

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SCL024
<b>DA Number</b>	773/2017
<b>LGA</b>	Randwick City Council
<b>Proposed Development</b>	Demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars.
<b>Street Address</b>	181-191 Maroubra Road, Maroubra
<b>Applicant/Owner</b>	Applicant: Sgammotta Architects Owner: The Owners - Strata Plan No. 11011
<b>Date of DA lodgement</b>	7 December 2017
<b>Number of Submissions</b>	1 (one)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Regionally significant development pursuant to Part 4 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• Randwick Local Environmental Plan 2012</li> <li>• Randwick Comprehensive Development Control Plan 2014</li> <li>• Randwick City Council Development Contributions Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Planning assessment report (containing applicants Clause 4.6 variation request and Council's Clause 4.6 variation assessment, referral responses, and recommended conditions)</li> </ul>
<b>Report prepared by</b>	William Jones – Senior Environmental Planning Officer
<b>Report date</b>	Report dated 15 November 2018 for 13 December 2018 SECPP determination

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

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

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

### Clause 4.6 Exceptions to development standards

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

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (\$7.24)? **Not Applicable**

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

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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

*considered as part of the assessment report*

## Sydney Eastern City Planning Panel

<b>SCPP No.</b>	2018SCL024
<b>DA No:</b>	Demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars.
<b>Address:</b>	181-191 Maroubra Road, Maroubra
<b>Applicant:</b>	Sgammotta Architects
<b>Owner:</b>	The Owners - Strata Plan No. 11011
<b>Number of Submissions:</b>	1
<b>Recommendation:</b>	Approval
<b>Report By:</b>	William Jones

### 1. Executive Summary

Council is in receipt of a development application ("DA" ) seeking consent for demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars.

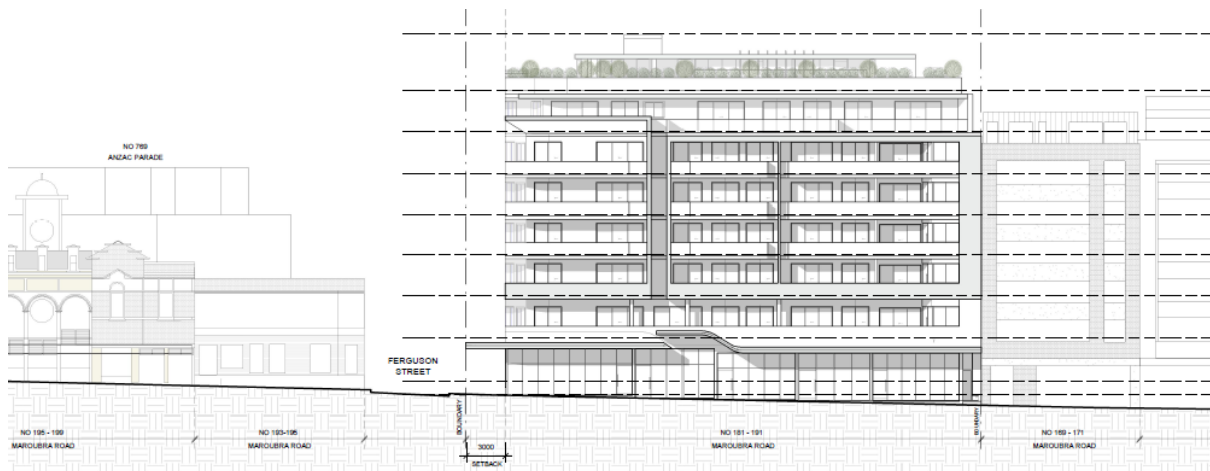


Figure 1. Insert from northern (Maroubra Road) elevation.

The DA is referred to the Sydney Eastern City Planning Panel for determination as it constitutes regionally significant development pursuant to Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011* ("SEPP: State and Regional Development") as the capital investment value ("CIV") is in excess of \$20 million. It is noted that the current version of the SEPP: State and Regional Development that was amended after the DA was lodged constitutes regionally significant development with a CIV greater than \$30 million, however the development remains regionally significant development in accordance with Clause 24 (3) of the SEPP: State and Regional Development, which states:

*(3) If any development that is regionally significant development ceases to be regionally significant development because of an amendment of this Policy and the development is the subject of a development application that has not been determined when this Policy is so amended, the development does not cease to be regionally significant development for the purposes of that application.*

The DA was publicly notified to surrounding properties and advertised within the local newspaper, with site notification attached to the subject premises as per the public notification requirements of the

Randwick Development Control Plan 2013 ("RDCP"). One (1) submission was received as part of the initial notification and advertising process raising issues with the building height and the potential for view loss. Following receipt of amended drawings in response to Council's request for additional information, the DA was publically re-notified to surrounding properties and no new submissions were received.

With regards to view loss, the proposed development will not impact any key iconic views or views with a land and water interface. The key issues relate to the building height of Block A fronting Maroubra Road that does not comply with the maximum permitted building height pursuant to the Randwick Local Environmental Plan 2012 ("RLEP"), and the building envelope that does not comply with the building envelope controls provided in the Block 9 controls of the RDCP.

The proposal contravenes the height of buildings standard (maximum 25m permitted and 27.76m proposed) under Clause 4.3 of the Randwick Local Environmental Plan 2012 (RLEP) by 11.04%, measured to the top of lift overrun of Block A, and 6.04% measured to top of the mezzanine level at the eastern end of Block A. The applicant's written request pursuant to Clause 4.6 of the RLEP has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed variation is supported given it will not result in adverse amenity impacts on adjoining properties and the non-compliant portion of the building is setback from the building edges and will not be readily visible from the street. The development is in accordance with the objectives of Clause 4.3 Height of buildings standard and the objectives of the B2 Local Centre zone pursuant to the RLEP.

The proposal is not in accordance with the Block 9 building envelope controls pursuant to the RDCP, proposing 7 storeys fronting Maroubra Road (maximum 6 storeys permitted) and 6 storeys fronting Ferguson Street (maximum 5 permitted), with a 25m building depth for Block B (Maximum 18m permitted). The building envelope is supported as the resulting built form will not compromise residential amenity and will not result in adverse amenity impacts on surrounding properties. The development remains generally consistent with the envisaged building envelope, proposing two built forms that provide greater separation than required that will better relate to the adjoining development to the west while permitting better solar access and ventilation. The number of storeys fronting Maroubra Road is consistent with the adjoining building to the west with the two built forms stepping down in height from Block A to Block B, which responds well to lower density residential development further to the south. The proposed development will reinforce Maroubra Road as the primary cross street, providing a distinctive built form that will reinforce the corner while supporting the primary business function of the zone.

The DA was referred to various departments within Council, including Development Engineering, Landscape Development, Environmental Health, and Council's Design Excellence Panel. The DA was also referred externally for comment to NSW Roads and Maritime Services, NSW Police, and Sydney Airport. As a result of the referrals, no concerns were raised with the proposal and conditions have been recommended.

Subsequently, the DA is recommended for approval subject to the recommended conditions.

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

The subject site is identified as 181-191 Maroubra Road, Maroubra and is legally described as Lot 932 in DP 752015 (being Lots 1-7 in SP 11011). The site has a total area of 2027.63m<sup>2</sup> with frontages to Maroubra Road to the north and Ferguson Street to the east. The site contains a single storey commercial premise to the north and 2 storey commercial premises to the south. The site is a corner allotment and is situated approximately 80m west of the Maroubra Road and Anzac Parade intersection.

The site is immediately surrounded by a mixture of commercial and shop top housing developments (comprising commercial on the ground floor and residential accommodation above) as part of the B2 Local Centre zone pursuant to the RLEP. The subject site is part of the Maroubra Junction Centre

pursuant to the RDCP, which is intended to provide core commercial uses to support medium density development within the centre and surrounding lower density residential development.

Adjoining the site to the south is Ausgrid's Maroubra Zone substation, and adjoining the site to the west is a part 6 and part 7 storey shop top housing development (7 storeys fronting Maroubra Road). To the east of the site on the eastern side of Ferguson Street is a 2 storey building comprising a supermarket and retail on the ground floor and a restaurant on the first floor. To the north of the site on the northern side of Maroubra Road are 8 and 10 storey shop top housing developments with the Pacific Square shopping centre located behind.



Figure 2. Aerial image of subject site (green) and submission received (red).

### 3. Relevant History

#### Pre-lodgement Application

A pre-lodgement application (PL/17/2017) was lodged with Council on 12 July 2017 with a concept design comprising a single building block and 9 storeys. Council provided detailed advice raising the following concerns with the concept design:

- Unrelieved facades;
- Excessive building height and number of storeys;
- Excessive building depth;
- Double-loaded apartments with minimal cross-ventilation;
- Non-compliant 18m building separation to adjoining western building;
- No 3m setback to the Ferguson Street frontage (required for laneway widening); and
- Poor podium level communal open space.

#### Development Application

The submitted DA largely addressed the concerns raised in the pre-lodgement application by breaking the building mass into 2 building blocks as envisaged by the Block 9 building envelope controls of the RDCP, deleting 2 storeys and providing better articulation and a 3m setback to Ferguson Street.

Following a preliminary review of the DA, Council raised further concerns with the DA and a request for additional information letter was submitted to the applicant on 3 April 2018, which required:

- Decrease the building depth of Block B (rear block) in-line with the envisaged building envelope pursuant to the RDCP.
- Increase the building separation to the adjoining shop top housing development to the west;
- Delete the uppermost structures for Block A associated with the private terraces and accesses for units 7 & 8, and delete the communal terrace room for Block B to reduce the building height;
- Increase the building separation between Block A and Block B;
- Improve the communal open space at the podium level and the design of the rooftop communal open space provided for Block A and Block B;
- Provide 3D shadow diagrams demonstrating compliant solar access; and
- Provide a Preliminary Site contamination Investigation.

Revised drawings were submitted to Council on 25 June 2018 that have adequately addressed Council's concerns. Changes made to the design include:

- A decrease in the building depth of Block B;
- Increased building separation to the adjoining development to the west;
- Increased building separation between Block A and Block B;
- Increased podium level deep soil landscaping and communal open space; and
- Improved design of the rooftop terrace communal open space.

Although the building height and number of storeys for Block A fronting Maroubra Road was not reduced, considering the other changes made to the design that have resulted in reduced bulk and scale and improved residential amenity, and following Council's detailed planning assessment the proposed building height is supported subject to Clause 4.6 of the RLEP and the number of storeys is not considered to be inconsistent with the envisaged character of the area.

The revised drawings were publically re-notified and referred internally to relevant Council staff and externally to relevant authorities for comment who recommend approval subject to conditions.

#### **4. The Proposed Development**

Demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars.

- 3 levels of basement parking comprising 102 residential car spaces, 17 commercial car spaces, 17 visitor car spaces and plant rooms.
- 9 x retail spaces at the ground floor varying from 65m<sup>2</sup> to 112m<sup>2</sup> (5 retail spaces front Maroubra Road and 4 retail spaces front Ferguson Street).
- 2 foyers at the ground floor granting access to the residential units above with access off Ferguson Street. The foyers also provide through-access to the rear residential and commercial garbage rooms, commercial toilet facilities and plant rooms.
- Vehicular access at the ground floor off Ferguson Street.
- Deep soil landscaping at the ground floor along the southern and western boundaries.
- Podium level communal open space at Level 1 and a mix of 1 and 2 bedroom apartments with private open space provided as part of Block A (fronting Maroubra Road) and Block B (fronting Ferguson Street).
- Total of 29 x 1 bedroom apartments and 36 x 2 bedroom apartments as part of Block A (7 storeys) and Block B (6 storeys).

- Rooftop communal open space with lift and stair access and a foyer for Block B.
- Rooftop communal open space with lift and stair access and foyer, and private open space for 2 units with separate internal stair access with mezzanines for Block A.

## 5. Clause 4.6 Exception to Development Standard – Height of Buildings

The proposal seeks to vary the height of buildings development standard contained within Clause 4.3 of the RLEP. A Clause 4.6 exception has been submitted to Council. Pursuant to Clause 4.3 of the RLEP, the height of buildings must not be more than 25m on the site. A building height of 27.76m is proposed, measured from exiting ground level to the top of the lift overrun of Block A. A building height of 26.51m is also proposed, measured from existing ground level to the top of the mezzanine level of Block A at the western end reducing to 26.04m to the top of the communal open space awning at the eastern end. It is noted that Block B complies with the maximum permitted building height, being 24.17m measured from existing ground level to the top of the lift overrun.

The proposed variation is summarised in the table below:

<b>Development Standard</b>	25m
<b>Proposed building height</b>	<p>27.76m measured from exiting ground level to the top of the lift overrun of Block A.</p> <p>26.51m measured from existing ground level to the top of the mezzanine level of Block A at the western end reducing to 26.04m to the top of the awning at the eastern end.</p>
<b>Exceedance of the Development Standard</b>	<p>11.04% (to top of lift overrun of Block A).</p> <p>6.04% (to top of mezzanine level at eastern end of Block A) reducing to 4.16% (to top of awning at western end).</p>

### **Clause 4.6 RLEP Request to Vary Development Standard**

Clause 4.6 of the RLEP provides a mechanism for variation to development standards in certain circumstances.

### **Assessment Against the Applicant's Written Justifications for the Contravention of the Development Standard**

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

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, development consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

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

(b) *the concurrence of the Secretary has been obtained.*

Assessing officer's comment: With regards to the concurrence of the Secretary of the Department of Planning and Environment, pursuant to the notification of assumed concurrence of the Secretary under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 18–003 (dated 21 Feb 2018) the concurrence of the Secretary of the Department of Planning and Environment under clause 4.6(4)(b) of RLEP 2012 may be assumed in certain cases.

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

***Has the applicant's written request adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and has the applicant's written request adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard?***

Assessing officer's comment: The applicant's written justifications for the departure from the standard are as follows:



It is considered that strict compliance with the development standard for height on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposed height variation is restricted to the rooftop building elements associated with the communal terrace on Block A, including the lift and stair access structures and lobby structure, as shown on the elevation below:

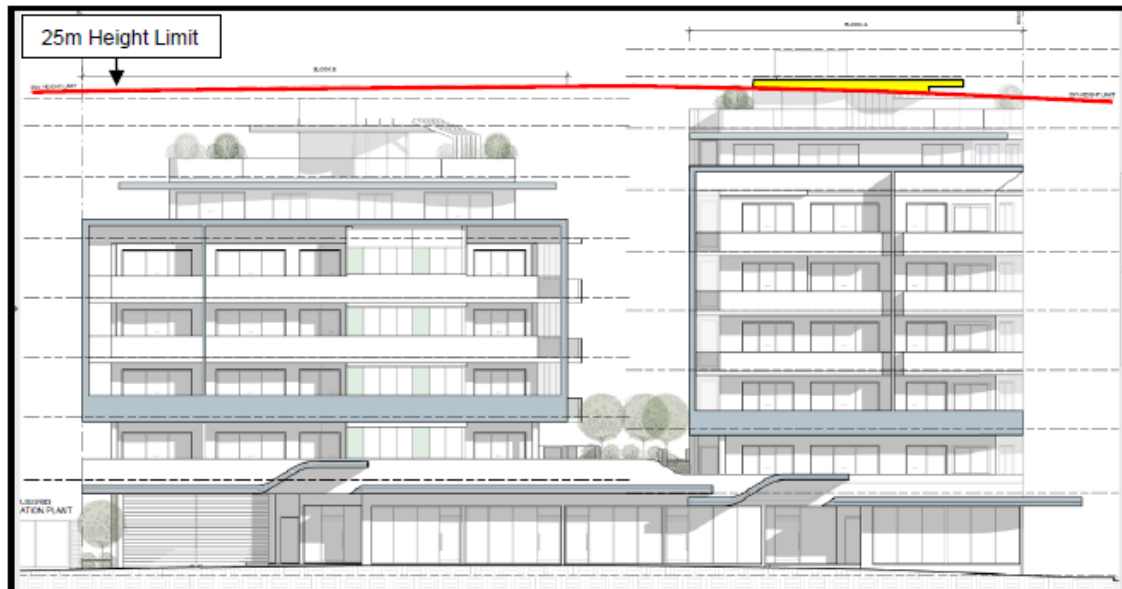


Figure 23: East elevation showing the minor nature of the height variation highlighted in yellow

- Block B is wholly contained within the LEP height limit, as is all floor space in Block A.
- The proposed height variation is isolated to the centre of Block and, with the upper floors being further recessed behind the floors below, ensuring that the height variation will be unapparent from the streetscape.
- The height variation allows for equitable access to the rooftop communal open space areas which will enhance the amenity for residents of the building.
- It is considered that the height non-compliance will not generate any additional amenity impacts to surrounding neighbours beyond that of a compliant built form, in regard to overshadowing, privacy or view loss impacts.

The above factors demonstrate that the LEP height standard is unreasonable and unnecessary in this instance.

The following assessment addresses each of the relevant criteria under Clause 4.6:

1. Consistency with the objectives of the height standard in the LEP

**Clause 4.3 Height:**

1. *The objectives of this clause are as follows:*

- a. *to ensure that the size and scale of development is compatible with the desired future character of the locality,*

**Assessment:** The proposal achieves a suitable bulk and scale for the corner site and its prominent position within the Maroubra Junction Town Centre. The proposed bulk and scale of the development is compatible with other mixed-use developments in the vicinity of the subject site including the recently constructed development adjoining the subject site to the west.

The proposed height is subservient to the 8-10 storey mixed use development to the north of the subject site and is consistent with the 7-storey scale of development to the west.

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

**Assessment:** The subject site is not identified as a heritage item, nor is located in a conservation area. The subject site is not in the vicinity of any heritage items.

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

**Assessment:** The proposed height does not adversely impact upon the amenity of the adjoining and neighbouring land.

It is considered that the proposal will not result in any additional adverse shadow impacts, particularly given the non-residential use of the southern neighbour.

The separation distance between the residential uses on the subject site and those of the western neighbour is further confirmation that there would be limited adverse mutual privacy or overlooking impacts.

The proposed height variation will not result in any loss of views from surrounding properties.

2. Consistency with the objectives of the B2 Local Centre zone

*Objectives of zone:*

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- *To facilitate a safe public domain.*

**Assessment:** It is considered that the proposed height variation does not hinder the proposal's ability to achieve the objectives of the zone.

The proposal seeks to replace the outdated buildings with a modern shop top housing development comprising 2 built forms with ground floor retail fronting both Maroubra Road and Ferguson Street frontages, with 5 / 6 levels of residential accommodation above.

The subject site is located in an accessible area, which is supported by regular bus services, and in an area with higher densities, which fosters active modes of transport such as walking and cycling.

The proposed development forms an extension to the existing and approved mixed-use developments located to the west of the subject site, at 167 Maroubra Road and 169 – 171 Maroubra Road (DA-84/2013).

The proposal is of a high quality urban design that contributes to a safe and active public domain whilst being well integrated with this portion of the Maroubra Junction.

On this basis, the proposed development complies with the zone objectives.

### 3. Consistency with State and Regional planning policies

**Assessment:** The proposed height variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*. The proposed height allows for achievement of the building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area.

The proposed height is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional densities near transport and established services.

### 4. The variation allows for a better planning outcome

**Assessment:** It is considered that the proposed height variation represents a more desirable planning outcome than if it were to maintain strict compliance with the LEP height limit.

The proposed minor height variation is associated with a high-quality mixed use development which provides for a high degree of amenity for residents of the building by providing communal rooftop terraces with equitable access. The communal rooftop space will receive abundant solar access as well as facilitating social gathering opportunities. The communal rooftop space provides for better amenity than if it were confined to the Level 01 podium.

The recessed and isolated location from surrounding properties also ensures that utilization of this space will not affect the amenity of dwellings either within or external to the subject proposal.

It is therefore considered that the variation to the height standard allows for a better planning outcome on the subject site as provision of the communal garden on the roof contributes to

an overall compliant communal open space as envisaged by the SEPP 65 and DCP controls.

5. There are sufficient environmental grounds to permit the variation

**Assessment:** Outperformance of the internal amenity indicators within the DCP and ADG in relation to solar access and cross ventilation demonstrate that there are sufficient environmental grounds to permit the variation. The height non-compliance does not compromise the internal performance of the units.

Externally, the lack of impact to surrounding properties, particularly in relation to retention of solar access further displays the suitability of the proposed height variation in this instance.

The height non-compliance will not be responsible for any greater shadowing to any surrounding property.

Furthermore, the height variation will not interfere with any views from surrounding properties. There will also be no additional adverse visual or acoustic privacy impacts generated by the additional height due to its recessed nature.

The lack of visual bulk impacts from either the streetscape or private properties surrounding the site ensures that the articulated and reasonable scale of development has no unreasonable visual impacts.

It is therefore considered that there are sufficient environmental grounds to permit the height variation.

6. The variation is in the public interest

**Assessment:** The above demonstrates assessment demonstrates that the proposed height satisfies the objectives of the standard and the zone and confirms that the proposed height allows for a better planning outcome on the subject site.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the height variation.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the LEP and DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the height control.

It is also noted that there is no public benefit in maintaining the height standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

**Conclusion**

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the development proposal at 181-191 Maroubra Road, Maroubra and is requested to be looked upon favourably by Council.



Assessing officer's comment: The applicant's written request above has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case given the portion of building that results in the variation will not be readily visible from the street and will not result in adverse amenity impacts to surrounding properties.

**Are there sufficient environmental planning grounds to justify contravening the development standard?**

Assessing officer's comment: The applicant's written request above adequately addresses that there are sufficient environmental planning grounds to justify contravening the development standard given the proposed development as a result of the variation will be consistent with the objectives of the height of buildings standard and objectives of the B2 Local Centre zone.

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

Assessing officer's comment: It is considered that the proposal is consistent with the objectives of the height of buildings development standard and the objectives of the B2 Local Centre zone.

***Consistency with the objectives of the height of buildings standard:***

*(1) The objectives of this clause are as follows:*

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

Assessing officer's comment: The non-compliant parts of the building are setback from the edges of the building and will not be readily visible from the street. The size and scale of the development will therefore remain compatible with the desired future character of the locality as a result of the proposed variation.

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

Assessing officer's comment: The proposal will not adversely impact the amenity of adjoining properties in terms of visual amenity given sufficient building separation between Block A and Block B and adjoining properties is provided, and the building is appropriately articulated to provide visual interest. Adverse privacy impacts will not occur given sufficient building separation is provided and louvered screening is proposed where there is the potential for direct overlooking. The variation to the building height does not result in non-compliant solar access to surrounding properties and will not impact key iconic views or views with a clear land and water interface.

***Consistency with the objectives of the B2 Local Centre zone:***

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- To facilitate a safe public domain.*

Assessing officer's comment: The proposed development is in accordance with the objectives of the zone, providing 9 commercial premises' at the ground floor that will serve the needs of people in the local area and that will encourage employment opportunities as part of the highly accessible Maroubra Junction Centre. The residential component is well integrated with the commercial component and will support the primary business function of the zone by accommodating additional residents in the business centre.

A high standard of urban design will result, with the built form serving to enforce and activate the street edge at the ground floor. The two building blocks that rise above are appropriately separated and articulated to provide good visual amenity when viewed from the street and surrounding properties. The development steps down in height from the Maroubra Road frontage towards lower density residential development further to the south, responding well to the immediate and wider context that will contribute to achieving a sense of place while minimising the impact of the development.

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

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

Assessing officer's comment: The concurrence of the Secretary of the Department of Planning and Environment must also be obtained for development that contravenes a development standard. However, pursuant to the notification of assumed concurrence of the secretary under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 18-003 (dated 21 Feb 2018) the concurrence of the secretary of the Department of Planning and Environment under clause 4.6(4)(b) of RLEP 2012 may be assumed in certain cases.

Variation from the adherence to the height of buildings standard on this occasion is of benefit to the orderly use of the site given the proposal will result in a reduced overall building height whilst not adversely impact residential amenity, which is compatible with the existing streetscape.

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

## **6. Notification/ Advertising**

The subject development was advertised and notified to surrounding landowners for a period of 14 days between 17 January 2017 and 1 February 2018. The revised drawings were re-notified for a period of 14 days between 12 July 2018 and 26 July 2018 in accordance with Council's DCP. As a result one (1) submission from the following property was received as part of the initial public exhibition.

- 767 Anzac Parade, Maroubra

Issues	Comments
Potential for loss of views to the west (of Botany Bay) due to the building height.	Distant partial water views from 767 Anzac Parade to Botany Bay are to the west and south west of the subject site, which based on Council's desktop analysis of aerial imagery will be unaffected by the proposed development (refer to figure 3 below).



Figure 3. Views to the west and south west from 767 Anzac Parade (subject site green).

## 7. Technical Advice: Internal and External

### 7.1 Development Engineer and Landscape Officer

The following comments are provided by Council's Development Engineer and Landscape Officer:

#### General Comments

*No objections are raised to the proposal subject to the comments and conditions provided in this report.*

#### Strata Subdivision Comments

*The application doesn't seek approval for strata subdivision notwithstanding draft strata plans have been submitted with the application.*

*A condition requiring the applicant to submit a parking allocation plan to Council for approval has been included within this report.*

#### Groundwater Comments

*The basement carpark will require excavation below the level of the water table requiring temporary dewatering and specific requirements for construction of a fully tanked system (to ensure no permanent dewatering is required).*

*The application was not referred to the NSW Office of Water as Integrated Development however conditions have been included in this report.*

#### Road Widening Comments

*Development Engineering considers it desirable to have a wider public footpath along the Ferguson Street site frontage. A condition requiring the applicant to dedicate 1 metre of land has been included in this report. The dedication can be done in such a manner as to not impact on the carpark layout below.*

#### Drainage Comments

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

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

### Parking Comments

Parking Requirements for the future development will be assessed as per the following applicable parking rates specified in Part B7 of Randwick Council's Development Control Plan 2013.

- 1 space per 1 bedroom unit
- 1.2 spaces per 2 bedroom unit
- 1 visitor space per 4 units (but none where development is less than 4 dwellings)

Residential Parking required under DCP =  $(36 \times 1.2) + (29 \times 1)$  spaces  
= 72.2 spaces (72)

Parking proposed = 102 spaces – complies.

Visitor Parking required under DCP =  $65/4$  spaces  
= 16.25 spaces (16)

Visitor Parking Proposed = 17 spaces - complies

Commercial Parking required under DCP =  $660 / 40 = 16.5$  (17)

Commercial Parking Proposed = 17 spaces – complies.

### Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

Motorbike Parking proposed = six (6) spaces – this complies.

### Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units.

Bicycle Parking proposed = 42 spaces – this complies

### 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.

### Carpark Layout

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

### Service Authority Comments

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

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

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



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

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

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

#### Waste Management Comments

The applicant is required to submit to Council and have approved by Council's Director Planning, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site. The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the units will operate.

Appendix 3 in Part B6 of Council's DCP specifies a waste bin requirement rate for residential flat buildings houses of 1 x 240L bin per 2 rooms for normal garbage and 1 x 240L bin per 2 rooms for recycling. Therefore garbage/recycling Bins Required = Number of units/2 (rounded up to nearest whole number))

There are no specific requirements for green waste in Part B6 of the DCP however as some landscape areas are proposed it is recommended that a number of 240L bins also be provided for green waste.

#### Landscape Comments

There is no vegetation at all either within the subject site, on neighbouring private properties or public land, so conditions relate purely to treatment of the public domain, as well as the new landscape scheme that will be implemented for future occupants.

Assessing officer's comment: The recommended conditions have been included as part of the development consent.

## **7.2 Environmental Health Officer**

The following comments were provided by Council's Environmental Health Officer:

#### *Land Contamination*

As the proposal was for a multi storey mixed development which includes excavating underground for a basement car park, a Preliminary Site Contamination Investigation was requested.

Council received a Preliminary Site Investigation report from Asset Geotechnical Engineering dated 1 June 2018. The report confirmed the can be made suitable and recommended further investigation prior to demolition, excavation and construction.

As there is a potential for the site to be contaminated, conditions in relation to contamination, pollution and health have been included in the following referral to ensure compliance with the relevant legislation and guidelines.

#### *Acoustic Amenity*

Acoustic report dated 8/11/2017 received from Acoustic Logic detailed the following recommendations in section 5.4:

##### **5.4.1 External Mechanical Plant**

Mechanical plant items are not typically selected at selected at DA stage.

*Detailed review of all external mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments should be determined in order to control plant noise emissions to the levels set out in section 5.2 of this report.*

*Particular attention should be paid to the following:*

- Noise breakout from kitchen exhaust fan ducting contained in risers in the accommodation quarters above, which can be satisfactorily dealt with through in-duct treatments and riser wall construction (construction to be determined after fan selection).*
- Noise from roller doors fixed to the slab below occupied tenancies which can be satisfactorily addressed through use of vibration isolation of door motors and rail system. All plant can be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and (if necessary) standard acoustic treatments such as noise screens, enclosures, in-duct treatments (silencers/lined ducting) or similar.*

*The potential for noise nuisance has been considered and appropriate conditions have been included in this referral.*

Assessing officer's comment: The recommended conditions have been included as part of the development consent.

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

The following comments are provided by Council's Design Excellence Panel ("DEP"), with planning comments provided where necessary. It is noted that the revised drawings were not re-referred to the DEP given the concerns raised by the DEP have been adequately addressed by the applicant as part of the revised drawings.

#### **INTRODUCTION**

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

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

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

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

*This document is available from the Department of Planning Environment*

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

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

*When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements or Urban Design Excellence & best practice. In these instances it is unlikely the scheme will be referred back to the Panel for further review.*

#### **PANEL COMMENTS**

*This DA is seeking consent for the demolition of all structures on the property and erection of an 6-story development with 58 units, 3 levels of underground parking, and commercial spaces at ground level.*

*Panel members are familiar with the surrounding area and the site, and have reviewed the previous proposal for this site.*

## **CONTEXT AND NEIGHBOURHOOD CONTEXT**

*Maroubra is the largest suburb in Randwick Council, and has been an area of continuous residential and commercial development from the early 20th century to the present day. Recently, the area has seen extensive development of residential and commercial buildings of various sizes, heights and styles. The suburb is bisected by Anzac Parade, and is very well serviced by public transport, shops, services and nearby open space and regional beaches.*

*The subject site is located in Maroubra Junction, the commercial heart of Maroubra, focused on the intersection of Anzac Parade and Maroubra Road, which fronts the long northern side of the site. The site also has extensive frontage along Ferguson Street. The site is neighboured by 6 and 7 story residential developments to the west, and an electricity substation facility to the south. Across Ferguson Street to the east is a collection of 2 story buildings, including the heritage-listed Maroubra Junction Hotel.*

## **SCALE AND BUILT FORM**

*The original proposal was a single volume that presented a monolithic, unrelieved wall to the street for the full length of the site along both Maroubra Road and Ferguson Streets. The applicant has since made a number of significant changes to the scheme, including reductions in height, bulk and massing. Accompanying the application was a series of morphology diagrams, in which the response to the intentions of Council's site-specific DCP was set out. The organisational diagram outlined a 6-story block along Maroubra Road, a separate 5-story block to the south of the site and a generous open space in the middle of the site, running east to west, and wrapping around to the southwest corner of the site. The diagram also indicated "green belts," heavily landscaped public spaces at the Ferguson Street end (east) of the open space, and along the western boundary of the site.*

*The Panel acknowledges the soundness of this diagram as an evolution of the DCP layout. However, while the massing responds better to the context and the intentions of the DCP massing, the resulting central space does not deliver much amenity to residents. Although a number of strategies have been employed to provide privacy between units, such as provision of screens and building articulation to focus views, the proposed buildings are well below the building separation minimums outlined in the Apartment Design Guide. The Panel strongly feels that the building separation requirements should be met regardless of other strategies introduced into the design. This will increase the amenity of both units and the central communal spaces, and place the building alignments closer to those of the neighbouring buildings to the west. While the applicants insist that this is the aim of the proposal, both the drawings and the model presented indicate that the proposed buildings are much closer together, especially in regards to the upper levels, where there is no setback to account for the greater height. Approximating the massing of these neighbouring buildings would address many of the concerns of the Panel regarding amenity and open space.*

Assessing officer's comment: The revised drawings included increased building separation between Block A and Block B, and to the adjoining building to the west, which complies with the design guidance of the design criteria of the Apartment Design Guide.

*Overall, the buildings relationship to the corner, and Maroubra Road, should be modelled more, in direct response to the significant urban conditions surrounding the site. The mediation of the built form to adhere to site controls and the DCP intentions should also further inform that refinement of the overall form.*

Assessing officer's comment: The proposed development is generally consistent with the building envelope controls provided as part of the RDCP, and therefore presents an appropriate built form to the corner. Sufficient articulation is provided that will ensure visual interest, whilst defining the corner.

*While the proposal remains over the height limit, the Panel feels that this may be acceptable, given that the elements above the height limit are at the centre of the building mass, and this Maroubra Road building relates well to the neighbour immediately to the west.*

## **DENSITY**

*The proposal footprint almost completely covers the site leaving little space for true deep soil planting. There is still a lot of excessive bulk, which reduces amenity for the units within the development, in addition to impacting on the general urban amenity of the surrounding sites and streets. The internal courtyard space proposed is constricted and lacking in amenity. The increased bulk also makes the environmental amenity of many of the units questionable. It is the opinion of the Panel that more refinement needs to occur in the massing, with significant reductions in overall floorspace to improve the spatial and environmental performance of the development.*

Assessing officer's comment: A reduction in the floor space has been proposed (with some 2 bedroom units becoming 1 bedroom units), resulting in a decreased depth of Block B and increased building separation that will improve visual privacy, ventilation and natural light. The communal open space has been enlarged and additional landscaping provided at the podium level, with additional deep soil landscaping along the southern and western boundaries of the site.

## **SUSTAINABILITY**

*The proposal exhibits in some areas limited passive solar and effective environmental design – the natural ventilation and light servicing some of the units is questionable. While reducing and re-deploying the mass across the site has allowed for increased environmental performance, there are many units where solar access and natural ventilation remains questionable. The applicant should graphically illustrate that the ADG requirements for sunlight are met in the requisite number of apartments. This evidence should be prepared by an independent consultant, and show the solar footprint in plan of each complying unit.*

*Similarly, it is unclear how the natural ventilation claims are actually achieved. Again, the applicant should provide evidential proof showing exactly how natural ventilation occurs in each of the nominated apartments.*

Assessing officer's comment: The applicant has adequately demonstrated compliance with solar access and ventilation requirements specified by the Residential Apartment Design Guide ("ADG") (see insert of tables below from Applicant's solar access and ventilation compliance assessment).

## A.0 APPENDIX A: SOLAR ACCESS AND CROSS VENTILATION

The table records my verification of the solar access and cross ventilation of individual apartments.

		Solar access																Solar compliance												
Level	UNIT	8	830	9	930	10	1030	11	1130	12	1230	13	1330	14	1430	15	1530	16	>3 hrs 9-3	>2 hrs 9-3 (>3hrs 8-4)	>2 hrs 9-3(i)	>2hrs 8-4	No sun	POS 9-3	POS 8-4	Cross vent w/ lightwell	Notes			
LEVEL 1	U1.01	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	YES						YES		YES			
	U1.02	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0					YES			YES				
	U1.03	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0					YES			YES	YES			
	U1.04	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	0	0						YES		YES			
	U1.05	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES							
	U1.06	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
	U1.07	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES			YES			
	U1.08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES				Single sided		
	U1.09	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES		YES	Lightwell		
	U1.10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES					
	U1.11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES					
	U1.12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES		YES			
U1.13	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0		YES				YES		YES				
LEVEL 2	U2.01	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	YES					YES		YES			
	U2.02	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0				YES			YES					
	U2.03	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0				YES			YES		YES			
	U2.04	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	0	0				YES			YES		YES			
	U2.05	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0									YES			
	U2.06	B	B	B	B	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
	U2.09	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES						YES		YES	Lightwell		
	U2.10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES					
	U2.11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0						YES					
U2.12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES		YES				

Level	UNIT	Solar access																Solar compliance					No sun	POS 9-3	POS 8-4	Cross vent w/ lightwell	Notes
		8	830	9	930	10	1030	11	1130	12	1230	13	1330	14	1430	15	1530	16	>3 hrs 9-3	>2 hrs 9-3 (>3hrs 8-4)	>2 hrs 9-3(i)	>2hrs 8-4					
LEVEL 3	U2.13	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0		YES				YES		YES	
	U3.01	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	YES					YES		YES	
	U3.02	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0			YES			YES			
	U3.03	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0			YES			YES		YES	
	U3.04	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1		YES				YES		YES	
	U3.05	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	0				YES			YES	YES	
	U3.06	B	B	B	B	0	0	0	0	0	0	0	0	0	0	0	0	0									
	U3.07	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES			YES	
	U3.08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES			single aspect	
	U3.09	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	YES					YES		YES	Lightwell
	U3.10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	YES					YES			
	U3.11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES			
LEVEL 4	U3.12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES					YES		YES	
	U3.13	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0		YES				YES		YES	
	U4.01	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	YES					YES		YES	
	U4.02	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0			YES			YES			
	U4.03	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0			YES			YES		YES	
	U4.04	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1		YES				YES		YES	
	U4.05	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1				YES			YES	YES	
	U4.06	B	B	B	B	1	1	1	0	0	0	0	0	0	0	0	0	0									
	U4.07	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES			YES	
	U4.08	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					YES			single aspect	
	U4.09	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	YES					YES		YES	Lightwell
	U4.10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES				YES			
	U4.11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES				YES			
	U4.12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	YES				YES		YES	

		Solar access																Solar compliance																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			</
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There is no immediate strategy for collection and re-use of rainwater and stormwater – a development of this scope and scale should make some considerable efforts towards water conservation. Additionally, no proposals for alternate energy production are offered, despite there being ample opportunity to consider this on the roof and in associated structures on top of the building.

The integration of water management into the landscape applications on the site needs to be considered.

Assessing officer's comment: A satisfactory BASIX Certificate was submitted with the revised drawings stating that the proposed development will meet the NSW government's requirements for sustainability. Compliance with the BASIX Certificate is a recommended condition of the development consent.

The Panel notes that;

- Ceiling fans should be provided in bedrooms and living spaces.
- All bathrooms on external walls should have external windows to reduce the need for artificial ventilation.

Assessing officer's comment: Ceiling fans and windows to bathrooms on external walls have been provided.

- The method of window operation and their fire treatment on each elevation should indicated on the drawings.

Assessing officer's comment: A standard condition requires compliance with the BCA. Fire treatment information is not required for DA approval.

- Awning windows provide poor ventilation options. Louvres should be considered.

Assessing officer's comment: No awning windows are proposed.

- Consideration of solar hot water heaters and on-site water retention.

Assessing officer's comment: A satisfactory BASIX Certificate was submitted with the revised drawings stating that the proposed development will meet the NSW government's requirements for sustainability.

- Air-conditioning is not shown and this passive approach to ventilation is supported by the panel.



Assessing officer's comment: The proposed development complies with passive ventilation requirements specified by the ADG.

- *Window types and operation to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security.*

Assessing officer's comment: Appropriate window types have been illustrated.

- *Outdoor clothes drying areas should be shown.*

Assessing officer's comment: Sufficient room is provided as part of the POS for each unit for a clothes drying area.

## **LANDSCAPE**

*The landscape component still needs significant improvement. The deep soil component is mostly throw-away space at the site margins, located behind the service level. The outdoor communal space on plinth is constricted to the point of unusability, becoming simply a walkway. Expanding the scale and amenity of the open space within the development will offer opportunities to begin to establish viable landscape and deep soil zones. The entire "green belt" zone across the western edge of the site should be re-considered, with much more expansive planting areas, with greater areas and depth of soil. The planting zones on the roof still need to be considered for their role in providing privacy for the surroundings and the rooftop units, as well as amenity (shade, scent, edible species) for the residents of the development.*

Assessing officer's comment: Improved landscaping has been provided at the podium level and deep soil landscaping has been provided along a portion of the western boundary as part of the "green belt". The podium level open space in conjunction with the rooftop open space, which has also been provided with additional landscaping will provide a choice of open space for occupants and a high level of residential amenity.

*Consideration should be given to connecting the central communal space directly to Ferguson Street, via a grand, landscaped stairway and terraces. While this may entail removal of some commercial space on the ground floor, these proposed spaces on Ferguson Street are questionable in their viability.*

Assessing officer's comment: The ground floor commercial spaces are a requirement of the RDCP and are necessary to both activate the streetscape and to establish permissibility of the development as "shop top housing".

*The improved landscape scheme should also consider the potential provision of an on-site composting area within the landscape design, to reduce the generation of waste coming from the development. Water harvesting and re-use should contribute to the landscape proposed.*

Assessing officer's comment: A composting area is undesirable as this will not likely be utilised by residents and will reduce the usable area of the communal open space. A satisfactory BASIX Certificate was submitted with the revised drawings stating that the proposed development will meet the NSW government's requirements for sustainability.

## **AMENITY**

*The natural ventilation and solar access do not appear to comply with the ADG guidelines. The previous strategy of the deep cuts in built form should be revisited to explore increased access to light and air for the units, as well as enhance their visual and acoustic privacy.*

Assessing officer's comment: The revised drawings comply with the solar access and ventilation requirements specified by the ADG.

*Natural light should be provided to common circulation areas. Level 02 on Block A does not appear to achieve this.*

Assessing officer's comment: As part of Block A, a light well is provided at the western end of the common circulation and a foyer with a window at the eastern end that will provide sufficient natural light. Block B is also provided with access to natural light. This is adequate considering the constraints of the internal circulation and the desire to locate apartments on the outer edges of each residential block.

## **SAFETY**

*The back of house circulation is still questionable – it is a very large, essentially basement-like space, with very little opportunity for casual surveillance.*

Assessing officer's comment: The service areas provided at the rear of the commercial premises' is a result of the building envelope controls, which envisage 2 blocks with ground floor commercial development fronting Maroubra Road and Ferguson Street. The size of the service areas are necessary to support the 9 commercial tenancies and will be highly frequented areas with direct access from each tenancy.

## **HOUSING DIVERSITY AND SOCIAL INTERACTION**

*The residential offering is a conventional mix of units – while it would increase the available local housing stock, it does not offer increased diversity, either in housing typology or market segment. Social interaction on the site and in the immediate vicinity could be fostered in a more ambitious way by considering the relationship of the internal courtyard to Ferguson Street.*

Assessing officer's comment: The proposed development is in accordance with the objectives of the B2 Local Centre zone, providing a range of retail and business uses, encouraging employment, providing residential development that is well integrated with and supports the primary business function of the zone, and facilitating a high standard of urban design while protecting the amenity of residents.

*Dedicated bicycle parking should be provided for visitors, near the building entrances, and immediately accessible from the public way.*

Assessing officer's comment: Bicycle parking is provided adjacent to the entrance to each foyer. The racks appear to be partially located outside the site boundary however, therefore a condition is recommended to ensure they are wholly located within the site.

## **AESTHETICS**

*The Panel feels that the proposal still needs further refinement to its bulk, massing and detailed resolution. The proposal does not appreciably respond to the character and materiality of the heritage hotel on Maroubra Road, or the architectural grain and expression of surrounding developments.*

Assessing officer's comment: The bulk and scale of the building has been reduced, with an increased building separation between Block A and Block B and reduced building depth of Block B. The proposed articulation complies with the RDCP, providing a change in building materials and finishes, and recessed balconies that is compatible with the character of the locality and is in accordance with the desired future character of the area.

## **SUMMARY AND RECOMMENDATIONS**

*Despite the significant improvements made to the scheme after the last Panel review, the Panel does not support this proposal in its current form, still finding many opportunities where the proposal could respond more clearly to site and conditions, and so provide urban or residential amenity, either within or around the building. The current excess density prohibits much of this responsiveness, as well as restricts opportunities for a more generous spatial development of the units, the central courtyard and relationship to the larger structure of the urban fabric.*

Assessing officer's comment: The revised drawings have adequately addressed the concerns raised by the DEP, with a reduction in the density of the development having occurred and increased



building separation resulting in improved residential amenity and provision of better landscaping and deep soil area. Subsequently, a new referral to the DEP was not considered necessary.

#### **7.4 Ausgrid**

The following comments were provided by Ausgrid (who own the adjoining property to the south, being the Maroubra Zone substation):

*The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment. In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.*

**With Regard to: Demolition of existing buildings and construction of a 7 storey shop top housing development with 3 levels of basement parking at 181-191 Maroubra Rd, Maroubra**

- DA013 Demolition Drawing Rev.A
- DA102 Basement 01 Rev.A
- DA103 Ground Floor Rev.A
- DA104 Level 01 Rev.A
- DA202 South Elevation Rev.A
- DA302 Section C-C Rev.A

Ausgrid consents to the above mentioned development subject to the following conditions:-

##### **Supply of Electricity**

*It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:*

- *The existing network can support the expected electrical load of the development*
- *A substation may be required on-site, either a pad mount kiosk or chamber style and;*
- *Site conditions or other issues that may impact on the method of supply.*

*Please direct the developer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.*

##### **Conduit Installation**

*The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.*

##### **Vegetation**

*All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines. A per ISSC3 S1-1.6 a minimum 3m clearance for vegetation is required from the substation fence/wall which extends to the sky.*

##### **Streetlighting**

*The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, in particular the placement of windows, or discuss with Ausgrid the options for*

relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

### **Proximity to Existing Network Assets**

#### **Overhead Powerlines**

There are existing overhead electricity network assets in Maroubra Rd, and Ferguson Rd. There are also exposed electrical busbars with the Zone Substation site adjacent to the Southern boundary of the subject site.

Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

#### **Underground Cables**

There are existing underground electricity network assets in Maroubra Rd, Ferguson Rd and within the zone substation adjacent to the Southern boundary of the subject site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

#### **Zone Substation**

There is an existing electricity substation (Maroubra Zone Substation) adjacent to the Southern boundary of the subject site.

- No personnel access over Ausgrid property is permitted.
- Crane slewing over Ausgrid's property is not permitted. Consideration will be given to allow only the jib of a tower crane to slew over the substation property provided that a suitable craning methodology is provided to Ausgrid for comment and review and based on appropriate lockouts and loading zones being utilised to prevent any other parts of the tower crane or loads from coming over Ausgrid's property.
- The demolition process, of the existing building adjacent to Ausgrid boundary, is to control debris and dust. Please note that the 132kV busbar is approximately 4260mm from the boundary and the outdoor insulators may be electrically compromised with a significant build up of dust.
- Methodology, vibration limitations and communication protocols are to be established through consultation with Ausgrid, for protection of Ausgrid building / electrical assets and network reliability.

- The South Eastern elevation of the development is near one of the substation power transformers which presents a fire hazard. This risk is to be suitably addressed by the developer's fire engineer. Ausgrid can provide expected thermal radiation levels expected at the boundary.

*Earthing Issues - There is a substation earth grid for the Maroubra Zone Substation right up to the boundary of the proposed development site.*

- Workers should be wearing leather gloves and shoes in good condition when working adjacent to the substation fence/wall.
- No metallic parts of anchoring and shoring are to come in direct contact with the earth grid (if it gets uncovered during the excavations and work in the area).
- Care should be taken so that the earth grid does not get damaged during the works
- In the event that the earth grid is damaged, Ausgrid is to be contacted immediately for repairs to be arranged and no further works are to take place in the immediate area until Ausgrid advises it is safe to do so.

*The following information is to be provided for Ausgrid's review, comment and consent prior to the commencement of any demolition or construction works on the subject site.*

- A demolition methodology.
- A Substation dilapidation inspection/report.
- Detail on the boundary treatment for review of the impacts on physical security. Please note that the retention of the existing boundary wall is not shown on the developer's drawings, and requires clarification, as the existing boundary brick wall supports concertina razor wire with a separate mesh security fence around live switchyard.
- An Asbestos clearance report for clarification on potential contaminants and mitigations.
- A geotechnical report.
- A methodology statement of excavation, construction of shoring system and dewatering.
- All relevant structural plans and details of foundations, the shoring system (construction phase and permanent), floor slabs propping the shoring wall which could impact the substation site.
- All relevant architectural plans (plans, elevations and sections).
- Details of all proposed excavation outside the shoring wall envelope in the vicinity of the substation.
- Scaffolding Plan in vicinity of the Substation.
- Written verification from the project geotechnical engineer that existing ground has sufficient capacity to ensure that piling rigs and the like cannot overturn and impact on the substation site.
- Overall design structural certification of shoring system (for both temporary and permanent configurations). Note that certification of shoring components alone without overall certification is not acceptable.

Assessing officer's comment: Ausgrid's recommendations were forwarded to Council's Development Engineer for consideration and a general condition is recommended to ensure that the Ausgrid is consulted and their requirements considered prior to the issue of a Construction Certificate.

## **7.5 NSW Roads and Maritime Services**

It is noted that the subject development is not classified as *Integrated development* given the proposal is not traffic generating development pursuant to Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. The DA was referred to the NSW Roads and Maritime Services ("RMS") for comment only, and the following comments were provided:

*Reference is made to Council's letter dated 11 December 2017 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.*

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development provided the following conditions are included in the determination of the application:

1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
2. All demolition and construction vehicles are to be contained wholly within the site (or Ferguson Street) and vehicles must enter the site before stopping.
3. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Maroubra Road during construction activities.
4. A construction zone will not be permitted on Maroubra Road.
5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

Details should be forwarded to: [suppiah.thillai@rms.nsw.gov.au](mailto:suppiah.thillai@rms.nsw.gov.au)

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

6. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be submitted to Suppiah Thillai: [suppiah.thillai@rms.nsw.gov.au](mailto:suppiah.thillai@rms.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

7. All works/signposting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.

In addition to the above, the following comments are provided for Council's consideration:

1. Vegetation and proposed landscaping/fencing must not hinder driver sight lines on Copeland Street to other road users and critical road infrastructure.
2. The proponent is to consult with Transport for NSW regarding any impacts to the existing Bus Zone fronting Maroubra Road.

Any inquiries can be directed by email to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Assessing officer's comment: The RMS recommendations were forwarded to Council's Development Engineer for consideration and a general condition is recommended to ensure compliance with the RMS requirements.

## **7.6 Sydney Airport Corporation Limited**

The following comments were provided by Sydney Airport:

*This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 45.72 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 54.2 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 54.2 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 45.72 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.*

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

*Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Information required by Sydney Airport prior to any approval is set out in Attachment A.*

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

*The height of the prescribed airspace at this location is 64 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.*

Assessing officer's comment: The Sydney Airport comments are noted.

### **7.7 Eastern Suburbs Local Area Command (NSW Police)**

The following comments were provided by NSW Police (as summarised):

#### Concerns

- Safety concerns due to falling persons from windows and balconies.
- Potential for anti-social behaviour in concealed areas.
- Breaking and entering / theft.

#### Recommendations

- Install the mailboxes in an area that can be seen from the premises.
- Ensure the mailbox area is well lit and that the mailboxes are of solid construction and are secured.
- Installation of CCTV within the development.
- External lighting to be installed in accordance with Australian Standards.
- Light covers to be installed to external lighting to limit the potential for malicious damage.
- Landscaping and fencing that permits surveillance and does not offer areas for concealment.

- Landscaping to be maintained.
- Pathways to be provided with good surveillance and to be designed to limit areas for concealment.
- Installation of car park elements to permit surveillance (e.g. cable railings rather than concrete walls).
- Restrict access to the residential development and to the car park.
- Plant rooms to be secured.
- Street numbers to be prominently displayed.
- Installation of an alarm system.
- Compliance with fire safety requirements.
- Preparation of a plan of management for residents including emergency procedures.

Assessing officer's comment: The proposed development limit's opportunities for concealment and will ensure good casual surveillance is provided. The service areas located behind the commercial spaces at the ground floor will be highly frequented due to the 9 commercial spaces proposed. Landscaping at this level around the southern and western boundaries will be surveyed by residential units above as well as the vehicular access.

Letterboxes are shown adjacent to the 2 foyer entries off Ferguson Street, which are not provided within a secured room. It is considered that secured access to the litterboxes is necessary, and can be provided via a recommended condition. Council's standard conditions will largely cover the other recommendations of NSW Police, including the installation of lighting, fire safety provisions, restricted access, and provision of street numbers.

## **8. 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 (Building Sustainability Index BASIX) 2004
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- Randwick Local Environmental Plan 2012

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

The DA is referred to the Sydney Eastern City Planning Panel for determination as it constitutes regionally significant development pursuant to Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011* ("SEPP: State and Regional Development") as the capital investment value ("CIV") is in excess of \$20 million. It is noted that the current version of the SEPP: State and Regional Development that was amended after the DA was lodged constitutes regionally significant development with a CIV greater than \$30 million, however the development remains regionally significant development in accordance with Clause 24 (3) of the current SEPP: State and Regional Development, which states:

*(3) If any development that is regionally significant development ceases to be regionally significant development because of an amendment of this Policy and the development is the subject of a development application that has not been determined when this Policy is so amended, the development does not cease to be regionally significant development for the purposes of that application.*

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. A Preliminary Site Investigation report was submitted with the DA that concludes the site can be made suitable for its intended purpose and recommends further investigation prior to demolition, excavation and construction.

Council's Environmental Health Officer has reviewed the DA and the Preliminary Site Investigation report and recommends approval subject to conditions including preparation of a detailed site investigation report prior to issue of a Construction Certificate, and that should remediation be required that a Remediation Action Plan is prepared and submitted to Council for approval prior to commencement of any works. It is therefore considered that the site can be made suitable for the intended use in accordance with SEPP No. 55.

### **8.3 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 and a condition is recommended to ensure the development complies with the requirements of the BASIX Certificate.

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

SEPP No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves the development of a residential flat building being 3 storeys and more in height.

In accordance with clause 28 of SEPP 65, the DA was referred to Council's Design Excellence Panel for advice concerning the design quality of the development. The Panel's comments in relation to the design quality principles set out in Schedule 1 of SEPP 65 are included in Section 7. The amended application is considered to have adequately addressed the Panel's concerns with the initial DA and the proposal is subsequently considered to be in accordance with the design quality principles.

In accordance with clause 28 of SEPP 65, the Residential Apartment Design Guide ("ADG") is taken into consideration. An assessment has been carried out in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the ADG against the design criteria requirements. Minor non-compliance to the design criteria includes a merits based assessment as per the design guidance of the ADG within the table below. Larger variations are assessed as part of the "Key Issues" section after the table.

SEPP No. 65 Apartment Design Guide – Compliance Table								
ADG - Design Criteria	Proposal	Compliance						
<p><u>3D-1 Communal and Public Open Space</u></p> <p>Communal open space has a minimum area equal to 25% of the site (506.90m<sup>2</sup>).</p> <p>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).</p>	<p>Approximately 289.97m<sup>2</sup> communal open space is provided at the ground floor (podium) level, and 576.7m<sup>2</sup> at the rooftop levels. The total area of principal usable communal open space is 866.67m<sup>2</sup> = 42.7%.</p> <p>The communal open space at the ground level will not receive solar access on 21 June. However, the rooftops will receive &gt;2 hours solar access to &gt;50% of the communal open space, which complies. Although the ground floor communal open space will not receive compliant solar access, residents will be afforded the opportunity to access each roof for their respective residential block on 21 June, which in its own right provides 28% of the required communal open space. This is a satisfactory outcome given the ground floor open space is provided as a result of the envisaged building envelope for the site, and considering the ADG permits rooftop open space.</p>	Complies.						
<p><u>3E-1 Deep Soil Zones</u></p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>&gt;1,500m<sup>2</sup></td><td>6m</td><td>7% (141.93m<sup>2</sup>)</td></tr> </tbody> </table>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	>1,500m <sup>2</sup>	6m	7% (141.93m <sup>2</sup> )	<p>89.6m<sup>2</sup> deep soil zone is provided along the southern and western boundaries of the site with a 1.5m minimum dimension.</p> <p>The design guidance acknowledges that compliance with the criteria may not be possible on sites located within a central business district and where there are non-residential uses at the ground floor. The subject site is located within the B2 Local Centre zone as part of the Maroubra Junction Centre and ground floor commercial uses proposed. Therefore, the variation is supported with the provision of some deep soil landscaping providing a high level of shared amenity between adjoining properties. Further, the Block 9</p>	Does not comply, however minor variation is supported.
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)						
>1,500m <sup>2</sup>	6m	7% (141.93m <sup>2</sup> )						



SEPP No. 65 Apartment Design Guide – Compliance Table											
ADG - Design Criteria	Proposal	Compliance									
	controls of the RDCP requires a 1.5m wide deep soil zone along the rear boundary, which is provided.										
<p><u>3F Visual Privacy</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>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	<p>The building separation does not comply. Refer to discussion at the end of this table.</p>	<p>Does not comply – refer to “Key Issues” after table.</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									
<p><u>4A-1 Solar Access and Daylight</u></p> <p>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> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>74% of apartments (48 out of 65) will receive solar access in accordance with this part.</p> <p>10% (7 apartments, being U1.05, 1.07, 1.08, 3.07, 3.08, 4.07 and 4.08) will not receive any solar access.</p>	<p>Complies.</p>									
<p><u>4B-3 Natural Ventilation</u></p> <p>At least 60% of apartments are naturally</p>	<p>63% of apartments (41 out of 65) will receive natural cross ventilation.</p>	<p>Complies.</p>									

SEPP No. 65 Apartment Design Guide – Compliance Table		
ADG - Design Criteria	Proposal	Compliance
<p>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> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p> <p><b>Cross-over apartment</b>  <i>cross ventilating apartment with two opposite aspects and with a change in level between one side of the building and the other</i></p> <p><b>Cross-through apartment</b>  <i>cross ventilating apartment on one level with two opposite aspects</i></p>	<p>One cross-through apartment is proposed (U5.04) as part of the top floor of Block B that is &lt;18m from glass-line to glass-line.</p>	
<p><u>4C-1 Ceiling Height</u></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable Rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	<p>All floor to ceiling heights are 2.7m minimum.</p>	<p>Complies.</p>
<p><u>4D-1 Apartment Layout</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>Studio - 35m<sup>2</sup></li> <li>1 Bedroom - 50m<sup>2</sup></li> <li>2 Bedroom - 70m<sup>2</sup></li> <li>3 Bedroom - 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>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.</p>	<p>All apartments exceed minimum requirements.</p>	<p>Complies.</p>
<p><u>4D-2 Environmental Performance</u></p> <p>Habitable room depths are limited to a</p>	<p>All units proposed open plan layouts, therefore the maximum habitable room depth must be no</p>	<p>Does not comply, however</p>

SEPP No. 65 Apartment Design Guide – Compliance Table		
ADG - Design Criteria	Proposal	Compliance
<p>maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>more than 8m from a window.</p> <p>The following units have a habitable room depths &gt;8m from a window.</p> <p>Block A:</p> <p>Units 1.10 to 1.13, 2.10 to 2.13, 3.10 to 3.13, 4.10 to 4.13, and 5.10 to 5.13 (8.2m to 8.6m).</p> <p>Block B:</p> <p>Units 1.06, 2.01, 3.01, 401, and 505 (8.7m to 9.3m).</p> <p>The minor variation is supported given large window opening are provided to the open plan living areas that exceed 10% of the floor area, affording good natural light and ventilation.</p>	<p>minor variation is supported.</p>
<p><u>4D-3 Room Sizes</u></p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <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>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>All bedrooms exceed minimum area requirements. Some bedrooms in block A include a minimum dimension &lt;3m, however this is only for a small portion of the subject bedrooms and is in response to the angled footprint of Block A. The bedrooms exceed minimum area requirements and therefore will ensure a high level of residential amenity is provided.</p> <p>All living rooms comply with the minimum width requirement.</p>	<p>Does not comply, however minor variation is supported.</p>
<p><u>4E-1 Open Space</u></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 bedroom - 8m<sup>2</sup> (minimum depth of 2m)</li> <li>• 2 bedroom – 10m<sup>2</sup> (minimum depth of 2m)</li> <li>• 3+ bedroom apartments – 12m<sup>2</sup></li> </ul>	<p>All apartments are provided with compliant balcony sizes. It is noted that unit 6.07 in Block A (2 bedrooms) is provided with an upper floor terrace that exceeds minimum requirements, however the balcony directly off the living room is approximately 6m<sup>2</sup>. Considering this is the open space directly connected to the living area</p>	<p>Does not comply, however minor variation is supported.</p>

SEPP No. 65 Apartment Design Guide – Compliance Table		
ADG - Design Criteria	Proposal	Compliance
<p>(minimum depth of 2.4m)</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	<p>a condition is recommended to ensure the balcony is extended a further 1m to the east, having a depth of 3m (which will therefore be approximately 10m<sup>2</sup>).</p> <p>The north-facing “balconies” of Block A and the east facing “balconies” of Block B are located at the podium level and are not treated as terraces. Given they front Maroubra Road and Ferguson Street, their treatment as balconies is appropriate and is consistent with the balconies above and the adjoining building to the west.</p> <p>Some of the inward-facing terraces of Block B have a dimension &lt;3m, however the majority of each terrace is &gt;3m and the sizes of all terraces exceed minimum area requirements, which will provide good residential amenity.</p>	
<p><u>Common Circulation Space</u></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>There is a maximum of 7 apartments sharing a circulation core.</p> <p>The building is less than 10 storeys.</p>	Complies.
<p><u>Storage</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>3</sup></li> <li>• 1 Bedroom - 6m<sup>3</sup></li> <li>• 2 Bedroom - 8m<sup>3</sup></li> <li>• 3 Bedroom - 10m<sup>3</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>All apartments are provided with compliant basement storage.</p>	Complies.

## Key Issues

### 3F Visual Privacy

The ADG provides minimum building separation requirements to boundaries to achieve visual privacy between buildings. Although not expressed as part of the visual privacy design criteria, the building

separation also serves to reduce the visual bulk of the development, with greater separation required as the building becomes taller, which will also improve solar access to the subject building and surrounding properties.

The proposed building separation is generally consistent with the ADG, however some departures are identified under different headings below. In summary, the proposed building separation is supported given the building is generally consistent with the building envelope controls provided in the RDCP, and privacy impacts will not occur both between subject units and adjoining properties. The building steps down in height from Block A to Block B and is sufficiently articulated, therefore the bulk and scale is compatible with the locality. Further, compliant solar access will be achieved to the subject units and to surrounding properties.

The objective of the design criteria is as follows:

*Objective 3F-1*

*Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*

*Eastern Boundary*

The building separation to the eastern side boundary is 3m (6m to 12m required by the ADG) with the building separation to the eastern commercial property being 9.2m. The separation is appropriate considering the 3m setback is envisaged by the building envelope controls of the RDCP and the property to the east is a 2 storey commercial premises (restaurant on the top floor with limited west-facing windows) that will not result in privacy impacts.

The levels above the ground floor are further setback from the eastern boundary providing further separation to the eastern building and a visual step in the façade that articulates the building and reduces visual bulk.

*Southern Boundary*

The building separation to the south is 1.5m (with a small portion having a nil setback). The adjoining property to the south comprises the Ausgrid substation and will not likely be developed for residential use into the future. The building separation is supported given the setback is envisaged by the building envelope controls of the RDCP and there will be no privacy impacts.

It is noted that Ausgrid did not raise concerns with the proposal subject to conditions that have been considered by Council's Development Engineer as part of the Development Engineering referral response.

*Western Boundary*

The adjoining property to the west comprises a part 6 and part 7 storey shop top housing development with 2 separate blocks similar to the proposed development. Proposed Block A will adjoin the front block of the western building with a nil setback. Proposed Block B will have varying setbacks to the western boundary and to the rear block of the western property (which is 6 storeys) as follows:

- First floor ("Level 1" – second storey)
  - 6.2m to the terrace and 9m to habitable room windows at the first floor (6m required, which complies).
- Second floor ("Level 2" – third storey)
  - 6.8m increasing to 8.5m to the balconies and 9m to habitable room windows (6m required, which complies).
- Third floor ("Level 3" – fourth storey)

- 6.8m increasing to 8.5m to the balconies and 9m to habitable room windows (6m required, which complies).
- Fourth floor ("Level 4" - fifth storey)
  - 6.8m increasing to 8.5m to the balconies and 9m to habitable room windows (9m required, which does not comply).
- Fifth floor ("Level 5" – sixth storey)
  - 9m to non-habitable room windows (4.5m required, which complies).
  - 9m to habitable room windows (9m required, which complies).

The fourth floor proposes a minor non-compliance with the separation criteria, related to one balcony. The adjoining property to the west has a 4m setback from the common boundary, measured to a protruding balcony and 5m setback to habitable room windows of Level 4. The total minimum separation between the two buildings is 10.2m increasing to 14.7m.

The separation is supported given vertical timber louvers are proposed on the west-facing windows and balconies that will filter views between buildings, providing an appropriate level of privacy in the B2 Local Centre zone. The building is also generally consistent with the building envelope controls of the RDCP, and sufficient articulation is provided that will ensure visual interest when viewed from the adjoining property to the west.

#### *Building separation within the site between Block A and Block B*

The building separation between habitable / non-habitable rooms and balconies of Block A and Block B varies as follows:

- First floor ("Level 1" – second storey)
  - 3.2m to 7m between terraces (12m required, which does not comply).
  - 9.5m to 9.8m between non-habitable and habitable room windows (9m required, which complies).
  - 11.4m between habitable room windows (12m required, which does not comply).
- Second floor ("Level 2" – third storey)
  - 9.5m increasing to 11.6m between non-habitable and habitable room windows (9m required, which complies).
  - 10.5m increasing to 12.4m between balconies and habitable room windows (12m required, which does not comply).
- Third floor ("Level 3" – fourth storey)
  - 9.5m between non-habitable and habitable room windows (9m required, which complies).
  - 11.5m between a non-habitable room window and a balcony (9m required, which complies).
  - 11.6m between a non-habitable room window and a habitable room window (9m required, which complies).
  - 12.1m between a balcony and a habitable room window (12m required, which complies).
- Fourth floor ("Level 4" - fifth storey)
  - 9.5m between non-habitable and habitable room windows (13.5m required, which does not comply).

- 11.5m between a non-habitable room window and a balcony (13.5m required, which does not comply).
- 11.6m between a non-habitable room window and a habitable room window (13.5m required, which does not comply).
- 12.1m between a balcony and a habitable room window (18m required, which does not comply).
- Fifth floor (“Level 5” – sixth storey)
  - 10.7m increasing to 12.7m between non-habitable room windows and habitable room windows (13.5m required, which does not comply).
  - 9.5m increasing to 11.5m between non-habitable room windows and balconies (13.5m required, which does not comply).
  - 12m between balconies (18m required, which does not comply).
  - 16m between habitable room windows (18m required, which does not comply).
- Sixth floor (“Level 6 – seventh storey)
  - 13.2m between a habitable room window of Block A and the rooftop terrace of Block B (18m required, which does not comply).
  - 13.9m between a non-habitable room window of Block A and the rooftop terrace of Block B (13.5m required, which does not comply).
  - 14.8m between a balcony of Block A and the rooftop terrace of Block B (18m required, which does not comply).

The first 4 storeys up to proposed Level 3 largely comply with the building separation requirements. The storeys above do not comply given a greater building separation is required by the ADG.

The proposed building separation is supported given Block A and Block B is generally consistent with the building envelope controls of the RDCP. Windows and balconies are generally offset and will not directly overlook one another. Vertical timber louvers are proposed to the sides of the balconies where there is the potential for direct overlooking. The habitable room windows and balconies are generally off bedrooms, which are not highly frequented rooms. No living area windows or balconies are opposite one another, therefore direct views into these highly used areas will not occur. A condition is recommended however so that all bathroom windows are frosted, which is not demonstrated on the drawings.

Sufficient articulation is provided on each façade that will ensure visual interest when viewed from each respective block. When viewed from the street and the adjoining property to the west, Block A steps down to Block B that reduces the visual bulk of the development. Block A also splays towards the west, providing a distinct wedge-shaped separation between Block A and Block B, which in conjunction with the reduced height of Block B achieves the intent of the increased separation requirement of the upper storeys.

## **8.5 Randwick Local Environmental Plan 2012:**

### Permissibility

The subject site is zoned B2 Local Centre pursuant to the RLEP. Shop top housing is permitted with consent in the zone.

### Zone Objectives

The objectives of the B2 Local Centre zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- *To facilitate a safe public domain.*

Assessing officer's comment: The proposed development is in accordance with the objectives of the zone, providing 9 commercial premises' at the ground floor that will serve the needs of people in the local area and that will encourage employment opportunities as part of the highly accessible Maroubra Junction Centre. The residential component is well integrated with the commercial component and will support the primary business function of the zone by accommodating additional residents in the business centre.

A high standard of urban design will result, with the built form serving to enforce and activate the street edge at the ground floor. The two building blocks that rise above are appropriately separated and articulated to provide good visual amenity when viewed from the street and surrounding properties. The development steps down in height from the Maroubra Road frontage towards lower density residential development further to the south, responding well to the immediate and wider context that will contribute to achieving a sense of place while minimising the impact of the development.

#### Building Height

The maximum permitted building height is 25m pursuant to Clause 4.3 of the RLEP. The proposed building height is 27.76m measured from existing ground level to the top of the lift overrun of Block A and 26.51m measured from existing ground level to the top of the mezzanine level of Block A at the western end reducing to 26.04m to the top of the awning at the eastern end.

Refer to Section 5: Clause 4.6 Exception to Development Standard – Height of Buildings.

#### Floor Space Ratio

There is no maximum floor space ratio applicable to the subject site pursuant to Clause 4.4 of the RLEP.

#### **Policy Controls**

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

##### • **Randwick Comprehensive Development Control Plan 2013**

The proposal has been assessed in relation to Part B7 – Transport, Traffic and Vehicular Access, and Part D4 – Maroubra Junction Town Centre of the Randwick Development Control Plan 2013. The RDCP provides specific controls for the subject site as part of a framework for the redevelopment of the wider Maroubra Town Centre and surrounds.

It is noted that Clause 6 of SEPP 65 refers to Parts 3 and 4 of the ADG and requires:



*(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*

- (a) visual privacy,*
- (b) solar and daylight access,*
- (c) common circulation and spaces,*
- (d) apartment size and layout,*
- (e) ceiling heights,*
- (f) private open space and balconies,*
- (g) natural ventilation,*
- (h) storage.*

*(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.*

*(3) This clause applies regardless of when the development control plan was made.*

Therefore, where the RDCP provides controls in relation to (1), refer to the planning assessment against these criteria as part of the ADG assessment provided at Section 8.4 above.

Any minor variations to the relevant RDCP provisions are addressed in the below tables, with larger variations assessed as part of the “Key Issues” section after the tables.

DCP Clause	Control	Proposal	Compliance
<b>Part B7 – Transport, Traffic and Vehicular Access</b>			
	Car parking requirements: 1 space per 2 studios. 1 space per 1-bedroom unit (over 40m <sup>2</sup> ). 1.2 spaces per 2-bedroom unit. 1.5 spaces per 3- or more bedroom unit. 1 visitor space per 4 dwellings.	72 car parking spaces are required for the residential units and 102 spaces are proposed.  17 car parking spaces are required for the commercial premises' and 17 spaces are proposed.	Complies.
	Motor cycle requirements: 5% of car parking requirement.	4 motorcycle spaces are required and 6 spaces are proposed.	Complies.
	Residents: 1 bike space per 2 units.  Visitors: 1 per 10 units.	39 bicycle parking spaces are required and 42 spaces are proposed.	Complies.

DCP Clause	Control	Proposal	Compliance
<b>Part C3 – Adaptable Housing</b>			
	<p>i) In addition to the requirements of clause 2(i) controls, a minimum 20% of dwellings in new multi dwelling housing, shop top housing and residential flat buildings containing 10 or more dwellings must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.</p> <p>ii) Where the development does not provide for lifts, the adaptable dwellings are to be located on the ground floor of the development.</p> <p>iii) The design of adaptable dwellings must be integrated into the development with the use of consistent materials and finishes.</p> <p>iv) Where proposed, the adaptable dwellings must be clearly identified on the submitted DA plans.</p>	<p>As demonstrated in the submitted drawings, units 1.10, 2.10, 3.10, 5.10, 1.06, 2.06, 3.06, 4.06, 5.06, 1.02, 2.02, 3.02, and 4.02 are all capable of being adapted into accessible units into the future (13 units out of 65 units = 20%).</p> <p>Lifts are provided and the units are well integrated with the rest of the development with the use of consistent materials and finishes. The proposed “adaptable units” drawing DA 120 is included as part of the drawings recommended for approval and a condition is also recommended to enforce these units as adaptable housing.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
<b>Part 3.1 - Primary Development Controls</b>			
3.1.1 – Amalgamation	<p>i. If a building / development requires vehicular access, then the site should:</p> <p>a) have a minimum street frontage of 20m; or</p> <p>b) have dual street frontage, with vehicular access from the secondary street</p> <p>ii. Minimum lot widths are to be tested against the desired building types for each block to determine where amalgamation is necessary.</p> <p>iii. When development / redevelopment / amalgamation is proposed, sites between and adjacent to developable properties are not to be limited in their future</p>	<p>Both site frontages are &gt;20m with vehicular access from the secondary street.</p> <p>The proposed amalgamation will result in a lot that is envisaged by the Block 9 building envelope controls, which is therefore a desirable lot configuration.</p> <p>The adjoining site to the west is already developed and the adjoining site to the south will not likely be developed given it contains the Maroubra substation.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	development potential.		
3.1.3 Building Envelope	<p>i) Residential floors: All developments are to demonstrate that the gross floor area achieved occupies not more than 70% of the maximum building envelope for residential floors.</p> <p>ii) Commercial floors: All developments are to demonstrate that the gross floor area achieved occupies not more than 80% of the maximum building envelope for commercial floors above the ground floor.</p>	<p>With regards to the residential GFA, the maximum building envelope is dictated by the Block 9 building envelope controls, which envisages a 6 storey development fronting Maroubra Road (with the first 2 storeys comprising commercial development) and a 5 storey development fronting Ferguson Street (with the first storey comprising commercial development). The maximum envelope for residential floors for the site would therefore be:</p> <ul style="list-style-type: none"> <li>- 2,207m<sup>2</sup> for Block A</li> <li>- 2,022m<sup>2</sup> for Block B</li> </ul> <p>70% of the maximum building envelope for residential floors is therefore 2,960m<sup>2</sup>.</p> <p>The proposed GFA of the residential floors of the development is approximately 5,164m<sup>2</sup> = 174% of the maximum building envelope, which does not comply.</p> <p>With regards to the commercial GFA, no commercial uses are proposed above the ground floor.</p>	Does not comply – refer to “Key Issues” after table.
3.1.4 Building Height	<p>i) Developments are to be appropriately scaled with consideration to the broader urban structure principles on which the centre is based.</p> <p>ii) Development is to comply with the building heights shown in colour in the block by block diagrams in 3.2 Block-by-Block Controls.</p> <p>iii) The prominence of certain street corners should be reinforced by concentrating the tallest portion of the building on the corner, both the overall building height, and predominant street wall height</p>	<p>The proposed development is appropriately scaled, being generally consistent with surrounding development in terms of bulk and scale and stepping down in height from Block A to Block B in response to lower density residential development located further south.</p> <p>Refer to the assessment against the Block 9 controls in this table further below (variations are assessed after the table).</p> <p>The street corner is enhanced with the tallest portion of the</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>(eg higher buildings on Maroubra Junction).</p> <p>iv) The maximum allowable height on Anzac Parade is 7 storeys, unless otherwise specified in 3.2 Block-by-Block Controls.</p> <p>v) The maximum allowable height on Maroubra Road is 6 storeys, unless otherwise specified in 3.2 Block-by-Block Controls.</p> <p>vi) Maximum allowable building heights in metres [calculated as the distance measured vertically from ground level taken from each point on the boundary of the site to the underside of the ceiling of the topmost floor] are as follows:</p> <ul style="list-style-type: none"> <li>- 1 storey 4.5m</li> <li>- 2 storeys 9.0m</li> <li>- 3 storeys 12.0m</li> <li>- 4 storeys 15.0m</li> <li>- 5 storeys 18.0m</li> <li>- 6 storeys 21.0m</li> <li>- 7 storeys 24.0m</li> <li>- 8 storeys 26.7m</li> </ul> <p>vii) For existing buildings shown as 9 storeys or more in 3.2: Block-by-Block Controls, any redevelopment of these sites will be limited to the current maximum height of the existing building on the site.</p>	<p>building (Block A) located on the prominent corner.</p> <p>With regards to ceiling heights, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	
3.1.5 Building Depth	<p>i) Maximum allowable depth of residential building envelopes is 22m (max 18m glass line to glass line), unless otherwise specified in 3.2 Block by Block Controls.</p> <p>ii) Maximum allowable depth of commercial/retail building envelopes is 25m (max 23m</p>	<p>The Block 9 controls provide a maximum building depth for Block B only (refer to assessment in this table further below). Block A has a maximum building depth of 32m from east to west. Despite the non-compliance, the footprint of Block A is in accordance with the envisaged</p>	<p>Does not comply, however minor variation is supported.</p>

DCP Clause	Control	Proposal	Compliance
	glass line to glass line above the ground floor), unless otherwise specified in 3.2 Block by Block Controls.	<p>building envelope provided as part of the Block 9 controls and therefore the building depth is supported.</p> <p>The proposed development complies with the relevant design criteria and design guidance of the ADG and therefore the building depth will not result in compromised residential amenity.</p>	
3.1.6 Building Separation	<p>i) Building separation is to increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. The following building separation requirements apply to all new development:</p> <p><u>Up to 4 storeys/ 15 metres</u></p> <ul style="list-style-type: none"> <li>- 12m between habitable rooms and balconies</li> <li>- 9m between habitable rooms and balconies/non-habitable rooms</li> <li>- 6m between non-habitable rooms</li> </ul> <p><u>5 to 8 storeys/ 18-27 metres</u></p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms and balconies</li> <li>- 13m between habitable rooms and balconies/non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul>	<p>With regards to building separation, this is provided as part of the visual privacy controls in the ADG, which takes precedence over the RDCP pursuant to SEPP 65. Therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved with the objective and design guidance of the design criteria).</p>	Refer to ADG assessment in table further above.
3.1.7 Articulation	<p>i) All buildings are to be articulated to a minimum depth of 1m at the rear and the front, above any ground floor commercial/ retail.</p> <p>ii) Balconies may extend beyond the maximum building envelope by a maximum of 600mm (to further encourage facade articulation), but must</p>	<p>The residential storeys are articulated to a depth of 2m for both frontages.</p> <p>Balconies are generally within the building envelope for Block A. Some balconies for Block B do protrude &gt;600mm beyond the building envelope, however this is due to Block B being inconsistent with the building</p>	Does not comply, however minor variation is supported.

DCP Clause	Control	Proposal	Compliance
	not extend beyond the property boundaries.	envelope controls. As discussed in relation to the variation to the Block 9 building envelope controls, the development will remain consistent with the character of the area and will not result in adverse amenity impacts on surrounding properties. The balconies are therefore supported and are all contained within the boundaries of the site.	
3.1.8 Street Setbacks	<p>i) No setback is required from Anzac Parade and Maroubra Road, in order to maintain an urban street edge on the major streets, unless otherwise specified in 3.2 Block-by-Block controls.</p> <p>ii) All development is to comply with the street setbacks outlined in 3.2 Block-by-Block controls.</p>	<p>A nil front boundary setback is proposed to Maroubra Road for the ground floor commercial premises'.</p> <p>Refer to the assessment against the Block 9 controls in this table further below.</p>	Complies.
3.1.9 Side and Rear Setbacks	<p>i) All development must comply with the building separation requirements in 3.1.6; and the side and rear setback requirements in 3.2: Block-by-Block controls.</p> <p>ii) Development fronting Anzac Parade and Maroubra Road may have a zero side setback unless otherwise specified in the Block-by-Block controls</p>		
DCP Clause	Control	Proposal	Compliance
<b>Part 3.2 - Block by block controls (Block 9)</b>			
3.2.9 Block 9	<p>i) Building Envelope Plan</p> <p>Six (6) storeys to Maroubra Road.</p> <p>Five (5) storeys to Ferguson Street.</p>	7 storeys are proposed to Maroubra Road and 6 storeys to Ferguson Street.	Does not comply – refer to “Key Issues” after table.
	<p>ii) Building Use</p> <p>Two (2) levels of commercial, with residential above to Maroubra Road.</p>	1 level of commercial is proposed fronting both Maroubra Road and Ferguson Street.	Does not comply – refer to “Key Issues” after table.

DCP Clause	Control	Proposal	Compliance
	One (1) level of commercial with residential above to Ferguson Street.		
	iii) Building Depth  18m (15m glass line to glass line) to Ferguson Street.	Building depth of Block B is 25m.	Does not comply – refer to “Key Issues” after table.
	iv) Setbacks  <u>Front</u>  Minimum 3m to Ferguson Street.  <u>Side</u>  0m to Maroubra Road. Minimum 1.5m to Ferguson Street.  <u>Rear</u>  Minimum 10m to Maroubra Road. Minimum 6m to Ferguson Street.	3m setback to Ferguson Street provided.  A nil front setback to Maroubra Road at the ground floor is provided, with balconies above also having a nil front setback.	Complies.
	v) Deep Soil Zone  Minimum 1.5m wide deep soil strip along rear boundary for sites fronting Maroubra Road.	1.5m wide deep soil zone provided along the southern rear boundary.	Complies.
	vi) Vehicle Access and road widening  - Lots fronting Maroubra Road are to provide vehicular access via a minimum 6m wide rear right of carriageway.  - Road widening: lots on Ferguson Street are to comply with Part B11 Development in laneways nominated for widening.	A 7.6m wide access is provided off Ferguson Street.  This section of Ferguson Street is identified for road widening in Part B11 of the RDCP. The controls provided in this Part however relate to subdivision of land for the purpose of a dwelling house, which is not proposed. Council's Development Engineer advises that the 3m setback to Ferguson Street is sufficient for the purposes of future road widening.	Complies.
DCP Clause	Control	Proposal	Compliance
<b>Part 4 – Design Controls</b>			
4.1.1 Deep Soil Zones	i) As a minimum, deep soil zones are to be provided wherever indicated in the Block-by-Block Controls, and	Deep soil is provided in accordance with the Block 9 controls and is consistent with	Complies.



DCP Clause	Control	Proposal	Compliance
	<p>are to be considered for all development.</p> <p>ii) Deep soil zones should accommodate existing mature trees, as well as allowing for the planting of trees/shrubs that will grow to be mature trees.</p> <p>iii) Deep soil zones are to have a pervious surface</p> <p>iv) Deep soil zones are not to be built upon or have underground carparking areas underneath.</p>	this part.	
4.1.2 Fences and Walls	<p>i) Private and public domain are to be clearly defined by fences and walls which provide privacy and security whilst not eliminating views, outlook, light and air.</p> <p>ii) Fences are to contribute to the amenity, beauty and useability of private and communal open spaces by incorporating design elements such as benches/seats, planter boxes, pergolas and trellises, barbeques, water features etc.</p> <p>iii) The amenity of the public domain is to be retained and enhanced by:</p> <ul style="list-style-type: none"> <li>- avoiding the use of continuous blank walls at street level</li> <li>- using planting to soften the edges of any raised terraces to the street, such as over sub-basement car parking, and reduce their apparent scale.</li> </ul> <p>iv) Fences are to be a maximum height of 1.2 metres. Variations may be permitted dependant upon the context, siting, safety, privacy and design of the building.</p>	No fences or walls present to the street frontages. Internal walls are provided to delineate common and private open space that is consistent with this part.	Complies.

DCP Clause	Control	Proposal	Compliance
	v) Fences and retaining walls are to be detailed on the DA plans and elevations accompanying the DA.		
4.1.3 Landscape Design	<p>i) Ensure that landscape design:</p> <ul style="list-style-type: none"> <li>- relates to the street planting and the streetscape</li> <li>- can be easily maintained</li> </ul> <p>ii) Developments are to contribute to streetscape and public domain through landscaping which visually softens the bulk of large developments.</p> <p>iii) Ensure amenity of private and communal open spaces by:</p> <ul style="list-style-type: none"> <li>- providing shade from the sun and shelter from wind (via trees, landscaping, structures etc)</li> <li>- providing accessible routes through the space and between buildings</li> </ul> <p>iv) Use landscape design to improve the energy and solar efficiency of apartments and the microclimate of open spaces by:</p> <ul style="list-style-type: none"> <li>- using trees appropriately so as not to cast a shadow over solar collectors at any time of the year</li> <li>- using varying heights of trees/shrubs to shade walls and windows where necessary</li> <li>- locating pergolas on balconies and courtyards to create shaded areas in summer</li> </ul> <p>v) Mulching and multi-storey planting is encouraged.</p>	Good landscape design is proposed that is supported by Council's Landscape Officer. A mixture of soft and hard landscaping is proposed with different green spaces and shading structures as part of the podium level and the rooftops of Block A and Block B.	Complies.
4.1.4 Open Space	<p><u>Communal Open Space</u></p> <p>i) 25% of the total site area is</p>	With regards to communal open space and private open space, the controls in the ADG	Refer to ADG assessment in table further

DCP Clause	Control	Proposal	Compliance
	<p>to be communal open space.</p> <p>ii) Communal open space is to:</p> <ul style="list-style-type: none"> <li>- be located so that it forms a focus of the development and provides a landscape buffer between buildings</li> <li>- provide a pleasant outlook</li> <li>- be located so that solar access is maximised</li> <li>- be consolidated into useable areas</li> <li>- demonstrate that its size and dimensions allow for variety of uses, including active and passive recreation.</li> </ul> <p>iii) Communal open space may be provided on a podium or roof(s).</p> <p>iv) Communal open space design, is to provide shelter from wind.</p> <p>v) Communal open space is to provide environmental benefits including habitat for native fauna, native vegetation and mature trees, and rainwater percolation.</p> <p>vi) Ventilation duct outlets from basement car parks are to be carefully located.</p> <p>vii) External areas for clothes drying, screened from the public domain, are to be provided. These should be located so they receive sunlight.</p> <p><u>Private Open Space</u></p> <p>viii) All dwellings are to have access to a private, useable, functional area of open space directly accessible from the main living area.</p> <p>ix) Private open space of apartments at ground level, or</p>	<p>takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	<p>above.</p>

DCP Clause	Control	Proposal	Compliance
	similar space on a structure, (such as on a podium over a car park), is to have a minimum area of 25m <sup>2</sup> , and a minimum dimension in one direction of 4 metres.		
4.1.5 Planting on Structures	<p>i) Plant growth is to be optimised by:</p> <ul style="list-style-type: none"> <li>- providing soil depth, volume and area appropriate to the size of the plants selected,</li> <li>- providing appropriate soil conditions and irrigation methods</li> <li>- providing appropriate drainage.</li> </ul> <p>ii) Planters are to be suitable for plant selection and achievement of maximum mature plant growth.</p> <p>iii) Planters are to accommodate the largest volume of soil possible [minimum soil depths will vary depending on the size of the plant - refer to iv. below]</p> <p>iv) Minimum soil depths are to be increased in accordance with:</p> <ul style="list-style-type: none"> <li>- the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass</li> <li>- the level of landscape management, including frequency of irrigation, anchorage requirements of large and medium trees, soil type and quality.</li> </ul> <p>v) Minimum soil depths are to be provided as follows:</p> <p><i>Large trees (16 metre canopy diameter at maturity)</i></p> <ul style="list-style-type: none"> <li>- Volume - 150 cubic metres</li> </ul>	<p>The proposed landscaping on the podium level and as part of the rooftops to Block A and Block B is supported by Council's Landscape Officer subject to conditions. Therefore suitable landscaping and planter depths is achieved.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- Depth - 1.3 metres</li> <li>- Area - 10 x 10m (or equivalent)</li> </ul> <p><i>Medium trees (8 metre canopy diameter at maturity)</i></p> <ul style="list-style-type: none"> <li>- Volume - 35 cubic metres</li> <li>- Depth - 1 metre</li> </ul> <p><i>Shrubs</i></p> <ul style="list-style-type: none"> <li>- Depth - 500-600mm</li> </ul> <p><i>Ground Cover</i></p> <ul style="list-style-type: none"> <li>- Depth - 300-450mm</li> </ul> <p><i>Turf</i></p> <ul style="list-style-type: none"> <li>- Depth - 100-300mm</li> </ul> <p>Note: Any subsurface drainage systems are in addition to the minimum depths above.</p>		
4.2.1 Parking	<p>i) Car parking provision is to be in accordance with Section B7: Transport, Traffic, Parking and Access.</p> <p>ii) Parking is to be accommodated underground where possible.</p> <p>iii) Basement and sub-basement car parking areas are not to be located on the primary street frontage as indicated in the section diagram (below right).</p> <p>iv) Basement and sub-basement car parking areas are to have natural ventilation where possible.</p> <p>v) Ventilation grilles or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p> <p>vi) Safe and secure access is to be provided for building</p>	<p>Underground basement car parking is proposed. The number of parking spaces is supported by Council's Development Engineer.</p> <p>Safe and secure access is provided, including direct access to the ground floor commercial and residential floors above from the car park.</p> <p>Podium level landscaping above the basement levels is proposed.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>users, including direct access to residential apartments.</p> <p>vii) A logical and efficient structural grid is to be provided. There may be a larger floor area for basement car parking than for upper floors above ground.</p> <p>viii) Where above ground enclosed parking cannot be avoided, the car park (including vehicle entries) must be integrated into the overall facade design of the building. The car park must not be located on the street frontage.</p> <p>ix) Sub-basement car parking is to be not more than 1.2m above existing ground level.</p> <p>x) Podiums above basement or sub basement car parks are to be landscaped as private or communal open space.</p> <p>xi) The impact of on-grade car parking is to be minimised by:</p> <ul style="list-style-type: none"> <li>- locating parking on the side or rear of the lot away from street frontage;</li> <li>- screening cars from view of streets and buildings;</li> <li>- allowing for safe and direct access to building entry points;</li> <li>- incorporating car parking into the landscape design of the site (considerations include: vegetation between parking bays to ameliorate views, selection of paving material and screening from communal and private open space areas).</li> </ul>		
4.2.2 Pedestrian Access	<p>i) High quality safe and accessible routes are to be provided to public and semi-public areas of the building</p>	<p>All commercial premises' can be accessed directly from the street frontages.</p> <p>The residential lobbies are</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>and the site, including shopfronts, major entries, lobbies, communal open spaces, site facilities, parking areas, public streets and internal roads.</p> <p>ii) Equity is to be promoted by:</p> <ul style="list-style-type: none"> <li>- ensuring that the main building entrance for apartments is accessible for all from the street and from car parking areas.</li> <li>- integrating ramps into the overall building and landscape design.</li> </ul> <p>iii) Ground floor apartments are to be designed to be accessible from the street, where possible.</p> <p>iv) The number of accessible and adaptable apartments in a building is to be maximised.</p> <p>v) Pedestrian accessways and vehicle accessways are to be separate and clearly distinguishable.</p> <p>vi) The provision of public through-site pedestrian accessways is to be considered in large development sites.</p> <p>vii) Pedestrian access from the street and car parking area to the apartment entrance, are to be clearly identified on the DA plans.</p> <p>viii) The accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), is to be followed as a minimum.</p> <p>ix) Barrier-free access is to be provided to and within at least 1 in 15 dwellings in all development.</p>	<p>each accessible via Ferguson Street.</p> <p>As demonstrated in the submitted drawings, units 1.10, 2.10, 3.10, 5.10, 1.06, 2.06, 3.06, 4.06, 5.06, 1.02, 2.02, 3.02, and 4.02 are all capable of being adapted into accessible units into the future.</p> <p>Pedestrian and vehicular access ways are clearly separated.</p>	
4.2.3 Vehicle Access	i) Vehicular access is not permitted from Anzac Parade or Maroubra Road for new	Vehicular access is from Ferguson Street only.	Complies.



DCP Clause	Control	Proposal	Compliance
	<p>developments.</p> <p>Vehicular access to sites fronting these roads is to be provided from secondary streets or via 6m (minimum) wide rights-of-carriageways running parallel to their rear boundaries, where identified on the block-by-block diagrams.</p> <p>ii) Basement carpark access must comply with the requirements of B8: Water Management.</p> <p>iii) Potential pedestrian/vehicle conflict is to be minimised by:</p> <ul style="list-style-type: none"> <li>- limiting the width and number of vehicle access points (whilst complying with the relevant Australian Standards)</li> <li>- ensuring clear sight lines at pedestrian and vehicle crossings</li> <li>- utilising traffic calming devices</li> <li>- separating and clearly distinguishing between pedestrian and vehicular accessways.</li> </ul> <p>iv) Adequate separation distances are required between vehicular entries and street intersections.</p> <p>v) Active street frontages are to be optimised by consolidating vehicle access within sites under single body corporate ownership.</p> <p>vi) The appearance of car parking and service vehicle entries are to be improved by:</p> <ul style="list-style-type: none"> <li>- screening and locating garbage collection, loading and servicing areas away from the street ;</li> <li>- recessing car park entries</li> </ul>	<p>The basement car parking design is supported by Council's Development Engineer subject to conditions.</p> <p>The vehicular access off Ferguson Street is graded, and does not descend into the basement until within the site behind the facades of the building. Therefore a "black hole" into the development will not occur.</p> <p>Garbage rooms and services are screened from public view, located behind the facades of the building.</p>	

DCP Clause	Control	Proposal	Compliance
	<p>from the main façade line;</p> <ul style="list-style-type: none"> <li>- avoiding black holes in the façade by providing security doors to car park entries;</li> <li>- where doors are not provided, ensuring that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed;</li> <li>- continuing the façade material into the car park entry recess for the extent visible from the street.</li> </ul> <p>vii) The width of driveways is to comply with the relevant Australian Standards.</p>		
4.3.1 Building Entry	<p>i) Building entries are to be:</p> <ul style="list-style-type: none"> <li>- oriented to, and clearly visible from the street;</li> <li>- convenient for pedestrians; and</li> <li>- a clearly identifiable element of the building in the street.</li> </ul> <p>ii) Building entries must be designed to provide equal access to all people.</p> <p>iii) Safe and secure access is to be provided by:</p> <ul style="list-style-type: none"> <li>- avoiding ambiguous spaces in entry areas;</li> <li>- providing a clear line of sight between one circulation space and the next;</li> <li>- providing sheltered, well lit and highly visible spaces for building entry and for the collection of mail.</li> </ul> <p>iv) Separate entries from the street are to be provided for:</p> <ul style="list-style-type: none"> <li>- pedestrians and cars;</li> <li>- different uses (for example,</li> </ul>	<p>All ground floor commercial premises' have street entries. The 2 building entries off Ferguson Street are clearly identified and visible from the street, which are well designed and proportioned and will ensure accessible access is provided.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>for residential and commercial users in a mixed-use development); - ground floor apartments.</p> <p>v) Entries, lifts and their associated circulation space are to be of an adequate size to allow movement of furniture between public and private spaces.</p>		
4.3.2 Visual Privacy	<p>i) New development is to be located and oriented to maximise visual privacy between buildings on site and adjacent buildings by providing adequate:</p> <ul style="list-style-type: none"> <li>- building separation (refer to 3.1.6); and</li> <li>- rear and site setbacks (refer to 3.1.8 and 3.1.9)</li> </ul> <p>ii) Building layouts are to be designed such that direct overlooking of rooms and private open spaces is minimised in apartments by:</p> <ul style="list-style-type: none"> <li>- separating communal open space, common areas and access routes from windows of rooms, particularly habitable rooms;</li> <li>- changing the level between ground floor apartments (including their associated private open space), and the public domain or communal open space.</li> </ul> <p>iii) Building and site design are to increase privacy without compromising access to light and air through:</p> <ul style="list-style-type: none"> <li>- offsetting windows of apartments in new development to windows in adjacent development;</li> <li>- recessing balconies and/or providing vertical fins between</li> </ul>	<p>With regards to visual privacy, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	<p>Refer to ADG assessment in table further above.</p>

DCP Clause	Control	Proposal	Compliance
	<p>adjacent balconies;</p> <ul style="list-style-type: none"> <li>- using solid or semi-solid balustrades to balconies;</li> <li>- using louvres or screen panels to windows and/or balconies;</li> <li>- providing appropriate fencing; - providing landscape screening;</li> <li>- incorporating planter boxes into walls or balustrades to increase the visual separation between areas;</li> <li>- utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.</li> </ul>		
4.3.3 Safety and Security	<p>i) The development boundary should clearly define public and private space through one or more of the following:</p> <ul style="list-style-type: none"> <li>- a level change at the site and/or building threshold</li> <li>- signs</li> <li>- entry awnings</li> <li>- fences, walls and gates</li> <li>- change of material in paving between the street and the development.</li> </ul> <p>ii) Casual surveillance opportunities should be provided by:</p> <ul style="list-style-type: none"> <li>- orienting living areas with views over public or communal open spaces</li> <li>- providing clear lines of sight between building entrances, foyers and the street</li> <li>- using bay windows and balconies, which protrude beyond the building line and enable a wider angle of vision to the street</li> <li>- using corner windows, which</li> </ul>	<p>The development boundary is defined through the nil front boundary setback to Maroubra Road and awning that wraps around to the Ferguson Street frontage.</p> <p>Casual surveillance will be achieved from the units above that will overlook the public domain, with balconies that extend beyond the façade.</p> <p>Clear lines of site is provided from the building entrances to the street and through the communal open space areas, limiting opportunities for concealment.</p> <p>A condition is recommended to ensure appropriate illumination / lighting is provided.</p> <p>Access to balconies from adjoining buildings will not be possible.</p> <p>Although car parking for the commercial premises and residential accommodation will be shared, this is not expected to result in security issues given the commercial parking is provided for staff only and</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>provide oblique views of the street</p> <ul style="list-style-type: none"> <li>- providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.</li> </ul> <p>iii) Opportunities for concealment are to be minimised by:</p> <ul style="list-style-type: none"> <li>- avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways</li> <li>- providing well-lit routes throughout the development</li> <li>- providing appropriate levels of illumination for all common areas</li> <li>- providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.</li> </ul> <p>iv) Access to the development is to be controlled by:</p> <ul style="list-style-type: none"> <li>- making apartments inaccessible from the balconies, roofs and windows of neighbouring buildings</li> <li>- separating the residential car parking component from any other building use</li> <li>- providing direct access from car parks to apartment lobbies for residents</li> <li>- providing separate access for residents in mixed use buildings</li> <li>- controlling car park access from public and common areas.</li> </ul> <p>v) A formal crime risk assessment, consistent with the Crime Prevention and the Assessment of DAs</p>	<p>access is secured.</p> <p>Separate secured access is provided to the residential accommodation off Ferguson Street and as part of the internal access from the basement levels.</p> <p>The DA was referred to NSW Police for comment, who did not raise concerns with the proposal subject to conditions, most of which are covered by Council's standard conditions with others to be included in the development consent where necessary (refer to Section 7).</p>	

DCP Clause	Control	Proposal	Compliance
	<p>guidelines, is to be carried out for all residential developments of 20 or more new dwellings.</p>		
4.4.1 Apartment Layout	<p>i) The following minimum sizes (internal area) of apartments are to be complied with:</p> <ul style="list-style-type: none"> <li>- studio apartment 40m<sup>2</sup></li> <li>- 1 bedroom apartment 50m<sup>2</sup></li> <li>- 2 bedroom apartment 80m<sup>2</sup></li> <li>- 3 bedroom apartment 125m<sup>2</sup></li> </ul> <p>For each additional bedroom above 3 bedrooms, an additional 20m<sup>2</sup> is required.</p> <p>ii) Single-aspect apartments are to have a maximum depth of 8 metres.</p> <p>iii) The back of a kitchen should be no more than eight metres from a window.</p> <p>iv) The width of cross-over or cross-through apartments over 15 metres deep is to be 4 metres or greater to avoid deep narrow apartment layouts.</p> <p>v) Apartment layouts must be designed to</p> <ul style="list-style-type: none"> <li>- provide appropriate room size for their use</li> <li>- accommodate a variety of furniture arrangements</li> <li>- provide for a range of activities and privacy levels between different spaces within the apartment</li> <li>- incorporate flexible room sizes and proportions or open plans</li> <li>- provide adequate window locations and sizes appropriate for their use</li> </ul>	<p>With regards to the apartment layouts, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved with the objectives and design guidance).</p>	<p>Refer to ADG assessment in table further above.</p>

DCP Clause	Control	Proposal	Compliance
	<p>- ensure circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms.</p> <p>vi) Apartment layouts are to be designed to respond to the natural environment and optimise site opportunities by:</p> <ul style="list-style-type: none"> <li>- locating the primary private open space (eg. balcony, terrace, courtyard or garden) adjacent to the main living area</li> <li>- orienting main living spaces toward the primary outlook and aspect and away from neighbouring noise sources or windows</li> <li>- locating habitable rooms, and where possible kitchens and bathrooms, on the external face of the buildings thereby maximising the number of rooms with windows</li> <li>- maximising opportunities to facilitate natural ventilation and to maximise natural daylight, for example by providing: <ul style="list-style-type: none"> <li>- corner apartments</li> <li>- cross-over or cross-through apartments</li> <li>- split-level or maisonette apartments</li> <li>- shallow, single-aspect apartments</li> </ul> </li> </ul>		
4.4.2 Apartment Mix	<p>i) A mix of studio, one, two, and three or more bedroom apartments is to be provided.</p> <p>ii) The number of accessible and adaptable apartments is to be optimised to cater for a</p>	<p>A mix of one and two bedroom apartments is proposed.</p> <p>As demonstrated in the submitted drawings, units 1.10, 2.10, 3.10, 5.10, 1.06, 2.06, 3.06, 4.06, 5.06, 1.02, 2.02, 3.02, and 4.02 are all capable</p>	Complies.



DCP Clause	Control	Proposal	Compliance
	<p>wider range of occupants.</p> <p>iii) The possibility of flexible apartment configurations is to be investigated, which supports change in the future.</p>	<p>of being adapted into accessible units into the future.</p>	
4.4.3 Balconies	<p>i) Each apartment is to have at least one primary balcony.</p> <p>ii) Primary balconies are to have a minimum depth of 2.5 metres.</p> <p>iii) The minimum area of primary balconies is to be as follows:</p> <ul style="list-style-type: none"> <li>- Studio and 1 bedroom – 6m<sup>2</sup></li> <li>- 2 and 3 bedrooms – 10m<sup>2</sup></li> <li>- 4 or more bedrooms – 15m<sup>2</sup></li> </ul> <p>iv) Primary balconies are to be:</p> <ul style="list-style-type: none"> <li>- located adjacent to the main living areas (such as living room, dining room, kitchen) to extend the living space; and</li> <li>- sufficiently large and well proportioned to be functional and promote indoor/ outdoor living (a dining table and two to four chairs should fit on the majority of balconies in any development. Consideration should be given to supplying a tap and gas point).</li> </ul> <p>v) Additional amenity and choice is to be provided in the following situations, via secondary balconies (including Juliet balconies or operable walls with balustrades):</p> <ul style="list-style-type: none"> <li>- in larger apartments</li> <li>- adjacent to bedrooms.</li> </ul> <p>vi) Balconies are to be detailed and designed in response to the local climate</p>	<p>With regards to private open space, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	<p>Refer to ADG assessment in table further above.</p>

DCP Clause	Control	Proposal	Compliance
	<p>and site context. This may be achieved by:</p> <ul style="list-style-type: none"> <li>- locating balconies facing predominantly north, east or west to provide solar access</li> <li>- utilising sun screens, pergolas, shutters and operable walls to control sunlight and wind</li> <li>- providing balconies with moveable screens, Juliet balconies or sliding doors with a balustrade in locations where noise or high winds prohibit other solutions (such as on busy roads or in tower buildings);</li> <li>- the use of cantilevered, partially cantilevered and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy</li> <li>- ensuring that balconies do not prevent sunlight entering apartments adjacent or below.</li> </ul> <p>vii) Balustrades are to be designed to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: detailing balustrades using a proportion of solid to transparent materials to address privacy, sight lines from the street, public domain or adjacent development (note: full glass balustrades do not provide privacy for the balcony or apartment interior, especially at night and are to be avoided).</p>		
4.4.4 Ceiling Heights	<p>i) All development must comply with the following minimum floor to ceiling levels:</p> <ul style="list-style-type: none"> <li>- Ground 3.6m</li> </ul>	With regards to ceiling heights, solar and daylight access and natural ventilation, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the	Refer to ADG assessment in table further above.

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- First floor 3.3m*</li> <li>- All floors above first floor 2.7m</li> </ul> <p>* to allow flexibility for this floor to be commercial/retail or residential</p> <p>ii) Ceilings are to:</p> <ul style="list-style-type: none"> <li>- enable better proportioned rooms (for example, smaller rooms often feel larger and more spacious when ceilings are higher)</li> <li>- maximise heights in habitable rooms by stacking wet areas from floor to floor (ensuring that services and their bulkheads are located above bathroom and storage areas rather than habitable spaces)</li> <li>- reduce reliance on air conditioning by promoting the use of ceiling fans for cooling and heating distribution.</li> </ul> <p>iii) Better access to natural light is to be facilitated by using ceiling heights which</p> <ul style="list-style-type: none"> <li>- promote the use of taller windows, highlight windows and fan lights (this is particularly important for apartments with limited light access, such as ground floor units and apartments with deep floor plans)</li> <li>- enhance the effectiveness of light shelves in providing daylight into deep interiors.</li> </ul> <p>iv) Ceiling heights are to be designed to promote building flexibility over time for a range of other uses, including retail or commercial, where appropriate.</p> <p>v) Double height spaces with mezzanines are to be counted</p>	<p>assessment against the design criteria of the ADG further above (compliance is achieved).</p>	

DCP Clause	Control	Proposal	Compliance
	as two storeys.		
4.4.5 Corner Buildings	<p>i) Buildings are to align and reflect the corner conditions. This is to:</p> <ul style="list-style-type: none"> <li>- accentuate the topography</li> <li>- clarify the street hierarchy; and</li> <li>- reinforce the spatial relationships.</li> </ul> <p>ii) Corner buildings are to reflect the architecture, hierarchy and characteristics of the streets they address.</p>	The proposed development will reinforce the corner while presenting a built form that reflects the architectural hierarchy of the business centre by stepping down from Block A to Block B.	Complies.
4.4.6 Flexibility	<p>i) Building configurations are to utilise multiple entries and circulation cores, especially in larger buildings over 15 metres in length.</p> <p>ii) Buildings are to be designed to accommodate future change in building use or configuration by incorporating:</p> <ul style="list-style-type: none"> <li>- slim building cross sections (suitable for both residential and commercial uses a mix of apartment types;</li> <li>- separate entries for the ground floor level and the upper levels;</li> <li>- aligning structural walls, columns and services cores throughout the building</li> <li>- knock-out panels between apartments to allow two adjacent apartments to be amalgamated; and</li> <li>- minimising internal structural walls.</li> </ul> <p>iii) Apartment layouts are to be designed to accommodate flexibility in room use through:</p> <ul style="list-style-type: none"> <li>- adequate room sizes or open-plan apartments, which provide a variety of furniture</li> </ul>	<p>Multiple building entries and circulation cores are provided.</p> <p>Future changes in use can be accommodated given separate ground and first floor entries are proposed, aligned structural walls and the possibility of removing non load-bearing walls.</p> <p>All apartments incorporate open plan arrangements that will afford flexible room uses.</p> <p>No ground floor apartments are proposed, however as demonstrated in the submitted drawings, units 1.10, 2.10, 3.10, 5.10, 1.06, 2.06, 3.06, 4.06, 5.06, 1.02, 2.02, 3.02, and 4.02 are all capable of being adapted into accessible units into the future.</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>layout opportunities</p> <ul style="list-style-type: none"> <li>- dual master-bedroom apartments, which can support two independent adults living together or a live/work situation</li> <li>- incorporate flexible room sizes.</li> </ul> <p>iv) A minimum of 10% of all ground floor apartments are to comply with AS4299-1995 Adaptable House Class A.</p> <p>v) A minimum of 10% of all ground floor apartments are to comply with AS4299-1995 Adaptable House Class C.</p> <p>vi) All commercial/retail components of mixed use buildings are to comply with Australian Standards AS1428-2001.</p>		
4.4.9 Internal Circulation	<p>i) Optimise safety and security by grouping apartments to a maximum of ten (10) around a common lobby. Council may consider a variation in the maximum number of apartments per floor where the Applicant can demonstrate that a high level of amenity of the common lobby, corridors and apartments is achieved (for example through light wells).</p> <p>ii) Where apartments are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor is to be limited to eight.</p> <p>iii) Amenity and safety in circulation spaces is to be increased by:</p> <ul style="list-style-type: none"> <li>- providing generous corridor widths and ceiling heights, particularly in lobbies, outside lifts and apartment entry doors</li> </ul>	<p>A maximum of 7 apartments per floor is proposed.</p> <p>With regards to common circulation and spaces, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	Refer to ADG assessment in table further above.

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- providing appropriate levels of lighting, including the use of natural daylight, where possible</li> <li>- minimising corridor lengths to give short, clear sight lines</li> <li>- avoiding tight corners</li> <li>- providing adequate ventilation.</li> </ul> <p>iv) Building layouts are to utilise multiple cores to</p> <ul style="list-style-type: none"> <li>- increase the number of entries along a street</li> <li>- increase the number of vertical circulation points</li> <li>- give more articulation to the façade</li> <li>- limit the number of units off a circulation core on a single level.</li> </ul> <p>v) Longer corridors are to be articulated by</p> <ul style="list-style-type: none"> <li>- changing the direction or width of a corridor</li> <li>- utilising a series of foyer areas</li> <li>- providing windows along or at the end of a corridor.</li> </ul> <p>vi) Durable, low maintenance materials are to be used in common circulation areas. Details of proposed materials are to be provided on DA plans and in the Statement of Environmental Effects.</p>		
4.4.10 Storage	<p>i) Storage is to be located conveniently for apartments.</p> <p>ii) At least 50% of the required storage within each apartment is to be accessible from either the hall or living area. Storage within apartments is best provided as cupboards accessible from entries and hallways and/or from under</p>	With regards to storage, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).	Refer to ADG assessment in table further above.

DCP Clause	Control	Proposal	Compliance
	<p>internal stairs.</p> <p>iii) Dedicated storage rooms may be provided on each floor within the development, which can be leased by residents as required.</p> <p>iv) Storage can be provided in dedicated and/or leasible storage in internal or basement car parks. Where this is provided, it must be contained in fire-safe compartments and must comply with fire regulations.</p> <p>v) Storage is to be provided to accommodate larger items such as surfing and skiing equipment, bicycles, etc.</p> <p>vi) Storage which is provided separate from the apartments is to be safe and secure for individual use.</p> <p>vii) Where basement storage is provided, it must not compromise natural ventilation in car parks.</p> <p>viii) Additional storage may be provided in smaller apartments in the form of built-in cupboards to promote a more efficient use of small spaces. Details are to be shown on DA plans.</p> <p>ix) In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities are to be provided at the following rates as a minimum requirement:</p> <ul style="list-style-type: none"> <li>- Studio 6m3</li> <li>- 1 bedroom 8m3</li> <li>- 2 bedroom 10m3</li> <li>- 3+ bedrooms 12m3</li> </ul> <p>The above minimum storage areas shall be excluded from apartment size calculations.</p>		

DCP Clause	Control	Proposal	Compliance
	x) Storage spaces are to have a minimum height of 1.5m.		
4.5.1 Acoustic Privacy	<p>i) All residential buildings are to be constructed so as to achieve the following internal acoustic amenity criteria, when tested in accordance with Australian Standard AS2107: 2000;</p> <ul style="list-style-type: none"> <li>- In naturally ventilated residential units; the repeatable maximum LAeq (1hour) should not exceed: <ul style="list-style-type: none"> <li>- 35 dB(A) between 10.00 pm and 7.00 am in sleeping areas when the windows are closed;</li> <li>- 45 dB(A) in sleeping areas when windows are open (24 hours);</li> <li>- 5 dB(A) in living areas (24 hours) when the windows are closed, and</li> <li>- 55 dB(A) in living areas (24 hours) when the windows are open</li> </ul> </li> </ul> <p>ii) Where natural ventilation cannot be achieved, in residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation (in accordance with the ventilation requirements of the Building Code Of Australia), when doors and windows are shut, the repeatable maximum LAeq (1hour) should not exceed:</p> <ul style="list-style-type: none"> <li>- 38 dB(A) between 10.00 pm and 7.00 am in sleeping areas;</li> <li>- 46 dB(A) in living areas (24 hours);</li> <li>- 45 dB(A) in sleeping areas</li> </ul>	<p>Council's Environmental Health Officer supports the proposed development subject to conditions. Conditions requiring compliance with the BCA and Australian Standards will ensure that suitable acoustic amenity is achieved.</p>	Complies.



DCP Clause	Control	Proposal	Compliance
	<p>between 7.00 am and 10.00 pm</p> <p>iii) A noise and vibration assessment report, prepared by an appropriately qualified professional, is to be submitted with DAs, addressing appropriate measures to minimise potential noise and vibration impacts for any proposed development.</p> <p>This assessment is to:</p> <ul style="list-style-type: none"> <li>- be prepared having regard to the NSW Environmental Protection Authority's Industrial Noise Policy, Chapter 174 of the NSW Environmental Protection Authority's Noise Control Manual and relevant Australian Standards;</li> <li>- incorporate external noise sources (such as traffic, plant &amp; equipment) and internal noise sources (such as mechanical ventilation);</li> <li>- specify if the findings and recommendations can be achieved and detail the measures needed to achieve the required acoustic environment.</li> </ul> <p>iv) The site and building layout are to maximise acoustic privacy by providing adequate building separation within the development and from neighbouring buildings (refer 3.1.6: Building Separation).</p> <p>v) Developments are to be designed to minimise noise transition between apartments by:</p> <ul style="list-style-type: none"> <li>- locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms next to living rooms,</li> </ul>		

DCP Clause	Control	Proposal	Compliance
	<p>bedrooms with bedrooms</p> <ul style="list-style-type: none"> <li>- locating bedrooms away from busy roads and other noise sources</li> <li>- using storage or circulation zones within the apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas</li> <li>- minimising the amount of party (shared) walls with other apartments.</li> </ul> <p>vi) Noise transmission is to be reduced from common corridors or outside the building by providing seals at entry doors.</p> <p>vii) Conflicts between noise, outlook and views are to be resolved using design measures such as double glazing and operable screening.</p> <p>viii) Comply with BCA requirements for acoustic control of airborne noise and impact of noise between apartments.</p>		
4.5.2 Daylight Access	<p><u>Guidelines</u></p> <ul style="list-style-type: none"> <li>i) The building configuration is to optimise northern aspect to new residential apartments where possible.</li> <li>ii) Communal open spaces are to receive sunlight between March and September and appropriate shading is to be provided in summer.</li> <li>iii) Habitable rooms and private open spaces are to be designed to maximise daylight access, particularly in winter.</li> <li>iv) Living rooms and private open spaces for at least 70 percent of apartments in a development are to receive a</li> </ul>	<p>With regards to solar access and daylight access, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	<p>Refer to ADG assessment in table further above.</p>

DCP Clause	Control	Proposal	Compliance
	<p>minimum of three hours direct sunlight between 9 am and 3 pm in midwinter, unless existing overshadowing prevents this.</p> <p>v) Skylights, clerestory windows and fanlights are to be used to supplement daylight access.</p> <p>vi) Where daylight access is limited (eg due to orientation or adjoining development), two-storey and mezzanine apartments are encouraged to facilitate daylight access to living rooms and private open spaces.</p> <p>vii) The depth of single aspect apartments is to be limited to 8 metres.</p> <p>viii) Living areas are to be located on the northern side, and service areas located on the southern and western sides of the development, as much as possible.</p> <p>ix) Single storey-single aspect apartments are to have a northerly or north-easterly aspect.</p> <p>x) The number of south-facing apartments is to be kept to a minimum. Single aspect apartments are not to be oriented to Anzac Parade or Maroubra Road.</p> <p>xi) Buildings are to be designed for shading and glare control, particularly in summer, by</p> <ul style="list-style-type: none"> <li>- using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting, particularly for north and western facing windows</li> <li>- using high performance glass (note: the use of</li> </ul>		

DCP Clause	Control	Proposal	Compliance
	<p>reflective glass is not permitted).</p> <p>xii) Lightwells should not be used as a primary source of daylight to habitable rooms.</p> <p>xiii) Submit shadow diagrams in elevation and plan form prepared by a suitably qualified professional with each DA. Refer to Council's DA guide for details.</p>		
4.5.3 Natural Ventilation	<p>i) Ensure that all apartments are single loaded or dual aspect, to allow the direct flow of air from one side of the apartment to the other.</p> <p>ii) Development is to utilise natural breezes by</p> <ul style="list-style-type: none"> <li>- determining prevailing breezes and orienting buildings to maximise use, where possible</li> <li>- locating vegetation to direct breezes and cool air as it flows across the site; and</li> <li>- selecting planting or trees that do not inhibit airflow.</li> </ul> <p>iii) Building layout is to maximise the potential for natural ventilation through</p> <ul style="list-style-type: none"> <li>- dual aspect apartments (eg cross through apartments and corner apartments), which allow cross ventilation</li> <li>- apartment design which draws cool air in at lower levels and allow warm air to escape at higher levels (eg maisonette apartments and two-storey apartments).</li> </ul> <p>iv) The internal layout of apartments is to be designed to promote natural ventilation by:</p> <ul style="list-style-type: none"> <li>- minimising interruptions (such as corners and walls) to</li> </ul>	<p>With regards to apartment size and layout, and natural ventilation, the controls in the ADG takes precedence over the RDCP pursuant to SEPP 65, therefore refer to the assessment against the design criteria of the ADG further above (compliance is achieved).</p>	<p>Refer to ADG assessment in table further above.</p>

DCP Clause	Control	Proposal	Compliance
	<p>air flow through an apartment</p> <ul style="list-style-type: none"> <li>- grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together (allowing the apartment to be compartmentalised for efficient summer cooling or winter heating).</li> </ul> <p>v) Doors and operable windows are to maximise natural ventilation by:</p> <ul style="list-style-type: none"> <li>- locating small windows on the windward side and larger windows on the leeward side of the building (utilising air pressure to draw air through the apartment)</li> <li>- using higher level casement or sash windows, clerestory windows or operable fanlight windows (including above internal doors) to facilitate convective currents. This is particularly important in apartments with only one aspect; and</li> <li>- selecting windows which can be reconfigured to funnel breezes into the apartment, such as vertical louvred and casement windows.</li> </ul> <p>vi) Innovative technologies to naturally ventilate internal building areas or rooms such as bathrooms, laundries and underground car parks (eg using stack-effect ventilation or solar chimneys), are to be explored.</p> <p>vii) Council may consider some double-loaded apartments only if specific site conditions create design difficulties and the applicant can provide appropriate verification/evidence (from suitably qualified professional) that innovative technologies</p>		

DCP Clause	Control	Proposal	Compliance
	will be employed to achieve natural ventilation.		
4.6.1 Awnings and Signs	<p>Awnings</p> <p>i) Awnings are to:</p> <ul style="list-style-type: none"> <li>- complement the height, depth and form of the desired character or existing pattern of awnings, and</li> <li>- provide sufficient protection from sun and rain.</li> </ul> <p>ii) New awnings are to follow the general alignment of existing awnings in the street and there must be a minimum clearance of 3.5m between the footpath and the underside of the awning.</p> <p>iii) Awnings must have a minimum setback of 600mm from the kerb.</p> <p>iv) Continuous awnings are to be provided in busy pedestrian areas.</p> <p>v) Awnings are to be located over building entries and should help identify the entry point.</p> <p>vi) Pedestrian safety is to be enhanced by providing underawning lighting.</p>	<p>Awnings are proposed to the Maroubra Road and Ferguson Street frontages providing weather protection for pedestrians accessing the ground floor commercial premises level.</p> <p>The awning along Maroubra Road does not match the height of the adjoining awning to the west due to the slope of the site. Despite this, the proposed awning raises upwards as a design feature in the centre of the façade that gives the impression that the awning steps down towards the west. Therefore the awning will be harmonious within its context when viewed from the streetscape.</p> <p>The minimum awning clearance to the footpath is 3.2m along Ferguson Street which is in response to the slope of the land. This small section of awning is not expected to impede use of the footpath considering the awning increases to 3.7m for the majority of its length.</p> <p>The awning is &gt;600mm from the kerb.</p> <p>The awnings step up over the pedestrian entries off Ferguson Street that help define the entries.</p>	Does not comply, however minor variation is supported.
4.6.2 Facades and Articulation	<p>i) A satisfactory relationship between the building form and the façade, including building elements, is to be established.</p> <p>ii) Facades are to have an appropriate scale and proportion, which respond to building use and desired character by:</p> <ul style="list-style-type: none"> <li>- defining a base, middle and</li> </ul>	<p>The building form is appropriately articulated, with recessed and projecting architectural elements, balconies, and a change in building materials and colours.</p> <p>The building has an appropriate scale, with a clearly defined base, middle and top due to the provision of</p>	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>top related to the overall proportion of the building</p> <ul style="list-style-type: none"> <li>- emphasising the vertical elements</li> <li>- using cornices, a change in materials or building setback to articulate the façade</li> <li>- expressing the variation in floor to floor height, particularly at the lower levels</li> <li>- articulating building entries with awnings, porticos, recesses, blade walls and projecting bays</li> <li>- use of balcony types which respond to the street context, building orientation and residential amenity and to add visual depth to the façade</li> <li>- using a variety of window types to differentiate building uses</li> <li>- incorporating architectural features which give human scale to the design of the building at street level (such as porches, awnings, colonnades, pergolas and fences).</li> </ul> <p>iii) Important corners are to be expressed by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, roof expression or increased height).</p> <p>iv) Building services such as drainage pipes are to be coordinated and integrated, with the overall façade and balcony design.</p> <p>v) Security grilles/screens, ventilation louvres and car park entry doors are to be coordinated with the overall façade design.</p> <p>vi) Grilles and transparent</p>	<p>the ground floor commercial premises' and the stepped upper levels.</p> <p>The verticality of the building is enhanced with a strongly defined street corner.</p> <p>Building entries are appropriately articulated with recesses and awnings.</p>	

DCP Clause	Control	Proposal	Compliance
	security shutters are to have a minimum of 70% transparency. Solid shutters, screens or grilles are not permitted.		
4.6.3 Roof Design	<p>i) Roof design is to be related to the desired built form. Design solutions include articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.</p> <p>ii) The roof design, including any parapet, is to relate to the size and scale of the building, the building elevations and 3D building form.</p> <p>iii) Roofs, particularly on large buildings, are to be articulated to minimise apparent bulk.</p> <p>iv) Roof design is to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.</p> <p>v) Roof design is to relate to the scale of the proposed development. 'Domestic' roof forms may not be appropriate on larger buildings.</p> <p>vi) Service elements (such as lift over-runs, service plants, telecommunications infrastructure, satellite dishes, and vent stacks) are to be incorporated into roof design to minimise visual impact.</p> <p>vii) Where roofs are used for open space, structures to provide shade and shelter from wind are to be incorporated into the design.</p> <p>viii) The use of the roof for sustainable functions is to be facilitated by:</p> <p>- allowing rainwater tanks for</p>	<p>The rooftop structures are setback from the edges of the building and will not be visible when viewed at street level. This helps to minimise visual bulk and scale that relates well to existing development.</p> <p>The rooftop communal open space areas are provided with shade structures and a mixture of hard and soft landscaping. The roof areas are large and are capable of being adapted for multiple communal related uses into the future.</p>	Complies.



DCP Clause	Control	Proposal	Compliance
	<p>water conservation</p> <ul style="list-style-type: none"> <li>- orienting surfaces so they are suitable for photovoltaic panels/cells</li> <li>- allowing for future innovative design solutions, such as water features or green roofs.</li> </ul>		
4.7.1 Maintenance	<p>i) Windows are to be designed to enable their cleaning from inside the building, where possible.</p> <p>ii) Manually operated systems, such as blinds, sunshades, pergolas and curtains are to be selected in preference to mechanical systems.</p> <p>iii) Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.</p> <p>iv) Durable materials, which are easily cleaned and are graffiti resistant, are to be selected.</p> <p>v) Appropriate landscape elements and vegetation are to be selected and appropriate irrigation systems are to be provided.</p> <p>vi) For developments with communal open space, a garden, maintenance and storage area are to be provided, which is efficient and convenient to use and is connected to water and drainage. Details are to be shown on DA plans.</p>	<p>Windows are capable of being cleaned from within the building and no mechanically operated shading is proposed.</p> <p>Durable materials are proposed.</p> <p>Appropriate landscaping is proposed that is supported by Council's Landscape Officer.</p> <p>Sufficient storage rooms are provided that can be used for garden maintenance purposes.</p>	Complies.

## Key Issues

### Clause 3.1.3 Building Envelope

Clause 3.1.3 of Part D4 of the RDCP requires the gross floor area achieved occupies not more than 70% of the maximum building envelope for residential floors.

Based on the envisaged building envelope for the site in accordance with the Block 9 building envelope controls, 70% of the GFA of the maximum building envelope for residential floors is approximately 2,960m<sup>2</sup>.

The proposed GFA of the residential floors of the development is approximately 5,164m<sup>2</sup> = 174% of the maximum building envelope, which does not comply.

The objectives of the control are as follows:

- *To ensure the development parcel and the building type are compatible and promote good site design and amenity.*
- *To accommodate the desired development in the precinct.*

A variation to the RDCP control is supported for the following reasons:

- The development is generally consistent with the envisaged building envelope for the site. The additional GFA is a result of the first floor comprising residential development and not commercial (which is consistent with surrounding shop top housing developments) and the additional storeys for Block A and Block B. The building height of Block B complies with the maximum permitted building height pursuant to Clause 4.3 of the RLEP and the variation to the building height for Block A relates to the rooftop structures only and is supported pursuant to Clause 4.6 of the RLEP. Therefore the additional storeys is considered to be an efficient use of the land that will support the primary business function of the B2 Local Centre zone.
- The number of storeys and subsequent additional GFA is in accordance with the objectives of the RDCP control given the development is compatible with the locality, providing a built form that steps down from Block A to Block B and appropriate articulation and building separation that will ensure good residential amenity is achieved.

#### Clause 3.2.9 Block 9 Controls

Clause 3.2.9 of Part D4 of the RDCP provides specific building envelope controls for the subject site as part of Block 9.

The proposed development seeks a departure from the Block 9 controls as follows:

- 7 storeys are proposed to Maroubra Road (maximum 6 permitted) and 6 storeys to Ferguson Street (maximum 5 permitted).
- Building depth of Block B is 25m (maximum 18m permitted).
- Block A and Block B is not entirely consistent with the building envelope drawing provided as part of the Block 9 controls.

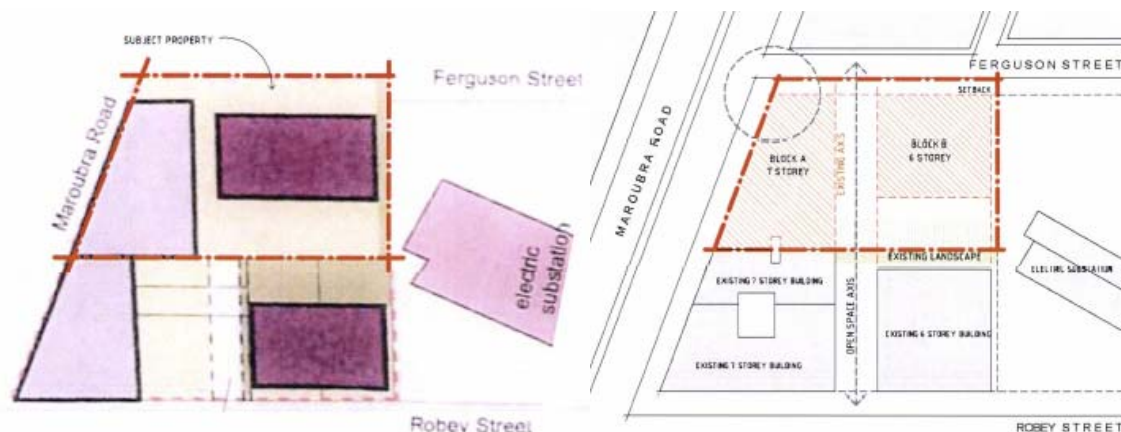


Figure 4. Insert from Block 9 building envelope (left) and proposed layout (right).

The objectives of the Block 9 controls are as follows:

- *Reinforce Maroubra Road as the primary cross street.*
- *Encourage a mix of commercial/retail uses within the retail core area.*
- *Provide a transition in scale from the centre along Ferguson Street and Robey Street to the lower scale residential buildings on the periphery.*

A variation to the Block 9 controls is supported for the following reasons:

- The proposed development will reinforce Maroubra Road as the primary cross street, providing a distinctive built form that will reinforce the corner.
- The 5 ground floor retail premises' with a nil setback to Maroubra Road will reinforce and activate Maroubra Road, with a 'wrap-around' commercial front to Ferguson Street, which has the potential to include footway dining (subject to a future DA).
- The provision of only ground floor commercial with first floor residential above is supported given this is consistent with other shop top housing developments both adjoining the site to the west and on the northern side of Maroubra Road. The 9 commercial premises' are of a good size and will support a range of future commercial uses that will contribute to the business function of the zone. The residential component above will support the primary business function of the zone through the provision of new residents that will utilise surrounding businesses.
- The number of storeys is generally consistent with the maximum permitted building height pursuant to Clause 4.3 of the RLEP, with Block B complying with the building height control and Block A proposing a variation that relates to the rooftop structures only and which is supported pursuant to Clause 4.6 of the RLEP (refer to Section 5). The number of storeys is considered to be an efficient use of the land and will permit additional residential accommodation that will support the primary business function of the zone whilst resulting in a built form that is consistent with the desired future character of the area noting that the number of storeys fronting Maroubra Road is consistent with the adjoining building to the west.
- The proposed built form steps down in height from Block A to Block B, which provides a transition in scale from the business centre to lower density residential development further to the south.
- The proposed building footprints are generally consistent with the envisaged building envelope. Where Block B proposes a slightly increased building depth, the separation between Block A and Block B is greater than envisaged by the control that responds better to the separation provided as part of the adjoining development to the west, and will provide better solar access, natural light and ventilation into the development.
- **Randwick City Council Development Contributions Plan.**

A suitable condition is included requiring the payment of a section 7.12 contribution in accordance with the requirements of Council's plan.

## 9. Environmental Assessment

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	The proposal is in accordance with <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , <i>State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development</i> , <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> , and <i>State</i>

Section 4.15 'Matters for Consideration'	Comments
	<i>Environmental Planning Policy No 55 – Remediation of Land</i> , and is in accordance with the relevant controls and objectives of the <i>Randwick Local Environmental Plan 2012</i> .
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive Development Control Plan 2013.
Section 4.15(1)(a)(iia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(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	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.  The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposal, therefore the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submission have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

## 10. 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.

## 11. Conclusion:

That the application for demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars be supported for the following reasons:

- The proposal satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.
- The proposal is consistent with the relevant requirements of the *State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development* and the associated Residential Apartment Design Guide.

- The proposal is consistent with the objectives contained within the Randwick Local Environmental Plan 2012 and the relevant requirements of the Randwick Comprehensive Development Control Plan 2013.
- The proposal will not result in adverse amenity impacts to surrounding residential and non-residential land uses.
- The proposal will afford a high level of residential amenity for occupants.
- The proposal is consistent with the desired future character of the locality.

## 12. Recommendation

- A. That the Sydney Central Regional Planning Panel supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.2 Height of buildings of Randwick Local Environmental Plan 2012, relating to the proposed building height of Block A on the grounds that the proposed development complies with the objectives of the above clause and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That the Sydney Central Regional Planning Panel, as the consent authority, grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 773/2017 for demolition of the existing buildings and construction of a part 6, part 7 storey shop top housing development in two built forms, comprising 9 retail shops at the ground floor level with 65 residential units above, and 3 levels of basement parking for 136 cars, at No. 181-191 Maroubra Road, Maroubra, subject to the following conditions:

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA 013 Revision A	Sgammotta Architects	6 December 2017
DA 100 to DA 103 Revision A		19 June 2018
DA 104 to DA 110 Revision B		
DA 120 Revision B		
DA 200 to DA 205 Revision B		
DA 300 to DA 302 Revision B		6 December 2017
DA 303 Revision A		19 June 2018
DA 400 to DA 401 Revision B		

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Multi Dwelling	883118M_02	21 June 2018

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:

- a) The bicycle parking provided at the ground floor adjacent to the 2 foyer entries off Ferguson Street shall be wholly located within the site boundaries.
- b) Secured access to the letterbox areas shown adjacent to the 2 foyer entries off Ferguson Street shall be provided.
- c) The balcony directly off the living area of U6.07 shall be extended to the east to have a depth of 3m measured from the eastern façade of the unit.
- d) All bathroom windows shall be opaque or frosted so as not to result in privacy impacts.

#### **Adaptable Units**

- 3. The adaptable units identified in approved drawing DA 120 Revision B must be designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.

#### **Ausgrid Requirements**

- 4. Ausgrid, who owns the adjoining property to the south, shall be consulted and their requirements considered prior to the issue of a Construction Certificate.

#### **NSW Police Requirements**

- 5. The recommendations of NSW Police provided in the crime risk assessment report version E&T:FSC:CMPU:2015 shall be considered prior to the issue of a Construction Certificate.

#### **NSW Roads and Maritime Services**

- 6. The development shall comply with the conditions recommended in the letter prepared by NSW Roads and Maritime Services dated 17 January 2018.

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

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

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

#### **Consent Requirements**

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

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

The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

#### **Section 7.12 Development Contributions**

- 9. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$27,780,000 the following applicable monetary levy must be paid to Council: \$278,911.20.

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 Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

### **Compliance Fee**

10. 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.

### **Long Service Levy Payments**

11. 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 6.8 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.*

### **Acoustic Amenity**

12. An acoustic report shall be prepared to confirm design requirements for all aspects of construction comply with recommended acoustic criteria. Details of compliance shall be provided with the Construction Certificate plans prior to the issuing of a Construction Certificate.

### **Land Contamination & Remediation**

13. The following conditions must be satisfied prior to issuing a construction certificate for the development or commencement of any new use of the land (whichever the sooner):

- a) A site contamination investigation must be undertaken by an independent and appropriately qualified environmental consultant and a report must be submitted to and approved by Council's Director of City Planning.

The report must provide details on the extent, nature and degree of any contamination upon the land and ground water, having regard to past and current activities and uses that may have occurred on the site.

The report must include details of any required remediation works, having regard to the development and works encompassed in this consent.

The report is to be prepared in accordance with the following requirements and guidelines (as applicable):

- Council's Contaminated Land Policy 1999
- Relevant Guidelines made or approved by the Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999.
- NSW Planning Guidelines to SEPP 55 – Remediation of Land,

The report must demonstrate that the land is suitable (or will be suitable after specified remediation works have been carried out) for its intended use and the works

encompassed in this consent. Relevant reports and other documentary evidence must be provided to Council's satisfaction.

- b) Should the report referred to above in sub-clause 1)a) identify that the land is contaminated and the land requires remedial works to ensure that the land will be suitable for its intended use and meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be satisfied (as applicable):
  - i. A Remediation Action Plan (RAP) is required to be submitted to Council prior to commencing any site or remediation works. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Office of Environment and Heritage/Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites.
  - ii. A written statement is to be provided to the Council from the Environmental Consultant, which confirms that the Remediation Action Plan satisfies the relevant legislative requirements and guidelines and that the land is able to be remediated to the required level and the land will be suitable for the intended development and use.
  - iii. Remediation works are required to be carried out in accordance with the relevant requirements of the *Contaminated Land Management Act 1997*, Guidelines made by the Environment Protection Authority and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the *Protection of the Environment Operations Act 1997* and conditions of development consent.
  - iv. The requirements contained within any applicable Site Contamination Report, Remediation Action Plan, Site Management Plan or other strategy associated with the site contamination report and/or remediation strategy approved by Council, form part of this consent and must be complied with.
  - v. Upon completion of remediation works, a Validation Report must be prepared by a suitably qualified Environmental Consultant and be submitted to the satisfaction of Council prior to commencing any building works upon the site. The validation report is required to confirm and provide details to demonstrate that the site is suitable for the proposed development and use.
- c) Should the report referred to above in sub-clause 1)a) identify that the land is not contaminated or, the land is contaminated but no remediation works are proposed to be carried out (having regard to the extent and nature of the proposed development), the following requirements must be satisfied:
  - i. Prior to issuing a construction certificate for the development, details must be submitted to the satisfaction of Council's Director of City Planning in writing, to demonstrate that the land is (or will be) suitable for the intended development and use.
  - ii. The report and details must be provided by a suitably qualified Environmental Consultant and any requirements, procedures, plans or strategies specified in the report and approved by Council form part of this consent and are required to be complied with.
  - iii. Copies of relevant reports, documentary evidence, certification and validation must be provided to Council's satisfaction.

#### **Security Deposit**

- 14. 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*:

- \$12000 - 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.

#### **Parking Allocation**

15. A "Parking Allocation plan" shall be submitted to and approved in writing by Council's Development Engineering section prior to the issuing of a Construction Certificate. The parking allocation plan must be prepared in general accordance the parking rates specified in Part B7 of Council's DCP.

The PCA must be satisfied that the carspaces have been allocated in accordance with the approved 'Parking Allocation Plan' prior to the issuing of an *Occupation Certificate*.

#### **Road Widening / Land Dedication**

16. The applicant must dedicate a strip of land 1.0 metre wide along the full Ferguson Street site frontage for road widening of Ferguson Street. The construction certificate plans must show the land dedication. The extent and depth of the dedication is to be to Council's satisfaction and the applicant is to liaise with Council's Development Engineer prior to preparing any Construction Certificate plans. The extent of the dedication will be limited in depth and the basement levels will extend to current boundaries.

The Certifying Authority must not issue a Construction Certificate prior to this condition being satisfied.

This condition is required to allow for construction of a 1.5 metre wide public footpath along the Ferguson Street site frontage.

#### **Construction Traffic Management**

17. Prior to lodging a Construction Certificate the applicant must submit to Council for approval, and have approved, a Traffic Management Plan showing proposed Works Zones and identifying areas within the site for construction activities. The plan must be prepared in consultation with Council's Development Engineer. This condition is required because Ferguson Street is unsuitable for a Works Zone and the Maroubra Road site frontage is occupied by a Bus Stop.

#### **Sydney Water**

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

#### **Electricity Substation**

19. 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**

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

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

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

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

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

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

### **Street Tree Management**

21. The applicant must submit a payment of \$390.00 (plus GST) to cover the costs for Council to supply, plant and maintain 4 x 25 litre, evenly spaced *Banksia integrifolia* (Coastal Banksia's) along the length of the Maroubra Road frontage at the completion of all works.

This fee must be paid into Tree Amenity Income at the Cashier on the Ground Floor of the Administrative Centre prior to a Construction Certificate being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks-notice (allow longer for public holidays or extended periods of rain) to arrange for planting of the new trees.

After this, any further enquiries regarding scheduling/timing or completion of tree works are to be directed to Council's South Area Tree Preservation & Maintenance Coordinator on 9093-6843.

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

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

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

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

22. In accordance with section 4.17 (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).

**Access & Facilities**

23. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

**BASIX Requirements**

24. In accordance with section 4.17 (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**

25. A report must be obtained from a suitably qualified and experienced *professional engineer/s*, 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 the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

**Traffic conditions**

26. 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.
27. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

28. The internal circulation ramps must be suitable for two (2) way traffic flows. The Construction Certificate plans must demonstrate compliance with these requirements.

**Plan of Consolidation**

29. Prior to the issuing of a Construction Certificate the proposed development site must be consolidated into one allotment via a 'Plan of Consolidation' which shall be registered at the NSW Land Property Information (LPI).

**Design Alignment levels**

30. The design alignment level (the finished level of concrete, paving or the like) at the property Maroubra Road and Ferguson Street boundaries for driveways, access ramps and pathways or the like, must be obtained in writing from Council prior to the issuing of a Construction Certificate. The alignment levels shall be generally 2.5% above the top of kerb levels opposite at all points along the site frontages.

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

Any request to vary the design alignment level/s must be forwarded to and approved in writing by Council's Development Engineers and may require a formal amendment to the development consent via a Section 4.55 application.

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6924.

31. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$2092.00** calculated at \$53.00 per metre of site frontage to Maroubra Road. This amount is to be paid prior to a construction certificate being issued for the development.
32. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

**Street Awnings**

33. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
- a) The minimum clear distance from the existing footpath in Maroubra Road to the underside of the proposed awning shall be 3.00 metres.
  - b) The minimum clear distance from the existing footpath in Ferguson Street to the underside of the proposed awning shall be 3.00 metres.
  - c) All new awnings shall be set back a minimum of 600mm from the face of kerb.
34. 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 e.g. the nature of the soil in the site and/or the presence of rock etc.
35. The written approval of Council is required to be obtained in relation to all drainage and infrastructure 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 professional 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.

#### *Internal Drainage*

36. 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) either:
    - i. Directly to the kerb and gutter in front of the subject site in Ferguson Street and / or Maroubra Road; or
    - ii. Directly into Council's underground drainage system in Maroubra Road. Note: compliance with this drainage option will require the applicant to meet the full cost for Council's existing drainage system in Maroubra Road to be extended in an easterly direction to meet the development site.
  - 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 **10% AEP (1 in 10 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. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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. 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) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.

- o) 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.
- p) Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property and/or areas accessible by residents of all units.

### **Site Seepage & Dewatering**

#### Groundwater

37. As the proposed basement levels extend into the water table (or are affected by fluctuations of the water table), the following requirements apply:

- a) The design and construction of the basement levels 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.

38. 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 NSW 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**

39. 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. The waste management plan must demonstrate that the proposed residential and commercial waste storage areas comply with Council's Guidelines*

40. 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.

**Landscaping & Environmental amenity:**

41. Landscape plans are to be submitted with the Construction Certificate Application. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Amended Landscape Plans by Conzept Landscape Architects, dwg LPDA 18 147, pages 1-4, rev D, dated 22.06.18.
42. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.

**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**

43. 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*.
  - b) 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.

- c) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; 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; and
- f) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

#### **Dilapidation Reports**

44. A dilapidation report (incorporating photographs of relevant buildings) must be obtained from a *Professional Engineer*, detailing the current condition and status of all of the buildings and structures located upon all of the properties adjoining the subject site and any other property or public land which may be affected by the works, to the satisfaction of the *Principal Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifying Authority* and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

#### **Construction Site Management Plan**

45. 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**

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

- a) 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.

- b) Any materials containing asbestos (including Fibro) must be safely removed and disposed of in accordance with the NSW Work Health and Safety Regulation 2017, SafeWork NSW Code of Practice for the Safe Removal of Asbestos, Protection of Environment Operations (Waste) Regulation 2014 and Council's Asbestos Policy.

#### **Construction Noise & Vibration Management Plan**

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

48. 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**

49. 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 Maroubra Road 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.

The requirement for a Works Zone may be varied if the necessary approvals from Sydney Buses and the RMS cannot be obtained.

50. 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.*

51. 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**

52. 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**

53. 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.
54. 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.
55. 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.

### **Public Domain**

56. The applicant shall meet all costs associated with both the Maroubra Road and Ferguson Street site frontages, in accordance with Council's Urban Design Elements Manual for the Maroubra Junction Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for both of these frontages showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, signage, power pole, bus stop, four evenly spaced tree squares along the Maroubra Road frontage, and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services, prior to commencement of streetscape works.

Following approval of the streetscape plan; and prior to the commencement of any streetscape works on Council property, the applicant shall liaise with Council's Capital Works Engineer (9093-6547), 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 Pre-paid Works Designer, with confirmation of approval to be provided in writing, prior to the issue of any Final 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**

57. The building works must be inspected by the *Principal Certifying Authority*, in accordance with 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**

58. 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 2017;
- 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;
- Protection of Environment Operations (Waste) Regulation 2014;
- Randwick City Council Asbestos Policy.

*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**

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

- Work Health & Safety legislation and SafeWork NSW requirements
- Preparation and implementation of a *demolition work plan*, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council's Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifying Authority and a copy must be kept on site and be made available for Council Officer upon request.
- A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by SafeWork NSW 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 2014*. Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifying Authority and Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifying Authority as soon as practicable after 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**

60. 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**

61. In accordance with section 4.17 (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**

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

Details of the sediment and erosion control measures must include the Construction Site Management Plan and 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**

63. 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**

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

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required to be provided to protect the public (unless otherwise approved by Council) if:
  - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;



- building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
- it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
- as may otherwise be required by WorkCover, Council or the PCA.

*Notes:*

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

### **Public Safety & Site Management**

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

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

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

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

### **Site Signage**

66. 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**

67. 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 or sawing 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 3.00pm 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**

68. 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**

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

### **Land Contamination & Remediation**

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

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

71. 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 associated *Regulations*.
72. Any hazardous and/or intractable wastes arising from the works are to be managed and disposed of in accordance with the requirements of WorkCover NSW and the Office of Environment and Heritage/Environment Protection Authority, including 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)
  - Protection of the Environment Operations (Waste) Regulation 2005
  - NSW DECC/EPA Waste Classification Guidelines 2008
  - Randwick City Council's Asbestos Policy

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

73. 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**

74. 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**

- 75. 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**

- 76. 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.
- 77. 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.
- 78. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 79. 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.

80. 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.

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

#### **Street Awning**

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

#### **Tree Removal**

83. Approval is granted for the removal of any vegetation within the subject site as all are insignificant, and is subject to full implementation of the approved Landscape Plans.

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

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

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

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

#### **Occupation Certificate Requirements**

84. 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*.

#### **Fire Safety Certificates**

85. 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**

86. 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.

### **Sydney Water Certification**

87. 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**

88. 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**

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

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

90. A detailed report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from all 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.

### **Street and/or Sub-Address Numbering**

91. 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.

If this application results in an additional lot, dwelling or unit, 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/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

*Please note: any Street or Sub-Address Numbering provided by an applicant on plans, which have been stamped as approved by Council are not to be interpreted as endorsed, approved by, or to the satisfaction of Council.*

### **Validation Report**

92. Prior to any occupation certificate being issued for the site or commencing the use of the land as provided in this consent, a Validation Report prepared by a suitably qualified Environmental Consultant must be submitted to the satisfaction of Council. The report must demonstrate that the relevant land contamination conditions in this consent have been satisfied and that the site is suitable for the proposed development.
93. 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.

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

94. 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 Ferguson Street to Council's specifications and requirements.
  - b) Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  - c) Remove the existing kerb and gutter along the full Maroubra Road and Ferguson Street site frontages and construct new kerb and gutter for the full site frontages except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
  - d) Carry out a full depth, minimum 1.5 metres wide, road construction in front of the new kerb and gutter along the full Ferguson Street and Maroubra Road site frontages, to Council's specifications and requirements.
  - e) Remove the existing footpaths along the full Ferguson Street and Maroubra Road site frontages and construct new full width footpaths along the Ferguson Street and Maroubra Road site frontages in accordance with Council's Urban Design Guidelines for the Maroubra Junction Commercial Centre.
95. 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.
96. 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.

**Road Widening / Land Dedication**

97. Prior to the issuing of an Occupation Certificate the applicant must have dedicated a strip of land 1.0 metre wide along the full Ferguson Street site frontage. The dedication must be at no cost to Council. The dedication must be to Council's satisfaction.

**Service Authorities**

Sydney Water

98. 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**

99. The applicant shall meet the full cost for the overhead power lines (and/or telecommunication cables located along the Maroubra Road and Ferguson Street site frontages to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
100. The power feed into the development site must be an underground connection. All work shall be to the requirements and satisfaction of Ausgrid and at no cost to Council.

**Stormwater Drainage**

101. 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.
102. 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).

103. 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.

104. 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**

105. Prior to issuing any Final Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Amended Landscape Plans by Conzept Landscape Architects, dwg LPDA 18 147, pages 1-4, rev D, dated 22.06.18.
106. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

#### **Waste Management**

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

### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

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

#### **Fire Safety Statements**

108. 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.

**Operational Hours**

109. The hours of operation of business and commercial premises are restricted to 7.00am to 11.00pm on Monday to Saturday (inclusive) and 8.00am to 10.00pm on Sundays, maximum (unless otherwise specifically approved in a separate development consent).

**Environmental Amenity**

110. 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.
111. 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

112. The written approval of council must be obtained prior to the installation of any cooling towers.

**Environmental Amenity**

113. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
114. 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 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 Environment Protection Authority (EPA) Noise Control Guidelines.

115. Any individual unit 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.

116. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, entertainment venues and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed &

- Breakfast businesses, Backpackers, Residential Hotels or the like
- Premises which have a Cooling Tower or Warm Water System
- Business providing any form of sexual service (i.e. brothel or the like).

*Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.*

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

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

#### **Residential Parking Permits**

118. 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.
119. 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 4.17 of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$6,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 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.

- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9093 6944.

- A4 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.

- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works
- A6 The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).
- A7 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, to the satisfaction of the Certifying Authority.
- A8 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

For further information please contact Council on 9093 6944.

- A9 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- A10 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.
- Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A11 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.
- A13 An application must be submitted to and be 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*.

- A14 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A15 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.
- A16 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.
- A17 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.