

Sydney Eastern City Planning Panel

SECPP No.	2018SCL045
DA No:	DA/208/2018 Demolition of 92 dwellings and ancillary structures, removal of vegetation and site remediation.
Street Address	1-47, 2-66A and 64R Eurimbla Avenue 2-14 Magill Street 49-101 Botany Street Part Lot 1 DP 870720 Adjacent to Hospital Road, RANDWICK NSW 2031
Applicant:	NSW Health Infrastructure
Owner	Properties are being acquired on behalf of NSW Health
Number of Submissions	2
Recommendation	Approval
Report By:	William Jones

1. Executive Summary

Council is in receipt of a development application (DA) seeking consent for the demolition of 92 buildings including ancillary structures and removal of 11 trees on the subject site. The subject site is bordered by High Street to the north, Hospital Road to the east, Magill Street to the south and Botany Street to the west.

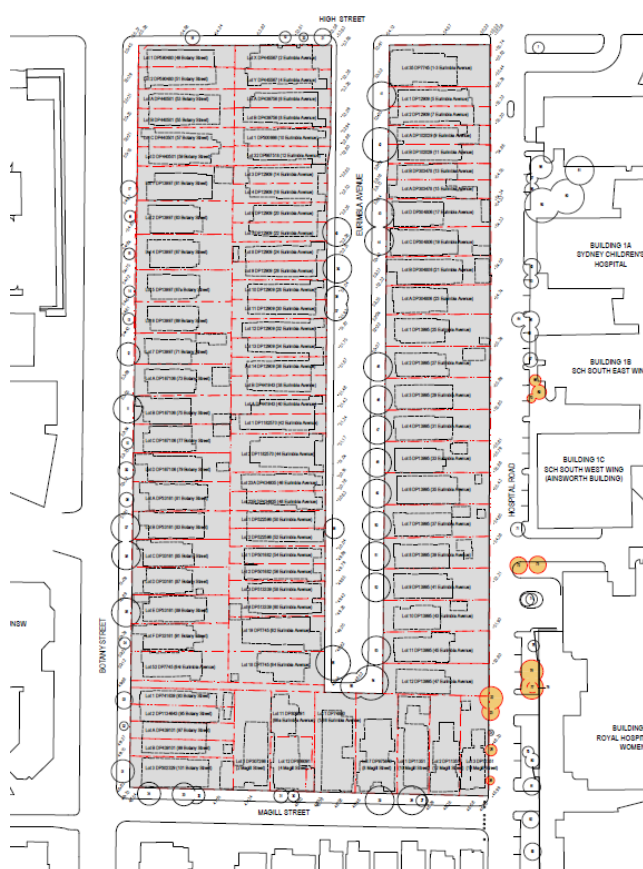


Figure 1. Insert from proposed demolition plan (trees to be removed shaded yellow).

The subject DA is referred to the Sydney Eastern City Planning Panel for determination as it is a Crown development application and constitutes regionally significant development as the capital investment value is greater than \$5 million pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

Owner's consent was obtained in accordance with Clause 49 (2) of the *Environmental Planning and Assessment Regulation 2000*, which notes that owner's consent is not required in writing for a DA made by a public authority if notice of the application is made by advertisement published in a newspaper. An advertisement was placed in the Southern Courier on 2 May 2018 (a copy of which was provided to Council) and therefore, owner's consent is obtained for the subject DA.

The proposed demolition will facilitate a future Acute Health Service Building to the west of the existing Randwick Hospital Campus that will be the subject of a separate DA. The future development will be subject to a State significant DA pursuant to Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* for development relating to hospitals, medical centres and health research facilities with a capital investment value of more than \$30 million. Any future State significant DA will be assessed by the Department of Planning and Environment whereby The Minister for Planning is the consent authority (Randwick City Council will be afforded the opportunity to make a submission as part of the public participation process for State significant development).

According to the NSW Health website, the future Acute Services Building for the Prince of Wales Hospital is expected to open in 2022 and will be built to the west of the existing Randwick Hospital Campus that will include:

- A new adult Emergency Department
- An expanded Psychiatric Emergency Care Centre (PECC), adjacent to the Emergency Department
- An expanded Intensive Care Unit
- Ten inpatient units (IPUs) that will replace ageing infrastructure with contemporary facilities to support new models of care
- New operating theatres for the Randwick Hospitals' Campus
- An expanded Central Sterilising Service Department
- A Medical Assessment Unit, including a state-of-the-art Virtual Care Centre, providing for rapid assessment of patients directly referred from the community
- A new helipad to support all campus partners
- Education and research spaces that will support collaborative clinical research and innovation.

The Secretary's Environmental Assessment Requirements (SEARs) have been issued for future development of the site pursuant to Schedule 2 of the Environmental Planning and Assessment Regulation 2000, which provides environmental assessment requirements that must be addressed as part of the Environmental Impact Statement (EIS). The SEARs require the EIS to address compliance with:

- *State Environmental Planning Policy (State & Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;

- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage; and*
- *Randwick Local Environmental Plan 2012.*

The above Environmental Planning Instruments will provide the relevant planning controls with which the future Acute Services Building will need to comply with. It is also noted that the SEARS requires the applicant to consult with the following authorities in developing the EIS:

- Randwick City Council;
- Sydney Light Rail;
- Roads and Maritime Services; and
- Sydney Coordination Office within Transport for NSW.

Therefore, future development of the site will be carried out in accordance with the Secretary's SEARS and Randwick City Council will be consulted as part of the EIS preparation.

The subject development application for demolition to facilitate future development of the site was publicly notified to surrounding properties and advertised within the local newspaper, with site notification attached to the subject premises as per the public notification requirements of the Randwick Development Control Plan 2013 (RDCP). Two submissions were received raising issues with maintaining access to surrounding properties during works, noise and vibration impacts, reduced air quality and concerns with the future use of the site.

With regards to maintaining access to surrounding properties, truck movements will not impede access and will be limited to the Construction Traffic Management Plan (CTMP). A draft CTMP has been reviewed by Council's Transport Management and Development Engineering departments as well as Transport NSW. Council and Transport NSW have given in principle agreement on the draft CTMP and conditions are provided so that a final CTMP is submitted to and approved by Transport NSW and Council prior to works commencing.

With regards to issues relating to noise, vibration and air quality, conditions are provided to restrict working hours and to control noise and vibration, and dust management. With regards to the future use of the site, this will be subject to a separate DA.

The key issues with the subject development relate to the management of proposed demolition works and associated vehicular movements to protect the amenity of surrounding properties. It is considered that these issues can be managed via conditions that restrict working hours and vehicle movements, and measures to control noise, vibration, air quality and dust.

The DA was referred to various departments within Council, including Transport Management, Development Engineering, Landscape Development, Environmental Health and Building Regulation and Compliance. The respective officers did not raise concerns with the proposal and conditions have been recommended. The DA was also referred externally to Transport NSW for comment who provided conditions requiring final routes and work zones to be approved by Transport NSW and the NSW Roads and Maritime Services, and preparation of a Construction Pedestrian and Traffic Management Plan.

Pursuant to Clause 4.33 of the *Environmental Planning and Assessment Act 1979*, the applicant (Crown) has approved the recommended conditions of consent.

2. Site Description and Locality

The subject site comprises 93 separate property addresses, which includes the Randwick

Lot / DP	
Lot 35 DP7745 (1-3 Eurimbla Avenue)	Lot 238 DP434935 (48 Eurimbla Avenue)
Lot 1 DP12909 (5 Eurimbla Avenue)	Lot 1 DP522596 (50 Eurimbla Avenue)
Lot 2 DP12909 (7 Eurimbla Avenue)	Lot 2 DP522596 (52 Eurimbla Avenue)
Lot A DP102029 (9 Eurimbla Avenue)	Lot 1 DP501682 (54 Eurimbla Avenue)
Lot B DP102029 (11 Eurimbla Avenue)	Lot 2 DP501682 (56 Eurimbla Avenue)
Lot 8 DP303478 (13 Eurimbla Avenue)	Lot 3 DP513339 (58 Eurimbla Avenue)
Lot A DP303478 (15 Eurimbla Avenue)	Lot 4 DP513339 (60 Eurimbla Avenue)
Lot D DP304806 (17 Eurimbla Avenue)	Lot 19 DP7745 (62 Eurimbla Avenue)
Lot C DP304806 (19 Eurimbla Avenue)	Lot 18 DP7745 (64 Eurimbla Avenue)
Lot B DP304806 (21 Eurimbla Avenue)	Lot 3 DP11351 (14 Magill Street)
Lot A DP304806 (23 Eurimbla Avenue)	Lot 2 DP11351 (12 Magill Street)
Lot 1 DP13995 (25 Eurimbla Avenue)	Lot 1 DP11351 (10 Magill Street)
Lot 2 DP13995 (27 Eurimbla Avenue)	Lot 7 DP975640 (8 Magill Street)
Lot 3 DP13995 (29 Eurimbla Avenue)	Lot 1 DP74860 (1/66 Eurimbla Avenue)
Lot 4 DP13995 (31 Eurimbla Avenue)	Lot 11 DP806091 (66a Eurimbla Avenue)
Lot 5 DP13995 (33 Eurimbla Avenue)	Lot 12 DP806091 (4 Magill Street)
Lot 6 DP13995 (35 Eurimbla Avenue)	Lot 1 DP307266 (2 Magill Street)
Lot 7 DP13995 (37 Eurimbla Avenue)	Lot 3 DP302329 (101 Botany Street)
Lot 8 DP13995 (39 Eurimbla Avenue)	Lot B DP439101 (99 Botany Street)
Lot 9 DP13995 (41 Eurimbla Avenue)	Lot A DP439101 (97 Botany Street)
Lot 10 DP13995 (43 Eurimbla Avenue)	Lot 2 DP1134643 (95 Botany Street)
Lot 11 DP13995 (45 Eurimbla Avenue)	Lot 1 DP741639 (93 Botany Street)
Lot 12 DP13995 (47 Eurimbla Avenue)	Lot 52 DP7745 (64r Eurimbla Avenue)
Lot Y DP445567 (4 Eurimbla Avenue)	Lot F DP33161 (91 Botany Street)
Lot X DP445567 (2 Eurimbla Avenue)	Lot E DP33161 (89 Botany Street)
Lot A DP439756 (6 Eurimbla Avenue)	Lot D DP33161 (87 Botany Street)
Lot B DP439756 (8 Eurimbla Avenue)	Lot C DP33161 (85 Botany Street)

Lot / DP	
Lot 1 DP300666 (10 Eurimbla Avenue)	Lot B DP33161 (83 Botany Street)
Lot 32 DP667518 (12 Eurimbla Avenue)	Lot A DP33161 (81 Botany Street)
Lot 3 DP12909 (14 Eurimbla Avenue)	Lot D DP167106 (79 Botany Street)
Lot 4 DP12909 (16 Eurimbla Avenue)	Lot C DP167106 (77 Botany Street)
Lot 5 DP12909 (18 Eurimbla Avenue)	Lot B DP167106 (75 Botany Street)
Lot 6 DP12909 (20 Eurimbla Avenue)	Lot A DP167106 (73 Botany Street)
Lot 7 DP12909 (22 Eurimbla Avenue)	Lot 7 DP13997 (71 Botany Street)
Lot 8 DP12909 (24 Eurimbla Avenue)	Lot 6 DP13997 (69 Botany Street)
Lot 9 DP12909 (26 Eurimbla Avenue)	Lot 5 DP13997 (67a Botany Street)
Lot 10 DP12909 (28 Eurimbla Avenue)	Lot 4 DP13997 (67 Botany Street)
Lot 11 DP12909 (30 Eurimbla Avenue)	Lot 3 DP13997 (65 Botany Street)
Lot 12 DP12909 (32 Eurimbla Avenue)	Lot 2 DP13997 (63 Botany Street)
Lot 13 DP12909 (34 Eurimbla Avenue)	Lot 1 DP13997 (61 Botany Street)
Lot 14 DP12909 (36 Eurimbla Avenue)	Lot D DP440501 (59 Botany Street)
Lot B DP441943 (38 Eurimbla Avenue)	Lot C DP440501 (57 Botany Street)
Lot A DP441943 (40 Eurimbla Avenue)	Lot B DP440501 (55 Botany Street)
Lot 1 DP1182570 (42 Eurimbla Avenue)	Lot A DP440501 (53 Botany Street)
Lot 2 DP1182570 (44 Eurimbla Avenue)	Lot 2 DP590480 (51 Botany Street)
Lot 23A DP434935 (46 Eurimbla Avenue)	Lot 1 DP590480 (49 Botany Street)
Lot 1 DP870720 (High Street - POWH)	

Hospital Campus as follows:

The subject site has a total area of approximately 31,335.2sqm (3.1 ha), with frontages to High Street to the north, Hospital Road to the east, Magill Street to the south and Botany Street to the west. Eurimbla Avenue is located in the middle of the subject site, however does not form part of the proposed demolition works. The subject site contains a mix of attached and detached residential dwellings and some businesses and health service facilities including a UNSW Service Centre (1-3 Eurimbla Avenue), a day surgery business (2 Eurimbla Avenue), a neurosurgery consulting business (45 Eurimbla Avenue) and an orthodontic practice (51 Botany Street). The subject site also comprises various established vegetation. The site is not flood affected, not affected by Acid Sulphate Soil, and is not subject to a Heritage Conservation Area or a heritage item.

The subject site is surrounded by a mixture of medium density and low density residential dwellings to the north and south, educational facilities to the west and medical facilities to the east, specifically:

- To the west of the site is the University of NSW (Randwick Campus), with buildings immediately opposite the site comprising the School of Public Health and Community Medicine, School of Medical Sciences, Medicine Education and Student Office, and biomedical theatres and a medicine computing support building.
- To the north of the site on the other side of High Street are older style residential flat buildings as part of the R3 Medium Density Residential zone.
- To the south of the site are established attached and detached single dwellings as part of the R2 Low Density Residential zone.

- To the east is the Randwick Hospital Campus, with buildings immediately opposite the site comprising the Sydney Children's Hospital, and The Royal Hospital for Women.



Figure 2. Subject Site (bounded in green) and surrounding development (x 2 submissions shaded in red to the south).

3. The Proposed Development

The proposed development includes the demolition of 92 building and ancillary structures and removal of 11 trees as identified on the demolition plan. The only works to occur on the Randwick Hospital campus is the removal of 7 trees along the Hospital Road frontage (11 trees to be removed in total with the other 4 trees to be removed at the corner of Hospital Road and Magill Street).

Demolition

The demolition of 92 buildings is proposed. It is noted that no civil infrastructure works are proposed, which will be subject of the future State significant development application. In addition to the demolition of attached and detached residential dwellings, some businesses and health service facilities are also proposed for demolition including a UNSW Service Centre (1-3 Eurimbla Avenue), a day surgery business (2 Eurimbla Avenue), a neurosurgery consulting business (45 Eurimbla Avenue) and an orthodontic practice (51 Botany Street).

Demolition works will be staged to minimise impacts to traffic and other modes of transport in accordance with the submitted Traffic and Transport Report. According to the applicant, works will occur generally from December 2018 to February/March 2019. Should site remediation be required the site remediation allowance is 6 weeks subject to the detailed investigation.

50 vehicle trips per day is proposed for the duration of demolition works. During demolition works, vehicles will enter the site from Botany Street with heavy construction traffic to exit the site via Botany Street to the north and light construction traffic to exist the site via Hospital Road to the south. This will minimise heavy vehicular traffic through the low density residential area to the south of the site. In-principle approval has been granted by Council's Engineers and Transport NSW for the draft CTMP (refer to figure below). The final CTMP will be prepared based on recommended conditions and approved by Council, Transport NSW and the NSW Roads and Maritime Services (RMS) before works can commence.

Eurimbla Avenue is located in the centre of the site and is owned by Randwick City Council. Eurimbla Avenue does not form part of the proposed demolition works and will be acquired by NSW Health under a separate process.

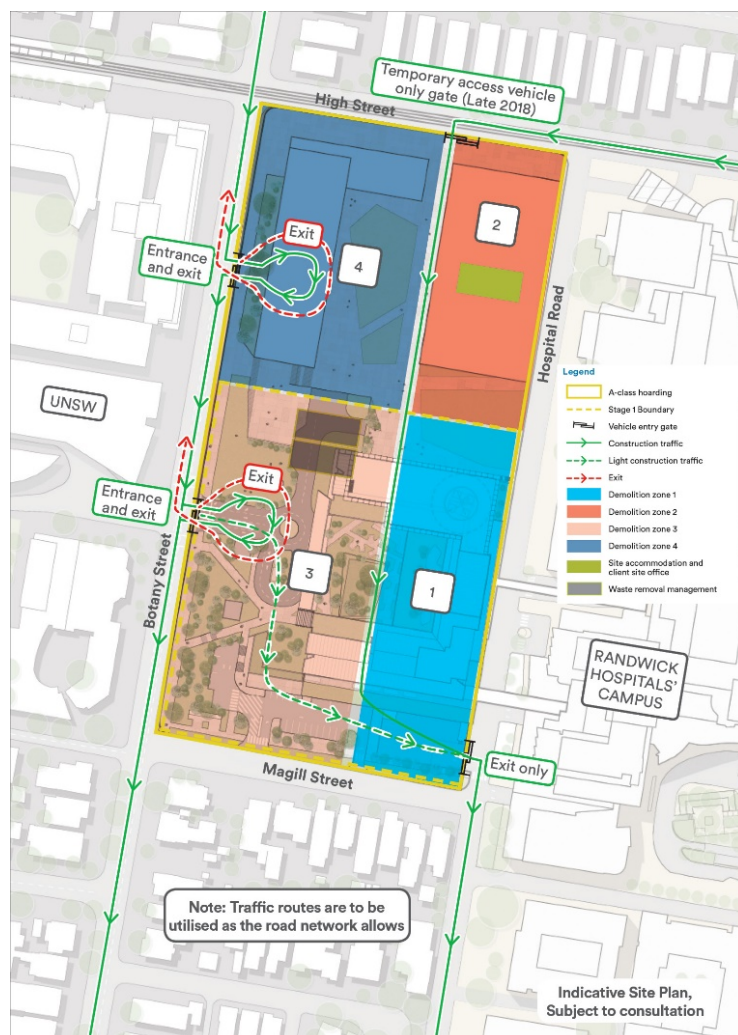


Figure 3. Insert from draft CTMP.

Tree Removal

Council's Landscape Officer has assessed the 11 trees proposed for removal and advises that they are not significant or included in Council's Significance Register and are therefore approved for removal. According to the applicant, approximately 50 additional trees might be required for removal to facilitate the proposed demolition and future development. As these trees are located within individual allotments subject to the

ongoing acquisition process, the applicant has not obtained access to assess their removal.

The submitted Flora and Fauna Assessment concluded that there are no threatened ecological communities present in the study area. Council's Landscape Officer advises that individual inspection of all 92 homes and the vegetation contained therein was not possible, however a general inspection of the area was performed and it was confirmed that while there are numerous established specimens, none would be considered important to the local environment and none are included in Council's Register of Significant Trees. As the Acute Services Building will be constructed on the southern half of the site, it may be possible for the trees to be retained on the northern half pending redevelopment of that part of the site and suitable condition is included in this regard.

4. Notification/ Advertising

The subject development was advertised and notified to surrounding landowners for a period of 14 days between 23 April 2018 and 8 May 2018 in accordance with the RDCP. As a result, two submissions from the following properties were received.

- 40 Botany Street, Randwick
- 15 Magill Street, Randwick

Issues	Comments
Maintaining access to surrounding properties during works, in particular to Botany Street.	<p>Access to surrounding properties will be maintained with vehicle movements limited to the Construction Traffic Management Plan (CTMP). The draft CTMP forms part of the submitted Traffic and Transport Report, which has taken into account maintaining access to surrounding properties, ambulance routes, traffic from the hospital and university, and amenity impacts on surrounding properties. Construction traffic access routes are to be clearly defined as part of the finalised CTMP and are to predominantly use arterial roads to minimise the use of local roads including Magill Street, Arthur Street, Belmore Road and Clara Street.</p> <p>Demolition works will be staged to minimise impacts to traffic and other modes of transport in accordance with the submitted Traffic and Transport Report, which notes that as part of the final CTMP, key principles for traffic management will include:</p> <ul style="list-style-type: none">- maintaining access to properties- limiting interaction of construction traffic with hospital traffic (especially ambulance routes)- maintaining capacity on the surrounding road network- provision for pedestrian movements

Issues	Comments
	<ul style="list-style-type: none"> - minimising impact on local streets (e.g. Magill Street) - managing interactions with CBD and South East Light Rail construction traffic. <p>In-principle approval has been granted by Council's Engineers and Transport NSW for the draft CTMP showing vehicles entering the site via Botany Street and exiting via Botany Street to the north and Hospital road to the south. The final CTMP will be prepared based on recommended conditions and approved by Council, Transport NSW and the RMS before works can commence.</p>
The Traffic and Transport report did not take account the Inglis/Newmarket Site.	The Traffic and Transport Report has been reviewed by Council and Transport NSW. No traffic impacts are expected to occur as part of the proposed demolition works subject to conditions.
The light rail is resulting in increased housing demand and decreased parking, resulting in difficulties dropping off and picking up children (metered parking should be introduced).	This is not a relevant matter to the subject DA. Any future development of the site will require parking in accordance with relevant requirements.
There is no need to utilise Magill Street as part of the proposed truck route.	In accordance with the draft CTMP, Magill Street will not be utilised as part of the access routes.
Magill Street has minimal parking meters. Will the number of Rangers be increased during works?	<p>Any loss of on-street parking as a result of work zones will be managed in consultation with Council.</p> <p>The Traffic and Transport Report advises that removal of 92 dwellings will result in a net reduction of 828 vehicle trips per day. The proposed vehicle movements associated with the demolition is 50 vehicle trips per day, therefore there will be less potential congestion as part of the surrounding road network as a result of the proposed works.</p>
Will the trees in Magill Street be removed on the northern side?	7 trees have already been approved for removal on the northern side of Magill Street, which was the subject of an Early Works approval, approved by Health Infrastructure.
Not all trees in the subject site should be removed.	11 trees are proposed for removal. Notwithstanding, approximately 50 additional trees might be required for removal to facilitate the proposed demolition. Council's Landscape Officer advises there are no trees listed on Council's Register of Significant Trees

Issues	Comments
	<p>within the demolition area, notwithstanding conditions are recommended to ensure a detailed tree investigation is submitted to Council for approval prior to demolition works commencing.</p> <p>The future development of the site will require appropriate landscaping.</p>
Concerns with the potential discovery of asbestos or contaminated soils.	<p>Standard conditions are recommended to ensure any asbestos uncovered as part of the demolition works is appropriately handled and discarded.</p> <p>A condition is provided so that a detailed site investigation report is carried out after demolition has occurred to determine whether site remediation of any contaminants is required. Should remediation be required, a condition is provided so that a Remediation Action Plan is submitted to and approved by Council prior to remediation occurring.</p>
Works at night should not occur.	<p>No works will occur at night. A condition is provided restricting demolition, site vegetation clearance and remediation work to be conducted within the following hours:</p> <ul style="list-style-type: none"> • Monday – Friday: 7am – 5pm • Saturday: 8am – 5pm • No work permitted on Sundays or Public Holidays <p>Trucks and other vehicles are permitted to enter and exit the site during the following hours:</p> <ul style="list-style-type: none"> • Monday – Friday: 6am – 6pm • Saturday: 6am – 6pm • No work permitted on Sundays or Public Holidays
Noise impacts, especially due to trucks existing via Hospital Road, idling trucks near to dwellings and the demolition works.	<p>The submitted acoustic assessment report does acknowledge that exceedance of noise criteria (by up to 32 dB(A)) during standard daylight hours (being from 7am – 6pm) may occur when demolition works are carried out within close proximity to the most sensitive receivers, being residential development to the north and to the south. However, it is not expected that these works will occur for lengthy periods and can be managed to lessen acoustic impacts.</p>

Issues	Comments
	Council's Environmental Health Officer has assessed the acoustic assessment report and recommends approval subject to conditions that restrict hours of work and to ensure that a Demolition Noise and Vibration Management Plan is prepared in accordance with the Office of Environment and Heritage by a suitably qualified person to manage and control noise impacts.
Concerns with workers smoking within proximity to surrounding dwellings.	Smoking by individual workers is not a matter that can be controlled under the EP&A Act.
Vibration impacts.	<p>According to the Acoustic Assessment Report (which also assessed potential vibration impacts), some structural and human perception vibration impacts are expected, particularly from the use of excavators with hammers for the demolition. There is also potential for vibration impacts to occur on sensitive equipment within the existing Campus and UNSW buildings. The significance of these impacts is to be ascertained as part of the detailed Construction Noise and Vibration Management Plan, which is required via a condition. The Acoustic Assessment Report notes that any vibration impacts can be controlled through:</p> <ul style="list-style-type: none"> • Modifications to demolition, excavation and construction equipment used. • Modifications to methods of demolition, excavation and construction. • Rescheduling of activities to less sensitive times. <p>Conditions restricting working hours and limiting offensive noise and vibration and requiring a Construction Noise and Vibration Management Plan have been provided.</p>
Air quality impacts.	Conditions requiring dust control measures have been provided, including the preparation of a Demolition Work Plan that will provide dust control measures.
Concerns with the future hospital development, including traffic generation, noise, overshadowing, and visual bulk.	Future development of the subject site will be subject to a merits-based assessment. It is likely that the future development will be State significant and assessed by the Department of Planning and Environment.
It is suggested that the existing hospital campus should be utilised for future	<p>According to the submitted SEE:</p> <p><i>Master planning has demonstrated that</i></p>

Issues	Comments
development instead of expansion to the subject site.	<p><i>the existing Campus is too confined and congested to meet the growing and expanding health needs of the community. These factors, coupled with the age, functionality and configuration of the Campus infrastructure, limits the ability of the SESLHD to fully implement its health service plan. By 2037, the Campus is estimated to require up to a threefold increase in gross floor area, ranging from approximately 158,000m² to 474,000m², in order to meet the demand for health, education and research services.</i></p> <p><i>Several development options have been considered for the Project including to redevelop only within the existing Campus boundaries. However, this Option was considered to result in a significant compromise and continued dislocation of health services, leading to a construction outcome that would not only be unduly disruptive but also would substantially limit future expansion opportunities. Without those opportunities for expansion, there is little, if any, room for the creation of a centre of excellence in the provision of additional health-related education, teaching and research facilities to meet professional and community expectations. As a consequence, the Campus would not be able to realise the full potential of the Precinct. In addition, expansion of the Campus to physically link with the UNSW Campus is a critical consideration to realising the Precinct's employment generating potential, where it is estimated that up to 15,000 new jobs would be created in the long-term. As such, acquisition by the HAC is currently underway (refer to Section 2.3).</i></p>

5. Technical Advice: Internal and External

5.1 Development Engineer

The following comments are provided by Council's Development Engineer and Landscape Officer, whose comments were prepared in consultation with Council's Transport Management department:

An application has been received seeking consent for the demolition of 92 buildings and ancillary structures, including the removal of 11 trees on 93 properties adjacent to the Randwick Hospital Campus in Randwick. The subject site is bordered by High Street to the north, Hospital Road to the east, Magill Street to the south and Botany Street to the west.

The landscape comments and conditions are based on the following plans and documentation:

- *Flora & Fauna Assessment by EcoLogical, dated March 2018;*
- *Arboricultural Impact Assessment by EcoLogical, dated 13/04/18;*

General Comments

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

This is a Crown Application and as such a Construction Certificate will not be required. Development Engineering generally references a Crown Construction Certificate and a Crown Completion Certificate in conditions for Crown Applications.

Council Infrastructure Comments

The subject Development Application is for demolition of 92 dwellings and no civil infrastructure works are proposed in this application. Council owns infrastructure within the wider footprint of the development site and this infrastructure (predominantly drainage infrastructure) must be retained and protected as part of these works.

A suitable condition of consent has been included in this report.

Traffic Comments

Discussions have been held with the applicant regarding construction traffic management and Council's requirements for minimising the impact of construction traffic on Botany Street (south of Barker street) and on Barker Street itself. A condition of consent requiring the submission for approval of a detailed Construction Traffic Management Plan (CTMP) has been included within this report.

Service Authority Comments

Standard service authority conditions have been included within this report. The requirement for undergrounding of power has not been included within this report due to the nature of the development (being for demolition only) and the fact that a State Significant Development Application is to follow.

Conditions relating to undergrounding of power could be added to this report if considered appropriate.

Drainage Comments

Apart from conditions relating to protection of drainage infrastructure and maintaining capacity of the drainage system no drainage related conditions have been included within this report.

Tree Management Comments

The Flora & Fauna Assessment has concluded that there are no threatened ecological communities present in the study area, as listed under the NSW Biodiversity Conservation Act and Environment Protection & Biodiversity Conservation Act 2016, so the works are unlikely to have a significant impact on any threatened fauna species.

However, it is estimated that 0.44ha of exotic urban & native planted vegetation may need to be removed, with a total of 58 flora species recorded - 24 being native and 34 exotics.

Lophostemon confertus (Brush Box) are the dominant street tree on Council footpaths in both Botany Street and Eurimbla Avenue, with native canopy trees on private property including Corymbia maculata (Spotted Gum), Eucalyptus punctata (Grey Gum), Eucalyptus crebra (Narrow Leafed Ironbark), Agonis flexuosa (Willow Myrtle), Eucalyptus botryoides (Bangalay), Glochidion ferdinandii (Cheese Tree), Tristaniopsis laurina (Watergum) & Callistemon viminalis (Bottlebrush); with exotic species comprising Araucaria columnaris (Cooks Pine), Mangifera indica (Mango), Liquidambar styraciflua (Liquidambar) and Jacaranda mimosifolia (Jacaranda).

Figure 4 on page 9 of the Arborist Report, Tree Impacts, details that, due to high level impacts (>20%) arising directly from the demolition works on their TPZ's, eleven (11) native tree species will need to be formally removed as part of this application, all of which are located exclusively within the privately owned Hospital Road, being T48-51 & 53-59.

The inspection of 6 August 2018 confirmed that whilst these 11 trees do have a presence in this particular streetscape, none are regarded as significant, or are included in Council's Significant Register, so any benefit they provide is not considered to extend past the immediate area.

As such, they will not pose a constraint, especially considering the size, scope and importance of this project, and on this basis, Council raises no objections to their removal as sought, with the relevant consent for this provided.

The Arborist Report also states that another four trees, T45-47 & 52, in Hospital Road, can be retained in situ throughout the course of demolition works, as the expected impact on their TPZ's will be minimal (<10%).

Table 2 of the Report contains tree data showing that these four trees are only small, of between 2-6m in height, but in an effort to maintain as much amenity as possible, their retention can be supported as part of this phase of the development, as has been shown, subject to adhering to the specific protection measures that have been recommended.

Council had previously queried the fact that only 11 trees were sought for removal, given the obvious quantity of vegetation that exists within those private properties in Eurimbla Avenue, Botany Street and Magill Street, which will clearly be impacted by the demolition of all dwellings in these respective areas.

The applicant has provided a formal response (D03283456) stating that access to these properties has proven difficult to this point in time due to resistance from owners, and in fact will not be possible until the acquisition process has been fully completed.

As an individual inspection of all 92 homes and the vegetation contained therein was not possible for this Officer given the logistics involved, a general inspection of the area was performed on 7 August 2018, where it was confirmed that while there are numerous established specimens, none would be considered important to the local environment, and also, none are included in Council's Register of Significant Trees.

So while there is no accurate data in regards to the quantity, size or species involved in these areas, for the reasons described above, none will pose a constraint to the works, given the scale of this project, and as such, a site specific condition has been included requiring that once the compulsory acquisition process has been completed, and they then have access rights, an updated tree schedule that assesses all of these private trees be submitted to Council so that we at least have an accurate record of what was removed.

Further, the applicant has also confirmed in their e-mail correspondence that the potential removal or retention of existing street trees on the four public verges around the perimeter of the site, being Eurimbla Avenue, High Street, Botany Street and Magill Street, will be considered and assessed as part of future applications that are to be received at later stages, being REF 1, REF 2 & SSD, with any considerations relating to replacement planting to also be assessed as part of these future applications.

Assessing Officer's Comment: Suitable conditions are included in the recommendation to address the above matters.

5.2 Environmental Health Officer

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

Proposed Development:

The proposed development is for the demolition of 92 buildings, vegetation clearing and site remediation.

Comments:

Land contamination concerns;

A preliminary site investigation for contamination has been provided with the application. The report concluded the following;

- based on the desktop study, field and analytical results presented in this report, it is considered that the site in general has a low potential for contamination with respect to the proposed hospital development.*
- Elevated concentrations of some contaminants were found in several road base samples, and this may be reflective of the quality of the old road base used in the area. It is recommended that the road base be assessed for re-use or disposal options as part of future investigations.*
- Minor ecological investigation exceedances were reported (primarily in metals and PAH), and the impact of such should be assessed as part of future investigations, particularly in areas of proposed landscaping.*

However, given the limited nature of the sampling and testing undertaken, additional post demolition Investigations are recommended for the site, including the following:

- Further testing on properties located within the site and owned by Health Infrastructure and/or UNSW to determine if there are any hazardous substances which may influence waste classification (explosives, gases, flammable solids, oxidising agents, organic peroxides, toxic substances or corrosive substances);
- Pre-demolition hazardous building materials survey of the building structures which comprise the site. It is noted that many of the premises appear to contain some asbestos and other hazardous materials;
- Post demolition clearance for surface asbestos containing materials (ACM) by an experienced occupational hygienist;
- Additional soil and groundwater sampling and testing across the site to more thoroughly:
 - Assess the presence of complete source-pathway-receptor linkages under the CSM;
 - Assess the suitability of any fill/natural material to remain under the proposed development.
 - DP notes the majority of the fill at the site will be removed during excavation works to reach
 - final levels;
 - To remain under the proposed development;
 - Determine the need for any soil or groundwater remediation; and
 - Assess the re-use potential and/or waste classification of roadbase, filling and natural soils.
 - Apart from additional groundwater monitoring bores, it is recommended that the post-demolition
 - Investigations be undertaken using test pits rather than bores to enable a more thorough visual
 - Assessment of the potential for the existence and spread of asbestos impact in the soils.

Considering the above conclusion and considering the demolition involves large amounts of demolition of hazardous material within the buildings it is recommended that a detailed site assessment is undertaken after demolition of the existing buildings occurs and that an independent NSW EPA site auditor oversees the remediation works and provides a site audit report and statement advising that the land has been remediated in accordance with the relevant contaminated land legislation and guidelines.

Noise Concerns

The development includes for construction works to be undertaken during the night time period (during the night time hours of 6am-7am). An acoustic report has been provided and advises that works will exceed relevant noise criteria by up to 39dBs and may cause sleep disturbances. Considering the size of the development and that the premises is surrounded by residential premises, student accommodation and hospital patients, it is considered that the construction hours be restricted to a start time of 7am. This start is also consistent with all other construction sites within the Randwick LGA. Standard conditions will be included in the below referral.

Additional note after discussions with the Planner and the applicant it is considered that trucks can enter the site from 6am as per a request from tNSW however construction will not commence until 7am.*

Assessing Officer's Comment: Suitable conditions are included in the recommendation to address the matters above.

5.3 Building Regulation and Compliance Officer

Council's Building Regulation and Compliance Officer did not provide comments on the proposed development, however did provide a series of standard conditions that cover demolition works, which have been included in the recommendation.

5.4 Transport NSW

The following advice has been provided by Transport NSW:

Sydney Light Rail Project

Comment

As you are aware, the Sydney Light Rail Project was determined by the Department of Planning and Environment (DP&E) on 4 June 2014. TfNSW advises that:

- Construction has now commenced and will be carried out in accordance with the existing approvals and any modifications subsequently approved;*
- The High Street section located adjacent to the subject site has altered traffic arrangements because of the construction of the Sydney Light Rail Project; and*
- The applicant should consult with the Sydney Coordination Office and Sydney Light Rail team within TfNSW in relation to construction access arrangements to the proposed development prior to the commencement of construction.*

The Stormwater Plan prepared to support the development application provides details for the management of stormwater for the development. TfNSW advises that the subject development could have the potential to impact surrounding land/ activities, including the Sydney Light Rail Project, by contributing to additional flooding during the development's construction and at its completion.

Recommendation

TfNSW advises that the applicant should be conditioned to the following:

- The development shall not adversely impact on the completion of the Sydney Light Rail Project's program of works, including, but not limited to, footpaths, kerbs and gutters, driveways and road restoration works.*
- The existing overland flow paths shall be maintained during construction and at completion and the development shall not adversely impact on surrounding land/ activities, including the Sydney Light Rail Project, by contributing to additional flooding as a result of the subject development.*

Construction Pedestrian and Traffic Management

Comment

Several construction projects, including the Sydney Light Rail Project, University of New South Wales, Inglis Stables, Randwick Campus Redevelopment and surrounding new residential developments will 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.

TfNSW advises that the use of High Street by construction vehicles as a haulage route or construction work zone must be avoided to ensure that the interface risk between construction vehicles and the Sydney Light Rail construction and operation and buses is mitigated.

Further, the use of Botany Street for a construction work zone would have the potential to impact on the general traffic operation within the Randwick Precinct. As a result of this, TfNSW does not support a work zone on Botany Street either and advises that the applicant should accommodate all construction vehicles within the property boundaries of the site during construction.

Recommendation

TfNSW advises that the applicant should be conditioned to the following:

- *Construction vehicles shall not use High Street as a haulage route or construction work zone or Botany Street as a construction work zone, without prior approval of the Sydney Coordination Office within TfNSW and Roads and Maritime Services.*
- *The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office and Sydney Light Rail team within TfNSW and Roads and Maritime Services. 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 any proposed work zone;*
 - *Haulage routes including any marshalling area/s and operation;*
 - *Construction vehicle access arrangements;*
 - *Proposed construction hours;*
 - *Estimated number of construction vehicle movements including measures to reduce the number of movements during the defined peak traffic periods;*
 - *Construction program;*
 - *Consultation strategy for liaison with surrounding stakeholders;*
 - *Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;*
 - *Cumulative construction impacts of projects including the Sydney Light Rail Project, University of New South Wales, Inglis Stables, Randwick Campus Redevelopment and surrounding new residential developments. 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;*
 - *Measures to avoid construction worker vehicle movements within the vicinity of the precinct; and*
 - *Proposed mitigation measures. 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 builder's 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 traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.*

Proposed Car Park Access Arrangement on High Street

Comment

The Traffic Impact Statement prepared to support the proposed development includes a swept path analysis for the vehicles accessing the car park via High Street. It is not clear from the swept path analysis whether vehicles would be able to enter and exit the driveway without encroaching on the Sydney Light Rail corridor along High Street.

Recommendation

TfNSW advises that the applicant should be conditioned to the following:

- The applicant shall undertake a swept path analysis to show that the largest size vehicle (B99 vehicle) accessing the site would be able to enter and exit in a forward direction without encroaching on the Sydney Light Rail corridor along High Street. The applicant shall submit the results of the swept path analysis to the Coordinator General, Transport Coordination for endorsement, prior to the issue of the Construction Certificate.*

It is noted that Figure 4 of the Traffic Impact Statement shows inaccurate public transport routes as Routes 348, 370, 400 and 410 operate eastbound in Barker Street as part of Sydney Light Rail Project diversions and Route 348 does not operate along Botany Street from Alison Road. It is advised that the document titled 'South East Bus Changes from 31 March 2017' prepared by TfNSW and available on the Tomorrow's Sydney website, be referred to for more details. TfNSW requests that the applicant consults with 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.

Assessing Officer's Comment: Council's Development Engineer advises that a condition should be included to ensure compliance with Transport NSW requirements as provided in their written response, which has been included as part of the recommendation.

6. Relevant Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Randwick Local Environmental Plan 2012

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

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed development as its capital investment value is in excess of \$5 million and is a Crown development application. In accordance with the requirements of the SEPP and Part 2, Division 2.4 of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Sydney Eastern City Planning Panel.

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The subject DA is for demolition and tree removal only and no use for the site is proposed as part of this DA. According to the applicant, the intended future use will be for a health services facility.

Council's Environmental Health Officer has reviewed the development application and provided conditions so that after demolition works have occurred, a detailed site investigation report is carried out to assess the presence of any contamination. Should the detailed site investigation conclude that remediation is required, a condition has been provided so that a Remediation Action Plan (RAP) is prepared that must be approved by Council prior to remediation occurring. It is expected that the site can be made suitable for the intended future use subject to the findings of the detailed site investigation and the requirements of any RAP.

6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) came into effect in NSW on 25 August 2017.

The aims of the Vegetation SEPP are:

"(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation."

Clause 7(1) requires a permit to be granted by the Council for the clearing of vegetation in non-rural areas (such as City of Randwick). Consent for the removal of vegetation within the site is being sought under this DA.

Council's Landscape Officer has assessed the 11 trees proposed for removal and advises that they are not significant or included in Council's Significance Register and are therefore approved for removal. Further, the submitted Flora and Fauna Assessment concluded that there are no threatened ecological communities present in the study area. Council's Landscape Officer advises that individual inspection of all 92 homes and the vegetation contained therein was not possible, however a general inspection of the area was performed and it was confirmed that while there are numerous established specimens, none would be considered important to the local environment and none are included in Council's Register of Significant Trees. As the Acute Services Building will be constructed on the southern half of the site, it may be possible for the trees to be retained on the northern half pending redevelopment of that part of the site and suitable condition is included in this regard.

6.4 Randwick Local Environmental Plan 2012

The subject site is zoned R2 Low Density Residential (to the south), R3 Medium Density Residential (to the north) and SP2 Health Services Facility (to the east). Demolition and tree removal is permitted with consent in the R2, R3 and SP2 zones pursuant to the Randwick Local Environmental Plan 2012 (RLEP). Future development of the site will likely be defined as a "health services facility" pursuant to the RLEP, which is a permissible land use within the identified zones pursuant to the *State Environmental Planning Policy (Infrastructure) 2007*.

Clause 2.7 of the RLEP requires the demolition of a building or work may be carried out with development consent. Development consent is being sought for the proposed demolition works as part of this DA.

6.5 Policy Controls

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

- **Randwick Comprehensive Development Control Plan 2013**

The RDCP provides guidance for development applications (DAs) to supplement the provisions of the RLEP. The General Controls provided in part B of the RDCP that relate to preservation of trees and vegetation (B5) and recycling and waste management (B6) are relevant to the application providing guidance in achieving a good planning outcome. In relation to these controls the proposed development is assessed as acceptable and where relevant, have been addressed via conditions provided by Council technical officers for inclusion in the determination.

Part E of the RDCP also provides provisions for Specific Sites within the Randwick Local Government Area. The site partially falls within the *Randwick Education and Health Specialised Centre*, however, as no buildings are proposed as part of the subject DA, which is for demolition and tree removal only, the controls in this Part are not applicable.

- **Randwick City S94A Development Contributions Plan 2015**

The applicant submitted a comprehensive request for exemption to paying section 7.12 contribution fees in accordance with Council's plan. The request has been reviewed by Council's Strategic Planning team, and is accepted on the basis that the works proposed are necessary to allow for the future expansion of the Prince of Wales Hospital. In addition, Clause 13.2 of the Section 94A Plan specifically allows public hospitals to be exempted from the contribution levy as follows:

13.2 Other development exempted from the levy

Other exemptions from a levy under this Plan may be considered by the Council for the following development, or components of development:

*13.2.1 Places of worship, **public hospitals**, police stations, fire stations, and other emergency services.*

7. Environmental Assessment

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
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	Refer to the "Policy Control" section of this report for details. The proposal satisfies the objectives and development standards of the RDCP.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft	Not applicable.

Section 4.15 'Matters for Consideration'	Comments
Planning Agreement	
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the <i>Environmental Planning and Assessment Regulation 2000</i> have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development on the natural and built environment have been addressed in the body of this report. The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The subject site is suitable for the proposed works, which will facilitate future expansion of the adjacent Randwick Hospital Campus.
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 the body of this report.
Section 4.15(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable ecological, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

8. 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.

9. Conclusion

That the application for demolition of 92 dwellings and ancillary structures, removal of vegetation and site remediation be approved (subject to conditions) for the following reasons:

- The proposal satisfies the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.
- The proposal is consistent with the objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal will not result in adverse amenity impacts to surrounding residential and non-residential land uses.

10. Recommendation

That the Sydney Eastern City 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. 208/2018 for demolition of 92 dwellings and ancillary structures, removal of vegetation and site

remediation at 1-47, 2-66A and 64R Eurimbla Avenue, 2-14 Magill Street, 49-101 Botany Street, and Part Lot 1 DP 870720 Adjacent to Hospital Road, RANDWICK NSW 2031, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
RCR-BVN-AR-00-DWG U1-XX-03 (Issue A)	Terroir	14 March 2018

Transport NSW

2. The development must comply with the conditions recommended in the letter prepared by the Transport for NSW dated 20 June 2018.

Land Contamination & Remediation

3. A *Detailed Site Contamination Investigation Report* must be submitted to the satisfaction of an independent Auditor upon completion of the demolition works.

The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Office of Environment and Heritage (OEH/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The recommendations outlined in the Preliminary Site Investigation for Contamination (prepared by Douglas Partners (Project 72505.12 dated Feb 2018) are also to be addressed within the scope of the detailed site assessment.

- 1) Should the *Detailed Site Investigation Report* demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that **'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.** The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 2013 and it is not necessary to carry out any remediation work.

The written advice to Council must be provided upon completion of the demolition works, which confirms that Council does not require further investigations or site remediation work to be undertaken.

- 2) Should the *Detailed Site Investigation Report* identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013, the following matters must be complied with: -

- a) A *Remediation Action Plan* (RAP) is required to be submitted to the satisfaction of Council prior to commencing any remediation works. The RAP is also required to be reviewed by an independent Office of Environment and Heritage (OEHL/EPA) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by Office of Environment and Heritage (OEHL/EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Site management planning,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) An Office of Environment and Heritage (OEHL/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.
 - d) A Site Audit Statement and Summary Site Audit Report must be submitted to Council prior to issuing a Crown certificate for building works (other than site retaining walls that are necessary to facilitate excavation and remediation works). The Site Audit Statement and Report must confirm that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 2013.

Council is required to be consulted with prior to the development of any Environmental Management Plan (EMP) and the comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) Remediation works are to 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 OEA/EPA and Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.

- f) Should the approved remediation strategy include 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 (which includes 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*.

- g) 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.

Site Remediation

4. 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
- cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting, and
- details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

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

REQUIREMENTS PRIOR TO COMMENCEMENT OF SITE WORKS

The following conditions of consent must be complied with prior to the commencement of site works.

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

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

Compliance Fee

6. A development compliance and enforcement fee of \$5,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Crown 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 a Sydney Water Quick Check agent, 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.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

A Sydney Water Quick Check Agent must appropriately stamp the building plans prior to commencing any work.

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*:

- \$25,000.00 - Damage / Civil Works Security Deposit

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

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

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

Traffic conditions

10. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to any proposed construction traffic 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.

Waste Management

11. A Waste Management Plan including a salvage plan detailing the waste and recycling storage and removal strategy for each stage of the demolition, is required to be submitted to Council.

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 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.
- Identify materials including, fireplaces, architraves, skirting, windows, doors and remnant components of fabrics that could be removed and sold or donated to recycled building suppliers.

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

Tree Protection Measures

12. In order to ensure retention of those four trees located in Hospital Road, being **T45-47 & 52**, as recommended in the Arboricultural Impact Assessment by EcoLogical, dated 13/04/18 (*'the Arborists Report'*) in good health, the following measures are to be undertaken:
 - a. All documentation submitted prior to the commencement of site works, must show their retention, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all plans in relation to the works.
 - b. The site specific 'Tree Protection Plan' and 'Tree Protection Guidelines' that are detailed in Chapter 5 and Appendix A respectively of the Arborists Report must be complied with at all times.
 - c. Prior to the commencement of any site works, an AQF Level 5 Arborist

(who is eligible for membership with a nationally recognized organization/association) shall be engaged as 'the Project Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, the Tree Protection Plan, Pruning, and any other instructions issued on-site.

- d. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report prior to completion of site works.
 - e. In the event of any discrepancy between the Arborists Report and the conditions of consent, the Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome before proceeding further with any works.
 - f. These four trees are to be physically protected in accordance with Section 5.1 of the Arborist Report, with Hold Points, Inspections and a Sign Off regime to be approved by the Project Arborist, within the Schedule of Works for the site, in accordance with Table 3 of the Arborists Report.
 - g. 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.
 - h. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
 - i. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
13. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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

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

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

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

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits.*

Noise & Vibration Management Plan

14. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Office of Environment & Heritage - Environment Protection Authority 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.

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current NSW Environmental Protection Authority 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

15. 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 Council.

Public Utilities

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

Prior to the commencement of site works the applicant must consult with Council's Drainage Engineer regarding the location of the existing Council drainage infrastructure. Proposed protection measures for the drainage infrastructure must be submitted to Council for approval, and be approved, prior to the commencement of site works. The approved protection measures must be complied with at all times.

Construction Traffic Management

19. A detailed Construction Traffic Management Plan (CTMP) must be submitted to and approved by Manager Integrated Transport prior to the commencement of any site work. The CTMP must be prepared in consultation with Council's Integrated Transport Team.

Unless prior approval is provided in writing by Council, all trucks exiting the site must turn right into Botany Street and travel north to Alison Road.

Unless prior approval is provided in writing by Council, all trucks entering the site must turn left into the site from Botany Street. The applicant must liaise with Council's Transport Engineer regarding travel routes for entering trucks prior to preparation of the CTMP. Council prefers the use of High Street and Botany Street, (north of the site), for entering trucks over Barker and Botany Street, (south of the site).

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.

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

Removal of trees from private property

21. The applicant must submit for approval to Council's Landscape Development Officer, an addendum to the existing Tree Assessment Schedule (Table 2 of the Arborists Report), in the same format, prior to commencing any site works, documenting exactly what trees are proposed to be removed as part of the approved works. In this regard, larger/mature trees that are not located within the site of the proposed Acute Services Building shall be retained given their ongoing amenity and environmental values. Any larger trees within the site of the Acute Services Building shall also be assessed for potential retention based on the proposed footprint of the building.

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.

Demolition Work Requirements

22. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:
 - Work Health and Safety Act 2011;
 - Work Health and Safety Regulation 2011;
 - SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
 - Australian Standard 2601 (2001) – Demolition of Structures;
 - The Protection of the Environment Operations Act 1997;
 - Environment Protection Authority (EPA) and SafeWork NSW Guidelines.

Removal of Asbestos Materials

23. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
 - Occupational Health & Safety legislation and SafeWork NSW requirements

- Randwick City Council's Asbestos Policy (13 September 2005)
- A SafeWork licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by SafeWork 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 Council.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the 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 upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

24. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

25. 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.

Temporary Site Fencing

26. 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.

Notes:

- *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 before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

27. Public safety and convenience must be maintained at all times during demolition and excavation works and the following requirements must be complied with:
- a) Materials including sand, soil, waste materials, demolition 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) 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

28. 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
- name, address and telephone number of the project manager or other person responsible for the management of all site activities,
- a statement stating that “unauthorised entry to the work site is prohibited”.

Restriction on Working Hours

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

Activity	Permitted working hours
All demolition, site vegetation clearance, remediation and site works, 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 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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.

Building Encroachments

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

Tree Management

31. Approval is also granted for removal of the following vegetation so as to accommodate demolition and associated works in these same areas as shown, subject to retention of the four (4) trees that are listed in the Tree Protection condition earlier in this report:
- a. Those eleven (11) trees located exclusively in Hospital Road, being **T48-51**, and **T53-59**, as identified in Table 2 (page 10) of the Arboricultural Impact Assessment by EcoLogic, dated 13/04/18;
 - b. Any of those trees (not yet surveyed/assessed) that are located wholly within private properties in Eurimbla Avenue, Botany Street and Magill Street, subject to compliance with the 'Removal of trees on private property' condition earlier in this report.

Pruning of street trees

32. This application does not authorise any works to street trees located on those public verges around the perimeter of the site, being Eurimbla Avenue, High Street, Botany Street and Magill Street.
33. Should clearance pruning or similar be necessary in order to avoid damage to Council's street trees; or, interference with the approved works, then the applicant must contact Council's Landscape Development Officer on 9093-6613 to arrange a joint inspection. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to the completion of works.

Road / Asset Opening Permit

34. 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.

The owner/builder 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 completion of works.

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

Site Works & Remediation

35. All hazardous or intractable wastes arising from the works must be removed, managed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, including:

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

36. 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 (2014). 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.

37. Site remediation must be carried out in accordance with the following requirements (as applicable):
- a) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Construction Site Management Plan.
 - b) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual

Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.

- c) Demolition, site vegetation clearance and remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
- d) Trucks and other vehicles are permitted to enter and exit the site during the following hours:
Monday – Friday 6am – 6pm
Saturday 6am – 6pm
No work permitted on Sundays or Public Holidays
- e) A sign displaying the (24 hour) contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN COMPLETION CERTIFICATE/COMPLETION OF SITE WORKS

The following conditions of consent must be complied with prior to the occupation 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, safety and amenity.

Sydney Water Certification

38. 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.

A copy of the Section 73 Certificate must be submitted to the Council.

A copy of Works-As-Executed plans, specifications and details must be provided to Council, if the works differs from the approved plans and specifications.

Noise Control Requirements & Certification

39. 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.

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s

under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

Remediation Work

40. A report or statement must be obtained from the appointed NSW Site Auditor which confirms that the relevant conditions of consent and site remediation requirements have been satisfied accordingly and the implementation of the development has not impacted or affected the relevant site investigations, Site Remediation Strategy and Reports.

Council's Infrastructure, Vehicular Crossings, street verge

41. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, 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.
42. 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 completion of works, or as otherwise approved by Council in writing.

Site Arborist Certification

43. Prior to commencement of works, the Project Arborist must submit to, and have approved by Council's Landscape Development Officer, written certification which confirms compliance with the conditions of consent, Tree Protection Plan, the dates of attendance on-site and any works performed/supervised relating to the retention of **T45-47 & 52**, in Hospital Road.

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 Any proposed amendments to the DA approval 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.

- A3 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.

- A4 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).

- A5 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*.

- A6 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the

individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A7 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.
- A8 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.