Landscaping of the Newmarket Green DCP. The new internal link roads will be dedicated to Council as part of the subdivision.

The Newmarket Green site is subject to a Voluntary Planning Agreement (VPA) which provides a 1.5% contribution of affordable housing, the transfer of the Newmarket Big Stable and its curtilage to Council, dedication of the public park and roads, and a contribution towards traffic calming. The proposal is consistent with the terms of the VPA.

The subject DA is referred to the Sydney Eastern City Planning Panel (SECPP) 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 as the development has a capital investment value over \$20 million.

The development application has been publicly exhibited, advertised within the local newspaper and subject to on-site notification as per the requirements of the Randwick Development Control Plan 2013 (RDCP) for Public Notification. Two (2) submissions were received in response to the public exhibition raising issues with the scale and bulk of development and its relationship to Rainbow Street Public School to the south, (in particular in respect to the potential overlooking and overshadowing of the school buildings and areas of open space), accessibility and possible conflicts along Young Street during construction,

adverse social impacts, deficiency in car parking and the impact of redevelopment on the heritage significance of this precinct.



**Figure 2: E3 and E4 Site & surrounds (Source: Urbis SEE, June 2017). The area outlined in red is the Newmarket Green site and the blue dotted area is the subject development Site (excluding the Heritage Items) (courtesy Urbis , 2017)**

The proposed buildings have been designed to comply with the maximum height limits across the Site of 12m and 25m in accordance with Clause 4.3 of the Randwick Local Environmental Plan, 2012 (RLEP) and satisfy the maximum floor space ratio (FSR) control of 1.3:1 in accordance with Clauses 4.4 and 6.16 of the RLEP. In general the proposal complies with the building envelope controls that were established by the Concept Plan approval. The heights of the new buildings slightly exceed the Concept plan outcomes however comply with the maximum height control pursuant to RLEP.

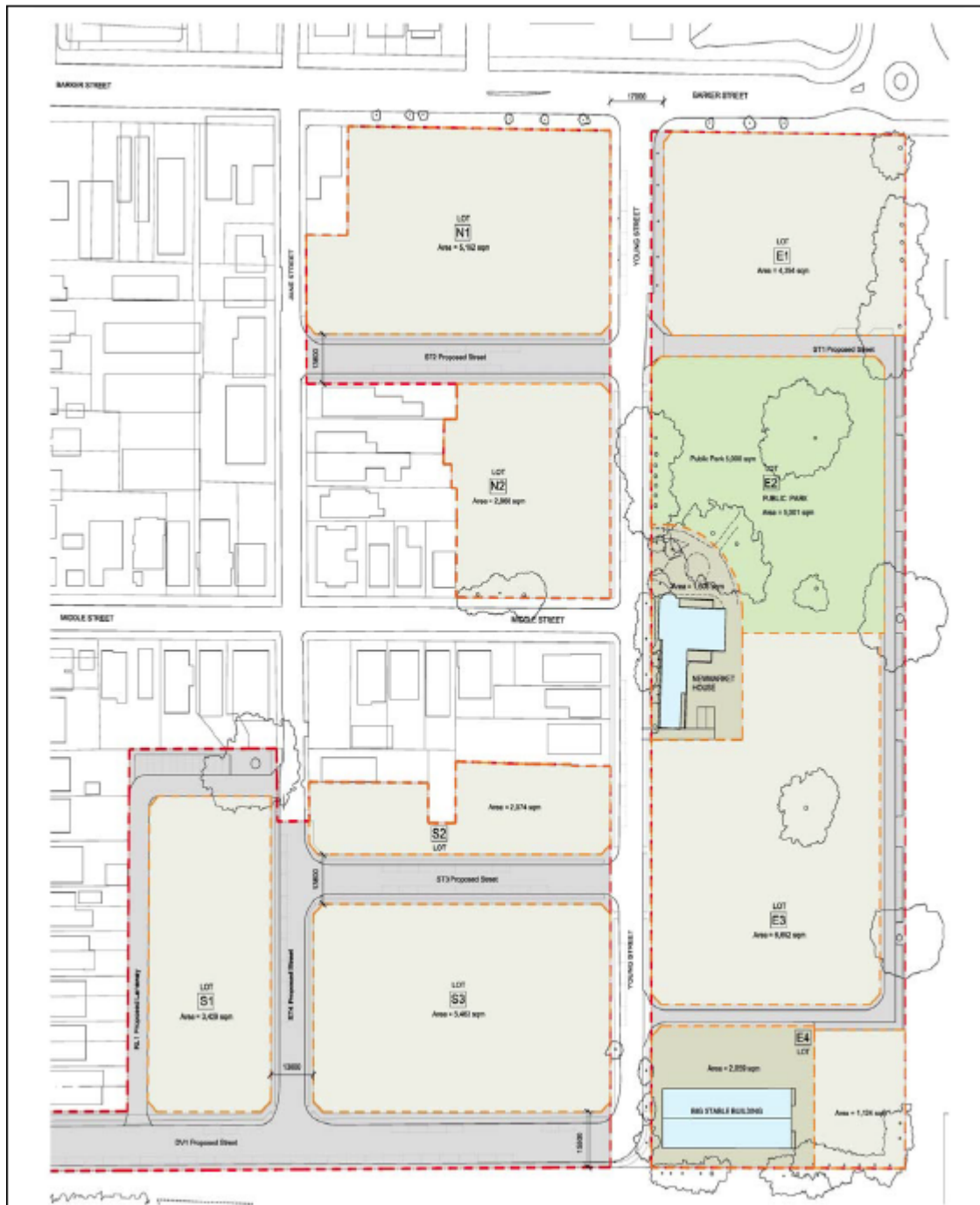
The application was referred to the Joint Randwick/Waverley Design Review Panel (DRP) on 3 July 2017 in accordance with the requirements of State Environmental Planning Policy 65: Design Quality for Residential Apartment Development (SEPP 65). The Panel considered the scheme in respect to the nine (9) Design Principles of the SEPP and in conclusion stated that *"the panel is supportive of this proposal and does not need to review it again. We are in agreement that the applicant is to be commended for the clarity and sophistication of the architectural outcomes."*

The proposed development satisfies the relevant statutory assessment criteria and will result in a superior design and built form outcome. The clever, innovative and sensitive design aims to create an integrated and harmonious spatial relationship with the existing buildings and the newly developed public domain. It is considered that the development will create a high quality architectural response to the Site and will be a positive addition to the urban fabric of the locality. As such, the application is recommended for approval.



## 1.0 Site Description and Locality

The Newmarket Site (subject to the Concept Plan approval DA No.88/2016) is known as 29-39 Young Street, Randwick and is legally described as Lot A and B in DP 330407. The Concept Plan approval subdivides the site further into nine (9) lots and the proposed development relates to that part known as Lots E3 and E4. (Refer to **Figure 3** below for the distribution of lots across the Newmarket Site).



**Figure 3: Distribution of the Lots within the Newmarket Green site. Lots E3 and E4 are located within the Eastern Precinct (courtesy smart design studio).**

The original survey plan prepared by Lockley Surveyors and dated 6 May 2015, defined the eastern part of the wider Newmarket site as 'Site A'. It is a regular, rectangular shaped allotment bounded by Barker Street to the north, Young Street to the west,

Randwick Girls High School to the east and Rainbow Street Public School to the south. Site A has a total site area of 2.343ha (refer to **Figure 4** below).

The development works that are the subject of this application only affect the southernmost part of the 'Eastern Precinct' (Lots E3 and E4). Lots E3 and E4 (subject site) have a combined site area of 7,816sqm.



**Figure 4: Curtilage of 'Site A', Eastern Precinct within the Newmarket Green site. The red line outlines the location of Lots E3 and E4 (courtesy Lockley Surveyors)**

The subject site is relatively flat and there exist a number of buildings onsite comprising of the following:

- Newmarket Big Stable Building which is a heritage item of State significance (to be retained and adaptively reused at a later date).
- Newmarket House which is a heritage item of Local significance (to be retained and adaptively reused at a later date).
- A series of other single storey stable buildings that are not historically significant and are proposed to be demolished to accommodate the development.

The immediate locality comprises of the Prince of Wales Hospital to the north, with the Neuroscience Research Australia buildings facing Barker Street. 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 Young Street, Botany Road and Jane Street are single and two storey dwelling houses and some medium density housing. Immediately to the south (rear) is Rainbow Street Public School.

The site is within close proximity to a series of other amenities including the University of New South Wales, Randwick Junction Commercial Centre, Kingsford Town Centre and the Light Rail Terminus at Randwick (which is currently under construction). The site is highly accessible and is also close to recreational facilities such as Centennial Park and coastal

locations such as Coogee and Clovelly Beaches, as well as only being situated some 8km east of Sydney's CBD.

## **2.0 Relevant Development History at Newmarket**

### **Development Application No.88/2016**

This Staged Development application was the subject of a S34 agreement pursuant to the Land & Environment Court Act and was approved on 3 April 2017. 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.
- Nineteen (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 approved scheme also included a new 5,006sqm public park within the eastern precinct, Lot E2 (immediately to the north of the subject Site). The design, size and siting of the park is consistent with the provisions of Section 3.4: Open Space Network and Landscaping of the Newmarket Green DCP.

**Figure 5** below highlights the siting of buildings, their heights and envelopes that are envisaged across the Newmarket Green site as approved by the Concept Plan.



**Figure 5: Building envelopes across the site as approved in the Concept Plan including the public park (courtesy Urbis, 2016 and Bates Smart).**

**Development Application No.662/2016**

This application was approved by Council on 8 August 2017 and proposed Stage 2 “integrated” development works. The proposed works involved the following:

- Remediation works across the site.
- Site Enabling, Civil and road infrastructure works.
- Subdivision into nine (9) development lots, one (1) public open space lot and four (4) public road lots.
- Provision of a 5,006sqm public park (refer to **Figure 6**).
- Construction of new roads and in-ground infrastructure and associated services.
- Demolition of some of the existing stable buildings.





**Figure 6: Artists impression of the approved public park located to the north of the subject site (courtesy Urbis 2017)**

**Development Application No.664/2017**

This application was approved on 17 August 2017 and involved the demolition of existing structures and construction of a 2 x eight (8) storey shop top housing development within lots E1.1 and E1.2 including ground floor retail/commercial tenancies, 133 residential apartments, basement parking, an 18m wide urban plaza connecting Barker Street to the public park to the south, and associated remediation and landscaping works (refer to **Figure 7** below for a visual representation of the approved development).



**Figure 7: 3D Perspective of the approved mixed use development on Lots E1 and E2 which are located to the north of the subject site (courtesy Urbis, 2016).**



### **Prelodgement application**

A prelodgement application was submitted to Randwick City Council (RCC) for the redevelopment on Lots E3 and E4. The application was referred to the Design Review Panel (DRP) for consideration against the design principles and requirements of the State Environmental Planning Policy 65 – *Design Quality of Residential Apartment Development* (SEPP 65) and Apartment Design Guide (ADG).

The DRP reviewed the application on 1 May 2017 and raised a few concerns with the initial design. The Panel had issues with the aesthetics of the proposal and requested further modulation to some facades to improve their relationship with adjoining buildings, greater design resolution to Building E4.1 and a more detailed landscape plan to ensure the design expresses clear through links to Barker Street and communal areas of open space are defined and designed so that they will assist in activating this part of the precinct.

The design was amended and refined taking into consideration the Panel's comments to create the current design.

### **3.0 The Proposed Development**

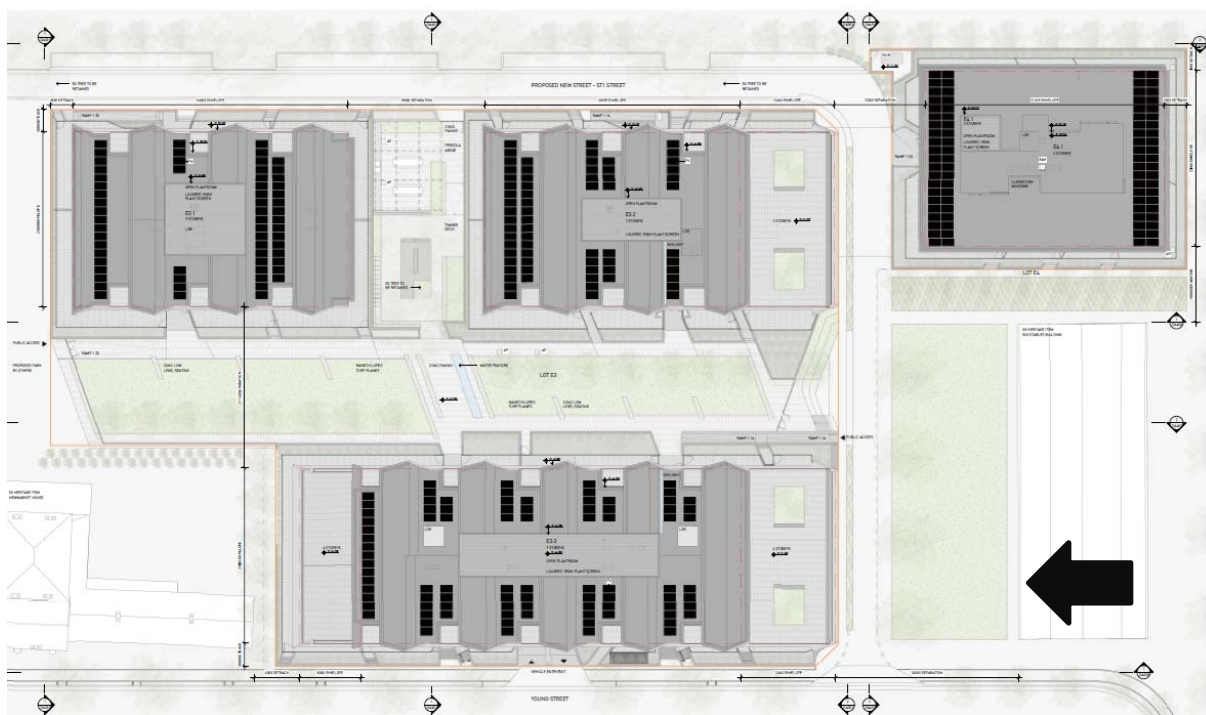
**Figure 8** below shows the siting and numbering of the proposed buildings across site. The proposed development comprises the following works:

- Demolition of the existing buildings and associated structures;
- Excavation, remediation and site preparation works;
- Lot E3: Construction of three residential flat buildings with the following characteristics;
  - Building E3.1, a 5 storey building containing 30 apartments;
  - Building E3.2, a 7 storey building containing 44 apartments;
  - Building E3.3, a 7 storey building containing 73 apartments.
- Lot E4: Construction of one residential flat building with the following characteristics;
  - Building E4.1, a 3-storey building containing 18 apartments.
- Two levels of basement car parking with direct access off Young Street containing a total of 175 resident car parking, plus 17 visitor spaces, 10 motorcycle spaces and capacity for 165 bicycle spaces.
- Designated storage areas and individual waste rooms within the basement levels.
- Retention and preservation of three (3) significant Morton Bay Fig Trees.
- A large central landscaped plaza located between buildings E3.1, E3.2 and E3.3 which includes a water feature, communal seating and associated landscaping features such as retaining walls and fencing.
- Retention of Newmarket House and Newmarket Big Stable Building. No works are proposed to these structures.

The following table outlines the key characteristics of each proposed building.

<b>Building E3.1</b>	<b>Building E3.2</b>	<b>Building E3.3</b>	<b>Building E4.1</b>
5 storey Building	7 storey Building stepping down to 3 storey's on the southern side	7 storey Building stepping down to 4 storeys on the northern side and 3 storeys on the southern side	3 storey Building
Total of 30 apartments	Total of 44 apartments	Total of 73 apartments	Total of 18 apartments

Building E3.1	Building E3.2	Building E3.3	Building E4.1
<ul style="list-style-type: none"> <li>• 22 x 2 bed</li> <li>• 8 x 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 2 x 1 bed</li> <li>• 24 x 2 bed</li> <li>• 18 x 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 19 x 1 bed</li> <li>• 39 x 2 bed</li> <li>• 15 x 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 6 x 1 bed</li> <li>• 7 x 2 bed</li> <li>• 5 x 3 bed</li> </ul>
North-eastern building with entries off ST1 (new road) and the central area of open space	Central building along the eastern side with entries off ST1 (new road) and through the area of common open space	Western building facing Young Street. Two entry lobbies both off Young Street and the rear central area of open space  The Building is separated on the ground floor by the vehicular driveway.	Southern most building. Main access is off ST1 (new road) along the northern side.
6 apartments per level	8 apartments on the ground floor, first and second floor.  6 apartments per level for levels 3-7	Maximum of 6 apartments off each lobby area	6 apartments per floor.



**Figure 8: Site Plan showing the layout and siting of the proposed new buildings, E3.1, E3.2, E3.3 and E4.1 (courtesy smart design studio)**

#### 4.0 Submissions

The application was publicly exhibited and advertised in accordance with the requirements of the Randwick Development Control Plan 2013 (RDCP) for Public Notification.

Three (3) submissions were received in response to the public exhibition and the issues raised are summarised below;

- Unit 4/17 Pitt St, RANDWICK
- 82 Middle St, RANDWICK
- 11 Jane Street, RANDWICK

- *Traffic Congestion*

A detailed traffic assessment was submitted with the application which evaluated the traffic that is likely to be generated by the development. It is anticipated that a total of 64 vehicular movements will occur from the basement car park off Young Street in the morning and 61 movements in the afternoon peak. It is assumed that 10% of trips will be in bound and 90% will be out bound in the morning and 80% in bound with 20% out bound in the afternoon period. This is not considered to be an unreasonable amount of additional traffic and is consistent with that approved under the Concept Plan.

The provision of new link roads around the development will also disperse traffic around the area rather than funneling it to one intersection or particular spot.

- *Inadequate parking*

The proposal complies with the amount of car parking required for the new residences and for visitor spaces by providing a component of visitor parking on the street as approved under the Concept Plan.

- *Increased noise*

The redevelopment will generate some additional noise however the residential components will be within standard residential acoustic limits which is considered reasonable. This part of the development does not include any retail or commercial uses which could potentially generate higher levels of noise throughout the day.

- *Reduction in the heritage status of Randwick*

The proposal has been designed to consider the siting, curtilage and significance of the existing Heritage Items on site. The items will be retained and the design will not detract from their importance.

- *Inappropriate height*

The proposal has been designed to comply with the overall height control and is in accordance with the approved masterplan for the site. Some buildings step down in an attempt to respect the lower scale heritage buildings and to provide greater building separation and space.

- *Increased overlooking especially to Rainbow Street Public School*

There is substantial physical separation between the school and the new development. The Newmarket Big Stable building will remain as a barrier between Buildings 3.2 and 3.3 whilst Building E4.1 is only three storeys and is a low scale building. It is not designed to have its primary orientated to the south (facing the school) and therefore will not adversely impact its amenity.

- *Overshadowing*

The degree and amount of overshadowing to the south across Rainbow Street Public School is not considered to be unreasonable. The Environmental Assessment later in this report addresses this issue in detail.

- *Safety for pedestrians during construction*

A detailed construction management plan will be prepared and will address these issues.

Some of the issues raised by residents are covered and assessed in more detail later in this report.



## **5.0 Technical Advice: Internal and External Referrals**

### **5.1 Development Engineer and Landscape Officer**

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

#### **Background**

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

- a) Site preparation including demolition of structures, removal of vegetation and excavation
- b) Road infrastructure and public domain conceptual layout
- c) Subdivision into 9 development lots and one public open space lot
- d) Four new public streets intersecting from Young, Jane and Botany Street
- e) 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
- f) 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.
- g) Provision of parking at the basement level in addition to on-street parking across the site
- h) Adaptive re-use of the Newmarket House and the Big Stable Building
- i) Site remediation and earthworks

#### **The Proposed Development**

The subject development application is for the development of Lots E3 and E4 within the Newmarket redevelopment comprising of demolition of existing structures, remediation works construction of 4 residential flat buildings between 3 and 7 storeys containing 165 dwellings, two levels of basement car parking with 175 residential car park spaces, 17 visitor spaces, 165 bicycle spaces, 10 motorcycle spaces, landscaping and associated works (Heritage Item).

#### **General Comments**

No objections are raised to the development application subject to comments and conditions provided in this report.

#### **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**

Part E5 (Newmarket Green) of Council's DCP and the conditions of consent for DA/88/2016 set out the parking rates for the development. Where no rate is specified then parking rate

defers to Part B7 of the DCP. Condition 41 of the development consent for DA/88/2016 details the following rates:

Vehicle Parking

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 40m<sup>2</sup> for commercial

The proposed development is for 165 dwellings in 4 buildings comprising of the following mix and associated parking demand

<u>Component</u>	<u>Parking Generation</u>
27 x 1 bedroom apartments	$27 \times 0.5 = 13.5$ spaces
93 x 2 bedroom apartments	$93 \times 1.0 = 93$ spaces
45 x 3 bedroom apartments	$45 \times 1.5 = 67.5$ spaces
Visitor Parking (1 per 5 units)	$165/5 = 33$ spaces

Total Parking Provided on Site = 192 spaces (including 17 visitor space)

An additional 16 visitor spaces are provided on-street which is permitted by condition 41 note 1 in the Stage 1 Masterplan DA (DA/88/2016).

**Total Parking Provided = 208 spaces**

**Total Parking Required = 207 spaces**

**The parking provision is satisfactory**

Motorbike Parking

Motorbike Parking is to be provided at 1 space per 100 carspaces (Table 4 Part E5 of DCP)

Motorbike parking Required =  $0.01 \times 207 = 2$  spaces.

Motorbike Parking provided = 10 spaces (complies)

**The proposed motorbike parking provision is considered to be satisfactory.**

Bicycle Parking

Bicycle parking to be provided at 1 space per dwelling (Table 4 Part E5 of DCP)

Bicycle parking required = 165 spaces

Bicycle parking is allowed for all 165 apartments in appropriately sized storage cages located around the basements. An additional 77 spaces are provided in racks located in the underground link between Lots E3 & E4.

**The proposed bicycle parking provision is considered to be satisfactory.**

#### Service and Delivery Parking

Service and Delivery Parking is to be provided at the rate of 1 space per 50 units up to 200 dwellings plus 1 space per 100 dwellings thereafter (as per Part B7 of DCP).

Service and Delivery Spaces Required =  $165/50 = 3.3 = \text{say } 3 \text{ spaces}$

No Service and Delivery Spaces have been exclusively dedicated on the submitted plans. It is therefore recommended that 3 of the visitor spaces be dedicated to service and delivery parking in accordance with AS 2890.2. A suitable condition has been included in 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.

#### **Geotechnical Comments**

The engaged geotechnical engineers (Douglas Partners) have established a network of wells across the entire Newmarket site designed to monitor the level of groundwater. The relevant monitoring wells located directly within Lots E3 & E4 are MW 131 (northern end of site) & MW 134 (southern end of site).

The level of ground water within these wells varied between the survey periods (May 2015-July 2016) as follows

MW 131 (northern well) – between RL 38.9 & 39.4

MW 134 (southern well) – between RL 36.6 & 37.5

Basement Parking will be below the proposed buildings on generally a single level shared between the 4 buildings. A lower and smaller 2<sup>nd</sup> level of basement parking is proposed on the central western side of the site (adjacent to Young Street). The floor level of Basement level 1 ranges between RL 39.5 at northern end to RL 38.3 at the southern end while Basement Level 2 is proposed between RL 35.15 and RL 35.85

The excavations will therefore extend into the groundwater table especially in the central and southern part of the site. Allowance must also be made for future fluctuations in the water table. Conditions relating to the adequate management of groundwater and subsoil drainage have been included into this report, including the requirement for a fully tanked basement structure. There must be no collection and discharge of groundwater to Council's street drainage system.

#### **Stratum Subdivision Comments**

The submitted plans indicate a portion of the proposed basement will be constructed underneath Road ST1 to provide access between the basements of Lots E3 & E4. To separate the Council road reserve from the proposed development a stratum subdivision will be required to provide a 3 dimensional boundary between them. Recommended conditions relating to the stratum subdivision have been included in this report.

#### **Service Authority Comments**

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

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



- the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial non-residential development; and

- there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.

- k) If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.

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

It should be noted that Section 4.6 Part E5 (Newmarket Green) of the DCP also requires all electrical reticulation to be located underground.

### **Waste Management Comments**

The proposed development will generate the following amount of waste based on waste generation rates in Part B6 of Council's DCP.

#### Normal garbage (660L bins proposed)

165 units @ 120L per week =  $165 \times 120 = 19,800\text{L}$

No. of 660L bins required =  $19800/660 = 30$

After compaction (generally 2:1) 17 x 660L bins proposed (satisfactory)

#### Recycling (240L bins proposed)

165 units @ 60L per week =  $165 \times 60 = 9,900\text{L}$

No. of 240L bins required weekly =  $9900/240 = 41.25 = 42$

Recyclables are however collected fortnightly by Council hence 83 x 240L bin are required.

It is noted that the submitted Waste Management Plan indicates weekly collection for recyclables however Council's current practice is that that recycling bins are collected fortnightly only. The WMP has therefore underestimated the number of 240L bins required.

#### Collection Procedure

Normal garbage is discharged via a chute into 660L bins within waste discharge rooms located on the basement level, which are then compacted. Each waste discharge room will house a minimum of 2 x 660L bins mounted on linear tracks. Additional 660L bins will be stored in the holding room. The building caretaker will monitor bins and exchange full bins with empty ones when required.

For recycling 1 x 240L recycling bin is stored on each residential level. Additional 240L are stored in bin holding room and exchanged when required.

On collections days the caretaker will transfer all full 660L garbage and 240L recycling bins to the bin holding room on the ground level of building E3 for servicing by Council. Council's Waste management coordinator has advised that Council will not be able to pull out compacted 660L bins onto the street verge due to the weight of the bins and may be require the applicant present the bins via a mechanised pull-out system for collection. Conditions relating to grade requirements and the installation of the pull-out system have been included in this report.

### Tree Management Comments

The Preliminary Arboricultural Impact Appraisal by Tree IQ, dated 12.02.16, submitted with the Infrastructure DA (662/2016), assessed all trees throughout the whole of the site, providing recommendations for retention, protection and removal.

A Supplementary 'Arborists Statement' by Tree IQ, dated 06.06.17, has now been submitted with this application, and identifies only three trees that will be affected by these works, all being *Ficus macrophylla* (Moreton Bay Figs), within Lot E3, which are all included in Council's Register of Significant Trees, so their unconditional protection and retention is required, as has been specified in condition 42 of DA/662/16; as follows:

- T22, beyond the northeast corner of Lot E3, in the existing laneway (future street ST1), on the eastern site boundary, adjacent the northeast corner of building E3.1, resulting in a major encroachment of its TPZ by 22.3%;
- T16, in the open grassed area/courtyard to the north of the Big Stable, with Level 1 of the excavated basement, as well as the buildings for E3.1 & E3.2 to 'box-in' this tree on three of its four sides, resulting in a major encroachment of its TPZ by 32.4%;
- T37, also in ST1, to the east of Lot E3, adjacent the southeast corner of building E3.2, which will maintain the same level of encroachment as existing footprints, maintaining a minor encroachment of its TPZ of 1.4%.

In cases where major encroachments of TPZ's are proposed, AS4970 requires that the site Arborist demonstrate how trees can remain viable, with the submitted Report detailing that root mapping has already been performed (as is required) along the line of proposed excavation on 21.09.17 and then again on 31.05.17, to varying depths of between 350-900mm.

Photos of these trenches included in the Report confirm a complete absence of any major structural roots in the area of the proposed works, presumably due to a combination of existing structures and surfacing which have deflected root growth, with the presence of disturbed soil/fill in these trenches also indicating that roots may have already been severed as part of past construction activities circa 1990.

So despite major encroachments of two of the three TPZ's, the trenching/root mapping has confirmed that the works could proceed as shown as it would not have a significant impact on these trees, with the Report recommending that a site specific Tree Protection Specification & Protection Plan be prepared prior to the commencement of any works on-site, and must include the following:

- The use of tree sensitive methods during demolition activities;
- Retaining existing footings & sub-base layers in-situ to protect their root plates;
- New pavement (including sub-base materials) to be above existing grades, and be designed so as to avoid high levels of compaction of the sub-grade, below the pavement;
- The use of tree sensitive construction methods for new road pavements, at 250-350mm above existing grades;
- TPZ fencing, trunk and ground protection, prior to commencement.

These recommendations have been incorporated as conditions of consent in the Tree Management section of this report.

Minor clearance pruning of T22 & 37 will also be required in order to accommodate the works, with the Report confirming that this would be limited to branches no bigger than 100mm in diameter, and would represent no more than 5% of their individual crown volumes, which is categorised as minor.

T16 will require the pruning of 1 x 250mm, 3<sup>rd</sup> order branch on its southern aspect, which would not affect its form, with additional minor pruning required to its northern aspect, which overall, would also only amount to 10% of its total crown.

Due to their significance (as evidenced by their inclusion on Council's Significant Register), conditions in this report require that a high degree of control be exercised over the exact location and extent of pruning that is performed, with conditions requiring that Council's Landscape Development Officer be present on-site, prior to any pruning works.

***It is noted that the removal of other trees around the perimeter of the site, being those beyond the eastern boundary of Lot E3, as well as beyond the eastern and southern boundaries of Lot E4, as shown, will be performed as part of separate approvals issued as part of DA/662/2016 (Infrastructure Works).***

### **Landscape Plan comments**

The submitted documentation describes that the main features of the landscape design will be:

- a semi-publicly accessible 'Green Way' central courtyard (open during the day, closed at night), running north-south, between E3.1/E3.2 & E3.3, which facilitates sight lines between the Public Park to the north, and the Big Stable to the south, including sloped turf platforms and deciduous feature trees to frame these views;
- an east-west, resident's only (gated) communal open space, between E3.1 & E3.2, including passive seating zones beneath the canopy of a mature Fig Tree (T16), sunken seating, a fire pit, BBQ, tables and shade canopies;
- interface, boundary and private courtyard treatment to clearly delineate between the public, communal and private spaces.

These spaces are intended to provide a diverse range opportunities and activities for both occupants and visitors alike, with relevant conditions requiring that these concepts be delivered on-site so as to ensure that this treatment provides the intended contribution to site amenity.

### **5.2 Environmental Health Officer**

The application was referred to Council's Environmental Health Officer who considered the relevant environmental health matters and key issues, including (but not limited to) acoustics and land contamination. No objection was raised in respect to compliance with these matters and approval is recommended subject to the imposition of a series of conditions if consent is to be issued.

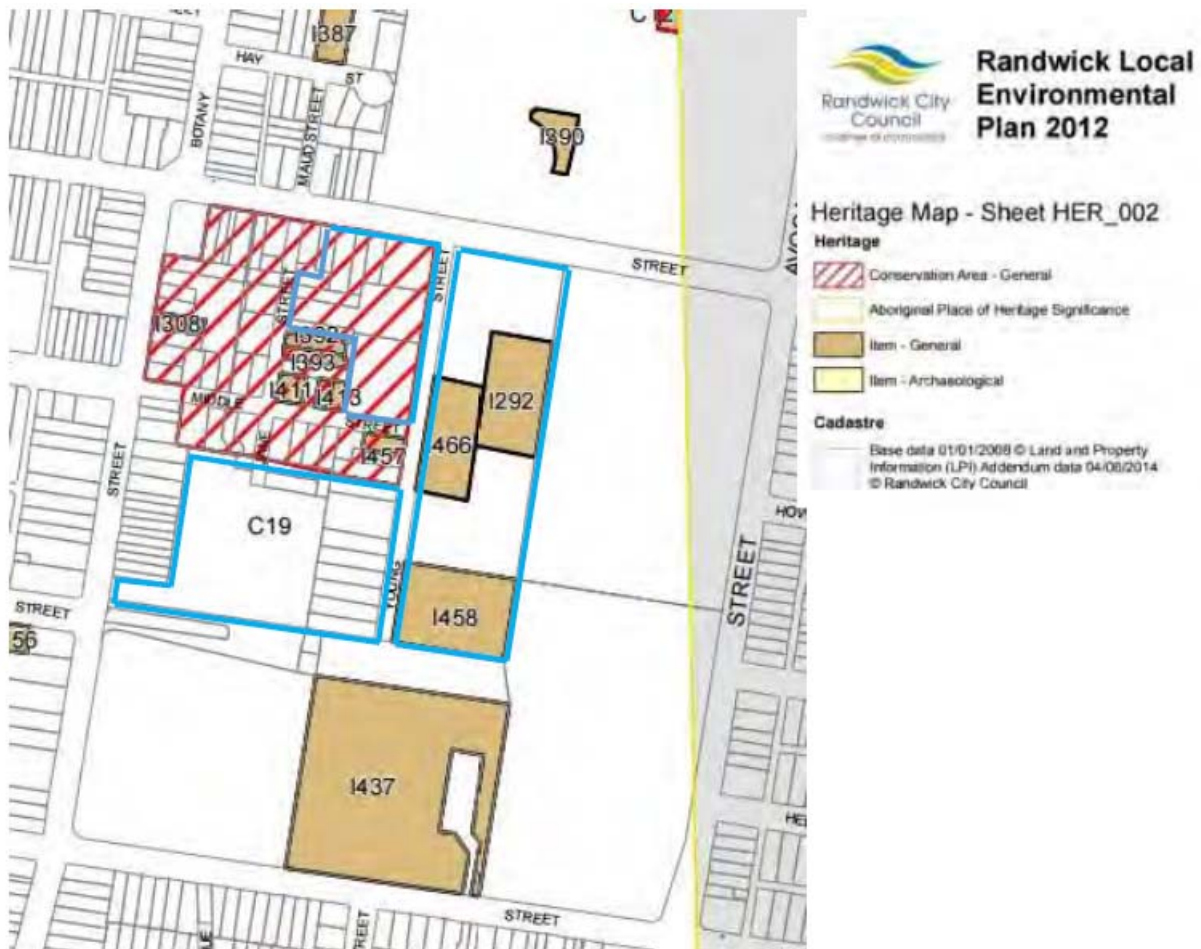
### **5.3 Heritage Officer – Randwick City Council**

The application was referred to Council's Heritage Officer for comment as the Site includes one item of local heritage significance (Newmarket House) and one item of State Significance (Big Stable Building). The other local heritage item within the broader site is the Newmarket Stable Ring, (which is not part of the subject Site), its use and integration has been considered as part of DA No.662/2016 which addressed the design of the public park. The subject site also abuts the Struggletown Conservation area (C19 within Schedule 5 of the RLEP).

**Figure 9** Below indicates the location of the Heritage Items, Struggletown Conservation Area and the Newmarket site in accordance with Schedule 5 of the RLEP. It also shows their location within the broader context of the locality and their interrelationship. **Figure**



10 is an aerial photo of the two Heritage Items (Newmarket Big Stable Building and Newmarket House) that are located within the subject Site.



**Figure 9: Designated Heritage Items within the site and surrounds and the Struggletown Conservation area (hatched red). The blue outlined area is the Newmarket Green site (courtesy OPC Architects, 2016)**

Council's Heritage Officer has provided the following comments:

#### **"Proposal"**

*The current application proposes the provision of 165 dwellings within a new "south eastern" precinct (Lot E3 and Lot E4). The Big Stable and Newmarket House are excluded from the new precinct. This "sub-precinct" of the eastern precinct has a northern boundary to the public park, an eastern boundary to Randwick High Schools, a southern boundary to Rainbow Street public school, and a western boundary to Young Street. The current application includes:*

- *Demolition of the existing buildings and structures and excavation, remediation and other site preparation works.*
- *Lot E3- construction of three residential flat buildings ranging in height between 5-7 storeys (147 dwellings).*
- *Lot E4- construction of a three-storey apartment building (18 dwellings).*
- *Construction of a consolidated basement car park comprising one full level and a part second level.*
- *Retention and protection of three significant Morten Bay Fig trees and associated landscaping works.*

#### **Submission**

*The application has been accompanied by a Conservation Management Plan (for The Big Stable and Newmarket House) and Statement of Heritage Impact prepared by OCP*

*Architects, a Historical Archaeological Assessment prepared by GML Heritage and an Aboriginal Archaeology Heritage Assessment (letter) prepared by Mary Dallas Consulting Archaeologists.*



**Figure 10: Existing location and siting of the two Heritage Items (circled red) Newmarket House to the north and Newmarket Big Stable to the south (courtesy OPC Architects, 2016)**

***Aboriginal Archaeology Heritage Assessment (Mary Dallas)***

*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. These sensitive areas are associated with remaining older buildings in the south east portion of the complex and the undeveloped portion of the site around the day car park, which include some of the areas covered by the current DA. 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. The test excavations, under an Office of Environment and Heritage Aboriginal Heritage Impact Permit, will lead to final management outcomes for the site. 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 Archaeological Assessment (GML)**

*The HAA identifies historical development phases on the site, connected with market gardening, stables and horse sales, and provides an Archaeological Zoning Plan identifying areas of archaeological potential. 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.*

### **Statement of Heritage Impact (OCP)**

*The SHI addresses Design development conditions, Building footprints and envelopes, Setbacks from heritage items, significant view and views of heritage items, and Masterplan conditions of approval. The SHI notes that the need to achieve required flood levels, slab insulation and internal ceiling heights, building heights have increased and building envelopes marginally exceeded.*

*In relation to building E3.1 (northernmost building on the western edge of the site- 5 stories) the SHI notes that the proposed building generally complies but 'set-down' not provided. In relation to building E3.2 (centre building on the western edge of the site- 7 stories), the SHI notes that the 7 storey section exceeds the overall height and to a lesser extent the southern set-down height. In relation to building E4.1 (southernmost building on the western side of the site- 3 stories), the SHI notes that the building exceeds the overall height. In relation to building E3.3 (adjacent to Young Street- 7 stories), the SHI notes that the proposed building exceeds the overall height and to a lesser extent the southern set-down height. In relation to setbacks from heritage items, the SHI notes that the proposed buildings comply with the setbacks from the Big Stable and Newmarket House approved in the Masterplan for the site. In relation to significant views, the SHI refers to the significant views and vistas to Newmarket House and the Big Stable identified in the CMP. The CMP identified the most significant view of the Big Stable as the entire north elevation viewed from the north west. The SHI advises that this significant view is retained. In relation to Masterplan conditions of approval, the SHI addresses the detailed design of buildings E3.2, E3.3 and E4.1.*

*The SHI concludes that the minor height control exceedances have negligible heritage impact and that the setting and heritage significance associated with the Big Stable and Newmarket House continues to be maintained and celebrated. The SHI considers the exceedance in relation to Building E3.1 is warranted given its distance from Newmarket House. The SHI notes that the setbacks from Newmarket House and the Big Stable enable identified significant views from the public domain to be retained. The SHI argues that the placement of appropriately scaled building on two sides and the open green square in front allows the Big Stable to become a heritage showpiece.*





**Photo 1: Newmarket Big Stable Building (photo courtesy smart design studio)**



**Photo 2: Front elevation of Newmarket House (photo courtesy smart design studio)**



**Photo 3: Newmarket House located to the left - photo taken looking north towards the Stable Ring (photo courtesy smart design studio)**

## **Comments**

### **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 plans for the current application 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 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 round yard), 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 southern 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.**

### **The Big Stable**

Buildings E3.2, E3.3 and E4.1 are within the State Heritage Register curtilage for the Big Stable, and within its mapped curtilage under Randwick LEP 2012.

### **Master Plan approval**

The concept master plan for the site (DA/88/2016) includes provides building envelopes for each of the buildings on the site and consent conditions in relation to the design of buildings abutting the site of Newmarket the Big Stable. The proposed footprints and envelopes have been determined to minimise the impact of new development on the visual setting and cultural landscape, and to provide an appropriate relationship to the Big Stable and Newmarket House.

### **View Analysis**

View analysis for the Big Stable, Newmarket House and the Struggletown heritage conservation area were submitted in conjunction with DA/88/2016 for the Stage 1 concept master plan for the site, and the issue of view impacts has been resolved as part of the Court approval process for this development application.

### **Setbacks**

The buildings to the north of the Big Stable (E3.2 and E3.3) are set back from it by around 25m, while the building to the east (E4.1) is set back from it by around 10m. Building E3.3 is set back from Newmarket House by around 6m. All setbacks appear to comply with master plan requirements.

### **Building envelopes**

Buildings E3.2 and E3.3 to the north of the Big Stable are stepped back from 7 storeys to 3 storeys (the 'set-downs' discussed in the SHI). Building E4.1 to the east of the Big Stable (E4.1) is a 3 storey building.

Building E3.1 (northernmost building on the western edge of the site- 5 stories) has a non-compliance with masterplan overall height requirements. Building E3.2 (centre building



on the western edge of the site- 7 stories), has a non-compliance with masterplan overall height requirements and a minor non-compliance set-down height requirements. Building E3.3 (southernmost building on the western side of the site- 3 stories), has a non-compliance with overall height requirements. Building E4.1 (adjacent to Young Street- 7 stories), has a minor non-compliance with masterplan overall height requirements. The overall height non-compliances are generally relate to plant areas in the central area of the building, and will have minimal visibility from the adjacent heritage items.

### **Building design**

A masterplan consent condition requires that the design of buildings abutting the site of Newmarket the Big Stable must include specific articulation of outer volumes, utilising established techniques including but not limited to tapering and 'feathering' of building extremities, provision of open balconies and transparent glazed enclosures and open undercrofts to reduce the impact of new works on Newmarket House, The Big Stable, the Struggletown Conservation Area, and the interstitial areas between the existing and new construction. Specific modelling of building E4 is to respond to the form, massing and setbacks of the Big Stable as viewed from the north and north west. A further consent condition requires that the Heritage Council be consulted as part of design development within the Big Stable area.

It is noted that buildings E3.2 and 3.3 provide open balconies on their long elevations and large glazed areas to elevations facing the heritage items and slab edges relating to the horizontal lines of the Big Stable. Vertical angled blade elements provide feathering when viewed from the north and north west. It is noted that building E4.1 provides also provides large glazed areas facing the eastern elevation of the heritage item, with strongly expressed slab edges. Building E4.1 to the east of the Big Stable (E4.1) is a 3 storey building which will be lower than the overall height but significantly higher than the wall height of the Big Stable. It appears that the proposed glazed areas and slab edges are seen as constituting the required response to the "form, massing and setbacks of the Big Stable." The uniform treatment of each level of the building, rather than the creation of a base relating to the scale of the heritage items appears to be dictated by the master plan consent conditions.

### **Interpretation**

An Interpretation Strategy for the Newmarket 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 four apartment foyers, for Buildings E1, E2, E3 and E4.1. The Interpretation Plan for Lots E3 and E4 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.

In summary Council's Heritage Officer does not raise any concerns with the proposal apart from the desire to retain in situ or allow for the dismantling and the reconstruction of the two round yards as they are of interpretive historical importance and their retention is beneficial. Conditions are recommended if consent is to be issued.

## **5.4 NSW Heritage Office**

The proposed development is Integrated Development in accordance with Section 91 of the Environmental Planning and Assessment Act, 1979 as the proposed development is located on land where an Item of State Significance (Big Stable Building) is sited. The application has been referred to the NSW Heritage Office for comment. Concurrence, was subsequently granted on 12 October 2017 with conditions.

## 5.5 Sydney Airport Corporation Limited

The application was referred to Sydney Airport Corporation and the following comments were provided:

*"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 66.4 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 66.4 metres AHD.*

*The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.*

*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.***

*"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."*

Two (2) standard conditions are included in the recommendation regarding the need for a new application if the scope of works changes and the height of the building/s increases and that an application for Approval of Crane Operation is required if cranes are to be utilized as part of the construction process.

## 5.6 Eastern Suburbs Local Area Command

The application was referred to the NSW Police Force and assessed under Crime Prevention Through Environmental Design (CPTED). A Crime Risk Assessment Report was prepared and has been provided to Council. The following comments were made in relation to the proposal:

*"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.*

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

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

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

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

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

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

*Older model vehicles which are not fitted are often 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."*

The proposal has been designed to ensure safety of visitors and occupants is maximized whilst at the same time allowing easy access around the site and creation of through site links to public and semi-public spaces. The development limits internal communal areas such as gymnasiums, pools or rooftop terraces which can result in poor amenity outcomes often arising in noise and acoustic issues. These exclusions will make the buildings safer. NSW Police have imposed additional conditions to ensure safety is maximized (i.e location and type of letterboxes to be included, improvements and delineation of lighting, access arrangements and also improvements to window design etc). These recommended conditions are included if consent is issued.

## **5.7 Water NSW**

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

*"Reference is made to your request for a response in relation to the proposed development described as Lot A & B DP 330407, 29-39 Young Street Randwick and identified as DA/370/2017.*

*WaterNSW has determined that the proposed development will encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. This determination is subject to appropriate construction methods to be employed to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval attached."*

The General Terms of Approval required by Water NSW are included as conditions if consent is to be granted.

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

Council's Design Review Panel (DRP) reviewed the preliminary, prelodgement proposal on 1 May 2017 and provided a series of comments in respect to the initial design scheme (detailed comments from this meeting are summarized in Section 2 of this report). The Applicant's revised the scheme to address previous concerns and the Design Review Panel (DRP) reviewed the current scheme on 3 July 2017.

The following comments were made:

*"This DA submission proposes construction of a series of new three, five and seven-level apartment buildings with basement car parking, within the Newmarket development site in Randwick.*

*Panel members are familiar with the site and the surrounding area.*

## **1. CONTEXT AND NEIGHBOURHOOD CONTEXT**

*The site is located within the Newmarket Green development, in a transitional area between the medical precinct to the north of Barker Street and a dense, low rise residential area to the south. The proposal is one component and stage within a larger precinct development, comprising 14 residential buildings ranging in height from two to seven*

stories. Immediately to the east of the site is located Randwick Girls High School and Randwick Boys High School. Rainbow Street Public School and Paine Reserve are located immediately to the south and southwest of the site.

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 adjacent to 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 three-level apartment buildings up to the 6 level Neuroscience Research Australia building

## **2. SCALE AND BUILT FORM**

The applicant has, on prior advice from the panel, made a series of refinements to the architecture of the project and its constituent elements. These include refinement of the pre-cast and in-situ concrete elements, as expressed both vertically and horizontally. The resultant refinements, along with significant amendments to the building on Lot E4, result in a composition in which the proposed buildings create an appropriately neutral background curtilage for the heritage Big Stable Building. The panel considers these amendments and enhancements to be successful improvements to the overall project and its urban design performance, and are in support of the scheme.

Directly across Barker Street from the site.



**Figure 11: 3D perspective of the view of the southern elevation of Building E3.3 as seen from the Newmarket Stable Building and Young Street (courtesy smart design studio)**





**Figure 12: 3D perspective of Building E3.2 and the central landscape area as viewed from the Newmarket Stable Building. Building E4.1 located to the right (courtesy smart design studio)**

### **3. DENSITY**

*No density issues are raised by the proposal.*

### **4. SUSTAINABILITY**

*The applicant has successfully addressed all the comments and concerns raised by the panel in previous comments.*

### **5. LANDSCAPE**

*The entries to the individual ground floor units on Young Street and their outdoor spaces are more clearly defined, and create a more animated streetscape and ground plane.*

*The central space between the buildings has been re-designed to allow public access to and circulation through, as well as passive recreation, which addresses one of the main concerns of the panel when previously reviewed. However, there are still fixed fences at either end of the space, and daytime public access is afforded by smaller passageways to the edge of the space. The panel would like to see a more refined solution to this security issue, that does not present a fixed fence to the public domain during the hours when public access is allowed through the space. This might involve a combination of larger sliding fences and screen planting, to allow the access to be more direct and open. Details of the intended times and manner of operation of this line of security should be provided.*

### **6. AMENITY**

*All of the panel comments regarding internal and external amenity for the development have been successfully addressed.*

### **7. SAFETY**

*The entry and access points from the residential buildings to the street and public spaces have been further refined to become more clearly identifiable and accessed.*

### **8. HOUSING DIVERSITY AND SOCIAL INTERACTION**

*The animation and activation of the site will be enhanced through the range of private, semi-private and shared open spaces across the site. The panel is supportive of the eastern space under the existing fig tree being a space exclusively dedicated to residents of the complex.*

## **9. AESTHETICS**

*The proposal is of a fairly high design standard, with a sophisticated visual and formal language; the refinements and changes made enhance this quality.*

*The proposed range of colours to be applied to the individual buildings did not (at least in the printed document) exhibit sufficient variety; the applicant should confirm the exact colours proposed.*

## **SUMMARY AND RECOMMENDATIONS**

*The panel is supportive of this proposal, and does not need to review it again. We are in agreement that the applicant is to be commended for the clarity and sophistication of the architectural outcomes.*

In conclusion the Design Review Panel are satisfied with the design resolution for the Site.

## **10. 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

### **10.1 State Environmental Planning Policy (State and Regional Development) 2011**

The provisions of SEPP (State and Regional Development) 2011 applies 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 Eastern City Planning Panel (SECPP).

### **10.2 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. Conditions are recommended accordingly.

### **10.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)**

SEPP No. 65 aims to promote quality design of Residential Flat Buildings (RFB's). 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 4.8 above.

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 (ADG) against the design criteria requirements (Table below). Any non-compliance to the design criteria include a merit based assessment in accordance with the design requirements of the ADG.



The following table summarises the development's compliance with the ADG provisions.

Clause	Requirement	Proposal	Compliance
Part 3: Siting the Development			
3A-1	Site Analysis		
	Each element in the Site Analysis Checklist should be addressed	The 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)	<p>The eastern and western blocks address the both street frontages.</p> <p>Blocks E3.1 and E3.2 have their main access off the new loop road (known as ST1) located along the eastern boundary of the Site. They also have a secondary access off the central communal landscaped area. The buildings are designed to have a central entry lobby that is accessible from both sides of the Site which makes accessing these buildings flexible and versatile.</p> <p>Building E4.1 has its main access off the new loop road (ST1) along the northern side of the Site.</p> <p>Building E3.3 faces Young Street to the west and its built form is broken up to include the main, central vehicular access driveway (to the basement) and two lobby areas which are accessible from Young Street and from the main central common area of open space.</p> <p>The buildings have been designed to</p>	Complies.

Clause	Requirement	Proposal	Compliance
		address all street frontages and address the public domain. Every elevation is well articulated and quite diverse in its form and mass to create variety and modulation in the design.	
	Where the street frontage is to the east or west, rear buildings should be orientated to the north	All the buildings have been designed to optimise the northern orientation where they can and many new apartments will have the opportunity to benefit from this orientation as well as have a view of the central public park.	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 an east/west orientation however Building E4.1 faces the north and maximises this orientation. This building is only 3 storeys in height and the overshadowing to the south (Rainbow Street Public School) is minimal and given the schools main outdoor areas are located immediately adjacent to this building the school main buildings and learning spaces will be unaffected as they are located some distance from the common boundary. The separation between the two buildings is over 20m which is considered satisfactory given the ADG requirement is 12m. The proposed three storey scale of this building is considered to be more sympathetic and in keeping with the scale of buildings within the school.	Complies
3B-2	Orientation		

Clause	Requirement	Proposal	Compliance
	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	The central area of communal open space between the key buildings faces north so it will receive ample solar access and will link to the new large public park to the north. The transition between uses and the clear delineation of spaces and interconnection of the land uses on site has been sensitively considered.	Complies
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	When considering the potential affectation to adjoining residences the main residential properties are located to the west along Young Street. Many of these properties are smaller traditional semi-detached cottages with their main entry off Young Street. Some of these properties will be overshadowed between the morning at 9am but by 12noon they will be free of overshadowing from the development (in particular E3.3). These properties will receive over 3hours of solar access. There is some shadowing to the east affecting Randwick Girls High School but the length of shadows towards the west in the afternoon will mainly affect an internal roadway to the school and some buildings (hall) but should not affect key learning spaces.	Complies
<b>Shadow Diagrams – June 21<sup>st</sup> 9am (Courtesy smart design studio)</b>			

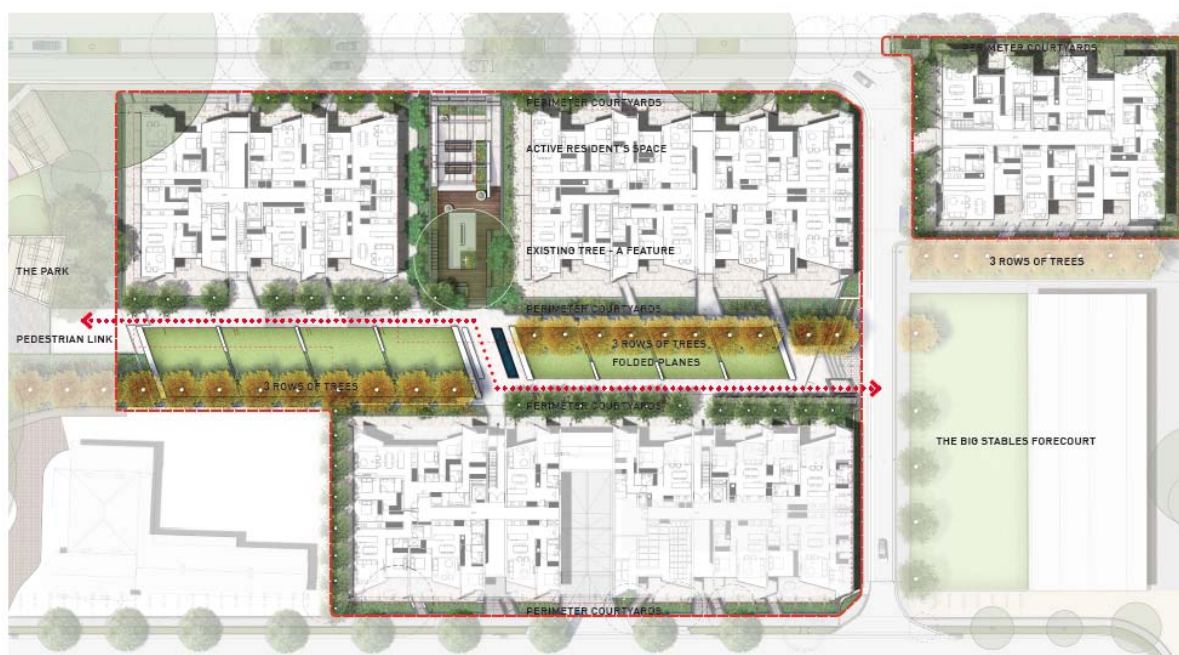


Clause	Requirement	Proposal	Compliance
			
		<p data-bbox="204 1039 1209 1068"><b>Shadow Diagram – June 21<sup>st</sup> 12pm</b> <i>(Courtesy smart design studio)</i></p> 	
	<p data-bbox="339 1877 826 2004">Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar</p>	<p data-bbox="844 1877 1161 2027">The development satisfies this requirement and all adjoining properties receive a minimum of 3</p>	<p data-bbox="1185 1877 1310 1906">Complies</p>


Clause	Requirement	Proposal	Compliance
	access to neighbouring properties is not reduced by more than 20%	hours of sunlight. The Big stable building is located to the south of Building E3.3. It will be overshadowed by the building but the three storey scale along the southern side reduces the potential solar impact to this building. Also the central landscaped courtyard provides a corridor where solar access will be maintained to about 50% of the northern side of the stable building at 12pm until about 3pm and then the remaining western portion of the building will obtain some sunlight from 3pm. Since this building is unlikely to be a habitable residential area and possibly utilised in the future for public cultural activities the importance of retaining solar access is not as critical and of greater importance is to maintain the architectural integrity of the heritage building and its setting which has been successfully achieved as the building will retain its iconic position and historic significance.	
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	The development achieves the building envelopes in the Concept Plan and separation distances are generally in accordance with the ADG.	Complies
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks	The buildings are sensitively arranged and organised in accordance with the Concept Plan envelopes established for the Site. Buildings	Complies

Clause	Requirement	Proposal	Compliance
		E.3.2, E3.3 and E4.1 taper down to a three storey form along the southern side to retain a more appropriate built form and interface with the Stable Building and Rainbow Street public school to the south.	
	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	The development achieves the building envelopes and the setbacks to immediately adjoining residential properties are quite substantial	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)	26% of the Site represents an area of communal open space which comprises of over 2,000sqm. It is a large and generous space which interconnects with the public park to the north and obtains a partial vista to the south to obtain views through to the Stable Building.	Complies
	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 receives the required 50% of direct solar access into this space. The area is north facing but flanked by buildings E3.1, 3.2 and 3.3. From 12pm until about 2pm the space receives ample and nearly total solar access to this space. From 2pm until after 3pm about 50% or a little less receives solar access however the minimum requirements are met and the landscaped	Complies

Clause	Requirement	Proposal	Compliance												
		area will be a very functional and attractive area to utilise.													
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>&lt;650m2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650-1500m2</td><td>3m</td></tr><tr><td>&gt;1500m2</td><td>6m</td></tr><tr><td>&gt;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	The Site area is greater than 1,500sqm and therefore deep soil areas need to have a minimum width of 6m and a total of 7% of the Site needs to comprise of deep soil areas. 703sqm is provided which amounts to 9% of the Site. Some of this area is above the basement carpark but has been designed to be able to cater for deep soil areas. The central courtyard includes two large “folded planes” which will allow for grass and larger trees to be planted to provide screening and greenery. Soil depths are increased due to this innovative landscape design.	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														



**Landscape Plan highlighting main areas of open space and deep soil planting. (courtesy smart design studio)**

Clause	Requirement	Proposal	Compliance
	 <p><b>Folded and sloped grass planes which are proposed to be included in the communal landscaped area (courtesy Landscape Plan prepared by Arcadia, June 2017)</b></p>		

3F-1	Visual Privacy														
	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><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>&gt;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	<p>The minimum separation distances between buildings are 18m-21m in accordance with the approved Concept Plan and ADG.</p>	<p>Complies.</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													



Clause	Requirement	Proposal	Compliance
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.	<p>80% of apartments in Lot E3 (buildings E3.1, E3.2, E3.3) will receive a minimum of two hours of direct solar access to the living rooms and private open spaces. This comprises of 118 apartments out of a total of 147.</p> <p>On Lot E4, Building E4.1 will achieve 78% compliance as 14 apartments out of 18 will receive solar access in accordance with the ADG provisions.</p>	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 within the development 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 allows adequate natural ventilation and cannot be fully enclosed	<p>60% of all apartments within Lot E3 are naturally cross-ventilated (a total of 88 apartments out of 147).</p> <p>In building E4.1, 14 apartments out of 18 are cross ventilated which amounts to 78%.</p>	Complies.
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The majority of cross ventilated apartments are located on building corners and the maximum depth of a cross through apartment is 19m measured from glass line to glass line. The non-compliance of 1m is considered minimal and the design intent still satisfies the objectives of the control and the sustainability consultant confirms	Does not comply. Acceptable on merit given the good amenity of the spaces created by the floor plan.

Clause	Requirement	Proposal	Compliance										
		that the design and the integration of blade walls will still achieve natural cross ventilation for these apartments.											
4C	Ceiling Heights												
	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <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></table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum Ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	<p>A minimum floor to ceiling height of 2.7m is achieved in habitable rooms and 2.4m in non-habitable spaces</p> <p>This development is residential in nature so higher floor to ceilings are not required. There are no double storey apartments or inclusion of attic features/areas.</p>	Complies				
Minimum Ceiling height for apartment and mixed use buildings													
Habitable rooms	2.7m												
Non-habitable	2.4m												
4D	Apartment Size and Layout												
	<p>Apartments are required to have the following minimum internal areas:</p> <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	<p>One (1) bedroom apartments vary in size from 57sqm (min) to 67sqm.</p> <p>Two (2) bedroom apartments vary in size from 78sqm (min) to 106sqm.</p> <p>Three (3) bedroom apartments vary in size from 117sqm (min) to 138sqm.</p> <p>In every category the apartments exceed the minimum internal area requirements. The apartments are very well designed and laid out. They are functional and provides excellent internal amenity.</p> <p>The mix and diversity of apartments provided is considered satisfactory and in accordance with the ADG. 14% of apartments comprise of 1 bedroom</p>	Complies
Apartment Type	Minimum Internal Area												
Studio	35m2												
1 bedroom	50m2												
2 bedroom	70m2												
3bedroom	90m2												

Clause	Requirement	Proposal	Compliance
		apartments, 58% comprise of 2 bedroom apartments and 28% of the development comprises of 3 bedders	
	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	100% compliance. No apartments rely on obtaining light or air from any other rooms.	Complies.
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	The minimum requirement is 6.75m. The proposal complies with this provision noting that the plan relies on an open plan layout to ameliorate the reliance on artificial lighting especially in the kitchen areas.	Complies.
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	78% of apartments achieve compliance. Where apartments fail to reach this maximum corner apartments are designed so that the living spaces maximise natural light penetration. The objectives of the control are reached through the design and internal amenity is not compromised by the degree of non-compliance in some apartments	Partial non-compliance
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	100% compliance – main/master bedrooms have a min area of 10sqm and all other bedrooms have a minimum size of 9sqm.	Complies
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 2.9m -3m.	Slight non-compliance but this is considered minor and the spaces are still functional and allow for a minimum area

Clause	Requirement	Proposal	Compliance															
			of 9sqm to be achieved.															
	<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"><li>3.6m for studio and 1 bedroom apartments</li><li>4m for 2 and 3 bedroom apartments</li></ul>	<p>All living rooms to one (1) bedroom apartments have a minimum width of 3.6m. Living rooms to two (2) and three (3) bedroom apartments have minimum widths of 4m. A small amount of apartments have widths of 3.8m and 3.9m again the non-compliance in this instance is considered to be minor and the intention of the control is achieved by creating large, functional living spaces that can accommodate a variety of internal fittings and finishes in a comfortable manner</p>	<p>Partial non-compliance but acceptable on merit given their configuration allows for a functional space</p>															
	<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Apartment widths are not less than 4m and up to 7.1m wide.</p>	<p>Complies</p>															
4E	Private open space and balconies																	
	<p>All apartments are required to have primary balconies as follows:</p> <table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio Apt.</td><td>4m2</td><td>-</td></tr><tr><td>1 bed Apt.</td><td>8m2</td><td>2m</td></tr><tr><td>2 bed Apt.</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bed Apt.</td><td>12m2</td><td>2.4m</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio Apt.	4m2	-	1 bed Apt.	8m2	2m	2 bed Apt.	10m2	2m	3+ bed Apt.	12m2	2.4m	<p>All but five (5) apartments have direct access to a private open space in the form of a ground floor courtyard or upper level balcony and will comply with the minimum area and depth requirements to provide a reasonable level of amenity to the occupants. The five apartments which do not satisfy the minimum requirements still achieve the objective of the control and create seamless indoor/outdoor spaces that are seamless in their connection. The balconies are integrated and still afford excellent</p>	<p>Complies.</p>
Dwelling Type	Minimum Area	Minimum Depth																
Studio Apt.	4m2	-																
1 bed Apt.	8m2	2m																
2 bed Apt.	10m2	2m																
3+ bed Apt.	12m2	2.4m																

Clause	Requirement	Proposal	Compliance										
		amenity and useability.											
	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	Full compliance is achieved. The ground floor courtyard/balcony spaces are large and spacious and offer extremely good external amenity to many apartments at this level comprising of larger three bedroom apartments.	Complies.										
4F	Common Circulation and Spaces												
	The maximum number of apartments off a circulation core on a single level is eight	There are a maximum of seven (7) apartments servicing any one circulation core.	Complies.										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable as the maximum number of storey's reached in this development is seven (7)	Not applicable.										
4G	Storage												
	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</div> <table><tr><td>Dwelling Type</td><td>Storage Size Volume</td></tr><tr><td>Studio</td><td>4m3</td></tr><tr><td>1 bedroom</td><td>6m3</td></tr><tr><td>2 bedroom</td><td>8m3</td></tr><tr><td>3bedroom</td><td>10m3</td></tr></table> <div>At least 50% of the required storage is to be located within the apartment</div>	Dwelling Type	Storage Size Volume	Studio	4m3	1 bedroom	6m3	2 bedroom	8m3	3bedroom	10m3	The basement incorporates areas for storage in a secure storage facility and 50% of storage is catered for within the internal configurations of the apartments themselves in accordance with the controls.	Complies.
Dwelling Type	Storage Size Volume												
Studio	4m3												
1 bedroom	6m3												
2 bedroom	8m3												
3bedroom	10m3												

#### **10.4 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 which indicates compliance with the minimum requirements of the SEPP.

#### **11. Randwick Local Environmental Plan 2012:**

The relevant clauses pertaining to the site and proposed development are discussed in detail below.

##### **Clause 2.1 – Zoning**

The subject site is zoned B1 Neighbourhood Centre under the Randwick Local Environmental Plan 2012. The objectives of the zone are:



- *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.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *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 is permissible in the zone with Council's consent and satisfies the objectives of the zone.

The proposed development will also promote the aims of the LEP in relation to the aesthetic character, sustainability, environmental qualities and social amenity of the locality.

#### **Clause 4.3 Height of Buildings**

The objectives of Clause 4.3 are;

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

The subject Site (bounded by Barker Street and Young Street) consists of two differing height limits, 25m (denoted as "T1" in the HOB map shown below) and 12m (denoted as "M" in the HOB map included below). The proposed buildings E3.1, E3.2, E3.3 and E4.1 have been designed to comply height limits established within the RLEP.



**Figure 13: Extract taken from Height of Buildings map (Sheet HOB-002), Randwick LEP, 2012**

The southern part of the Site is governed by a lower height limit as any development could affect the integrity of the Big Stable building. In order to retain its setting and heritage significance proposed heights of development adjoining this building are to be lower and more in keeping and in scale with the existing built form of this heritage item. As such a height limit of 12m has been well established.

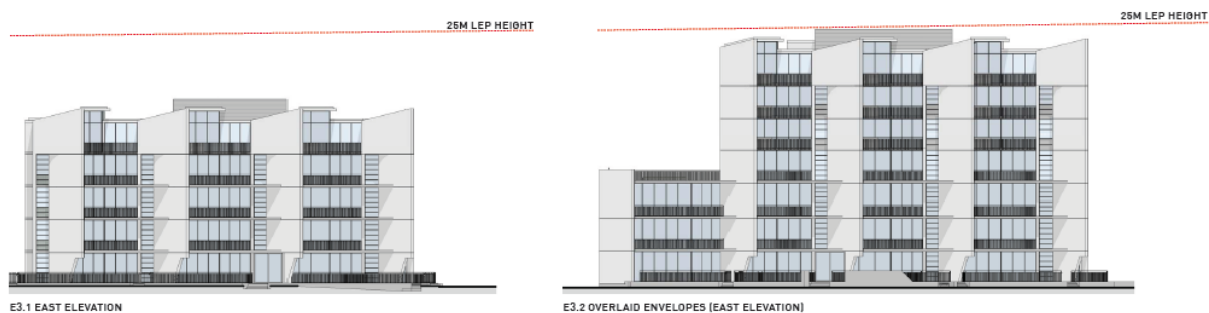
Building E4.1 adjoins the heritage item (Big Stable) and is located to the east of this building. The maximum height limit of 12m applies to this part of the site and the proposed building complies with the maximum height (as shown below).

Buildings E3.1, E3.2 and E3.3 sit within the 25m height limit and each achieve the limit as shown below.



**Figure 14: Height of Buildings E3.3 (left-western elevation) complies with 25m height limit and Building E4.1 (right-east elevation) which shows compliance with the 12m height control**

### Building E3.3 and E4.1



**Figure 15: Height of Building E3.1 (left-east elevation) and Building E3.2 (right-east elevation) which shows compliance with the 25m height control**

The proposed height of the buildings complies with the development standard (refer to **Figures 14 and 15** above). The height of the buildings slightly vary from the heights established by the Concept Plan but the difference is marginal. Building E3.1 is 700mm higher than the heights established by the masterplan, E3.2 is between 300mm to 1.1m higher, E3.3 is 850mm higher and E4.1 is 660mm higher.

The slight increases from the Masterplan are caused by a number of factors including but not limited to the following;

- More hydrological information and detailed flood studies have required ground floor levels to be raised.
- The detailed design stage concluded that centralising plant and associated equipment on the rooftop provides greater environmental benefits and improves the internal configuration and general spatial arrangement of the buildings making them more functional.
- Additional allowances were not made for waterproofing and insulation at the concept stage. These factors adds to the overall height of the buildings.
- Clerestory windows have been included in Buildings E3.2 and E3.3 to improve internal amenity of apartments by increasing solar access and cross ventilation into key habitable spaces. These design elements also improve the articulation of the Buildings and add to create a more dynamic and textured built form.

The increases proposed are considered to be minor and still maintain compliance with the numeric height standard. The increases do not alter the built form (footprint or general envelope) so that it is inconsistent with the Concept Plan outcomes. The building footprints and overall building envelopes envisaged by the Concept Plan are maintained.

Also in respect to the number of storeys reflected for each building, the design is consistent with the Concept Plan heights that were contemplated for the future built forms (refer to **Figure 16** below). Therefore the buildings design, layout and overall form is consistent with the future desired character for this part of the Site.



**Figure 16: Number of storeys established for Buildings within the development site pursuant to the Masterplan (courtesy smart design studio)**

#### **Clause 4.4 Floor Space Ratio**

The subject area is designated as “D” within the floor space ratio (FSR) map (attached to the RLEP) which establishes a maximum FSR of 0.5:1. Clause 6.16 however amends this Clause and permits a higher FSR for this area as it is defined as a Key Site (“Area 1” within the Key Sites map – Sheet KYS\_002).

A maximum FSR of 1.3:1 is permitted for this site subject to meeting certain criteria outlined in Clause 6.16 of the RLEP. The proposal achieves an FSR of 1.3:1 and satisfies the RLEP floor space provisions. Compliance with this development standard is discussed in greater detail below.

#### **Clause 5.10 Heritage Conservation**

The “Eastern Precinct” of the Newmarket Green site includes three (3) heritage items listed in either the State Heritage Register (SHR) and/or the Randwick LEP 2012 as local heritage items under schedule 5. The items are listed in the table below;

Address	Heritage Item	Inventory Number	Significance
164-174 Barker Street Lot A, DP 330407	Newmarket House	I466	Local
164-174 Barker Street Lot A, DP 330407	Newmarket Sales Ring	I292	Local
29-39 Young Street Lot B, DP 330407	Big Stable Newmarket	I458	State

**Table 1: List of the Heritage Items on Site and their significance**

The subject Site comprising of Lots E3 and E4 which contains two of the items noted above, being the Big Stable Newmarket Building and Newmarket House. These items are to be preserved and retained and no works are proposed to them under this application.

In assessing the proposed development it is important to consider the siting and impact of the proposal onto these properties and ensure their integrity, significance and general setting is maintained and enhanced. The Newmarket Sales Ring sits within that part of the whole site that has been designated as a public park (immediately to the north of the subject site) and has been sympathetically integrated into the parkland (essentially its treatment has been determined by DA approval 662/2016).

The subject site also adjoins the Struggletown Conservation Area (C19).

The objectives of Clause 5.10 are;

- (a) *to conserve the environmental heritage of Randwick,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Subclause 2 requires development consent for works that include “*erecting a building on land on which a heritage item is located or that is within a heritage conservation area*”. Further, subclause 5 requires a Heritage Assessment to be conducted on land on which a heritage item is located.

In terms of aboriginal archaeological issues, the MDCA updated assessment dated 6 October 2017 stated that “*It should be noted the sand deposits underlying the development site are not archaeological sites or potential archaeological deposits*”. This assessment relates specifically to the Stage 1A development Site. However significance or Aboriginal use of the area cannot be confirmed until a program of test excavation occurs (in accordance with an Office of Environment and Heritage Aboriginal Heritage Impact Permit). Otherwise the report concludes that “*the sensitive areas should be the subject of an archaeological investigation/excavation/post demolition monitoring program aiming to identify presence or absence of Aboriginal archaeological remains as may be resident on or within former land surfaces and to determine the degree of constraint or opportunity they may represent to any future land use proposal*”. Conditions are recommended to be included in a consent in line with the recommendations outlined in this report.





**Figure 17: Parts of the site highlighted yellow highlight the archaeological sensitive areas. (courtesy MDCA assessment)**

#### **Clause 6.11 Design Excellence**

The objective of this clause is to “*deliver the highest standard of architectural and urban design*” for larger integrated Sites. The Clause relates to sites with an area greater than 10,000sqm, or where a DCP is required to be prepared in accordance with Clause 6.12 and where development will result in buildings or structures exceeding 15m in height. The site satisfies these provisions however the site has subject to a Concept Plan and also a Site Specific DCP has been prepared (refer to Part E5 of the Randwick Development Control Plan, 2013).

The proposed design of the buildings along this section of the site are of high quality and will establish a dynamic and innovative design solution for the Site. The built forms and their relationship to one another, as well as the integration of very clever and robust building materials and landscaping elements will result in an outstanding design solution for this part of the Site. The high quality materials and superior use of unique architectural features such as the angled blade walls, precast concrete screens and clerestory windows will create unique sculpted facades. Every elevation is varied and different, so moving around any building each elevation is diverse but uniform in its overall composition.

The proposal retains and incorporates within its design the three large, existing Morton Bay Fig Trees and also has been sensitively considered when designing next to the Heritage Items discussed above. Their setting and significance is respected by the scale, design elements adopted and the physical separation of buildings which retains existing view lines, retains a human scale and maintains the open space and general curtilage around the items.

The DRP have endorsed the superior design of the proposal and its compliance with SEPP 65 and the ADG which further supports the design outcome and confirms the design excellence of the scheme.

#### **Clause 6.16 Special provision—land at Young Street Randwick**

This Clause applies specifically to this Site. As mentioned above this Site is designated as a Key Site under RLEP and Clause 6.16 is applicable.



Clause 6.16 (2) states that *"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"*. And Clause 6.16 (3) states that *"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 5,000m<sup>2</sup>, 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 large public park in accordance with the above criteria. The approved Infrastructure DA (DA-662/2016) included the dedication of the central space within the Site to have an area of 5,006sqm and become a publicly accessible area of open space. A separate Voluntary Planning Agreement has also been drawn up to confirm the details around the landscaping design, construction methods, ownership and staging. Nonetheless subject to the terms of this more detailed legal agreement the proposal complies with the intentions and provisions stipulated in subclause 6.16(3).

In terms of floor space, the proposal has been designed to comply with the 1.3:1 maximum FSR across the whole site in accordance with the commitments that are to be achieved pursuant to the Masterplan. The whole Newmarket site has a total site area of 50,634sqm and the FSR permits a total gross floor area of 65,824sqm. The subject Site (Lots E3 and E4) comprise of an area of 7,816sqm. The gross floor area proposed for this section of the site is 17,554sqm. This part of the Site is more isolated and separated from the lower scale residential developments to the west and therefore can cater for some greater intensity of residential development as impacts are mitigated and there is greater separation between buildings and uses.

The gross floor area for the whole site has been distributed in a way to ensure that the scale, form and intensity of new development across the site is respectful and sympathetic to the character of development in the streetscape, adjoining land uses and locality. The following table provides a breakdown of the gross floor area (GFA) across the whole site and confirms that the proposed development is consistent with the Concept Plan and RLEP floor space provisions.

Lot	Gross Floor Area
E1	12,181m <sup>2</sup> (approved – DA664/2016)
E3 & E4	17,554m <sup>2</sup> (proposed - DA-370/2017)
S1	3,908m <sup>2</sup> (proposed – DA-88/2017)
S2	2,121m <sup>2</sup> (proposed – DA-88/2017)
S3	12,859m <sup>2</sup> (proposed – DA-88/2017)
Remaining Lots	17,201m <sup>2</sup> (currently being planned and will be determined in future development applications)
<b>Total</b>	<b>65,824m<sup>2</sup> (total approved under concept master plan)</b>

**Table 2: Gross Floor Space summary (Courtesy Urbis P/L, 2017)**

## **6.0 - Policy Controls and other issues**

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 (RDCP) – Part E5 Newmarket Green (Newmarket DCP)***

RDCP 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.

Part E5 - Newmarket Green 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 original planning proposal. The subsequent Concept Plan approval (88/2016) addressed the provisions of the site specific DCP controls 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.

The proposal satisfies Part 2.3 of the RDCP in respect to the "Desired Future Character" principles in the policy for the following reasons;

- The development encourages pedestrian connectivity and views from the retail plaza in Lot E1 and the public park through to the Big Stable building by the provision of a semi-public landscaped north-south through site link in Lot E3.
- In accordance with the Stage 1 Masterplan, locates lower rise elements coupled with upper level setbacks within Buildings E3.3 and E4.1 immediately adjacent to Newmarket House and the Big Stable.
- All proposed buildings are outside of the curtilage of the Big Stable. In addition, an upper level setback of 12.4m is proposed to Building E3.3 to its southern end resulting in a 24m building separation to the Big Stable and 8m setback to its northern end resulting in a 14m building separation to Newmarket House.
- Provides a street network consistent with the DCP and Concept Plan.
- Provides a mix of residential building forms consistent with the built form and heights envisaged for this precinct.

In respect to Affordable Housing the provision of affordable housing across the Newmarket precinct is proposed and forms part of a Voluntary Planning Agreement (VPA) entered into between the applicant and Randwick Council. This VPA forms part of the "Infrastructure DA" (DA-662/2016) which was recently determined and approved. It dedicates some 10 affordable housing apartments to Council but more affordable units are included as part of the total development. In addition, the applicant has provided a range of housing products, including one, two and three bedroom apartments and attached dwellings and town houses, across the Newmarket, Randwick precinct, which contribute to housing diversity. Housing has been sensitively designed and incorporates a range of communal and public open spaces with a focal point being the public park. These design features meet the overarching housing diversity and social interaction objectives.

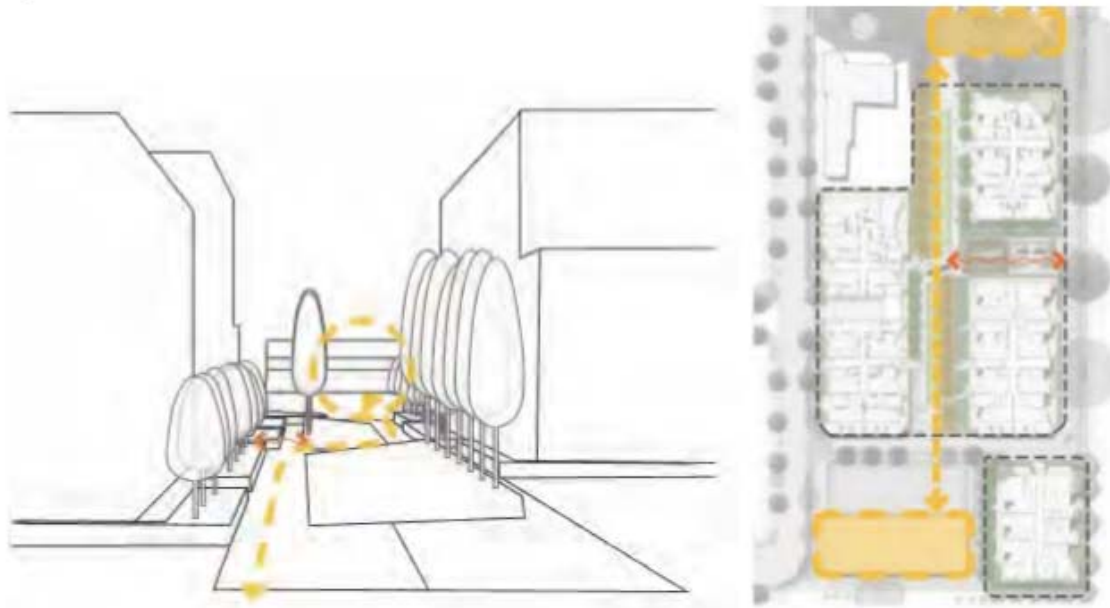
In relation to the considerations that remain in the Randwick DCP that are relevant to the subject DA, the provisions relating to adaptable housing have been incorporated into the proposal and meet the objective of ensuring that a suitable proportion of dwellings include layouts and design features to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

### ***Public Access***

The proposal has been designed so that access will be available through the site, from the Barker Street and retail plaza through to the public park and further south to the Newmarket Big Stable building. The proposed communal open space area between the buildings will enhance the visual link by allowing public access design the Eastern Precinct.

It is intended that the pedestrian link be open to the public during daylight hours and closed off during the evening period. It's considered that the public access through this space should be for longer periods of time throughout the day to ensure that the through site link to be Big Stable is more actively used, thereby enhancing pedestrian permeability and the open space network. It would also assist the ongoing conservation of the Big Stable and the viability of any future community use of the Big Stable.

A condition is included requiring a "Right of Footway" for access through the site to be available from 6am to 10pm (during daylight savings) and 6am to 9pm (during the other months of the year). A condition is also included requiring the gates to be designed to slide across in an automated manner so the access through the space appears direct and open.



**Figure 18: Site through links via the proposed central landscaped area from the public park through to the Newmarket Big Stable Building**

### ***Parking and traffic***

A detailed Traffic Impact Review (TIR) was conducted by AECOM for these proposed Stage 1A works. The Traffic Consultants also prepared a more comprehensive study of traffic implications for the whole development which supported the Masterplan. This broader study suggested some traffic calming measures and mechanisms to assist with the future intensification of the Site and consider its impacts. The study suggested that upgrades occur and include the following works:

- *Provision of a right turn bay on Barker Street into Young Street. This will require the removal of three unrestricted parking spaces opposite Young Street to allow the free flow of eastbound through movements at the intersection.*
- *Flaring of the Young Street approach to provide adequate space for left turn movements.*

Other traffic mechanisms have been proposed and approved including the development of a Green Travel Plan for the Newmarket Green to encourage the use of alternative modes of transport including the extension and formalisation of bike routes surrounding the Site.

The TIR considered the traffic generation created by development in Stage 1 and 1A. The development along the eastern precinct combined provides for a total of 293 dwellings and some 1,751sqm of commercial space. Based on Roads and Maritime Services (RMS)

data for sites with good access to public transport the following numbers were used to extrapolate traffic generation numbers;

- *Medium density: 0.39 trips per unit in AM peak and 0.37 trips per unit for PM peak.*
- *Commercial: 2.49 trips per 100m2 in AM peak and 1.85 trips per 100m2 for PM peak.*

For the total development, 158 vehicular movements will occur at the AM peak and 140 at the PM peak. Breaking that down further to consider the vehicular movements from the current application (on Lots E3 and E4 only) a total of 64 vehicular movements will occur from the basement car park off Young Street in the morning and 61 movements in the afternoon peak. It is assumed that 10% of trips will be in bound and 90% will be out bound in the morning and 80% in bound with 20% out bound in the afternoon period. This is not considered to be an unreasonable amount of additional traffic. The traffic generated by the proposed development is consistent with that approved under the Stage 1 Concept approval for the site.

In terms of the parking numbers required for the development, the Newmarket DCP established the parking rates for the Site. **Table 3** below shows the requirements for parking for this stage of the redevelopment for the Newmarket Green site.

Land Use		Rate	Requirement	Provided
Car Parking~	1-bedroom	0.5 per unit	14	175
	2-bedroom	1 per unit	93	
	3-bedroom	1.5 per unit	68	
	Visitors	1 per 5 dwellings	33	17^
	<i>Residential Total (*)</i>	208		192 (33*)
Other	Bicycle - residents	1 space per dwelling	165	165
	Bicycle - visitors			
	Motorcycle	1 space per 100 car parking spaces	2	10

**Table 3: Car parking numbers as shown in the AECOM TIR dated 22 June 2017**

A total of 175 resident parking spaces are provided which complies with the numerical requirement however 33 visitor spaces are required and only 17 spaces are provided. The TIR states that a total of 76 new on street public parking spaces will be provided along the new roads that are to be constructed within the development and this supports the numerical shortfall of 16 spaces which is considered to be minor. Also given the shortfall that relates to the visitor spaces, it should also be noted that it would be unlikely that many visitors to the site will access the basement and would prefer to park on the street as this is generally a more convenient and accessible arrangement.

The TIR also stated that "*The proposed parking provision for Newmarket Green provides parking lower than Randwick Council parking rates specified in the 2015 DCP. This reduction is considered appropriate as the DCP for the Newmarket Green specifies reduced parking rates when a Green Travel Plan (GTP) is submitted with a development application. It is noted that the rates that have been applied are slightly higher than those specified for Newmarket Green, when a GTP is in place, however less than those specified in the Randwick Council DCP.*"

A number of suggestions were made in the report to improve the car parking layout to ensure compliance with AS2890. 1:2004, AS2890.2:2004 and AS2890.6:2009. The changes to the parking layout and design to improve bay isle width, sight lines, ramps and gradients are considered minor and are recommended to be dealt with by the inclusion of

conditions in a consent. Otherwise the general layout, parking numbers and arrangement of the car parking spaces and associated services is considered satisfactory.

Bicycle racks have been incorporated in the basement levels and the number of bicycle spaces provided satisfies the minimum provisions. Also more motor bike spaces have been created which exceeds the requirement of 2 for this scale of development. It is requested by way of a condition that some bike racks be provided within the communal landscaped area which will also be a convenient area for visitors to park bikes or residents that don't want to access the basement.

### **Landscaping**

Three (3) significant existing Moreton Bay Fig Trees are intended to be retained and integrated as part of the development. These trees are important elements and features of the landscaping scheme and plan. **Figure 19** below highlights the three trees (T16, T37 and T22) that are to be retained and their current location.

The trees are located along the eastern side of the Site and located near Building's E3.1 and E3.2. An arborists report was prepared by Tree IQ and dated 6 June 2017 and analysed the extent of the proposed works on these trees and their impact.

In summary the report recorded the following findings:

*"The supplied Deep Soil & TPZ Plan (dated 4.11.16, Rev 2, prepared by SJB) shows that the proposed E3 Building footprint encroaches into the Tree Protection Zone (TPZ) of Trees 16, 22 and 37. The extent of the encroachments has been calculated as 32.4%, 1.4% and 22.3% respectively. As the encroachment into the TPZ of Tree 22 is less than 10% of the TPZ, the extent of work represents a Minor Encroachment as defined by AS-4970. A Minor Encroachment is considered acceptable by AS-4970 b when it is compensated for elsewhere and contiguous within the TPZ. The encroachments into the TPZ areas of Trees 16 and 37 are greater than 10% and represent Major Encroachments as defined by AS-4970. Clause 3.3.4 of AS-4970 provides for undertaking works within a TPZ when root investigations indicate the works will not significantly impact the tree's health, stability, or long term viability. Root investigations were undertaken along the proposed line of excavation within each TPZ to determine the impacts of development on the trees. Three (3) trenches were excavated on the 21st of September 2016."*

The report concluded that *"Based on the root mapping results, the construction of Buildings E3 and E4 should not have a significant impact on the health of Trees 16 and 37. No over-excavation, battering or benching beyond the footprint of proposed structures should be undertaken."*





**Figure 19: Location of trees to be retained, T16, T22 T37 (courtesy Urbis, June 2017)**

Pruning that is required to Trees 22 and 37 to cater for the buildings will be in the order of 5% and should be no greater than 10% of the tree's total crown volume for Tree 37. The arborists report recommended that a Tree Protection Specification and Tree Protection Plan be prepared prior to the commencement of works on site. Conditions are recommended to be included in a consent to address this.



#### landscape elements

1. Existing Fig Tree with proposed understory planting
2. Sunken seating zone with gravel surface and fire strip
3. Raised timber decking for clearance above fig root system
4. Custom built seats and reclining benches
5. Framed entry zone to courtyard
6. Built in BBQ and bar height bench and seating
7. Framed boundary wall with climbing plants for visual separation
8. Light weight pergola projecting from boundary wall structure
9. Communal eating tables
10. Bench seat
11. Reflective water feature - flush with ground plane
12. Raised retaining wall
13. Deciduous trees to high edge of turf planes
14. Communal accessible pathway
15. Buffer planting

**Figure 20: Detailed layout of the Landscape Plan showing the two main central section of the area of communal open space (courtesy Arcadia Landscape Architects, 2017)**

***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**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
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)(iia) – 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 will be addressed by 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

Section 79C 'Matters for Consideration'	Comments
	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 proposal satisfies the key development standards and policy controls relating to this Site and is consistent with other recent approvals (concept plan and infrastructure and public works approvals).

The proposal is appropriate for 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 (Part E5 of RDCP 2013) 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 or an adverse impact on surrounding properties and the non-compliances with statutory or policy controls will not exacerbate impacts in any unreasonable or unacceptable manner. The design is considered to be a superior design and planning outcome and solution for the site that will establish a positive precedent in the area and will be in the public interest.

The application is therefore recommended for approval subject to conditions.

### Recommendation

That the Sydney East 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/370/2017 for demolition of the existing structures, construction of four new residential flat buildings (RFB's) comprising of 1 x 5 storey building (Building E3.1), 1 x 7 storey building (Building E3.2), 1 x part 3, part 4, part 7 storey building (Building E3.3) and 1 x 3 storey building (Building E4.1), two levels of basement car parking, retention of heritage items and three (3) Moreton Bay Fig Trees and associated site 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:

<b><i>Plan/Drawing Number</i></b>	<b><i>Drawn by</i></b>	<b><i>Received by Council</i></b>
DA.000 Rev C – Legend and Drawing list	Smart design studio	23/06/2017
DA.010 Rev C – Site Plan	Smart design studio	23/06/2017
DA.098 Rev C – Basement 2 Plan	Smart design studio	23/06/2017
DA.099 Rev C – Basement Plan	Smart design studio	23/06/2017
DA.100 Rev C – L00 Plan	Smart design studio	23/06/2017
DA.101 Rev C – L01 Plan	Smart design studio	23/06/2017
DA.102 Rev C – L02 Plan	Smart design studio	23/06/2017
DA.103 Rev C – L03 Plan	Smart design studio	23/06/2017
DA.104 Rev C – L04 Plan	Smart design studio	23/06/2017
DA.105 Rev C – L05 Plan	Smart design studio	23/06/2017
DA.106 Rev C – L06 Plan	Smart design studio	23/06/2017
DA.300 Rev D – Site Elevations Sheet 1	Smart design studio	23/06/2017
DA.301 Rev C – Site Elevations Sheet 2	Smart design studio	23/06/2017
DA.400 Rev D – Site Sections Sheet 1	Smart design studio	23/06/2017
DA.401 Rev C – Site Sections Sheet 2	Smart design studio	23/06/2017
DA.620 Rev C – E3.2 Adaptable Layouts Sheet 1	Smart design studio	23/06/2017
DA.621 Rev C – E3.2 Adaptable Layouts Sheet 1	Smart design studio	23/06/2017
DA.630 Rev C – E3.3 Adaptable Layouts Sheet 1	Smart design studio	23/06/2017
DA.631 Rev C – E3.3 Adaptable Layouts Sheet 2	Smart design studio	23/06/2017
DA.640 Rev C – E4.1 Adaptable Layouts Sheet 1	Smart design studio	23/06/2017
Design Report	Smart design studio	23/06/2017
Landscape Plan No.101	Arcadia Landscape Architecture	23/06/2017
Landscape Plan No.102	Arcadia Landscape Architecture	23/06/2017
Landscape Plan No.103	Arcadia Landscape Architecture	23/06/2017
Landscape Plan No.104	Arcadia Landscape Architecture	23/06/2017
Landscape Plan No.105	Arcadia Landscape Architecture	23/06/2017
Civil Works Plan C001 Rev C	AT&L Civil Engineers	23/6/2017
Siteworks and Stormwater Drainage Plan C023	AT&L Civil Engineers	23/6/2017
Siteworks and Stormwater Drainage Plan C025	AT&L Civil Engineers	23/6/2017
Site Survey Sheets 1-4	LTS Lockley Surveyors	23/6/2017

- (a) The recommendations that are included in the following reports are to be undertaken prior to the issuing of the Construction Certificate. The PCA is to ensure that the recommendations have been implemented.

- Landscape Report prepared by Arcadia Landscape Architecture for Stage 1A (Lots E3 and E4) and dated June 2013
- Civil Development Application Letter prepared by AT&L and dated 6 June 2017
- Thermal Comfort and BASIX Assessment (Lot E3) prepared by EL Efficient Living and dated 21 June 2017
- Thermal Comfort and BASIX Assessment (Lot E4) prepared by EL Efficient Living and dated 21 June 2017
- Access Review prepared by Morris Goding Accessibility Consulting and dated 21 June 2017.
- BCA Report prepared by McKenzie Group for Lots E3 and E4 and received by Council on 23 June 2017.
- Acoustic Report for Stage 1A prepared by Acoustic Logic and received by Council 26 June 2017
- Traffic Impact Review prepared by AECOM and dated 22 June 2017
- Geotechnical Report prepared by Douglas Partners and dated June 2015.
- Supplementary Geotechnical Assessment prepared by Douglas Partners and dated 25 August 2016
- Remediation Action Plan prepared by Douglas Partners and dated September 2016.
- Heritage Impact Statement prepared by OCP Architects and dated 13 June 2017
- Conservation Management Plan for the Big Stable Building and Newmarket House prepared by OCP Architects and dated September 2016.
- Aboriginal Archaeological Heritage Assessment Newmarket Green prepared by MDCA and dated 6 October 2016.
- Historical Archaeological Assessment prepared by GML Heritage and dated March 2017.
- Waste Management Plan prepared by Elephants Foot and dated 5 June 2017.
- Construction Management Plan (Stage 1A) dated 9 June 2017.
- Arborists report prepared by TreeIQ and dated 6 June 2017.
- Fire Safety Strategy prepared by Core Engineering Group and dated 5 June 2017.
- Statement of Environmental Effects (Lots E3 and E4) prepared by Urbis and dated June 2017

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - (a) Some bike racks are to be accommodated within the areas of communal open space and well protected. Compliance is to be shown within the Construction Certificate Plans
  - (b) DA000 plan (smart design studio) is to be updated to show the correct site location.
  - (c) Ceiling fans must be provided for bedrooms and living areas to minimize the use of the air conditioning.
  - (d) The proposed gates to the edges of the communal open space must be designed to slide across in an automated manner. Details of the height, form and operation of the fencing shall be submitted for approval to Council's Manager Development Assessment prior to issuing of a construction certificate.

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

3. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$69,896,304 the following applicable monetary levy must be paid to Council \$698,963.04.



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

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

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

#### **Long Service Levy Payments**

4. 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.*

#### **Compliance Fee**

5. A development compliance and enforcement fee of \$5,000 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.
6. The "Big Stable" building and associated monetary contribution for its maintenance is to be transferred to Randwick City Council in accordance with the terms of the Voluntary Planning Agreement.
7. Affordable housing shall be provided to Council in accordance with requirements of the Voluntary Planning Agreement.
8. The following changes to the basement car parking area and associated entry/exit design in accordance with the recommendations of the Traffic Impact Assessment prepared by AECOM are to be implemented with amended plans being provided to the Private Certifier prior to the issuing of the Construction Certificate indicating compliance;
  - The swept paths into the driveway conflict with the western kerb upon entry. Modifications are required to provide unobstructed access onto the ramp.
  - Several columns are located within the vehicle design envelope of car spaces. These columns or car parking spaces should be adjusted to ensure appropriate access is provided for all spaces.

- A 0.3m clearance to structure in door opening zone is not met at several locations. This area should be provided to ensure appropriate vehicle access is possible.
- Aisle widths within the car park are provided at minimum 5.8m. This is in accordance with the requirements of AS2890.1:2004, however an additional 0.3m clearance to structures over 0.15m has not been provided opposite the E3 to E4 ramp handrail in basement level 1. This will likely restrict vehicle access opposite car parking spaces and it is recommended that this handrail is set-back from the aisle.

These changes are to be made and shall not result in the loss of any car parking spaces.

9. The recommendations of the supplementary Geotechnical Assessment prepared by Douglas Partners need to be incorporated into the detailed Construction Design Stage and the PCA needs to be satisfied these recommendations have been integrated prior to issuing the Construction Certificate.

#### **Heritage Approved conditions**

10. Development must be in accordance with:
  - a) Architectural drawings, prepared by smart design studio as listed below:

<b>Drawing No.</b>	<b>Title</b>	<b>Date</b>	<b>Rev</b>
DA.000	Legend and Drawing list	Undated	C
DA.010	Site Plan	Undated	C
DA.098	Basement 2 Plan	Undated	C
DA.099	Basement Plan	Undated	C
DA.100	L00 Plan	Undated	C
DA.101	L01 Plan	Undated	C
DA.102	L02 Plan	Undated	C
DA.103	L03 Plan	Undated	C
DA.104	L04 Plan	Undated	C
DA.105	L05 Plan	Undated	C
DA.106	L06 Plan	Undated	C
DA.300	Site Elevations Sheet 1	Undated	D
DA.301	Site Elevations Sheet 2	Undated	C
DA.400	Site Sections Sheet 1	Undated	D
DA.401	Site Sections Sheet 2	Undated	C
DA.620	E3.2 Adaptable Layouts Sheet 1	Undated	C
DA.621	E3.2 Adaptable Layouts Sheet 1	Undated	C
DA.630	E3.3 Adaptable Layouts Sheet 1	Undated	C
DA.631	E3.3 Adaptable Layouts Sheet 2	Undated	C
DA.640	E4.1 Adaptable Layouts Sheet 1	Undated	C

- b) Statement of Heritage Impact prepared by OCP Architects dated 13 June 2017.
- c) Submissions to Public Notification of Development Application.
- d) The Big Stable & Newmarket House CMP prepared by OCP Architects Pty Ltd dated September 2017.
- e) Historical Archaeological Assessment Prepared by GML Heritage dated March 2017.
- f) Statement of Environmental Effects prepared by Urbis dated June 2017

**EXCEPT AS AMENDED** by the following conditions of this approval:

#### **HERITAGE CONSULTANT**

11. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design and supervise the works to minimise impacts to heritage values. The nominated heritage must be consulted prior to the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

#### **HERITAGE INTERPRETATION STRATEGY**

12. An Interpretation Strategy for the Big Stables must be submitted as part of the Section 60 Application. The Interpretation Strategy must detail how information on the history and significance of the Big Stables will be provided for the public, and must identify the types and locations of interpretive devices that will be installed as part of this project.

#### **SITE PROTECTION**

13. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

#### **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

14. The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

#### **ABORIGINAL OBJECTS**

15. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

#### **COMPLIANCE**

16.
  - a) Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.
  - b) The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

#### **SECTION 60 APPLICATION**

17. An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

#### **RIGHT OF APPEAL**

18. If you are dissatisfied with this determination regarding IDA/2017/112, section 70 of the Heritage Act 1977 gives you the right of appeal to the Minister for Heritage or, in the case of the determination of an application for approval, or application for modification of an approval, in respect of integrated development, to the Land and Environment Court.

19. An Interpretation Plan for Lots E3 and E4 is to be prepared to guide interpretation of the history of the site within the main foyers of each of the apartment buildings on Lots E3 and E4. 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**

20. 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.
21. 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*.
22. 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.
23. 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**

24. A program of historical archaeological testing should be undertaken in conjunction with proposed Aboriginal archaeological testing.
25. 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.
26. 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.
27. Following test excavations, a succinct post excavation report outlining the results of archaeological test excavation should be prepared.
28. 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.
29. 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.

30. 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.

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

**Crime Prevention through Environmental Design**

32. The recommendations included in the CPTED Crime Risk Assessment undated but received by Council 31 July 2017 shall be implemented into the design and form part of the documentation for the construction certificate.

**Airport (Protection of Airspace) Regulations 1996**

33. 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.

**Water NSW General Terms of Approval**

34. The proposal will encounter groundwater during the excavation process and a Work Supply Approval under the Water Management Act 2000 for dewatering during the construction phase is required. The requirements and General Terms of Approval stipulated by the advice provided by WaterNSW dated 24 August 2017 is to be satisfied and appropriate approvals obtained prior to the issuing of the Construction Certificate.

**Sydney Airport**

35. The required approvals stipulated in the advice provided by Sydney Airport and dated 24 July 2017 are to be obtained prior to the Construction Certificate being issued.

**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.

36. 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.
37. 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.

38. 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 measure 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.

39. 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 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.

40. 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.

41. 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)

42. 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.

43. 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.
44. 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.
45. Remediation work shall be conducted within the following hours:
- |   |           |
|---|-----------|
| Monday – Friday                                 | 7am – 5pm |
| Saturday  | 8am – 5pm |
| No work permitted on Sundays or Public Holidays |           |
46. 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.
47. 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.
48. 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.

49. 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 PRIOR TO BUILDING WORKS COMMENCING OR 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.

50. 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.

51. 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

52. 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.

**Consent Requirements**

53. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
54. Any changes to the proposed colours, materials, finishes and textures from those included in the design statement prepared by smart design studio are to be submitted to Council's Manager Development Assessments for approval prior to the

issuing of the construction certificate or the final occupation certificate for the development.

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

**Security Deposit**

55. 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*:

- \$10,000.00 - 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**

56. 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**

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

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

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

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

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

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

#### **Tree Protection Measures**

58. A detailed, site specific Tree Protection Plan and Specification, as well as a separate Pruning Specification, relating to the preservation of Trees T16, T22 and T37 in accordance with the Arborists report prepared by TreeIQ and dated 6 June 2017, must be submitted to, and be approved by, Council's Director City Planning.
59. 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 T16, 22 and 37 and must provide recommendations and mitigation measures in regards to the following specific components of the new works:
  - a) Method and timing of hand excavation and root pruning/treatment, prior to the commencement of works associated with the basement level and building;
  - b) 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;
  - c) 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;
  - d) 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;
  - e) 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.
60. 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.
61. 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.

#### **Electricity Substation**

62. 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**

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



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

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

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

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

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

### **Tree Protection Measures**

64. A detailed, site specific Tree Protection Plan and Specification, as well as a separate Pruning Specification, relating to the preservation of Trees 16, 22 & 37 (as taken from the Preliminary Arboricultural Report by Tree IQ, rev A, dated 12/02/16, and Covering Arborists Letter by Tree IQ, dated 06/06/17; *"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.
65. These Plans & Specifications must detail the site specific measures that will be employed both on the plans and on-site to ensure the retention of T16, 22 & 37, and must provide details, recommendations and mitigation measures in regards to the following specific components of the new works:
  - a. The use of tree sensitive methods during demolition activities;
  - b. How and where existing footings & sub-base layers will be retained in-situ so as to protect their root plates;
  - c. How all new pavements (including sub-base materials) will be provided above existing grades (existing levels & RL's to be provided to confirm compliance), and must be designed so as to avoid high levels of compaction of the sub-grade, below the pavement level;
  - d. The use of tree sensitive construction methods for all new road pavements, which must be installed 250-350mm above existing grades;
  - e. Details and extent of TPZ fencing, as well as trunk and ground protection that must be in place prior to commencement of demolition;
  - f. Confirmation that the timber decking beneath T16 will be constructed above existing grades, and be supported on localised pad footings only, so as to minimise root damage/loss;
  - g. Project Arborists involvement, including relevant hold points, during demolition and piling works for both the basement levels and for the buildings;

- h. Strategy and treatment for dealing with any roots encountered during the approved works.
  - i. Distances/offsets to be provided between the trees and any new works/structures, and other than the approved building footprints and landscape works, there must be no other continuous strip footings for retaining walls or similar located within their TPZ's;
  - j. 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;
  - k. Confirmation that no major excavations will be required for any new services, hydraulic/stormwater systems or similar in the communal area located between E3.1 & E3.2, in the vicinity of T16;
  - l. The 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 new retaining walls, kerbs or similar, so as to allow placement around any major roots encountered that need to be preserved;
  - m. The use of porous/permeable surfaces/materials for any surfacing within their TPZ's, with details confirming compliance to be provided, with the basal 'flare' of their trunks needing to be taken into consideration during the design of these elements;
66. The Pruning Specification must also clearly nominate the extent of pruning required to each tree (listed individually, including photos), identified as a quantity; height above ground level; growth direction and branch diameter, and must not result in the loss of more than 10% of each of their total crown volumes, as is confirmed in the Arborists Covering Letter dated 06/06/17.
67. 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.

#### **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**

68. 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).
69. 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**

70. 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**

71. 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

### **Acoustics**

72. 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. The adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

### **Stormwater Drainage & Flood Management**

73. 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.

74. 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.
75. 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.
76. 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.
77. 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.

78. 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**

79. 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**

80. 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.

81. 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**

- 82. 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.*

- 83. 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.
- 84. 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**

- 85. 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, (details included in Condition No.1) 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.

#### **Traffic Conditions**

- 86. 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.
- 87. 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 AS 2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
- 88. Three spaces are to be exclusively dedicated for service and delivery vehicles as required by Table 4 Part E5 and Table 2 Part B7 of Council's DCP. The spaces are to be evenly distributed around the site and shall comply with the minimum requirements of Australian Standard 2890.2.

#### **Splay Corners**

- 89. 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.
- 90. The Construction Certificate plans must show a minimum 1.5 metre by 1.5 metre splay corner at the right angle bend on 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**

- 91. 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.

Any enquiries regarding this matter should be directed to Council's Development Engineering Coordinator on 9093-6924.

- 92. 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 Engineering

Coordinator 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 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 Engineering coordinator on 9093-6924.

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

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

#### **Stormwater Drainage & Flood Management**

95. 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 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 residential areas. The applicant's hydraulic consultant must certify that the residential floor areas are above the critical 1%AEP levels and are consistent with the development consent for DA/88/2016.

96. The proposed internal driveway shall be designed with a high point at least 300 mm above determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
97. 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 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
98. The ground floor level located along the site 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.

99. 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**

100. 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 or ST1 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:

- a. The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- b. The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- c. 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.
- d. A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- e. The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- f. A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- g. Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

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

- 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**

101. As the proposed basement level/s may extend into the water table (or be affected by fluctuations of the water table), 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.

102. 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**

103. An amended 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 the following condition of consent 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.*

104. Plans submitted for the construction certificate must indicate the following amendments/ requirements to ensure the adequate management of waste;
- a) Pedestrian access from Young street to the Waste bin storage room on the ground floor of Building E3 must not exceed a maximum grade of 5% (1 in 20) to allow for safe movement of compacted 660L bins kerbside for collection.
  - b) A mechanised pull out system is to be provided to assist in presenting the 660L bins kerbside for collection
  - c) As Council collects recyclables fortnightly, residential recycling room/s shall be sized to contain a total of 83 X 240 litre recycling bins (1 x 240 litre bins / 2 units) and with adequate provisions for access to the bins.
  - d) Adequate bin presentation space must be allocated for kerbside collection of the waste bins.
  - e) 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**

105. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Appendix C, Landscape Masterplan by Arcadia, pages 2-20, dated June 2017, and Landscape Plans by Arcadia, dwg's 001-502, issue B, dated 09/06/17, with the following additional requirements to be added to amended/revised plans:
- a) Details confirming that sufficient soil depth and soil volume will be provided in order to sustain the deciduous feature trees that are shown for the 'sloped turf planes' in the central 'Green Way' must be shown;
  - b) Additional screening trees/taller feature species, consistent with the treatment that is shown along the eastern edge of building E3.2, are to be introduced to the garden bed along the length of the eastern boundary of E4.1, in order to offset removal of the row of established trees in this same

area, as well as to maintain reasonable levels of environmental amenity for occupants, by assisting with both visual and acoustic screening from the adjoining school grounds, especially given an absence of street trees in this location;

- c) Construction details of the pergola, water feature, lighting, screening elements, retaining walls, planters, fencing, seats, BBQ, tables, benches, sculptures/artworks and any other details required to full explain the scope of works.

#### **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**

106. 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**

107. 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**

108. 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**

109. 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**

110. 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**

111. 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**

112. 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**

113. 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.

114. 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.*

115. 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**

116. 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**

117. 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.
118. 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**

119. 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.
120. 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.
121. Given the inclusion of T16, 22 and 37 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**

122. 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.

#### **Construction Traffic Management**

123. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in 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.

124. 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.*

125. 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**

126. 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**

127. 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.
128. 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**

129. 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 Arborists Reports/Covering Letter.

130. The project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.

#### **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.

131. 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.

132. 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)

133. 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.
134. 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.
135. 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.
136. Remediation work shall be conducted within the following hours:
- |   |           |
|---|-----------|
| Monday – Friday                                 | 7am – 5pm |
| Saturday  | 8am – 5pm |
| No work permitted on Sundays or Public Holidays |           |
137. 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.
138. 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.
139. 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.

140. 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

#### **Construction Traffic Management**

141. 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 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.

142. 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.*

143. 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**

144. 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**

145. 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.
146. 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**

147. 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 Arborists Reports/Covering Letter.
148. The project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to

be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.

## **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**

149. 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**

150. 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**

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details

of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or competent person), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

152. 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**

153. 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**

154. 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**

155. 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**

156. 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:
- 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.
  - 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.
  - 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.
  - 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**

157. 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:
- 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.
  - 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**

158. 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**

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

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

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety*

reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

### **Survey Requirements**

160. 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**

161. 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**

162. 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**

163. 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**

164. 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**

165. 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.

166. 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.
167. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

168. 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.

169. 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.

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

#### **Pruning**

171. 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.
172. 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.
173. 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**

174. 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.

#### **Site Seepage & Stormwater**

175. 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**

176. 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**

- 177. 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**

- 178. 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.
- 179. 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.
- 180. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

### **Stormwater Drainage**

- 181. 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.

- 182. 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.

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

#### **Pruning**

184. Consistent with what has been detailed on page 3 of the Arborist Covering Letter by Tree IQ, dated 06/06/17, approval is granted for the specific, minimal and selective pruning of only the following:
- i. Minor clearance pruning of T22 & T37, not involving any branches of more than 100mm in diameter, which must not represent any more than 5% of their individual crown volumes;
  - ii. 1 x 250mm diameter, 3rd order branch on the southern aspect of T16, at a height of 7m above grade, which will not affect its form, along with additional minor pruning of its northern aspect, which overall, must not exceed 10% of its total crown volume.
185. This pruning work must also be consistent with the Pruning Specification that needs to be approved as part of conditions 35-42 for DA/662/2016.
186. This pruning may be performed prior to the commencement of site works/demolition if needed, so as to minimize the chance of damage being caused to the trees by machinery and similar during demolition activities.
187. Pruning can only be performed by the Project Arborist, or, they must directly supervise an AQF Level III Practicing Arborist, and must also be performed to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
188. **Due to the inclusion of T16, 22 & 37 in 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 pruning, to determine the exact location and extent of pruning that is permissible, with the Project Arborist to comply with any instructions issued by Council's Officer.**

#### **Tree Removals**

189. As is confirmed by the Arborist Covering Letter by Tree IQ, dated 06/06/17, no approvals are granted for the removal of any trees within Lot E3 & E4 as part of this application.
190. The removal of those trees that are located beyond the perimeter of the site, past the eastern boundary of Lot E3, as well as past the eastern and southern boundaries of Lot E4, to allow for the construction of ST1 or similar, can only be performed as part of separate approvals that have been granted in accordance with condition 43, Tree Removal, of DA/662/2016.

#### **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*



191. A "Right of Footway" shall be placed on the title of Lot E3 to ensure public access is maintained through the site via the landscaped area in accordance with Part 2 of Schedule 8 of the Conveyancing Act, 1919, ("the Footway"), subject to the following:

- The USE of the central landscaped area located between Buildings E.3.1, E3.2 and E3.3 is restricted at certain times but is to be open to the public between the hours of 6.00am and 10.00pm daily during the months of Daylight Saving AND between 6.00am and 9.00pm daily during all other months of the year. This will enable the direct pedestrian link from the public park through to the Big Stable building to be publicly accessible.

Details to be submitted to Council's Manager Development Assessment for approval prior to the issuing of an occupation certificate.

192. Fill material including top soils for landscaping and materials used in open spaces that are imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

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

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

#### **Occupation Certificate Requirements**

194. 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**

195. 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**

196. 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**

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

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

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

### **BASIX Requirements & Certification**

198. 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**

199. 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.

200. 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**

201. The owner/developer must meet the full cost for a Council approved contractor to:

- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises in ST1 to Council's specifications and requirements.
  - b) Remove all existing footpaths along the Barker Street and Young Street site frontages and to reconstruct them to Council's specification.
  - c) 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.
  - d) 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.
202. 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.
203. 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**

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority

and the Council **prior to issuing an Occupation Certificate or Subdivision Certificate**, whichever the sooner.

**Undergrounding of Power**

205. 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**

206. 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.
207. 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).
208. 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.
209. 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**

210. 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, dated June 2017, as well as any relevant conditions of consent.
211. 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**

212. 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**

213. 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.
214. The waste storage areas shall be clearly signposted.
215. 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).
216. 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).
217. 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**

218. 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

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

219. The owner/developer must meet the full cost for a Council approved contractor to:

- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises in Young Street to Council's specifications and requirements.
  - b) Remove all existing footpaths along the Young Street site frontages and to reconstruct them to Council's specification.
  - c) Reconstruct Young Street along the site frontage to Council's specification and in accordance with the development consents for DA/88/2016 and DA/662/2016.
  - d) 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.
220. 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.
221. 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**

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

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

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

#### **Undergrounding of Power**

223. All telecommunication cables and power cables located in 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**

224. 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.
225. 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).
226. 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.

227. 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**

228. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with Appendix C, Landscape Masterplan by Arcadia, pages 2-20, dated June 2017, as well as the Landscape Plans by Arcadia, dwg's 001-502, issue B, dated 09/06/17, along with any other relevant conditions of consent.
229. 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**

230. 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/Covering Letter Recommendations; the dates of attendance and works performed/supervised relating to retention of T16, 22 & 37.

### **Waste Management**

231. 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 development.
232. The waste storage areas shall be clearly signposted.

### **Stratum Subdivision**

233. Prior to the occupation of the development and at no cost to Council, a plan of Stratum subdivision shall be registered at NSW LPI separating the section of basement carpark underneath road ST1 from the road reserve. The plans are to be prepared to the satisfaction of Randwick City Council.

## **REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

The following conditions of consent must be complied with prior to Council issuing a '*Subdivision certificate*' for the Stratum Subdivision.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

234. A formal application for a subdivision certificate is required to be submitted to and approved by Council and all relevant conditions of this development consent are required to be satisfied.
235. All floors, walls and ceilings depicted in the proposed stratum plan must be constructed.
236. All floors, walls and ceilings depicted in the proposed stratum plan must correspond to those depicted in this development consent and construction certificate for the building.
237. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

238. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the stratum subdivision plans.

#### **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**

239. 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**

240. 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**

241. 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.
242. 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.

243. 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.
244. 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**

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

**Residential Parking Permits**

246. 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.
247. 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.
226. 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.
227. 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**

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

**Residential Parking Permits**

249. 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.
250. 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 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.

- A2 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).
- A3 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.
- A4 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.

- A5 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.
- A6 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.
- A7 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.
- A8 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
- A9 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.

A10 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.

A11 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).

A12 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.

A13 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A14 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.

A15 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.

A16 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. 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.