

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SCL034.
DA Number	DA/183/2018
LGA	Randwick City Council
Proposed Development	Construction of 4 storey student housing development with 152 beds, communal areas, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces, addition bicycle spaces and associated works (variation to height control, motor cycle parking and on-site manager)
Street Address	1 Cowper Street, RANDWICK
Applicant/Owner	UNSW
Date of DA lodgement	8 April 2018
Number of Submissions	1: Notified from 10th April 2018 and 14th May 2018 and 2: Amended plans notified from 21st February 2019 and 7th March 2019
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP State and Regional Development and Section 4.7 of the EP&A Act)	Crown development having a capital investment value of more than \$5 million. Pursuant to Schedule 7(4) SEPP - State and Regional Development) 2011.
List of all relevant s4.15 matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. Affordable Rental Housing • Randwick Local Environmental Plan 2012 • Randwick Development control plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Clause 4.6 Variation Requests • Plans • Shadow Diagrams • Perspective Drawings & Finishes
Report prepared by	Louis Coorey – Environmental Planning Officer
Report date	12 July 2019

Summary of s4.15C matters

Have all recommendations in relation to relevant s79C 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?

All EPI's satisfied in report.

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 (3)

Special Infrastructure Contributions

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

No

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 Central Planning Panel

SCPP No.	2018SCL034
DA No:	DA/183/2018, 1 Cowper Street, RANDWICK NSW 2031, Amended plans: Construction of 4 storey student housing development with 152 beds, communal areas, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces, addition bicycle spaces and associated works (variation to height control, motor cycle parking and on-site manager)
Applicant:	UNSW
Report By:	Louis Coorey

Executive Summary

Council is in receipt of a development application proposing the redevelopment and alterations and additions of the UNSW Mulwarree Avenue self-contained apartments used for student housing. The application includes the construction of a part three part four storey development comprising 152 beds in cluster arrangements of between 3 and 7 beds with each cluster accessible to a communal living room, ground level communal internal living area and study area, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces as part of amended plans, addition of bicycle and motor cycle spaces and associated works.

The subject proposal is a Crown development having a capital investment value of more than \$5 million. Pursuant to Schedule 7(4) SEPP - State and Regional Development) 2011 and Division 4.2 of the Environmental Planning and Assessment Act 1979, the proposal is referred to the Joint Regional Planning Panel for determination.

The subject application was advertised and notified from 10th April 2018 and 14th May 2018 and amended plans between 21st February 2019 and 7th March 2019 in accordance with Council's DCP. Eight submissions were received at the conclusion of the public consultation process.

The subject site is zoned R3 Medium Density Residential under Randwick Local Environmental Plan 2012. The development involves the provision of additional student accommodation on the existing UNSW Mulwarree Avenue self-catered apartments currently used for student housing. The proposal is considered to be consistent with the zoning objectives subject to amendments made to the overall bulk and scale of the scheme such as removing the plant and equipment from the roof, reduction of the third floor level floor plate and provision of additional information that demonstrated that the proposed development will contribute to the character of the local area.

The State Environmental Planning Policy – Affordable Rental Housing 2009 (AHSEPP) applies to the proposed development as a boarding house. The proposal satisfies the key clauses in the AHSEPP having regard to its built form and contribution to the character of the area and will provide affordable housing for students, creating communal interaction spaces, retaining significant trees, and encouraging sustainable modes of transport.

The site planning organises the building arrangement around a central communal courtyard facing the Mulwarree Avenue secondary frontage behind a row of Hill's Weeping Fig trees. The building is in a horse shoe layout on plan view and provides clear third storey definition to King Street with a setback upper level (fourth storey). The arrangement and setbacks of the buildings will maximise the capacity to retain both the Hill's Weeping Fig trees and provide a large area of landscaped open space within the site and alongside the proposed development.

The proposal varies from three standards in environmental planning instruments. The first being a variation to the 12m maximum height of buildings standard in the RLEP, and two variations to the standards in the AHSEPP relating to no on-site manager provided for the boarding house and the number of motor cycle parking not in accordance with the requirements in the AHSEPP.

In relation to height, the most significant deviation occurs at the lower northern part of the site where the land is at its natural lowest level. The degree to which the proposal exceeds the maximum height

is limited to relatively small portions of the fourth storey. This is alleviated to a large extent by the reduced fourth storey footprint from the levels below and generous setbacks provided from the side boundaries to the west adjoining neighbouring properties and to the east from the Mulwarree Avenue frontage. The site is also subject to flooding, requiring a minimum freeboard at the lowest part of the site which contributes to the overall height of the development. The overall height and scale of the building respects the natural fall of the land and is and will be compatible with the emerging character of King Street. The overall building disposition and massing, as amended, are considered to be a reasonable design response to the site characteristics and the surrounding development context. The existing mature fig trees along the eastern side of the site and the proposed development will be retained and the proposed development will rationalised and upgraded landscaped areas across the site.

At present, the site accommodates approximately 58 surface parking spaces (no motor cycle parking) in an undercroft basement area for the existing 185 beds on site. Under the RDCP, the development for 152 additional beds is required to provide 30 additional car spaces, however the proposal as amended (relocating plant and equipment and bicycle parking for the new building to the undercroft parking area, reduces parking provided on site down to 33 car spaces and 5 additional motor cycle spaces. The applicant submitted a traffic impact assessment report that includes survey results that reflect both apparent underutilisation of parking within the site, and projected parking demand created by the proposed development. Other key justifications are that the proposal provides additional motorcycle (by agreed condition) and bicycle spaces throughout the site; a regular UNSW shuttle bus service in close proximity to the site services stops between the UNSW Randwick and Kensington Campuses an stops at the Mulwarree apartments after hours, the site is also in close proximity to the two light rail stops at Wansey Road and Royal Randwick, and the site is adjacent to a cycle path and future cycle path along Doncaster Avenue. In addition, the applicant has also agreed to relocate new bicycle parking above ground allowing for at least 1 (34 in total) additional car space and 5 (10 in total) additional motorcycle spaces to be provided on site.

Having regard to the contents of the Traffic impact assessment and the additional parking provided as conditioned it is considered that the shortfall in resultant shortfall in car parking and motor cycle parking for the UNSW student housing project is sustainable.

The proposal will not result in unreasonable shadow impacts on the surrounding areas. The proposed accommodation rooms and dwelling units will enjoy satisfactory amenity. The proposed development will not result in adverse visual or acoustic privacy impacts subject to additional privacy measures imposed as conditions of consent.

Council's Section 7.12 Development Contributions Plan applies to the proposal and a monetary levy of \$253,806.40 is required.

The proposal satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to conditions.

1.0 Site Description and Locality

The site is known as 1 Cowper Street, Randwick and is located within the Randwick local government area (LGA). The location of the site is illustrated in Figure 1 courtesy of Urbis. The site has a frontage to King Street (to the north) of 47.605m, side boundary depth along Mulwarree Avenue (to the east) of 181.88m and 181.885 and a site area of approximately 8,607sqm.

The site contains a row of mature Hill's Weeping Fig trees along the eastern boundary to Mulwarree Avenue. The northern portion of the site is generally vacant, except for a small waste shed along the King Street frontage. The rest of the site contains 14 buildings over three or four storeys containing student housing arranged as apartments and clusters of boarding rooms shown in aerial image below. An undercroft level adjacent to the western boundary and accessed from Cowper Street contains car parking, bicycle parking, waste storage area and communal laundry.

The site has a north facing slope and has a gently fall southeast to north west of approximately 6m. The subject part of the proposed development under DA/183/2018 and DA/184/2018 measures around 3,280sqm.

The adjoining sites to the west at No. 37 King Street and beyond up to No. 31 King Street contain single storey dwelling houses. Behind No. 37 King Street is the L-shaped leg of a site at No. 5A Willima Street containing the driveway and manouvering area for a multi storey walk up RFB built circa 1970's. On the opposite side of King Street is the Bus depot owned by Transport NSW and the wider area contains Randwick TAFE, a secondary UNSW campus and Montefiore aged care development at No. 30-36 Dangar Steet. On the opposite side of Mulwarree Avenue are separate allotments of land containing predominatley two and three storey RFBs built around the 1930's. Heritage items are located nearby at No. 3 Mulwarree Avenue (Spanish Mission flats) and 2 Prince Street (corner of Prince and King Streets – 1930's flats).



Figure 1: Aerial view of subject site (red outline) and part of the site subject of demolition and construction of new student housing development. (courtesy of Urbis and Nearmaps)

2.0 Relevant History

DA/103/1992: approved the development of the subject site for self-catered student apartments comprising 46 apartments (in three stages stage 1 for 18 apartments and stages two and three being for the remaining) . The proposal satisfied Councils parking requirements under the code providing 108 parking spaces as amended, however it is noted that an amendment approval under S102 of the Act at the time noted that student housing did not have specific requirements from Council or the RTA.

DA/520/2005: approved the third phase of the development comprising the last of 18 apartments (total of 46 apartments and a total of 270 beds and 70 carspaces) with the construction of new multi-unit housing development (at the northern part of the site) for student housing comprising 85 beds in 18 apartment clusters (5x4, 5x5, 6x6 bedrooms and 2x 2 bedroom units) over 4 storeys, associated landscaping, storage, bicycle parking (22 spaces) and kiosk substation. The application did not comply with the height requirement however it did comply with the FSR requirements. The proposal provided for a significant setbacks from the Hill's Weeping Fig trees along the eastern side of the site providing sufficient planning grounds and was generally consistent with the design scheme anticipated for medium scale development in the Randwick DCP providing for a three/four storey scale with a reduced footprint at the top level.

3.0 The Proposed Development

The proposed development is for:

- Construction of a four-storey development for the purposes of student housing, comprising 152 beds (reduced from 160) in cluster modules containing between 3 beds and 7 beds including a communal living room generally around 24sqm for each cluster.
- Ground level communal areas, laundry and open space.
- Reconfiguration of existing undercroft car parking area, including a reduction in the number of car parking spaces (58 to 47 spaces further reduced down to 33 spaces in the amended plans and 34 by agreed condition), increase in bicycle parking spaces (48 to 89 spaces and 8 visitor spaces), and addition of 5 motor cycle spaces (5 additional by agreed condition resulting in 10 in total). Note the applicant has agreed to a condition relocating the new bicycle parking from the undercroft area allowing for at least 1 additional car space and 5 additional motorcycle spaces.
- Reconfiguration of the site's waste storage and management.
- Tree works to the significant Hills Weeping Fig Trees and site landscaping works.

The existing *Mulwarree Apartments* self-contained student housing apartments within the site currently provide 185 student beds, with 30 contained within the three storey building to be demolished as part of the *Early Works DA* (DA/184/2018). The proposed provide 152 student beds (reduced from 160 originally sought), resulting in a net increase of 122 beds (original 130 beds) and a total provision across the site of 307 beds (reduced from 315 beds).

3.1 Application history

The application under DA/183/2018 was the subject of a request to address the following issues:

DEP comments: suggest that the upper two levels be set back further from the stand of fig trees along the eastern side of the site to go beyond the minimum separation required under the Arborist report to achieve a better outcome. This was not insisted upon by Council.

Applicability of the State Environmental Planning Policy – Affordable Rental Housing 2009 (AHSEPP) – Division 3 Boarding Houses. The applicant was advised that the AHSEPP-Boarding Houses applied to the proposal and that the key matters requiring attention included addressing CL30A Character of local area whereby *a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area*. In short, the applicant was advised of the following issues

- Significant exceedances of both wall and overall height.
- The approved development on site is arranged in three sets of buildings separated by around 16m. Separation between the proposal and retained student housing will both detract from the rhythm of setbacks within the site and potentially results in adverse overshadowing of the retained student housing.
- The applicant was advised to consider re-designing the upper level with a reduced floor plate.
- Inappropriate location of waste bin enclosure at the north western corner adjoining the boundary of the neighbouring property at No. 37 King Street.
- Traffic report relating to utilisation analysis did not sufficiently justify parking shortfall.
- Engage an AQF Level 5 Consultant Arborist to perform root mapping and canopy loss for pruning.

The applicant in response amended their application on two occasions with the latest amended architectural plans received by Council on 17 June 2019 including the following amendments:

- Application of the AHSEPP and submission of Clause 4.6 exceptions to development standards relating to non-provision of an onsite boarding manager (CL.30(e)) and non-compliant motorcycle parking (CL.30(h)).
- Application of the LEP height standard. Upon acknowledging the application of the AHSEPP, the applicant indicates a Clause 4.6 is not required for exceeding the 12m maximum height of buildings standard in the RLEP, on the basis of *Clause 29(4) of ARH SEPP provides "a consent authority may grant consent to development to which this Division applies, whether or not the development complies with the standards set out in sub-clauses (1) or (2) –refers to those standards such as height and FSR that cannot be used to refuse consent*. The applicant makes

reference to *193 Liverpool Road Pty Ltd v Inner West Council [2017] NSWLEC 13* indicating that a clause 4.6 is not required for a contravention of a standard in an LEP. Council advised that this decision has not been challenged and it is therefore considered necessary for a clause 4.6 to be submitted. The applicant submitted a Clause 4.6 on a without prejudice basis.

- Relocation of the rooftop plant and waste bin enclosure to the undercroft of the existing building reducing overall height, mass, degree of overshadowing. A further amendment included reducing the upper level floor plate (removing 8 rooms) such that a sizable setback from the King Street frontage was provided, redesign of parapet reducing the wall height, mass, overshadowing and visual impacts.
- The relocated plant and waste bin area to the undercroft parking area resulted in a loss of parking from 47 down to 33 spaces. An updated Traffic Report was submitted justifying the minimisation of any parking loss arising from the above, together with the provision of additional parking survey results showing the adequacy of on-site parking in line with utilisation analysis which states the proposed parking meets and exceeds the forecast vehicle demand, provision of a UNSW shuttle bus service, proximity of light rail stop within walking distance, public buses, local street parking is subject to resident permit system which would not apply to student accommodation.
- Additional solar access studies including elevational shadow diagrams on the hour focussing on the level of solar access retained to student accommodation living rooms across the whole site and neighbouring property at No.5A William Street. The analysis shows that using the ADG criteria for solar access the proposal will comply with these provisions providing at least two hours of solar access to over 70% of living rooms across the whole of the site.
- Additional site analysis identifying the use of rooms within directly adjoining developments and their orientation to better illustrate any perceptions around potential visual bulk issues when viewed from these areas.
- Streetscape diagrams (including trees) from the Mulwaree Avenue frontage justifying that the separation between the proposal and retained student accommodation to the south will not detract from the streetscape character.
- Justification the smaller than 12sqm sized boarding rooms are offset by the larger than minimum living rooms provided for each cluster of bedrooms provided and that the proposal is similar to several student housing developments in NSW and across Australia.

4.0 Clause 4.6 Exception to Development Standard

The proposal seeks to vary the following development standard contained within the Randwick Local Environmental Plan 2012 (RLEP 2012) (see section 4.1 below) and the State Environmental Planning Policy – Affordable rental housing 2009 (AHSEPP):

Clause	Development Standard	Proposal	Proposed variation (%)	Section
RLEP: CI 4.3: Building height	12m	13.56m: roof parapet; 14.4m: lift overrun 15.65m: rear access stair. Original: 16.31m	1.56m (13%) 2.4m (20%) 3.65m 30%	See section 4.1 below
AHSEPP: Boarding Housing manager (CL.30 (e) of AHSEPP).	On-site boarding house manager required for 20 or more	No on-site boarding house manager proposed	100%.	See section 4.2 below.

	occupants of a boarding house			
Motorcycle parking (CL.30 (h) of AHSEPP).	30.4 spaces required based on 152 rooms. 1 space required for every five boarding rooms	10 spaces. At least 5 additional motor cycle spaces are conditioned to be provided in the undercroft area as a result of relocating bicycle parking around the site. Original: 5 provided	20.4 spaces short (67%) changed in relation to additional spaces provided. Original 25.4 spaces short (83%)	See section 4.3 below;

Clause 4.6 of RLEP 2012: Exception to a Development Standard relevantly states:

3. *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.*
4. *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.*

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ summarised the matters in Clause 4.6 (4) that must be addressed before consent can be granted to a development that contravenes a development standard.

1. *The applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 reinforces his previous decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827 where he identified five commonly invoked ways of establishing that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The most common is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

2. *The applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 reinforces the previous decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 regarding how to determine whether 'the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard'.

The grounds relied on by the applicant in their written request must be "environmental planning grounds" by their nature. Chief Justice Preston at [23] notes the adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s1.3 of the EPA Act.

Chief Justice Preston at [24] notes that there here are two respects in which the written request needs to be "sufficient".

1. The written request must focus on the aspect or element of the development that contravenes the development standard, not the development as a whole (i.e. The written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole); and
 2. The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31] Judge Pain confirmed that the term 'sufficient' did not suggest a low bar, rather on the contrary, the written report must address sufficient environmental planning grounds to satisfy the consent authority.
3. *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.*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [27] notes that the matter in cl 4.6(4)(a)(ii), with which the consent authority must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).

4. *The concurrence of the Secretary has been obtained.*

Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [28] notes that the other precondition in cl 4.6(4) that must be satisfied before consent can be granted is whether the concurrence of the Secretary has been obtained (cl 4.6(4)(b)). In accordance with Clause 4.6 (5), in deciding whether to grant concurrence, the Secretary must consider:

- (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

Under clause 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's

concurrence for exceptions to development standards in respect of applications made under cl 4.6 (subject to the conditions in the table in the notice).

The approach to determining a clause 4.6 request as summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, has been used in the following assessment of whether the matters in Clause 4.6(4) have been satisfied for each contravention of a development standard.

4.1 Exception to the Height of Buildings (HOB) development standard (Cl 4.3) of RLEP

The applicant's written justification for the departure from the height of buildings standard is contained in Appendix 1.

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

The applicant's written request seeks to justify the contravention of the HOB development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the relevant objectives of the standard are still achieved.

The objectives of the HOB standard are set out in Clause 4.3 (1) of RLEP 2012. The applicant has addressed each of the objectives as follows:

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

The applicant's written justification demonstrates that this objective is satisfied by noting that

The building size and scale is well within the maximum bonus FSR provided for in the AHR SEPP which incentivises boarding house development (FSR allowed: 1.4:1 - FSR proposed: 0.91:1). Compliance with the "deemed approval standard" in Clause 29 (1) of AHR SEPP means that the scale of the building must be taken to be acceptable.

When viewed from the public domain and primary pedestrian viewpoint on King Street, the development will present a predominantly compliant, three storey building, well below the 12m height limit. Importantly, the areas of non-compliance relate to non-habitable areas, are set back from the street frontage and visually obscured by both the complying front element and by landscaping. Accordingly, the bulk and scale associated with the additional height is considered negligible and does not set an undesirable precedent for the future character of the area.

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

The applicant's written justification demonstrates that this objective is satisfied by noting that:

The site does not contain a heritage item and is not located within a heritage conservation area. The areas of height non-compliance are well set back the eastern boundary and separated from the heritage items at 3 Mulwarree Avenue (I1419) and 2 Prince Street, Randwick (I1432) by the dense stand of fig trees along the Mulwarree Avenue frontage, which reach a height of approximately 20m. The fig trees largely restrict views of the proposed development from the east and will ensure the height non-compliance of the building does not detract from the heritage value and setting of these 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.*

The applicant's written justification demonstrates that this objective is satisfied by noting that

The proposed development is well below the maximum FSR deemed approval standard for the site under ARH SEPP. Consideration has also been given to articulation, setbacks and building orientation to ensure the additional height does not adversely impact on the amenity of neighbouring properties.

Privacy and visual bulk

There can be no adverse impact on the amenity of the residential properties to the east given the presence of the fig trees which restrict views to and from the development. In terms of the properties to the west, the proposal complies with the RDCP 2013 setback requirements. If the visual privacy requirements of the ADG were applied, the proposal would also comply. The perforated sunshades also restrict views from the student rooms to the west, reducing opportunities for overlooking. Only the very top of some windows exceed the 12m height standard and therefore the height breach is not likely to reduce privacy of neighbouring dwellings or increase opportunities for overlooking. The proposed western elevation has been designed to minimise visual bulk. In particular, the vertical recesses modulate the built form while the angular expression of the brick base contrast with the masonry finish of the upper levels, providing definition and articulation that break down the overall massing. The windows and sunshades provide further depth and contrast to the façade and the screen planting along the western boundary will filter views to the building

Overshadowing

The proposal will not adversely overshadow adjoining properties to the east given the separation provided by Mulwarree Avenue. As shown in Drawings DA056 and DA057 (Appendix 1), 7 Mulwarree Avenue will receive three hours of solar access between 12pm and 3pm at this time of year. As shown in Drawings DA058 and DA059, solar access to the east facing windows of 5A William Street will generally be limited to a 1.5-hour period between 9.30am and 11am. These windows are associated with bathrooms, kitchens and entry doors with living room windows located on the north-western side of the building. Given this apartment building is designed in a manner that has dual access to the west, these living rooms will enjoy (at least) a further 3 hours of direct solar access (i.e. from at least 12 noon until 3pm). The proposed development will therefore not restrict the living rooms of apartments within 5A William Street from receiving the required two hours of sunlight access between 9am and 3pm under the Apartment Design Guide (ADG) – if applied.

As shown in Drawings DA061 and DA062, overshadowing from the proposed development onto 31-37 King Street will be limited to the early morning period, 8am to 10am. During the middle of the day between 12pm and 2pm, 53% of the private open spaces of 31 and 33 King Street will receive a minimum of two hours of sunlight access in accordance with the ADG – if applied. Under the future possible scenario, and as shown in Drawings DA067, overshadowing from the proposed development onto the eastern face of a potential building form on 31-37 King Street, will be limited to the early morning period. The proposed development does not unreasonably constrain the future development potential of the adjoining site as it allows sufficient flexibility for it to be developed in a manner containing living room windows on its eastern façade that will receive solar access for a 2- hour period.

Having regard to the above, the proposal is considered to have negligible overshadowing, privacy and view impacts when compared to a compliant building height and therefore the objectives of the standard are achieved irrespective of compliance with the standard.

In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard

Assessing officer's comment:

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

Pursuant to the matters raised by the applicant in their Clause 4.6 submission and the character test carried under Section 7.4 of this report. In short, it is considered that despite the variation to the height standard, the proposed development sits comfortably within the site observing greater setbacks than those required for medium density developments under the RDCP. The proposed height variation is mostly a response to the existing site conditions whereby at this lower part of the site adjacent to King Street it is subject to flooding therefore requiring a higher ground floor level.

The proposed development is therefore considered to be consistent with and compatible with the emerging character of the area.

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

The proposed development is compatible with the scale and character of nearby heritage items. Council's Heritage Planner advises no objections to the proposed bulk and scale of the development.

Objective (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.

The assessment that must be made is whether or not the development will adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views. An assessment is carried out as follows having regard to the encroachments above the height standard:

- Visual bulk: The most significant encroachments in terms of bulk relate to the front elevation facing King Street where the development presents as a part three part four storey building where the upper level is setback from the levels below. The proposal also observes greater side setbacks than those required under the RDCP alleviating visual bulk and the encroaching elements will not be immediately perceived when viewed from the public domain or neighbouring properties.
- Loss of privacy: The proposed encroachments will not result in any unreasonable adverse privacy impacts.
- Overshadowing: The applicant has provided an acceptable assessment of overshadowing impacts borne as a result of the proposed development as a whole. An assessment is also provided in Section 7.4 of this report which indicates that despite the encroachments the proposal will not result in any unreasonable overshadowing of the neighbouring properties and sufficient solar access.
- Views: The proposed HOB will not result in any loss of significantly valuable views from neighbouring properties.

Based on the above assessment, it is considered that development will not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

In conclusion, the applicant's written request has adequately demonstrated that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case.

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

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the HOB development standard as follows:

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

- *The proposal supports the continued growth of the Randwick Health and Education Precinct by developing a vacant, under-utilised portion of the site for the purposes of affordable dwellings for students within proximity of public transport, active transport infrastructure, and tertiary education.*
- *The proposal would be unable to achieve a density and scale commensurate with the level which is sought to be encouraged and facilitated by ARH SEPP without the relaxation of the 12m height control unless it were to cover more of the site. This can only be achieved by the significant trimming of the mature fig trees.*
- *Development along King Street is characterised by three to four storey residential flat buildings, with the proposed development being of a similar scale to those buildings. The single storey dwellings are inconsistent with the sites zoning and are appropriate for redevelopment to achieve the desired three to four storey character. As discussed, the development will present a predominantly three storey-built form to King Street and therefore forms a consistent character with existing and likely future development along King Street.*
- *The proposed development is suitable in the context of the surrounding heritage items. The areas of non-compliance are well set back from the nearest heritage items and separated by the dense row of fig trees along Mulwarree Avenue.*
- *Potential impacts upon the amenity of the surrounding area will be minor or can be mitigated to an acceptable level.*
- *The variation will not adversely impact on the amenity of neighbouring properties in terms of visual impact, loss of views or overshadowing.*
- *The areas of noncompliance are located towards the centre of the building, relate to non-habitable spaces and obscured by landscaping. When viewed from the public domain, the development will present as a predominantly complaint envelope.*
- *The variation does not diminish the development potential of adjacent land and the visual impact associated with the additional height is negligible as discussed above.*
- *The development achieves the objectives of the development standard as outlined in Section 6.3.1 and is also consistent with those objectives as outlined in Section 6.3.3.*

In conclusion, there are sufficient environmental planning grounds to justify convening the development.

Assessing Officer's comment: The environmental planning grounds provided by the applicant are considered to justify the variation to the height standard having particular regard to the elements specific to the site such as flooding at the lower end.

In conclusion, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

3. 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?

To determine whether the proposal will be in the public interest, an assessment against the objectives of the height of buildings standard (is provided above) and R3 Medium Density Residential zone is provided below:

Assessment against objectives of height of buildings standard

For the reasons outlined in the applicant's written request, and assessment officer's assessment above the development is consistent with the objectives of the HOB standard.

Assessment against objectives of the R3 Medium Density zone

The objectives of the R3 Medium Density Residential zone are set out in Land use section of RLEP 2012. The applicant has addressed each of the relevant objectives as follows:

- To provide for the housing needs of the community within a medium density residential environment.

There is high demand for student housing in the area due to the sites' proximity to the UNSW Kensington and Randwick Campuses, growing university population and competitive residential market. The site is also located within the Randwick Health and Education Precinct, where there is a focus on delivering affordable housing for student populations.

The proposal will add a further 122 beds (net increase) to the student accommodation currently provided within the site and enhance the range of communal facilities available. This will increase the provision of student housing in a manner that contributes to the housing needs of the broader student community.

- To provide a variety of housing types within a medium density residential environment.

The proposed development will facilitate greater housing choice within the Randwick LGA by providing high quality and affordable housing targeted specifically for students. The development includes a range of communal and open space areas which will enhance the amenity for residents and has excellent access to the UNSW campuses, public transport, recreation, local shopping centres and community services

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The additional building height does not preclude the existing and future use of surrounding land from meeting the day to day needs of residents.

- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.

The bulk of the proposed development has been sited towards the west in response to the presence of the fig trees along Mulwarree Avenue and the significant contribution they make to the streetscape. The building has been appropriately set back from the trees to minimise pruning and disturbance to the root systems. The development is in a residential area undergoing change. Whilst there are single storey dwellings to the immediate west, the area is transitioning to a medium density environment with more recent four storey developments in William Street and along King Street. The proposed scale of the development is consistent with the desired future character for the area.

- To protect the amenity of residents.

As discussed, the proposed variation to the height of buildings standard does not reduce amenity to neighbouring properties by way of visual impact, overshadowing or privacy issues. The proposed development will also offer future student residents a high level of residential amenity. The student accommodation is functional and the generous and flexible communal areas will encourage student interaction and a sense of community. A Construction Management Plan will be prepared for all site works to protect the amenity of the neighbourhood and existing residents within the site.

Assessing officer's comment: The proposed development will be consistent with the objectives of the R3 Medium Density residential zone having regard to the above submission.

4. Has the concurrence of the Secretary been obtained?

In assuming the concurrence of the Secretary of the Department of Planning and Environment the matters in Clause 4.6(5) have been considered:

Does contravention of the development standard raise any matter of significance for state or regional environmental planning?

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

Is there public benefit from maintaining the development standard?

Variation of the maximum floor space ratio standard will allow for the orderly use of the site and there is a no public benefit in maintaining the development standard in this instance.

4.2 Exception to the requirement for an on-site boarding house manager development standard in CL.30(e) of the AHSEPP.

The applicant's written justification for the departure from the requirement for an on-site boarding house manager standard is contained in Appendix 1.

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

The applicant's written request seeks to justify the contravention of the development by not providing an on-site boarding house manager is unreasonable or unnecessary in the circumstances of the case because the relevant underlying objectives of the standard are still achieved.

The underlying objectives of the standard whilst not set out in the AHSEPP are identified adequately by the applicant:

- *Provide a safe and secure environment for lodgers;*
- *Ensure no boarding room will be occupied by 2 adult lodgers;*
- *Undertake the day to day running of the boarding house;*
- *Ensure residential amenity internal and external to the boarding house is maintained;*
- *Provide residents with a point of contact should any issues arise.*

The applicant's written justification demonstrates that the above objectives are satisfied by noting that

It is important to note the intent of the AHR SEPP is to facilitate the increased supply and diversity of affordable rental and social housing in New South Wales. Whilst by default the proposed student housing development is considered a boarding house and therefore subject to the provisions under the AHR SEPP, the profile of student residents anticipated to be living at the site is very different to the profile of residents anticipated to live in boarding houses privately operated or operated by a social housing provider. Accordingly, on-site management procedures may vary. UNSW Student Accommodation (UNSW SA) is an experienced developer and operator of student accommodation and as outlined below, the underlying objectives of the standard can still be achieved:

- *The property monitoring systems will ensure all students living at Mulwarree Apartments are provided with a safe and secure environment with electronic door locking systems and CCTV installed to monitor all site entry points and limit access to only student residents and staff members after hours. All staff will be trained in Emergency Response and Evacuation procedures, as well as Mental Health First Aid, Senior First Aid, and Dispute Resolution. A whole-of-site fire evacuation drill will be carried out twice a year, and all fire EWIS systems checked and maintained monthly.*

- *No more than one lodger will be permitted in each bedroom. This is stipulated in the Student Handbook provided to each resident and each student will be required to enter into a License Agreement with UNSW SA.*
- *UNSW SA will be responsible for the day to day running of Mulwarree Apartments. If any issues arise, UNSW Security and the UNSW SA General Manager Operations will be contactable 24 hours per day, 7 days per week with professional staff members and Community Assistants also available at various times during business hours.*
- *UNSW will keep a complaint register in which it will notate any significant incident or complaint made to the Police, Council or by surrounding residents and will endeavour to fully address any reasonable concerns of such persons.*

In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard in that there are considered to be sufficient management procedures in place to remove the mandatory requirement for an on-site boarding manager

Assessing officer's comment:

The fundamental reason for not requiring a boarding house manager for the subject site is that the premises has long since at least 1995 been operated by the UNSW a crown defined educational establishment with nearby resources to adequately monitor and maintain the operation of the premises in a efficient and effective manner.

In conclusion, the applicant's written request has adequately demonstrated that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case.

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

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard as follows:

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

- *There is currently no on-site boarding house manager living within the existing student accommodation development. The proposal seeks to maintain the status quo. Notwithstanding this, UNSW SA is a highly experienced developer and operator of student accommodation and all residents will be bound to enter into a Licence Agreement with UNSW SA.*
- *The development achieves the underlying objective of the development standard as all of the functions of an on-site boarding manager will still be fulfilled. As such, strict compliance with the development standard is not considered necessary. Outside of office hours, there will be Community Assistants living onsite that are available to support students with any administrative or pastoral care issues. In addition, UNSW SA General Manager Operations will be contactable 24 hours per day, 7 days per week.*
- *In regard to internal and external residential amenity, UNSW will keep a complaint register and monitor any significant incidents or complaints made to the Police, Council or by surrounding residents.*
- *Residents are not permitted to create any noise or nuisance in or around the room or any common areas that is likely to interfere with the enjoyment of any other residents, any other person using the Accommodation, any neighbours of the Accommodation or the public.*

- *Various measures are in place to ensure residential amenity of adjoining neighbours is protected. For example, the use of the outdoor areas is limited to certain times of the day and UNSW will operate a period of quiet hours between 10.00pm and 8.00am. These measures are embodied in the Plan of Management that will form part of the consent.*
- *The development is consistent with the objectives of the zone as set out in Section 6.3.3.*

In conclusion, there are sufficient environmental planning grounds to justify convening the development

Assessing Officer's comment: The environmental planning grounds provided by the applicant are considered to justify the variation to the development standard having particular regard to the elements specific to the site being owned and operated by the UNSW a CROWN defined educational establishment with the resources available to effectively and efficiently manage the premises. The existing premises has been operated for a considerable period by off-site management.

In conclusion, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

7. 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?

To determine whether the proposal will be in the public interest, an assessment against the objectives of the height of buildings standard and R3 Medium Density Residential zone is provided below:

Assessment against objectives of height of buildings standard

For the reasons outlined in the applicant's written request, and assessment officer's assessment above the development is consistent with the objectives of the standard.

Assessment against objectives of the R3 Medium Density Residential zone

The objectives of the R3 Medium Density Residential zone are set out in Land use section of RLEP 2012. The applicant has addressed each of the objectives as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

The proposal will add a further 122 beds to the student accommodation currently provided within the site and enhance the range of communal facilities available. This will increase the provision of student housing in a manner that contributes to the housing needs of the broader student community.

- *To provide a variety of housing types within a medium density residential environment.*

The proposed development will facilitate greater housing choice within the Randwick LGA by providing high quality and affordable housing targeted specifically for students.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development does not preclude the existing and future use of surrounding land from meeting the day to day needs of residents.

- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*

The development presents a predominantly numerically compliant building form to King Street and is consistent with the current and emerging character of the streetscape.

- *To protect the amenity of residents.*

The lack of an on-site boarding manager unit does not reduce the amenity of residents. As discussed above, various management procedures are in place to ensure the amenity of existing and future residents is maintained. These procedure are embodied in the Plan of Management that will form part of the consent.

Assessing officer's comment: The proposed development will be consistent with the objectives of the R3 Medium Density Residential zone and will be in the public interest.

8. Has the concurrence of the Secretary been obtained?

In assuming the concurrence of the Secretary of the Department of Planning and Environment the matters in Clause 4.6(5) have been considered:

Does contravention of the development standard raise any matter of significance for state or regional environmental planning?

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

Is there public benefit from maintaining the development standard?

Variation of the maximum floor space ratio standard will allow for the orderly use of the site and there is a no public benefit in maintaining the development standard in this instance.

4.3 Exception to the requirement for motor cycle parking in accordance with CL.30(h) of the AHSEPP.

The applicant's written justification for the departure from the requirement for motorcycle parking standard is contained in Appendix 1.

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

The applicant's written request seeks to justify the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the considered objectives of the standard are still achieved.

As stated by the applicant:

The AHR SEPP does not include specific objectives for motorcycle parking rates however the underlying objective is presumably linked to anticipate transport mode for boarding house residents where the boarding house is privately operated or operated by a social housing provider. It is important to note the intent of the AHR SEPP is to facilitate the increased supply and diversity of affordable rental and social housing in New South Wales. Whilst by default the proposed student housing development is considered a boarding house and therefore subject to the provisions under the AHR SEPP, the profile of student residents anticipated to be living at the site is very different to the profile of residents anticipated to live in general affordable housing developments. For example, the majority of student residents do not own motorcycles, utilise public transport, will not permanently reside at the site, and will spend the majority of their time on campus.

The underlying objective of Clause 30 (1)(h) is to provide motorcycle parking for building users and visitors, presumably where the boarding house is privately operated or operated by a social housing provider. As discussed, the motorcycle parking rates identified in Clause 30 (1)(h)

typically apply to affordable housing developments whereby members of the general public reside. The proposed development is specifically for student housing. The profile of residents will differ to the types of lodger's typically envisaged living in boarding houses as demonstrated by the existing student housing on site. Notwithstanding this, the proposal satisfies the objectives of the development standard for the reasons outlined below:

- The limited motorcycle parking will more than cater for the likely and demonstrated demand. The site is well serviced by sustainable modes of transport, including walking, cycling and the use of public transport. Surveys demonstrate that the student residents lead more active and healthy lifestyles which improves overall amenity in the area.*
- Based on recent traffic and parking studies, the vast majority of existing student residents do not own a motorbike. Based on the forecast total of 307 residents, five spaces are required and the proposal satisfies this expected demand.*
- The proposal supports integrated transport and land use options by providing an abundance of bicycle parking to encourage the use of bikes and links to public transport.*

In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Uniqueness of the site operating as student housing:

- The Mulwarree Apartments are generally considered a more affordable housing option (the cheapest self-catered accommodation at UNSW) and therefore students are less likely to own a motorcycle;*
- As the proposal does not represent a permanent form of long-term accommodation (it is student housing used for shorter term stay), the likelihood of using or storing motorcycles on site is reduced – this is reflected in the survey results; and,*
- The majority of existing and future residents are students and typically spend most of their day on campus. The site is a short walk to the UNSW Kensington campus (14 minutes) and Randwick campus (4 minutes).*

Accordingly, the underlying objectives of the development standard are not relevant because the majority of existing and future residents do not own motorcycles and a vast majority of student residents attend tertiary education facilities within walking distance or will use public transport. Furthermore, residents will not be permanent residents of the site.

Assessing officer's comment:

The applicant's written request has adequately demonstrated that compliance with the motor cycle parking development standard is unreasonable or unnecessary in the circumstances of the case. It is agreed that there are no specific objectives listed in the AHSEPP however it can be deduced that the requirement for motor cycle parking is to meet the likely demand for parking on site and to minimise impacts on the surrounding streets.

It is generally agreed that the proposal is for student housing designed and operated by the UNSW a crown educational establishment which is distinct from the general nature of boarding houses run by a private operator.

Other unique circumstances of the case which articular with particular reference made to the following factors:

The requirement for 62 motor cycle spaces relates to the overall size of the development rather than the proposed additional boarding rooms which reduces the requirement down to 30.4 motor cycle spaces. It is also noted that the previous approval issued in 2005 allowed for 270 beds and yet did not provide any additional motor cycle parking and comparison between the two developments against the current standards would only require an additional 7.4 motor cycle spaces. The proposal provide 5 motor cycle spaces which is short of the requirements.

Notwithstanding, it is considered that the proposed motor cycle parking spaces on site will be sufficient for the following reasons:

- The Traffic impact assessment and is satisfied that the arguments with regard to motor cycle parking are sufficient and that the proposal will not result in significant parking or traffic impacts.
- The development is close to major transport routes and the University campuses.
- The UNSW has agreed to relocate the new bicycle parking from the undercroft area to allow for additional car and motor cycle parking. The proposal will promote sustainable transport initiatives and provide adequate storage for bikes which are a likely and preferable alternative to cars and to a lesser extent motor cycle parking for the student population.
- The development is owned and operated as student housing by a Crown defined educational establishment for a considerable period of time.

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

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard as follows:

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

- *No on-site motorcycle parking is currently provided on-site. The proposed development provides five motorcycle spaces which is considered sufficient to meet forecast demand.*
- *Existing parking at the current site is underutilised, despite UNSW not charging residents for on-site parking. The provision of 62 motorcycle spaces is considered excessive given recent parking studies suggest that of the current 185 beds, there is only demand for three motorcycle spaces. Accordingly, based on a provision of 307 beds, a total of five spaces is required at most.*
- *The lack of motorcycle parking will encourage more sustainable modes of transport including walking, cycling and public transport. There is an abundance of bicycle parking provided on-site (81 spaces) and 33 car parking spaces. The proposed capacity for each vehicle type remains equal or greater than the forecast maximum demand and therefore the provision is considered appropriate.*
- *The site is well-serviced by public transport and located close to the major destination for residents (UNSW Kensington Campus) so private vehicle travel demand is limited.*
- *Two online surveys were undertaken with current residents to determine travel habits and vehicle ownership details. In relation to vehicle usage and parking demand, vehicle ownership was higher in the first survey and motorcycle ownership was higher in the second survey. Accordingly, the results of the second survey were used to forecast the anticipated demand for motorbike parking, providing a conservative outcome. The proposed number of motorcycle spaces is considered more than enough based on existing and future demand.*

In conclusion, there are sufficient environmental planning grounds to justify converning the development

Assessing Officer's comment: The environmental planning grounds provided by the applicant are considered to justify the variation to the development standard having particular regard to the elements specific to the historical operation of the student housing by the UNSW in combination with the submitted traffic impact study.

In conclusion, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

11. 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?

To determine whether the proposal will be in the public interest, an assessment against the objectives of the height of buildings standard and R3 Medium Density Residential zone is provided below:

Assessment against objectives of motor cycle standard

For the reasons outlined in the applicant's written request, and assessment officer's assessment above the development is consistent with the objectives of the standard.

Assessment against objectives of the R3 Medium Density Residential zone

The objectives of the R3 Medium Density Residential zone are set out in Land use section of RLEP 2012. The applicant has addressed each of the relevant objectives as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

Existing parking at the current site is underutilised. For the proposed site capacity of 307 rooms, this would generate an equivalent demand of 5 motorcycle spaces. The capacity of the proposed basement car park meets this demand and therefore provides for the housing needs of the community.

This site is also well-serviced by public transport and located close to the major destination for residents (UNSW Kensington Campus) so private vehicle travel demand is limited.

- *To provide a variety of housing types within a medium density residential environment.*

The proposed development will facilitate greater housing choice within the Randwick LGA by providing high quality and affordable housing targeted specifically for students. The development includes a range of communal and open space areas which will enhance the amenity for residents and has excellent access to the UNSW campuses, public transport, recreation, local shopping centres and community services.

Assessing officer's comment: The proposed development will be consistent with the objectives of the R3 Medium Density Residential zone having regard to the following:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

The provision of student housing within the site is existing and the expansion of student housing has been envisaged by previous consents as far back as 1992 and 2005 which at the time did not provide for motor cycle parking. Moreover, the student housing on site is distinctly different to a boarding house operated by a private provider as it is owned and operated by the UNSW a crown defined educational establishment.

Overall, the development is consistent with the identified objectives of the standard and the objectives of the R3 Medium Density Residential zone. Therefore the development will be in the public interest.

12. Has the concurrence of the Secretary been obtained?

In assuming the concurrence of the Secretary of the Department of Planning and Environment the matters in Clause 4.6(5) have been considered:

Does contravention of the development standard raise any matter of significance for state or regional environmental planning?

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

Is there public benefit from maintaining the development standard?

Variation of the motor cycle parking standard will allow for the orderly use of the site and there is a no public benefit in maintaining the development standard in this instance.

5.0 Notification/ Advertising

The subject development was advertised/notified to surrounding landowners for a period of 14 days between 10th April 2018 and 14th May 2018 and amended plans between 21st February 2019 and 7th March 2019 in accordance with Council's DCP. As a result of the notification process submissions from the following properties were received.

- Owner of RFB at 7A William Street
- Executive of SP for 7 Mulwarree Avenue
- 1/7 Mulwarree Avenue
- 3/7 Mulwarree Avenue
- 4/7 Mulwarree Avenue
- 5/7 Mulwarree Avenue
- 6/7 Mulwarree Avenue
- 31, 33, 35 & 37 King Street

Issues	Comments
The DA should be in accordance with Council's current codes particularly in relation to height, side, front and rear setbacks and provision of car spaces.	The relevant matters for consideration in the assessment of the application has been carried out and it is considered that the proposed development in relation to height, setbacks and car spaces is suitable for the site.
Special consideration should be given to maintenance of privacy with suitable window positions and coverings, mature green screening and landscaping (trees). Development should have greater compliance with setback, bulk and landscaping	The visual privacy impacts are suitably ameliorated by the provision of additional physical measures such as obscured glazing and privacy screens. Boundary screening is also indicated on the submitted landscape plan. The application has been amended reducing the bulk of the scheme and, providing greater setback at the top most level. All other setbacks are considered acceptable.
It would appear that the new building's FSR is reliant on the whole parcel of land at 1 Cowper Street. As such a condition of the DA should be that the land can't be subdivided to avoid the remainder of the block being redeveloped to justify an increased FSR on the other part of the block.	The site is essentially one allotment of developable land and the FSR applies to the whole of the site. Notwithstanding, a condition is included restricting the ability to subdivide the land as provided in the determination made in DA/520/2005.
Preservation of existing fig trees	The fig trees are being retained.
Parking shortfall resulting from the increase in student housing and reduction of parking will not comply with the Randwick parking controls.	The applicant submitted a Traffic Impact Assessment which was reviewed by Council's Development Engineer who raises no objection to the shortfall in parking. It is noted that the shortfall in parking has been reduced and it is

Issues	Comments
	<p>considered that the site, which is owned by UNSW and operated by off-site UNSW Student Services, will be operated efficiently and effectively and provides suitable justification for the shortfall in parking against the RDCP numerical controls based on the following:</p> <ul style="list-style-type: none"> • current survey information, • existence of a shuttle bus between the UNSW Randwick and Kensington campuses which also accommodates after hours drop off to the site and • the sites close proximity to public transport options
Increase in waste and illegal dumping of rubbish	Appropriate waste conditions are included the conditions of consent and require special attention in the waste management plan and plan of management for the site requiring provisions to be made for pickup of bulk waste.
Loss of light to dwellings in Mulwarree Avenue.	The proposed development does not result in unacceptable levels of shadowing to the dwellings along Mulwarree Avenue. The applicant has provided details showing the solar access retained to the dwellings at No. 7 Mulwarree Avenue between at least 12 noon and 3pm and up to 4pm for the dwellings at first floor and above.
Location of new garbage storage	The garbage storage has been relocated away from the north western corner of the site to ensure adequate separation from the neighbouring property at No. 37 King Street.
The front setback along King Street is inadequate.	Whilst the proposed front setback is shorter than the single dwellings front setbacks, these neighbouring allotments are largely underdeveloped given the permitted density and height on these properties. The amended scheme increased the top levels front setback minimising the bulk along King Street. In addition, the RDCP requires a minimum front setback of 3m and the development provides a greater front setback and presents to the street as a part 3 part 4 storey scale which is generally consistent with the massing and scale envisaged for medium density development under the DCP.
Excessive height, shadowing, privacy and aesthetics	The proposal as amended is considered acceptable. The applicant also submitted shadow diagrams which demonstrate that appropriate levels of solar access will be retained to the northern aspects of neighbouring properties, living rooms, and open spaces. Privacy is protected subject to suitable conditions.

6.0 Technical Advice: Internal and External

6.1 Development Engineer and Landscape Officer

The following comments were provided:

Council is in receipt of a development application proposing the redevelopment and alterations and additions of the UNSW Mulwarree Avenue self-contained apartments used for student housing, including the demolition of an existing student housing building and construction of a part three part four storey development comprising 152 beds in cluster arrangements of between 3 and 7 beds with each cluster accessible to a communal living room, ground level communal internal living area and study area, laundry and open space, reconfiguration of undercroft carparking area including reduction in car park from 58 to 33 spaces, addition of bicycle and motor cycle spaces and associated works.

The subject proposal is a Crown development having a capital investment value of more than \$5 million. Pursuant to Schedule 7(4) SEPP - State and Regional Development) 2011 and Division 4.2 of the Environmental Planning and Assessment Act 1979, the proposal is referred to the Joint Regional Planning Panel for determination. Construction at the above site.

Drainage Comments

On site stormwater detention is required for the redeveloped portion of the site.

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

The stormwater must be discharged (by gravity) either:

- i. Directly to the kerb and gutter in front of the subject site in King Street; or
- ii. Directly into Council's underground drainage system located in King Street via a new and/or existing kerb inlet pit.

Parking Comments

Reference is made to the Traffic Impact Assessment (TIA) Revision 1.5, dated 7 June 2019 and prepared by TTW.

The applicant proposes a total of 33 carspaces, 81 bicycle spaces and 5 motorbike spaces in the basement carpark. A further 8 visitor bicycle parking spaces are proposed in the Ground Floor of the new building.

Upon completion of the works 307 beds will be onsite. Strict compliance with Part B7 of the Randwick DCP would result in a provision of 62 carparking spaces, 62 motorbike / scooter spaces and 185 bicycle spaces.

Planning comment: Only 20.4 spaces are required for motorcycle parking as credit is given for the existing facility which provides no motorcycle parking despite providing 185 beds..

The applicant has undertaken surveys of the existing student population within the development site. The result of the surveys produces a maximum future demand for the completed development of 26 carspaces, 5 motorbike / scooter spaces and 60 bicycles, (see Table 3.1 of the TIA).

The TIA goes on to say that the proposed parking provision is satisfactory because all usages are at or greater than the maximum demand established by survey, (see Table 3.2 of the TIA).

Council's Development Engineer has considered all data and information provided by the applicant and makes the following comments:

- The site is well served by public transport, (buses and soon to be operational Light Rail);
- The site is served by shuttle buses to and from UNSW;
- The site is in close proximity to UNSW campuses;
- The applicant has been able to survey existing users of eh facility;
- No resident parking permits will be issued for residents of the facility;
- There appears to be scope for a minor increase in carparking numbers if the proposed additional bicycle spaces are relocated outside of the basement carpark area;

- Similar to above, there appears to be scope for a minor increase in carparking numbers if the proposed additional bicycle spaces are relocated outside of the basement carpark area;
- There may be scope to revisit the need for significant increase in the size of bin storage areas, (e.g. possible compaction units, increased collection). Any reduction in the size waste bin storage areas could be made available for carparking or motorbike parking;
- The subject development is likely to remain as a student accommodation facility under the management of UNSW or an entity with direct links to UNSW. A carpark management plan and strategy for minimising any potential for impact on parking within streets surrounding the development site is considered possible in this scenario. Notwithstanding Council cannot condition the applicant to retain this site as student accommodation it is likely it will stay under UNSW control for the purpose of student accommodation going forward.

Conditions relating to preparation of a carparking management plan and parking strategy have been included in this report.

Conditions requiring the applicant to maximise motorbike and carparking spaces within the basement have also been included within this report.

Carpark Layout

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

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 not** subject to this clause.

Undergrounding of site feed power lines

At the ordinary Council meeting on the 27th May 2014 it was resolved that;

Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.

The subject **is not** located within 15m of a power pole on the same side of the street hence the above clause **is not** applicable.

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.

Planning comment: This condition has the potential to provide for more parking on site.

Landscape Comments

Tree Management Comments

The submitted Arborists Report refers to the removal of certain trees so as to accommodate 'construction works', so clearly was not been prepared for this specific demolition DA; however, Trees 26-37, comprising a variety of mostly native species, including Banksia's, Tea Trees, along with exotic Crepe Myrtles, of 5-8m in height, to both the north and south of the most eastern of the two existing buildings that will be demolished are not significant examples of their species, or, significant to the site or local environment in anyway, so conditions allow their removal, as has been shown.

While the Japanese Maple (T24) and Jacaranda (T25), of 12-14m in height, fronting onto King Street, just to the west of the existing vehicle crossing, will not be directly affected by demolition works as such, their location right at the only site entry/exit point makes their retention impossible, as they will be in direct conflict with machinery and trucks throughout the course of works, so can also be removed as shown. It is also noted that both of these trees will also be in direct conflict with the footprint of the new building that is being proposed as part of DA/183/2018.

The row of insignificant native screening trees along the western boundary, adjacent the existing awning and carpark, T89-93, appear to also require removal due to their proximity to the building and associated surfaces/structures that will be demolished in this same area, so consent has been granted for this.

The only significant vegetation that requires comment for this application is the row of mature Ficus macrocarpa var. 'Hillii' (Hills Weeping Figs, Trees 15-23), of 20m x 20m, which are spaced evenly along the length of the of eastern site boundary, that are in good health and condition, are covered by the DCP, and as a group, are the major feature of this site, the street and the immediate surrounds, possessing a high amenity value, and will perform an even more important function for the neighbours on the eastern side of Mulwarree Avenue upon completion of the new buildings that are part of DA/183/2018.

Whilst not being directly impacted by demolition activities, due purely to their size, the spread of their root systems would extend a considerable distance to the west, into the area where trucks and machinery will have repeated movements, so conditions require that they be physically excluded via protection fencing, with permission also granted for minimal crown pruning where needed so as to provide the required clearance from site machinery.

Planning comments: A further condition is included requiring tree protection measures prior to and during construction.

6.2 Environmental Health Officer

Proposed Development:

Council is in receipt of an application for the construction of a four-storey student housing development comprising of a total of 160 beds (with a net increase of 130 beds), indoor and outdoor communal areas, laundry and the reconfiguration of existing undercroft car parking area, reducing car parking spaces from 58 to 47 and increasing bicycle parking spaces from 48 to 89 spaces.

Comments:

Acoustic Amenity

An acoustic report was submitted with the initial development application to Council, however this report failed to adequately assess the noise impacts from 160 students using the premises. As a result Council requested an additional acoustic report from the applicant to address this.

An amended acoustic report prepared by Acoustic Logic (document reference: 20171740.2/1212A/R5/MF) dated 12 December 2018 was received by Council on 13 February 2019. The report assessed noise impacts associated with the development using predicted measurements. The report concluded that provided the acoustic treatments within the report are implemented, that the noise emissions from the development will comply with relevant noise criteria.

The use and operation of the boarding house has the potential to create offensive noise and the patron's behaviour is likely to impact on the other users of the boarding house as well as neighbouring residential properties.

An amended Plan of Management (PoM) was submitted to Council on 13 February 2019. The use and operation of the boarding house shall be in accordance with this amended PoM prepared by the University of NSW. The implementation of the PoM may assist in minimising disturbances and anti-social behaviour.

The use of the common areas is required to be monitored and cleaned so as to ensure the premise does not present an unsafe/unhealthy condition.

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

Land Contamination

Council needs to ensure that the land is suitable for the proposed development, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, SEPP 55, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999.

State Environmental Planning Policy No.55 – Remediation of Land

Under the provisions of SEPP 55, contaminated land must be considered and the land made suitable for the intended use prior to the commencement of any works to confirm the ongoing use is permitted and/or any future use may be considered appropriate.

A preliminary environmental site assessment by Douglas Partners (Project No. 85799.02 Document number R.001.Rev1) dated 14 March 2018, identified Petroleum Hydrocarbons (TRH) and (PAH) as being present on the site. A Construction Management Plan (CMP) has been submitted to Council and this should be adhered to throughout the extent of the development. The report also stated that an Asbestos Risk Assessment and Asbestos & Hazardous Materials Survey were undertaken on the site. The report concluded that no asbestos was identified on the site, however the report also stated that due to the age of the site buildings, there still remains a possibility that asbestos-containing materials may be present on the site. An Asbestos Management Plan (AMP) should be submitted prior to any proposed construction work.

Appropriate conditions with regards to contamination have been included in this referral.

Environmental Amenity

Standard conditions in relation to pollution control have been included in the following referral to ensure compliance with relevant legislation and guidelines.

6.3 Heritage Planner

The following comments were provided:

The site extends along the western side of Mulwarree Avenue from Cowper Street to King Street and is occupied by a student housing development. To the east of the site at no.3 Mulwarree Avenue is a two storey residential flat building in the Spanish Mission style, listed as a heritage item under Randwick LEP 2012. Further to the east at no.2 Prince Street, is a three storey 1930s residential flat building, also listed as a heritage item. Clause 5.10(1) of Randwick LEP 2012 includes an objective of conserving the heritage significance of heritage items including associated fabric, settings and views.

The existing development on the site comprises two larger blocks at the southern end of the site comprising groups of interconnected buildings, and a separate smaller block at the northern end of the site. The area between this block and King Street is vacant. Existing development comprises three storeys, steeping in accordance with the falls of the site. The application proposes to demolish the northern block and to construct a C-shaped building enclosing a courtyard fronting Mulwarree Avenue. The new building is to comprise four storeys with a partial roof plant room.

As the new building is on the opposite side of Mulwarree Avenue and set back from the street between 10 and 12 m, the proposal is unlikely to impact on the fabric of the adjacent heritage items. The streetscape on the western side of Mulwarree Avenue is characterised by mature Hills Weeping figs. These figs, which are to be retained by the proposal, are higher than the existing and proposed development and will provide substantial screening between the site and the heritage items. The set back of the development from Mulwarree Avenue is consistent with existing development on the site and will facilitate the retention of the figs. The generous setback, including the proposed central courtyard will ensure that the development is not prominent in the streetscape. The proposed development will not adversely impact on the streetscape setting of the heritage items in Mulwarree Avenue and Prince Street, or views to and from them.

6.4 Sydney Airport Corporation Limited

The following comments were provided from Sydney Airport Corporation Limited:

Application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996

Proposed Activity: PROPERTY DEVELOPMENT

Location: 1 COWPER STREET, RANDWICK

Proponent: RANDWICK CITY COUNCIL

Date: 19/04/2018

Sydney Airport received the above application from you.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 53.6 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 53.6 metres AHD.

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

Should you wish to exceed this height a new application must be submitted.

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

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

Sydney Airport advises that approval to operate construction equipment (i.e. 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 112 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

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

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

NOTE:

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

6.5 Transport NSW

The following comments were provided:

Bicycle parking

It is noted that the proposed development provides the bicycle parking based on the existing demand. It is advised that the applicant:

Provides bicycle parking and end of trip facilities for staff, students and visitors in accordance with Randwick City Council development control plans, standards and guideline documents;

Locates bicycle facilities in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines; and

Develops wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling.

Construction Pedestrian and Traffic Management

Several construction projects, including the Sydney Light Rail Project, are likely to occur at the same time as this development within the Randwick Precinct. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic and bus operations within the Randwick Precinct, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.

The applicant should be conditioned to the following:

A1 The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any work on site. The CPTMP needs to specify, but not limited to, the following:

- Location of the proposed work zone
- Haulage routes;
- Construction vehicle access arrangements;
- Proposed construction hours;
- Estimated number of construction vehicle movements;
- Construction program
- Consultation strategy for liaison with surrounding stakeholders;
- Any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site and buses accessing the Randwick Bus Depot from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
- Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The applicant shall provide the builders direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to the traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the building's direct contact number is current during any stage of construction.

TfNSW requests that the applicant consults within the Sydney Coordination Office within TfNSW in relation to the above issues. TfNSW would be pleased to consider any further material forwarded from the applicant.

If clarification of the above is required please contact Mark Ozinga Principal Manager Land Use Planning and Development of TfNSW.

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

PANEL COMMENTS

DESIGN EXCELLENCE PANEL COMMENTS AND RECOMMENDATIONS:

This DA submission proposes a four-storey university student housing complex on a site that currently houses a series of student apartment buildings.

The proposal is for the demolition of two existing blocks of student housing and part of a basement carpark, and the construction of a new 4 storey apartment building, containing 160 accommodation units, with associated service and living spaces, and communal and study spaces.

Panel members are familiar with the site and the surrounding area, and have reviewed the previously submitted proposal for the site. The architects for this project are Nettleton Tribe Architects, with Oculus Landscape Architects.

1. CONTEXT AND NEIGHBOURHOOD CONTEXT

This development site forms part of a larger network of student housing buildings that extends to King Street. The surrounding context is a dense residential neighbourhood with a mix of large single-family

houses and 3 to 4 storey mid-century apartment buildings, along with several new (and planned) apartment developments along nearby King Street. King Street is a major connector street in the area, with several significant developments and institutional buildings fronting it. Typical building heights in the area range from one to four storeys, with a relatively consistent historic built fabric of brick, inset expressed verandahs and pitched roofs across both houses and apartment blocks.

The most prominent feature of the site, and of the immediate surrounding area, is the stand of impressive mature fig trees along Mulwarree Avenue. These trees are the major identifiable natural feature of the neighbourhood and surrounding context, and should be protected, enhanced and understood as an asset for the development as well as the adjacent streetscape.

It is the feeling of the panel that the overall design still needs to more effectively respond to the site context, most importantly the stand of figs along Mulwarree, not simply in terms of minimum requirements designed to ameliorate impacts, but through positive design strategies generating unique architectural responses.

2. SCALE AND BUILT FORM

The proposal exceeds the height controls consistently around the perimeter of the building, and by up to 4 meters at the central plant facility on the roof. The major composition of the built form, a courtyard configuration facing east, is still an adequate response to the stand of trees; however, this still needs much more development and refinement. The exceedance of the height control remains problematic in this regard, as on the eastern edges of the two building wings there is an impact on the tree canopies. Previous suggestions to set back the upper levels of these wings to better respond to the tree canopies have not been adopted. The Panel reiterates these suggestions, offering that such response would allow the presence of the canopies to create a unique character on external terraces and internal common spaces facing the canopies.

The FSR for the site is 0.93:1, over the allowable 0.9:1. While seemingly marginal, applied over the area of the entire site, this results in an overage of 258 square meters. Removing mass from the two upper levels of the eastern ends of the residential wings would begin to address this issue, and bring the proposal more in line with the site controls.

The panel recognize that the massing and internal layout of the building to the north does respond more clearly and productively to King Street, specifically in terms of the potential entry and access conditions. Similarly, the public space open to the street, with the adjacent common space surveilling this space, the entry and the central courtyard is a positive contribution to the project's spatial and programmatic relationship.

3. DENSITY

As noted, the building is a significant addition to an already dense residential neighbourhood; however, further design responses to extant site conditions and further refinements to the massing, sections and streetscape elevation will integrate the building more effectively into its context. In response to the Panel's previous comments about the compact nature of the residential units, much more spatial amenity and diversity has been provided across the site. This includes the creation of a useable network of recreational, communal and study spaces for the student residents. These are all positive developments to the proposal.

The Panel had previously offered that the overall unit count might have to be reduced in order to realise this spatial amenity throughout the building; maintaining the same unit count while providing the required spatial amenity has resulted in the FSR and massing issues noted above.

The potential impact on solar access to the building to the south should be more clearly documented.

4. SUSTAINABILITY

Improvements to the scheme respond to some short-comings in addressing sustainability, however a comprehensive water management approach is still lacking. This is particularly significant given the criticality of the stand of fig trees.

The privacy screens/sunshades still need some further consideration – compositional considerations may result in some units not receiving much natural light.

While many of the outdoor, communal and vertical and horizontal circulation spaces seem to have been effectively designed to contribute to the passive and active environmental performance of the building, these features and their role in the proposed operation of the site should be clearly indicated within the design proposal (operable and/or louvre windows, magnetic hold doors to stairs, open breezeways, etc) to ensure their incorporation in the ultimate outcome.

5. LANDSCAPE

The landscape and public domain design has been given significant care in its design, and should lead to a rich spatial environment providing necessary relief from the density of the residential accommodation.

The landscape area between the proposed building and the last retained building on the site contains a number of trees – options with the ramp design and potential retention or replacement of the trees should be explored.

The spatial border with Mulwarree Avenue needs to be clearly illustrated, as this is a critical interface between the proposal, the fig trees and the surrounding public realm.

The ground floor plan indicates building positioned across and over the “root protection zone;” more detail (including arborist’s advice) needs to accompany this proposed condition.

6. AMENITY

The main entry and spatial axes through the project are significantly improved, more generous spatially and with improved natural light, ventilation and sight-lines. Similarly, internal meeting, retreat and study spaces have been provided throughout the development. The Panel remains skeptical about the size of the individual rooms, suggesting that the internal width of 2100mm may be too tight – illustrating the potential spatial qualities further (as reinforced by the interior design of the units’ fixed furniture) may alleviate these concerns.

Bicycle parking has been increased and distributed throughout the complex in more accessible (and covered) areas. However, the main bike parking remains remote, and not easily accessible – this would likely result in nominated guest parking areas been co-opted by residents.

7. SAFETY

As noted previously, the perimeter fence along Mulwarree Avenue is a potential safety hazard, as well as a repository for rubbish dumping. The creation of a suitable threshold along the street will improve active surveillance along the street and on site.

There still remain several isolated, enclosed hallways in the internal layout, without any social spaces surveilling them – notwithstanding the fire safety requirements, windows and glazed doors should be provided to improve visibility.

8. HOUSING DIVERSITY AND SOCIAL INTERACTION

The Panel agrees that the student housing model is a necessary programmatic element in neighbourhood’s surrounding the university. However, the Panel questions whether maintaining only one type of unit (the very small single room) across the development is a positive strategy – could there be provision for other types of units through the building?

9. AESTHETICS

The Panel appreciates the consideration given to the project’s materiality and external design, and feels that these are positive developments to the project’s evolution.

SUMMARY AND RECOMMENDATIONS

The panel is supportive of the proposal, and appreciative of the amendments made to the architectural and landscape design strategies. We would like the opportunity to review a subsequent revised scheme responding to the above comments.

Planning Officers comments: The proposal has been amended in line with discussion with Council officers and it is considered that the amended scheme addresses the key issues raised by the panel except for observing an increased setback from the Hill's Weeping Fig trees located along the eastern side of the site. The setbacks provided are considered acceptable by Council's landscape Officer who has provided appropriate conditions relating to the pruning and protection of the trees. The proposed cluster units are different to the self-contained apartments provided in the existing facility.

7.0 Relevant Environmental Planning Instruments

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

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy – Affordable Rental Housing 2009 (AHSEPP)
- Randwick Local Environmental Plan 2012

7.1 Environmental Planning and Assessment Act 1979

The Development Application (DA) is a crown development application lodged under the provisions of Part 4 (Division 6) of the Environmental Planning and Assessment Act 1979.

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

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed Crown development as its capital investment value is in excess of \$5 million. In accordance with the requirements of the Schedule 7(4) SEPP and Division 4.2 of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Sydney Central Planning Panel.

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council's Environmental Health Officers have reviewed the development application and Preliminary Site Investigation report and consider that subject to compliance with the remediation strategy the proposal will be suitable for the proposed residential use.

7.4 State Environmental Planning Policy – Affordable Rental Housing 2009 (AHSEPP)

Division 3: Boarding houses

The subject application is made pursuant to the SEPP (Affordable Rental Housing) 2009. Clause 26 of the SEPP provides that Boarding Houses under this Division are permissible within the R3 Medium Density Residential zone and clause 28 stipulates that such development may be carried out with consent. The proposal is subject to the policy as it involves alterations and additions to existing boarding house facility. Whilst the premises is owned and run by the UNSW, it does not contain teaching facilities on site and therefore does not fall within the scope of student housing and assessment against the SEPP –Educational Establishments and Child Care Centres. An assessment is carried out in the table below. Any non-compliance to the design criteria includes a merits based assessment in the table below and or in other sections of this report.

Clause 29 provides – *Standards that cannot be used to refuse consent* and Clause 30 *Standards for boarding houses*. The following tables outline the assessment:

Assessment of Clause 29 – <u>Standards that cannot be used to refuse consent</u>	
Standard	Assessment
<p>(1) Floor Space The density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.</i></p>	<p>The controls of RLEP 2012 identify a maximum FSR of 0.9:1 on this site. Furthermore the zoning of the land permits residential flat buildings. A gross floor area of 0.91:1 is proposed which includes the bonus and is compliant with the maximum 1.4:1 allowable.</p> <p>Complies.</p>
<p>(2) Building height</p> <p>Building height if all proposed buildings comply with the maximum building height under another environmental planning instrument for any building on the land (that is, 12.0m building height).</p>	<p>Clause 4.3 of the RLEP limits the maximum height of buildings to 12m and the proposed building has a building height of between 13.56m for the roof parapet, 14.4m for the lift overrun and 15.65m for the rear access stair.</p> <p>Does not comply.</p> <p>A clause 4.6 objection has been submitted and is supported in the circumstances for reasons outlined in Section 4.0 of this report.</p>
<p>(3) Landscaped area</p> <p>Landscape treatment if the front setback area is compatible with the streetscape in which the building is located.</p>	<p>The proposed development is setback to the King Street and Mulwarree Avenue alignment consistent with the prevailing setback in both Streets and provides for a suitable landscaping scheme that will contribute to the streetscape in a manner compatible with and that will contribute to the surrounding development.</p> <p>Complies.</p>
<p>(4) Solar access</p> <p>Where the development provides for one (1) or more communal living rooms, if at least one (1) of those rooms receives a minimum of three (3) hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The ground level communal room and living rooms for each cluster will receive compliant sunlight access between 9am and 3pm in mid-winter.</p> <p>Complies.</p>

Assessment of Clause 29 – Standards that cannot be used to refuse consent

Standard	Assessment
<p>(5) Private open space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one (1) area of at least 20 square metres with a minimum dimension of three (3) metres is provided for the use of the lodgers;</p> <p>(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>(i) Open space for lodgers:</p> <p>The proposed development includes 348sqm of open space is sufficient for the number of additional lodgers and is suitably located to allow for use by lodgers.</p> <p>(ii) Manager:</p> <p>No managers room is provided see CL.30(e).</p> <p>Complies.</p>
<p>(6) Parking</p> <p>If:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room. (7.8 Required)</p> <p>(ii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p>	<p>The proposal is located within an accessible area. Parking for 33 vehicles including 3 disabled is provided for residents (307 beds).</p> <p>Does not comply.</p> <p>Despite the shortfall, the proposed parking is suitable for the site having regard to the amended Traffic Impact Assessment report. See Development engineer's assessment.</p> <p>Complies.</p>

Accessible area

The SEPP (Affordable Rental Housing) 2009 provides for parking minimums on the basis of accessibility. The SEPP provides the following definition of accessible area:

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Assessment of Clause 29 – <u>Standards that cannot be used to refuse consent</u>	
Standard	Assessment
<p>The <i>Passenger Transport Act 1990</i> provides the following definition of ‘regular bus service’:</p> <p>Regular bus service means any regular passenger service conducted by bus (including any transit way service).</p> <p>The site fronts Cowper and King Street. Bus services to the Sydney CBD, Kensington Campus and surrounding areas are readily available within 400m of bus stops. Further, light rail stop at Alison Road is within 190m and 400m of the Alison Road stop and within 500m of the Centennial Park Stop.</p> <p>The frequency of services for a number of bus and light rail routes satisfies the requirements of the definition.</p> <p>Complies.</p>	
<p>(7) Accommodation size</p> <p>If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>Does not comply, however the size of rooms is considered satisfactory based on the following:</p> <p>All boarding rooms are for single lodgers however they are around 10sqm for each room below the 12sqm minimum. The applicant has provided justification that the 10sqm rooms provide reasonable amenity for future occupants on the basis of the following:</p> <ul style="list-style-type: none"> • The smaller rooms are designed into clusters to encourage interaction; • Each cluster is provided with a communal living area and when averaged across each cluster they provide an average area equivalent to around 12sqm for each room. • The site is owned by the UNSW an educational establishment. • Other student housing projects are similarly designed such as those operating within the Kensington Campus which has an average area of 10.5sqm for each boarding room. • The existing facility provides similarly sized rooms; <p>Complies.</p>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding</p>	<p>The proposal includes shared bathroom and kitchen facilities in each cluster.</p>

Assessment of Clause 29 – Standards that cannot be used to refuse consent

Standard	Assessment
room.	

Assessment of Clause 30 Standards for boarding houses

Standard	Assessment
(a) If a boarding house has 5 or more boarding rooms, at least one (1) communal living room will be provided.	2 ground level communal rooms are provided within the building. A communal living room is also provided for each cluster which readily meets the needs of future occupants. Complies.
(b) No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.	All rooms are well under the maximum allowable. Complies.
(c) No boarding room will be occupied by more than 2 adult lodgers.	All boarding rooms are occupied by single lodgers. A condition is also included in the recommendation restricting the occupancy of rooms. Complies.
(d) Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	There are adequate facilities in each cluster. Complies.
(e) If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.	The proposed development will accommodate a maximum of 152 additional lodgers however does not include an onsite manager's room. This is consistent with the existing arrangements at the site accommodating 185 existing beds in an apartment arrangement. The UNSW indicates that the student accommodation is managed by UNSW Student Accommodation Team and has done so for a considerable period. A plan of management is in place and required to be updated inclusive of a parking management plan. Complies.
(g) If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	N/A
(h) At least one parking space will be provided for	The undercroft area includes provision for 5

Assessment of Clause 30 Standards for boarding houses	
Standard	Assessment
a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	<p>motorcycle spaces (nil existing) and 97 bicycle spaces (89 for residents and 8 for visitors). Note: 48 existing bicycle spaces are provided.</p> <p>Does not comply. The applicant has submitted a Traffic Impact Assessment report and a Clause 4.6 exception to the development standard justifying the low ownership rate, low utilisation rate of the existing parking facilities despite no charge for the use of this facility.</p> <p>Several site visits observed the underutilisation of on-site parking.</p>

Assessment of Clause 30A- Character of the local area
<p>Character of the local area</p> <p>The consent authority is required to take into consideration whether the design of the development is compatible with the character of the local area.</p> <p><u>Context:</u></p> <p>The site has a frontage of 47.605m to King Street, a depth of around 182m to Mulwarree Avenue and a total site area of 8606m².</p> <p>To the west, the site adjoins detached dwelling houses and the car parking level of a flat building at No. 5A William Street. To the north across King Street is the Randwick Bus depot, further afield is the University of NSW, Randwick TAFE and further east is the Montefiore Aged Care development. To the east on the opposite side of Mulwarree Avenue are 17 sites predominately containing two and three storey residential flat buildings built between 1930's and 1950's.</p> <p>The site is located within 500m of the future Wansey Road rail stop and within 700m of a Royal Randwick light rail stop connecting to the UNSW Kensington Campus, Prince of Wales Hospital and the Sydney CBD.</p> <p>The locality is occupied by a mix of residential and infrastructure type land uses of a built form and height comparable to and compatible with the proposed development. The proposed built form also sits comfortably within the site providing sizable setbacks from adjoining properties and will contribute to the desired streetscape character of the medium density zone.</p> <p>The following image demonstrates the zoning context. The site is amongst other R3 zoned sites for Medium density residential. It is also in very close proximity to neighbourhood centre and several special infrastructure zoned sites containing educational establishments such as the Randwick TAFE, UNSW Randwick Campus and Montefiore Aged Care centre.</p>
<p>Zoning context</p>

Assessment of Clause 30A- Character of the local area



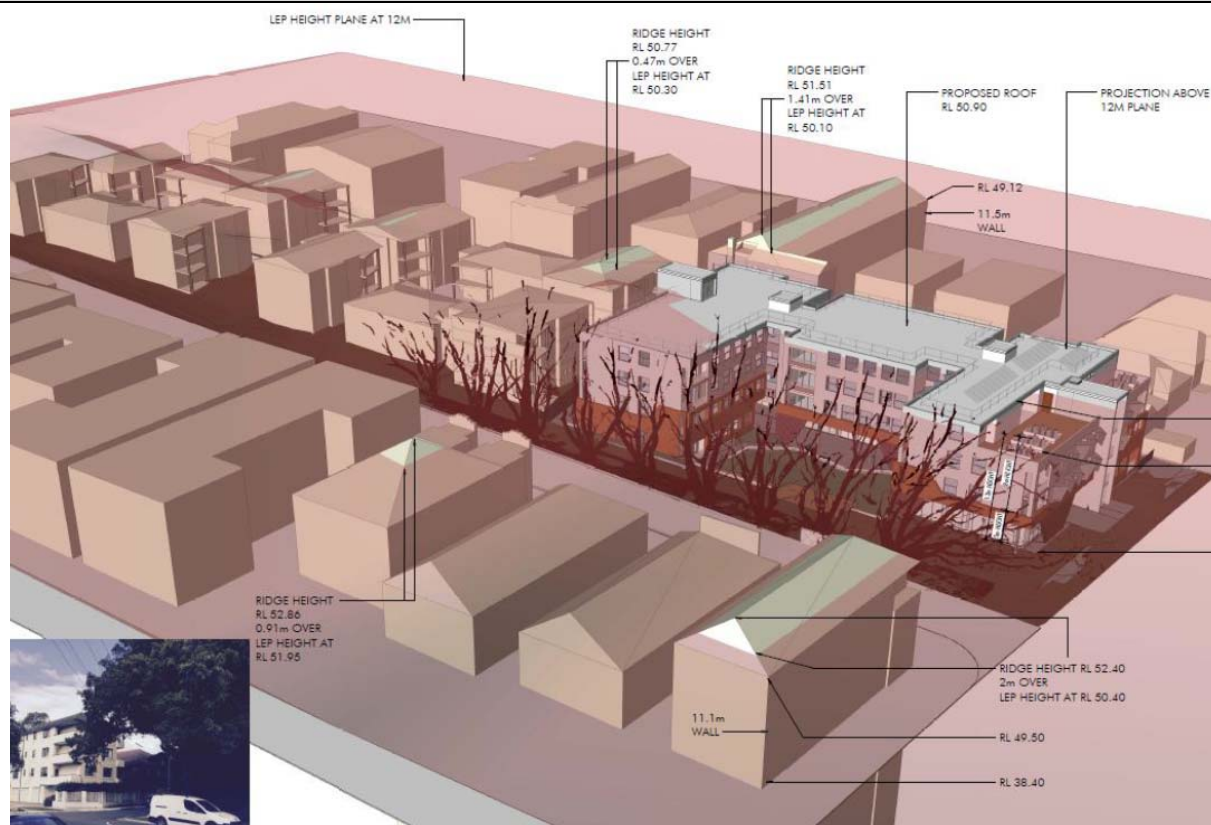
Compatibility of built form:

When viewed from King Street and surrounding properties the development will read as a part 3 part 4 storey building in a horse shoe arrangement from Mulwarree Avenue and as a stepped-in top level from King Street. The proposed development contains sizable setbacks from the eastern and western side boundaries and overall is a well-articulated and attractive built form. Notwithstanding the non-compliance with the maximum allowable height limit under the RLEP of 12m which is addressed in Section 4.0 of this report, the surrounding permissible built form allows for the following building heights:

- No height limit for the properties immediately north across King Street containing the Randwick Bus Depot, Randwick TAFE and the UNSW Randwick Campus.
- 12m immediately to the west, east and south for both properties within the R3 zone medium density residential and Neighbourhood Centre along Alison Road.

In addition, the proposal, as amended, ensures that those parts of the scheme which exceed the maximum height limit are limited to only small portions of the top most level. The top most level also contains sizable setbacks from the front and side boundaries which are greater than those required under the RDCP ensuring the development's bulk and scale presents as a part three part four storey development that will be consistent with the design guidelines for medium density development envisaged in the RDCP. It is also important to note that the King Street side of the site is subject to flooding which requires the ground level to be raised above existing. The image below provided courtesy of Urbis shows that the elements that project above the height standard are limited to the upper most parts of the top level which as noted earlier have sizable setbacks from the respective front and side boundaries of the site.

Assessment of Clause 30A- Character of the local area



Within the above context, the proposed development is entirely compatible. Importantly, it is also noted that the proposed development will not isolate the properties along the western side of King Street from No. 31 to 37 owned by two owners in terms of potential to accommodate future forms of permissible development.

Compatibility of use:

The proposed use of the site, which comprises a boarding house with 307 rooms, and communal facilities, parking and landscaping constitutes a permissible form of development. The site has operated as a student housing facility for a significant period of time and there have not been any significant complaints received from neighbouring residents. Effective measures in relation to operation and management of the boarding house have been employed in a Plan of Management and will be required to be updated to include measures to effectively manage parking on site. These measures are recommended for enforcement by way of an appropriate condition of consent and will ensure that the development results in sustainable amenity impacts to adjoining residents. The proposed development will provide contemporary affordable housing suited to students in an ideal location opposite the University of NSW Randwick Campus, Randwick TAFE and within close proximity to public transport (including imminent light rail), infrastructure facilities including the POW hospital and commercial centres integrating effectively into the evolving character of the locality.

Consistency with the objectives of the Residential R3 zone:

The proposal is clearly consistent with the objectives of the zone, detailed as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts*

Assessment of Clause 30A- Character of the local area

undergoing transition, that contribute to the desired future character of the area.

- **To protect the amenity of residents.**
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

The main objectives relates to protecting the amenity of residents. The application has been the subject of considerable additional details and materials seeking to demonstrate that the amenity of neighbouring properties are suitably protected. In particular, the main issues relate to traffic and parking, solar access and overshadowing and visual and acoustic privacy and are addressed as follows:

Parking

The application seeks to add student housing and at the same time reduce car parking, provide shorter than minimum motorcycle parking required for the additional rooms and less than the minimum required bicycle spaces required. The applicant has submitted a traffic impact assessment report that details the following justifications:

- Survey of car usage and ownership showing that the existing parking on site is underutilised and projecting the future demand for parking based on the proposed number of boarding rooms which has been reduced by 8 rooms;
- Indicated the use of the UNSW shuttle bus that moves between the nearby UNSW Randwick Campus and the UNSW Kensington Campus that drops off students at the Mulwarree Avenue apartments after hours;
- Additional motorcycle parking beyond the 5 proposed as part of this application may be provided by relocating the proposed new bicycle spaces from the undercroft area to around the site. These are required to be well lit and shielded from view to ensure sufficient safety and security. The additional motorcycle parking spaces could encourage alternative modes of transport to private vehicle usage.
- Council's Development Engineer proposes a condition requiring the management of parking on site and requiring a review of the take up rate for parking on site;
- Council's objectives also provide a strong emphasis on encouraging environmental sustainable transport opportunities particularly in localities where public transport infrastructure is frequented and facilities and services are available to meet the day-to-day needs of the residents. Clause 1.2(2)(c) and (e) of the Randwick Local Environmental Plan 2012 specifies the aims of the plan are; 'to support efficient use of land, integration of land use and transport, and an appropriate mix of uses', and 'to promote sustainable transport, public transport use, walking and cycling'. The proposed development satisfies these aims of the RLEP in that the subject site is located in an area that has regular public and private transport bus services and soon to be light rail options. The private UNSW shuttle bus service that commutes between the two UNSW campuses and drops off students at the Mulwarree Apartments between 6:30pm and 11:30pm is a key supporting argument for demonstrating that the development will not result in any significant increase in demand for parking on the surrounding street network.
- The surrounding residential streets are subject to restricted parking and there is no provision for parking stickers to be issued to residents of the student housing complex.

Overall, it is considered that the sites ownership and operation by the UNSW student accommodation service and provision of a shuttle bus are fundamental to supporting the level of parking provided make it a preferable option to endorse more environmentally sustainable forms of transport.

Solar Access and overshadowing

Whilst the RDCP does not contain specific controls in relation to solar access and overshadowing impacts for boarding houses, the objectives and controls from C2 - Medium Density Residential

Assessment of Clause 30A- Character of the local area

development provide a suitable guide in this regard:

- *To ensure the design, orientation and siting of development maximises solar access to the living areas of dwellings and open spaces, and is encouraged to all other areas of the development.*
- *To ensure development retains reasonable levels of solar access to the neighbouring properties and the public domain.*
- *To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.*

The controls with respect to surrounding properties require that part of a window to living areas and at least 50% of private open space areas receive a minimum of 3 hours of direct sunlight between 8.00am and 4.00pm on June 21. The proposed development achieves compliance with the above criteria in relation to the adjoining dwelling house at 35 & 37 King Street to the west. It also achieves compliance with the above criteria for the first floor unit in No. 5A William Street the most susceptible to overshadowing. It also achieves compliance with the above criteria for No. 7 Mulwarree Avenue.

Notwithstanding the compliance above, the proposed impacts are considered acceptable in the circumstances for the following reasons:

- The orientation of the site and density permitted on the site will result in an inevitable amount of overshadowing for any compliant form of development to the north.
- The predominant western side setback of 6m is generous in the circumstances and will allow for good levels of physical separation and ingress of natural light to the dwelling at No. 37 King Street.
- The proposed development is well below the FSR controls allowable under the SEPP (Affordable Rental Housing) 2009 and generally satisfies the requirements of Council's DCP controls, indicative of an acceptable form of development on the site compatible with surrounding development and the local character of the area.
- The height non-compliance is largely due to a combination of the difficult sloping topography, flood affected property of the site and such constraints severely limit the ability to carry out a reasonable form of development on the site. It is further noted that the non-compliant component of the uppermost floor represents a relatively small portion of the total volume of this floor.

Visual and Acoustic Privacy

The general objectives of the DCP in respect to Visual and Acoustic privacy are:

Visual Privacy

- *To ensure a high level of amenity by providing for reasonable level of visual privacy for dwellings and neighbouring properties.*
- *To ensure new development is designed so that its occupants enjoy visual and acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.*

Acoustic Privacy

- *To ensure a high level of amenity by providing for reasonable level of acoustic privacy for dwellings and neighbouring properties.*
- *To ensure dwellings are designed so that its occupants enjoy acoustic privacy, whilst maintaining the existing level of privacy of adjoining and nearby properties.*
- *To ensure dwellings are designed to minimise impacts from significant exterior noise sources such as arterial roads, flight paths, industries and ports.*

Assessment of Clause 30A- Character of the local area

- To design buildings with adequate separation within the development and from adjoining properties*

The layout of all boarding rooms most susceptible to privacy impacts relates to those facing west and south within its own site. In order to ensure sufficient privacy protection of the neighbouring properties namely at No. 37 King Street and No. 5A William Street a condition is included requiring additional physical measures to the west facing windows and balconies for these west facing boarding rooms and balconies. These include requirement for an effective sill height of 1.6m above internal floor level for boarding room windows and a 1.6m high privacy screen for balconies that are open to the west. With regard to the third floor front terrace, a condition is included requiring a 900mm wide landscaped planter to the western, eastern and northern perimeter of the terrace.

To minimise acoustic impacts a condition is included requiring acoustic fencing to the western side boundary.

The above measures will ensure acceptable mutual levels of visual and acoustic privacy between the proposed development and surrounding properties.

The physical impacts on surrounding properties detailed in this report and the RDCP section of this report are assessed as acceptable. Furthermore the appearance of the proposed development will be in harmony with the evolving nature of the streetscape.

The local character test is satisfied on this occasion.

The application is therefore consistent with the requirements of the SEPP.

8.5 Randwick Local Environmental Plan 2012:

The subject site is zoned R3 Medium Density under Randwick LEP 2012. The proposal development is classified as a boarding house and is permissible in the zone. The proposal is consistent with the objectives of the zone which are:

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

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.9:1 plus 0.5:1 bonus under the ARH SEPP = 1.4:1	0.91:1	Yes
Height of Building (Maximum)	12m	The proposed building as amended has a building heights of 13.56m for the roof	No. Assessed as acceptable as detailed under Section

		<p>parapet, 14.4m for the lift overrun and 15.65m for the rear access stair.</p> <p>The original application sought a building height to the roof plant and equipment of 16.31m across a substantial portion of the roof.</p>	4.0 of this report.
Heritage	Clause 5.10 requires consideration of nearby heritage items.	Councils Heritage planner raises no objections to the proposed development having regard to the considerations under Clause 5.10	Yes

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**

Part C3: Boarding Houses

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
1	Building Design		
	<p>Boarding rooms</p> <p><i>Orientate to receive the maximum amount of sunlight;</i></p> <p><i>Provide a balcony, terrace or window opening to outdoor areas for natural light and ventilation; and</i></p> <p><i>Where provided, private open space in the form of a balcony or terrace must have a minimum</i></p>	The proposal provides sufficient solar access to the rooms.	Yes

DCP Clause	Controls	Proposal	Compliance
	<i>useable area of 4 square metres.</i>		
	<p>Outdoor Communal Open Space</p> <p><i>Provide for all boarding houses, with a minimum total area of 20 square metres and a minimum dimension of 3 metres;</i></p> <p><i>Provide at ground or podium level in the form of a courtyard or terrace area, accessible to all residents; Locate and orientate to maximise solar access;</i></p> <p><i>Incorporate both hard and soft landscaped areas;</i></p> <p><i>Provide shared facilities such as fixed outdoor seating benches, barbecues and the like to allow social interaction; and</i></p> <p><i>Provide partial cover for weather protection, such as pergola, canopy or the like, where it does not cause unreasonable overshadowing on adjoining properties.</i></p>	<p>The proposal provides 2 areas of ground floor open space in the form of courtyards with good orientation and solar access whilst being partially covered to provide adequate weather protection. The combined areas are well in excess of the minimum required area and minimum dimension.</p> <p>Landscaping is sensitively located to provide for adequate softening of the development to front, side and rear boundary interfaces.</p>	Yes
	<p>Indoor Communal Facilities</p> <p><i>Provide with a minimum dimension of 3 metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater (48m²); and</i></p> <p><i>Orientate to maximise solar access and have a northerly aspect where possible.</i></p>	<p>The communal lounge and study at ground level have a combined area of 311sqm and is supplemented by the private living rooms in each cluster module approximately 24sqm (25 in total) each level</p>	Yes

DCP Clause	Controls	Proposal	Compliance
		including further breakout spaces on levels 1 to 3) with lounges (192sqm). Across the entire site, the combined internal communal space has a total area well in excess of the communal space required per resident.	
	<p>Communal Kitchen Bathroom and Laundry Facilities</p> <p><i>For all boarding houses, provide communal kitchen, bathroom and laundry facilities where they are easily accessible for all residents, unless these facilities are provided within each boarding room;</i></p> <p><i>For development of over 12 boarding rooms without en suite bathrooms, provide separate bathroom facilities for male and female residents;</i></p> <p><i>Locate and design any communal laundry room to minimise noise impact on boarding rooms and neighbouring properties; and</i></p> <p><i>Where possible, locate clothes lines to maximise solar access while not compromising the street amenity or usability of communal open space.</i></p>	<p>Communal kitchen and bathroom facilities are provided and positioned to maximum amenity for each cluster. Bathroom facilities are provided within each cluster and may be able to be shared.</p> <p>Drying areas with good solar access are located adjacent to the western side boundary alongside the laundry room and opposite the rear yard of No. 37 King Street. The applicant has submitted an acoustic report and is the subject of conditions which seek to minimise noise impacts on The neighbouring properties. A management plan is also required to be updated to minimise the impact of noise nuisance to neighbouring properties.</p>	Yes
	<p>Safety and Crime Prevention</p> <p><i>Locate building entry points and internal entries to living areas where they are clearly visible from common spaces;</i></p> <p><i>Locate a habitable living area (such as lounge room, kitchen, dining or bedroom) to allow general observation of the street and</i></p>	<p>The design of the boarding house incorporates adequate measures in accordance with CPTED principles such as natural surveillance (horse shoe arrangement and open</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	<p><i>communal open space;</i></p> <p><i>Separate ground level private open space from public and common areas by measures such as open fencing or low level plants; and</i></p> <p><i>Select trees and low-lying shrubs that do not interfere with sight lines nor provide opportunities for concealment or entrapment.</i></p>	<p>areas), access control (temporary and permanent fencing and access control), territorial reinforcement (landscaping assists in delineating between communal and private areas) and space management (the arrangement of large open spaces and on-going management of cleaning and landscaping ensure good space management).</p>	
	<p>Visual and Acoustic Amenity and Privacy</p> <p><i>Indicative locations of facilities and appliances for bathrooms, kitchens and laundries must be clearly shown on the DA plans/drawings;</i></p> <p><i>Locate kitchen, dining room, lounge room and outdoor open space adjacent to or directly accessible from each other;</i></p> <p><i>Locate similar uses (such as bedrooms or bathrooms) back to back, to minimise internal noise transmission;</i></p> <p><i>Provide screen fencing, plantings and acoustic barriers where practicable to screen noise and reduce visual impacts;</i></p> <p><i>Where possible locate the main entry point at the front of the site, away from the side boundary and adjoining properties;</i></p> <p><i>Locate communal open space, balconies and windows to bedrooms or communal areas, to minimise overlooking, privacy and acoustic impacts on adjoining properties;</i></p> <p><i>An acoustic report prepared by a suitably qualified acoustic consultant must be submitted for new development or conversions/intensifications with an increase in resident numbers. The report must: establish the existing background noise levels; identify all potential noise sources from the operation of the premises, including any mechanical plant and equipment; estimate the level of potential noise emission; establish desirable acoustics performance criteria; and recommend any</i></p>	<p>The layout of all boarding rooms will have an excellent outlook given the sizable setbacks provided from respective boundaries.</p> <p>All living rooms and breakout spaces are similarly located.</p> <p>The communal areas are sufficiently setback from neighbouring properties. The third floor front terrace is conditioned to require planter boxes around the perimeter to minimise overlooking.</p> <p>With regard to west facing balconies and windows a condition is included requiring privacy treatment below 1.6m above the respective floor levels of balconies and windows.</p> <p>An acoustic report has been submitted and the subject of conditions of consent.</p> <p>The above measures will ensure acceptable mutual</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	<i>mitigation measures (such as sound proofing construction and/or management practices) required to achieve relevant noise criteria.</i>	levels of visual and acoustic privacy between the proposed development and surrounding properties.	
	<p>Management Plan</p> <p><i>Submit a Management Plan with all DAs for new and existing boarding houses, that addresses the general requirements outlined in the Management Plan section in Part B, and the following specific requirements:</i></p> <p><i>Criteria and process for choosing residents. Preference should be given to people on low and moderate incomes;</i></p> <p><i>A schedule detailing minimum furnishings for boarding rooms, provision of facilities and appliances for kitchens, bathrooms and laundry rooms and maximum occupancy of each room;</i></p> <p><i>House rules, covering issues such as lodger behaviour, visitor and party policies, activities and noise control, use and operation hours of common areas (e.g. communal open space and living rooms) and policies for regulating smoking and consumption of alcohol and illicit drugs;</i></p> <p><i>Professional cleaning and vermin control arrangements for at minimum, the shared facilities, such as kitchens and bathrooms;</i></p> <p><i>Public notice and signs, including:</i></p> <p><i>A sign showing the name and contact number of the manager/caretaker, placed near the front entry and in a visible position to the public;</i></p> <p><i>Clear display of fixed room identification number for each boarding room; and</i></p> <p><i>Internal signage prominently displayed in each boarding room and/or communal living areas informing maximum number of lodgers per room, house rules, emergency contact numbers for essential services, annual fire safety statement and current fire safety schedule and emergency egress routes and evacuation plan.</i></p> <p><i>The manager/caretaker must maintain an up-to-date accommodation register with information on residents' details, length of stay,</i></p>	<p>A plan of management and House Rules accompany the application. Adherence to these controls will be a conditional requirement of the consent and where necessary these are required to be update.</p> <p>The subject site contains an existing student housing facility that appears to be well managed by the UNSW Student Accommodation Team which manages a large number of students throughout the various residential colleges, self-catered apartments (such as the existing) which account for approximately 3200 spaces. Appropriate conditions are included to ensure that the site continues to be managed appropriately.</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	<i>etc. and provide to Council officers upon request.</i>		

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	Relocated to undercroft area and will not be visible from streetscape or surrounding properties.	Yes
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.		Yes
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.		Yes
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).		Yes
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.		Yes
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.		Yes

- **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.

The project is subject to the provision of Randwick City Council Section 7.12 Development Contribution Plan. The Plan authorises Council to collect a levy, being one percent of the proposed cost of carrying out of development, for the development on land within the Randwick local government area. In accordance with the Plan, the following monetary levy is required:

The proponent has provided a detailed cost summary report prepared by a registered Quantity Surveyor indicating the total estimated development cost is \$89,003,497 including GST.

Category	Cost	Applicable Levy	Section 94A Levy
Development cost \$100,001 - \$200,000	-	0.5%	-
Development Cost More than \$200,000	\$25,380,640	1.0%	\$253,806.40

9. Environmental Assessment

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	See discussion in sections 4 & 7
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 DCP 2013. See table in Appendix 3 and the merit assessment relating to relevant numerical controls not met.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	NA
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	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the desired and future dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
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 proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions 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.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4: Excellence in urban design.

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

Conclusion:

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls. The site planning, built form, massing and façade articulations will create a satisfactory streetscape outcome for King Street and Mulwarree Avenue. The development will not result in unreasonable impacts on the amenity of the surrounding areas in terms of visual bulk and scale, solar access, views, privacy and traffic and parking demands subject to conditions.

The proposed development density and scale are justified by the site's location and setbacks from the respective site boundaries within the UNSW Mulwarree self-catered apartments, and its proximity to services in Randwick Town Centre and public transport. The proposal involves removal of a number of mature trees within the campus. However, adequate replacement planting and landscaped areas have been incorporated to compensate for their loss including retention of the Hill's Weeping Fig Trees that line the eastern side of the site.

The proposal represents an economic and orderly use of the site and will deliver positive planning benefits.

Therefore, the proposal is recommended for approval subject to conditions.

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 Clauses 4.3 of the Randwick Local Environmental Plan 2012, 30(e) and CL.30(h) of the AHSEPP relating to onsite boarding manager and motorcycle parking respectively, on the grounds that the proposed development complies with the objectives of the above clauses, 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. 183/2018 for construction of a four-storey development for the purposes of student housing, comprising 152 beds in cluster modules containing between 3 and 7 beds including a communal living rooms, ground level communal areas, laundry and open space and associated landscaping works at No. 1 Cowper Street Randwick, subject to the following conditions:

Note: The UNSW as the Crown is currently in the process of reviewing the recommended contents of conditions.

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DA008 Proposed Carpark Site Plan C	nettletontribe	18.01.19
DA009 Site Roof Plan / Streetscape Plan D		20.05.19
DA011 Ground Floor Plan B		22.03.19
DA012 Level 1 Floor Plan B		22.03.19
DA013 Level 2 Floor Plan B		20.05.19
DA014 Roof Plan C		20.05.19
DA015 Level 3 Floor Plan A		20.05.19
DA031 Elevations C		20.05.19
DA032 Elevations C		20.05.19
DA033 Elevations C		20.05.19
DA035 Streetscape Elevations C		20.05.19
DA041 Sections C		20.05.19
DA042 Sections C		20.05.19

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. Privacy screens having a height of 1.6m (measured above balcony floor level) shall be provided to balconies open in a westerly direction.

Privacy screen/s must be constructed with either:

- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable);
- Fixed lattice/slats with individual openings not more than 30mm wide;
- Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

- b. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed up to this height and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - Level 1 to 3 west facing boarding room windows.

Any west facing louvre windows attached to boarding and living rooms shall be treated with obscured glazing up to 1.6m however they are permitted to open a maximum of 250mm outwards.

- c. The front level 3 terrace shall be amended to include a 900mm wide landscaped planter to the western, eastern and northern perimeter of the terrace.
- d. To minimise acoustic impacts an acoustic lapped and capped side boundary fence shall be provided along the western boundary of the development.

REQUIREMENTS BEFORE A CROWN CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a crown construction certificate for the development.

Section 7.12 Development Contributions

5. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$25,380,640 the following applicable monetary levy must be paid to Council: \$253,806.40.

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.

Compliance Fee

6. 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

7. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 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.

Sydney Water Requirements

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

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

*The Sydney Water **Tap in™** online service replaces the Quick Check Agents as of 30 November 2015*

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

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

Sydney Water's **Tap in™** online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

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

Security Deposit

9. 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*:

- \$7000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

10. 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.

Tree Protection

11. Prior to lodging a Crown Construction Certificate the applicant must undertake the following with respect to the row of nine *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs, T15-23):
 - Perform root mapping along the edge of the works in locations to be agreed with Council with the depth to be specified;
 - Provide an Arboricultural Impact Assessment detailing findings, encroachments of SRZ & TPZ and extent of canopy/clearance pruning, as per AS 4970-2009: Protection of Trees on development sites;
 - Any recommendations/mitigation measures;
 - Include photos of trenches; size, location and quantity of roots, canopy loss for pruning etc.

All works on the development site must reference the agreed recommendations and mitigation measures. The applicant must liaise with Council's Landscape Development Officer prior to undertaking the referenced investigative works to obtain Council's requirements for the scope and location of the trenching etc.

Telecommunications infrastructure

12. Prior to the issue of a Crown Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
 - (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
 - (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

NOTE: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

Transport for NSW (TfNSW)

13. The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any work on site. The CPTIMP needs to specify, but not limited to, the following:
- Location of the proposed work zone
 - Haulage routes;
 - Construction vehicle access arrangements;
 - Proposed construction hours;
 - Estimated number of construction vehicle movements;
 - Construction program
 - Consultation strategy for liaison with surrounding stakeholders;
 - Any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site and buses accessing the Randwick Bus Depot from construction vehicles during the construction of the proposed works;
 - Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
 - Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

The applicant shall provide the builders direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to the traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the building's direct contact number is current during any stage of construction.

TfNSW requests that the applicant consults within the Sydney Coordination Office within TfNSW in relation to the above issues. TfNSW would be pleased to consider any further material forwarded from the applicant.

If clarification of the above is required please contact Mark Ozinga Principal Manager Land Use Planning and Development of TfNSW.

Sydney Airport Corporation Limited (SACL) - Airspace

14. The maximum height to the topmost point of the proposed building, including any rooftop installations, such as lift overruns, air conditioning plant and equipment, solar panels, vents, chimneys, aerials and the like, shall not exceed RL53.6 metres above AHD, as denoted in the Sydney Airport Corporation Limited letter to Council dated 25 February 2019 (Reg No.: 18/0295a). Should these heights be exceeded, a new application is required to be submitted. SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information requirements are contained in the letter identified above. Details demonstrating compliance shall be incorporated in the Construction Certificate.

REQUIREMENTS TO BE INCLUDED IN THE CROWN 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

15. 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

16. 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.

Site stability, Excavation and Construction work

17. 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

18. 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.
19. 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.
20. Prior to the issuing of a Crown Construction Certificate the applicant must submit to Council for approval, and have approved, a Car Parking Management Plan / Strategy. The primary purpose of the Car Parking Management Plan / Strategy is to ensure that car and motorbike numbers of residents within the proposed development are minimised and that all vehicles of residents are accommodated onsite (not in the streets surrounding the development site). The

Car Parking Management Plan / Strategy shall focus on minimising vehicle numbers, alternate transport options, (e.g. shuttle bus operation), staff and visitor parking arrangements and must be prepared in full consultation with Council. The Car Parking Management Plan / Strategy must include a review mechanism and the approved Car Parking Management Plan / Strategy must form part of the development consent and must be complied with at all times.

21. Prior to the issuing of a Crown Construction Certificate the applicant must submit to Council for approval, and have approved, a detailed parking layout of the entire development site, (including all the proposed bicycle parking areas). The parking layout must consider relocation of the proposed additional bicycle spaces from the basement and must provide for a minimum of 1 additional carspace and 5 additional motorbike spaces, (i.e. to provide an absolute minimum of 34 carspaces and 10 motorbike spaces in the basement). The detailed parking layout must be prepared in consultation with Council.

Design Alignment levels

22. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

- **Match the back of the existing footpath along the full King Street and Cowper Street 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 Crown 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.

23. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$2505** calculated at \$53.00 per metre of site frontage to King Street. This amount is to be paid prior to a construction certificate being issued for the development.

Stormwater Drainage & Flood Management

24. Prior to lodging a Crown Construction Certificate Application the applicant must obtain from Council a flood report that provides the critical 1%AEP flood levels from the subject site (in particular the King Street frontage). The floor level of all habitable, retail, commercial and storage areas (excluding those in the basement carpark) shall be at a minimum RL of 500mm above the critical 1%AEP Flood Level or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the Crown construction certificate documentation.
25. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the Crown construction certificate documentation.
26. The ground floor level located along the King Street site frontage shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate. This requirement does not necessitate the development being flood

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

27. 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 Crown 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
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

Internal Drainage

28. 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 King Street; or
 - ii. Directly into Council's underground drainage system located in King Street via a new and/or existing kerb inlet pit.

- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the redeveloped portion of the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority. 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 arrester pit shall be regularly inspected and cleaned".

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

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

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

- l) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - 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)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - 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. Mulch or bark is not to be used in on-site detention areas.
- 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.

Site seepage, Dewatering and Groundwater

29. A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of seepage water and the water table upon the development, prior to issuing a Construction Certificate, to the satisfaction of the Certifying Authority.

The report must confirm whether or not the site is or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater.

30. Where the site is affected by groundwater or fluctuating water table (including during the course of construction), the following requirements must be satisfied:

- a) Groundwater and sub-soil drainage must not be connected or discharged to the stormwater detention tank or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
- b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
- c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
- d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed methods of managing groundwater, including tanking and waterproofing of affected structures, must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the certifying authority, prior to issuing the Crown construction certificate. **A copy of the proposed method for tanking the basement / lower levels must be forwarded to Council if Council is not the Certifying Authority**

Waste Management

31. 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.

32. 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:

33. Landscaping is to be provided to the site in accordance with the following requirements:

Detailed landscape drawings and specifications are to be submitted to and approved by the certifying authority with the construction certificate and the landscaping is required to be implemented in accordance with the approved plans and specifications. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). If Council is not the certifying authority for the development, a copy of the approved plans and specifications are to be forwarded to Council with the construction certificate.

The landscaping plans/specifications are required to include the following components:

- A site plan at an appropriate scale showing: existing site boundaries; existing trees within the property (clearly identified as being retained or removed); existing street trees (clearly identified as being retained or removed); features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc); council's footway; existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained; proposed building envelope; proposed areas of pavement; and proposed landscaped areas.
- The position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
- A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- Details of planter boxes, garden beds, soil and mulch, irrigation, landscape lighting, edging, paving, fencing, surface finishes, retaining walls, site composting, vehicle wheel-stops and any other landscape elements in sufficient detail to fully describe the proposed landscape works. *Planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.*
- Details of Tree Protection measures, including details of compliance with relevant conditions of consent.
- Position of existing and proposed site services including water, gas, electricity, sewer, stormwater and any easements etc. *Any required substation shall be suitably screened from view. Details of the proposed location of any substation/s including plans, elevations and proposed screening methods are to be submitted to and approved by Council prior to issuing a construction certificate.*
- Elevations and sections through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- An automatic irrigation system throughout all planted areas to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the

planted areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements.

34. 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.

Tree Protection Measures

35. In order to ensure the retention of the the row of nine *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs, T15-23) in good health the applicant must submit to Council for approval, and have approved, a comprehensive tree protection plan. The plan must be prepared by a suitably qualified consultant in consultation with Council's Landscape Development Officer. The approved tree protection measures must be complied with at all times.

Public Utilities

36. A *Public Utility Impact Assessment* must be carried out to identify 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 owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

37. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:

- a) A NSW Environment Protection Authority (EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- a) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council **prior to:**

- i) **any occupation certificate being issued for the development, OR**
- ii) **a subdivision certificate being issued for the development.**

- b) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority (EPA) and NSW Planning & Infrastructure, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

- c) Should the remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- d) Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

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

- e) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

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

- f) 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 *NSW Work Health & Safety Act 2011* and Regulations.
- g) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

38. The Site Audit Statement must, where no guideline made or approved under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source

of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed and implemented, to the satisfaction of a suitably qualified and experienced specialist and the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

39. A Construction Management Plan (CMP) must be developed and implemented throughout the construction works at the site, which includes as a minimum the following requirements:-

- Worker personal protective equipment – as a minimum workers shall wear dust masks, eye protection and gloves during all soil works;
- Dust suppression techniques are to be used prior to any soil disturbance occurring;
- Exposed soils must not remain uncovered/open for extended periods of time;
- Sediment and normal runoff control devices (i.e.: silt fencing) must be provided during soil works in accordance with the conditions of this consent;
- Any exposed soil areas not subsequently covered with the associated development are to be capped with clean soil and turf;
- Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2014* 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.
- All excavated soils must be stockpiled under controlled conditions (i.e. on a plastic sheet and covered with plastic) on site until disposal requirements are determined and carried out;

40. A copy of the Construction Site Management Plan and the conditions of development consent must be provided to site workers, owner, builder and the Principal Certifying Authority for the development, to ensure that they are aware of these specific requirements.

A copy of the Construction Site Management Plan and details of the classification and disposal of waste materials shall be forwarded to Council, prior to commencement of works.

41. All soil waste shall be sampled and disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) to determine the waste classification prior to disposal.

42. Hazardous or intractable wastes arising from the site works and excavation process must be removed and disposed of in accordance with the requirements of Safe Work NSW and the Environment Protection Authority, and with the provisions of:

- ☐ *Work Health and Safety Act 2011;*
- ☐ *Work Health and Safety Regulation 2011;*
- ☐ *Protection of the Environment Operations Act 1997 (NSW) and*
- ☐ *NSW EPA Waste Classification Guidelines (2014).*

43. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

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

REQUIREMENTS 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

45. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - a) a copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) 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
 - d) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
 - e) 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

46. 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

47. 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

48. 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.

- a) 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

49. 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

- 50. 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

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

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

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

- 52. 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.

53. 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.

Public Utilities

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. 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.

Tree Protection Measures

55. In order to ensure retention of the row of nine *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs, T15-23) that are located along the eastern boundary of the subject site in good health, the following measures are to be undertaken:
 - All documentation must show their retention, with the position and diameter of both their trunks and canopies, along with their SRZ's, TPZ's and tree identification numbers, as taken from the Arboricultural Impact Assessment by The Ents Tree Consultancy, dated 01/12/17 (*"the Arborist Report"*) to be clearly and accurately shown in relation to the works.
 - Prior to the commencement of any site works, the Crown Certifier/Certifying Authority/PCA must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works, and will be responsible for implementing and monitoring the conditions of development consent, along with any other instructions issued on-site.

- The Project Arborist must be present on-site at the relevant stages of works, including for the establishment of the TPZ, as well as during demolition of the most eastern building, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the Crown Certifier/Certifying Authority/PCA, prior to the completion of works; and/or; any Occupation Certificate.
- These trees are to be physically protected as one continuous group by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **8 metres** to their west (measured off the outside edge of their trunks at ground level), matching up with the northern site boundary, in order to completely enclose this group for the duration of works, with this setback then able to be reduced in the vicinity of T15-16, closest to the building, only where deemed appropriate in writing by the Project Arborist, so as to assist with access/clearances for machinery and similar during the approved works.
- This fencing shall be installed prior to the commencement of demolition and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level along the western edge of the TPZ.
- If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around affected areas, to which, lengths of evenly spaced hardwood timbers shall be placed around their circumference, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- Where roots are encountered which need to be cut, this can only be performed by, or, under the direct supervision of, the Project Arborist, and they must be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
- The Crown Certifier/Certifying Authority/PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to the completion of works/any Occupation Certificate.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

56. 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

57. 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

58. 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 10m² 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Excavations, Back-filling & Retaining Walls

59. 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

60. 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

61. 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

62. 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

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

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

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

Notes:

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

Public Safety & Site Management

64. 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

65. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 3.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Survey Requirements

67. 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

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

Site Seepage & Stormwater

69. 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

70. 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

- 71. 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

- 72. 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.
- 73. 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.
- 74. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

75. 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.

76. 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.
77. 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.

Tree Management

78. Approval is granted for removal of the following vegetation from within the subject site where necessary as part of the approved works as shown:
- a. The *Zelkova serrata* (Japanese Maple, T24) and *Jacaranda mimosifolia* (Jacaranda, T25), fronting onto King Street, just to the west of the existing vehicle crossing, as they are in direct conflict with this sites only site entry/exit point, so cannot remain in place;
 - b. Trees 26-37, comprising a variety of mostly native species, including Banksia's and Tea Trees, along with exotic Crepe Myrtles, to both the north and south of the most eastern of the two existing buildings that will be demolished, as none are significant examples of their species, or, significant to the site or local environment in anyway;
 - c. The row of insignificant native screening trees, comprising Tea Trees, Banksia's and Turpentine (T89-93), along the western boundary, adjacent the existing awning and carpark, due to their proximity to the most western building and associated surfaces/structures that will be demolished.

Pruning

79. Permission is granted for the minimal and selective pruning of only those lower and middle order branches from the western aspects of the row of *Ficus microcarpa* var. 'Hillii' (Hills Weeping Figs, T15-23) that are located along the eastern site boundary, only where they overhang the existing buildings, and require clearance pruning in order to avoid damage to the trees; or; interference with machinery performing the approved works.
80. Pruning can only be undertaken either by the Project Arborist; or; by a Practicing Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).
81. **The Project/Practicing Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving at least 5 working days-notice) to arrange a joint site meeting, prior to pruning, to determine the exact location and extent that is permissible, with any instructions issued by Council on-site to be complied with.**

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

82. 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

83. 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

84. 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

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

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

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

Noise Control Requirements & Certification

86. 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.

87. 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.

Council's Infrastructure, Vehicular Crossings & Road Openings

88. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
89. 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.
90. 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.
91. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Site Arborist Certification

92. Prior to the completion of site works/any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Crown Certifier/Certifying Authority/PCA, written certification which confirms compliance with the conditions of consent and Arborists Report

Recommendations; the dates of attendance and works performed/supervised relating to retention of the row of Hills Weeping Figs.

Council Certification

93. Prior to the completion of site works/any Occupation Certificate, written certification must also be obtained from Council's Landscape Development Officer (9093-6613), confirming that the requirement for a joint site inspection was performed, prior to the commencement of pruning works, and that the end result is satisfactory to Council.

Service Authorities

Sydney Water

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council **prior to issuing a Crown Occupation Certificate**.

Stormwater Drainage

95. 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.
96. 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).

97. 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.

98. 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

99. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

100. 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.

Street and/or Sub-Address Numbering

101. 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.

102. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the *Boarding Houses Act 2012* and the premises must also be

registered with NSW Fair Trading and Council (as applicable) **prior to issuing an occupation certificate.**

103. 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.

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

104. 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

105. 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

106. 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.
107. 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

Stormwater Detention/Infiltration System

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

Residential Parking Permits

109. 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.
110. 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.
111. The operation of the premises including 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 Department of Environment & Climate Change Noise Control Guidelines.

112. 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.
113. All acoustic requirements and works shall be carried out in accordance with the recommendations in the acoustic report prepared by Acoustic Logic (document reference: 20171740.2/1212A/R5/MF – TRIM Document No. D03446892) for the development of the student accommodation – 1 Cowper Street, Randwick. Specifically, but not limited to:
- a) The outdoor communal area is only permitted to be used between the hours of 8:00am – 10:00pm seven days a week with permitted numbers of patrons during this time as follows:
 - Day (8:00am – 6:00pm): 45 patrons
 - Evening (6:00pm – 10:00pm): 15 Patrons
 - b) Amplified music is not permitted in the outdoor communal area at any time
 - c) All waste collection activities shall be undertaken between 7am – 10pm.
114. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
115. The Plan of Management (PoM) prepared by UNSW dated 18 January 2019 is to be implemented at all times. (Trim Document Reference Number D03446893)
116. The owner or owner's agent shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of the owner's name and an after-hours contact number.
117. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management) and that no variation shall be permitted without the further approval of Council.
118. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
119. The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
120. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

121. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

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 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A5 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.
- A6 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.

- A7 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A8 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works
- A9 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).
- A10 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A11 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.

- A12 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

- A13 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

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

- A14 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A15 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.
- A16 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.
- A17 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*.
- A18 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
- A19 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.