

COUNCIL ASSESSMENT REPORT

Panel Reference	2019EC1026
DA Number	DA/898/2019
LGA	Randwick City Council
Proposed Development	Integrated Development Application for construction of single storey, 5 bedroom mental health facility with landscaping, driveway, footpath and associated services at Long Bay Correctional Centre
Street Address	1300 Anzac Parade, Malabar
Applicant/Owner	Justice Health & Forensic Mental Health Network
Date of DA lodgement	30 November 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Crown development that has a capital investment value of more than \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land Randwick Local Environmental Plan 2012 Randwick Development Control plan 2013
List all documents submitted with this report for the Panel's consideration	Nil
Report prepared by	Roger Quinton
Report date	12 June, 2019

Summary of s79C matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Sydney Eastern City Planning Panel

SCPP No.	2019EC1026
DA No:	DA/898/2018, 1300 Anzac Parade, MALABAR NSW 2036, Integrated Development for construction of single storey, 5 bedroom mental health facility with landscaping, driveway, footpath and associated services at Long Bay Correction Centre
Applicant:	Justice Health Administration
Report By:	Roger Quinton

Executive Summary

1.0 Description and Locality

The subject site forms part of the Long Bay Correctional Centre, comprising numerous buildings within secure fencing plus car parking and associated support facilities.

The location of the proposed development is within the Forensic Hospital complex in the south-western portion of the Correctional Centre site. The specific location of the new facility is presently a grassed space clear of buildings within a secure area fenced by a wall approximately 6m in height. The development area can only be accessed through the main port entry at the northern boundary of the Forensic Hospital site.

The Long Bay Correctional Centre is listed as an item of State heritage significance on the State heritage register and is also listed on Schedule 5 of the Randwick Local Environmental Plan 2012.



Figure 1: Development site within Forensic Hospital complex adjacent to main buildings of Long Bay Gaol



Figure 2: Existing buildings within Forensic Hospital complex



Figure 3: Location of proposed Freshwater House complex

2.0 Relevant History

The application provides the following background:

The Forensic Hospital is a stand-alone high security mental health facility located at Malabar operated by Justice Health & Forensic Mental Health Network (JH&FMHN). The facility provides specialist mental health care for mentally ill patients who have been in contact with criminal justice system and high-risk civil patients. The units in the hospital cater for adults and young people, both male and female. JH&FMHN provide all clinical services at the Forensic Hospital, including a multi-disciplinary medical, nursing and allied health team.

3.0 The Proposed Development

The proposal comprises the construction of the following:

- A single storey, five bedroom mental health facility.
- Landscaping.
- Driveway and footpath.
- Associated services.

The mental health facility is to be called 'Freshwater House' and it is to be located within the secure hospital campus which forms part of the Long Bay Correctional Centre complex. The complex will be a 5 bed intensive care facility providing accommodation and treatment for high-risk patients not suitable for the existing in-patient mental health regime. The complex will support rehabilitation, recovery and return to standard forensic health care or alternative care pathways.

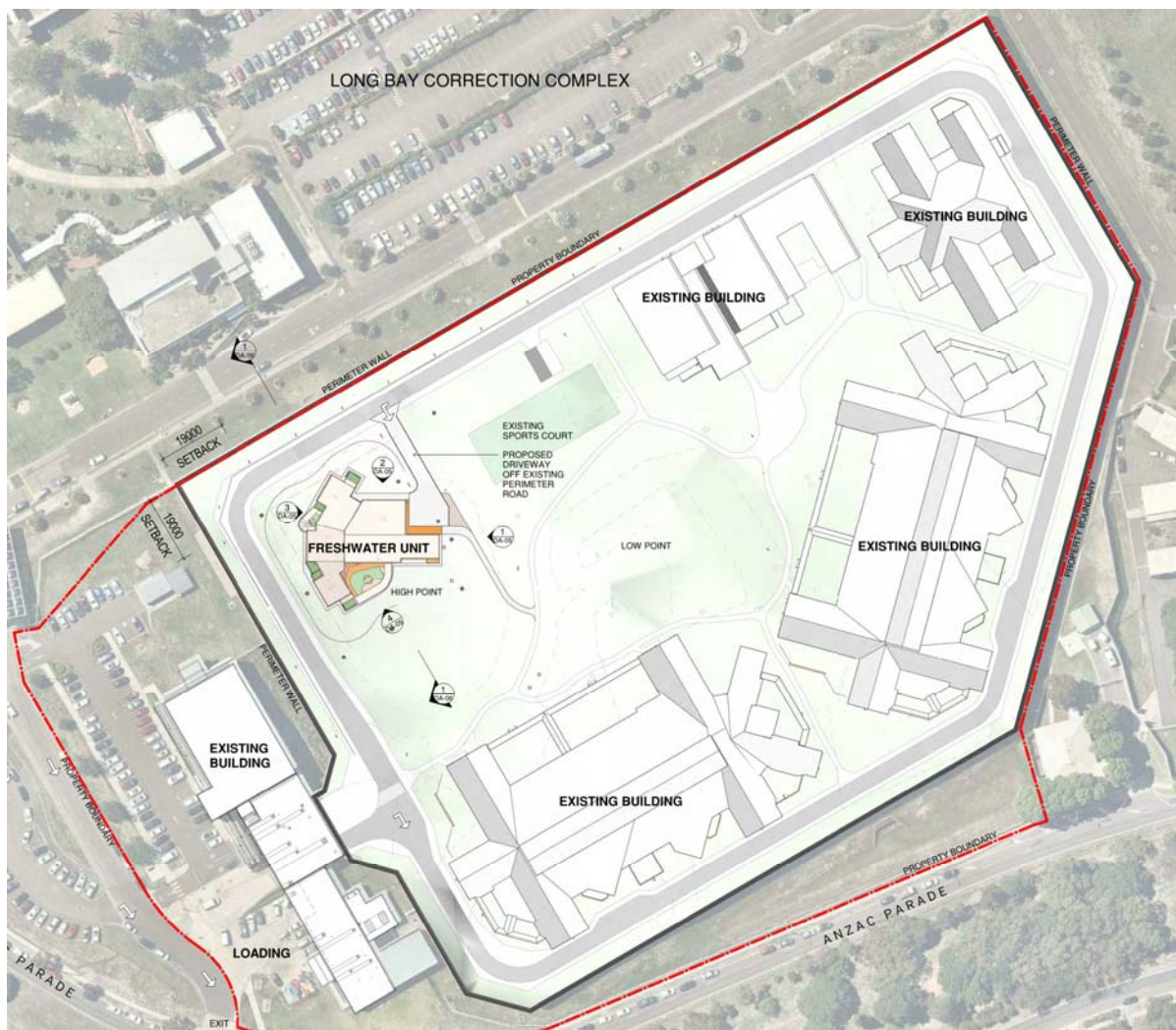


Figure 4: Site plan of proposed Freshwater Unit

The design of the single storey building includes 5 bedrooms in a north-facing wing. Each room has an ensuite bathroom and private courtyard. The building also contains offices, storerooms, treatment areas, visitors' rooms, plant rooms, communal courtyards and associated facilities.

Two secure communal courtyards are proposed within the unit and these feature tree planting, walking paths and seating.

A new internal driveway will connect to the existing perimeter ring road and a new concrete footpath will connect to existing footpaths within the wider existing Forensic Hospital site.

The application states that the following design considerations are key to the proposal:

- Creating a home-like environment with high levels of security and robust construction.
- Clear separation between patient and staff spaces.
- Secure lines of containment within the building footprint.
- Provision of a therapeutic space which has high levels of security.

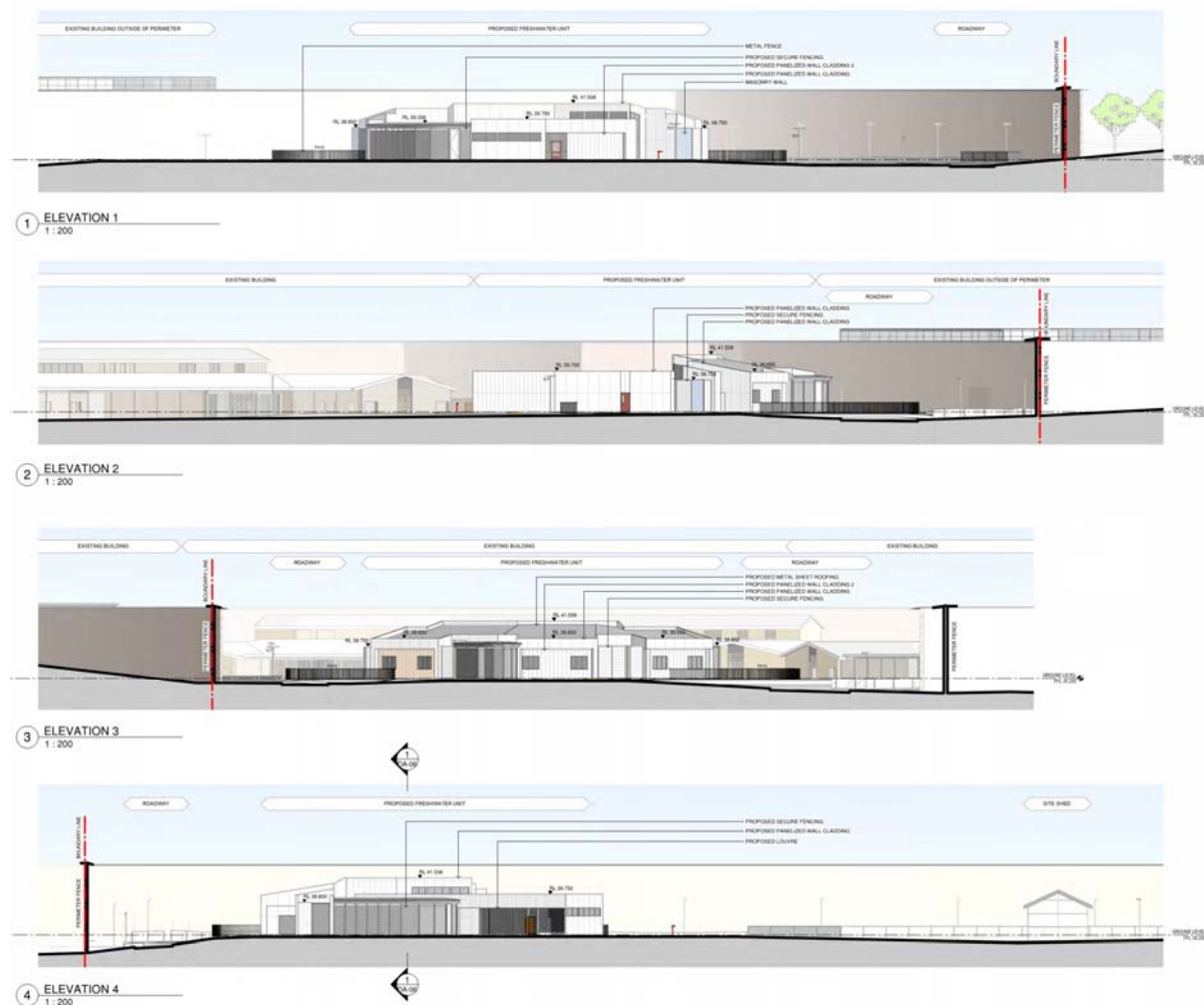


Figure 5: Elevations of proposed facility

4.0 Notification/ Advertising

The subject development was advertised/notified to surrounding landowners for a period of 30 days between 16 January 2019 and 18 February 2019 in accordance with Council's DCP. As a result no submissions were received.

5.0 Technical Advice: Internal and External

5.1 Development Engineer

Council's Development Engineer has commented as follows:

General Comments

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

The application is a Crown Application and the conditions reference standard processes followed by Crown Applications.

Drainage Comments

The Long Bay Gaol site was the subject of a stormwater drainage masterplan. This application makes no reference to the stormwater strategy however conditions requiring the provision of onsite stormwater detention have been included within this report.

The geotechnical investigations submitted with the development application indicates that infiltration will ne be a suitable form of drainage, (given the presence of rock relatively close to the surface). No infiltration options have been included within the drainage conditions.

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

RMS Comments

This part of Anzac Parade is a classified road and the application was referred to RMS accordingly.

No issues were raised or conditions imposed by RMS.

Civil Works, Alignment Level, Traffic and Parking Comments

There are no new works proposed on any public road and no civil works conditions have been included (except for those conditions dealing with damage to infrastructure).

Alignment level conditions are not required as no works are proposed onto a public road.

The application does not discuss parking demand associated with the development to any degree other than to say that little additional staff are required and the proposal only allows for 5 bedrooms. Based on the applicant's SEE the proposed development will generate little additional parking demand. An internal access road with turning area has been provided and ambulances and small service vehicles will use this road.

The main carpark for the gaol has been observed to be at capacity during peak periods. Consideration needs to be given to a redesign of the carpark and an increase in carparking capacity for the wider development site. Changes to the carpark are considered to be outside the scope of this application.

All vehicular access driveways, internal circulation roads and vehicle manoeuvring areas are to be in accordance with the requirements of Australian Standard 2890.1:2004.

Service Authority Comments

Standard service authority conditions have been included in this report.

Conditions relating to undergrounding of power and undergrounding of site feed power lines are not relevant to this application.

Waste Management Comments

A waste management plan (WMP) has been submitted with this application. Compliance with this WMP has been conditioned within this report.

Landscape Comments

No significant trees are designated for removal as part of this project. Landscaping for the site must be provided in general accordance with the landscape details submitted with the Development Application.

5.2 Heritage Planner

The application was referred to Council's Heritage officer for comment as the site includes two items of Local and State Significance – Long Bay Correctional Centre and Long Bay Gaol Gatehouses.

Council's Heritage Planner has provided the following comments:

“Proposal

The application proposes to construct a new mental health accommodation facility within the western portion of the site. The facility is to be located adjacent to Anzac Parade, to the north of the existing Forensic Hospital buildings. The facility is to consist of patient accommodation, communal areas, and staff and office areas.

Submission

The application has been accompanied by a Heritage Impact Statement prepared by NBRS and a Historic (non-Aboriginal) Archaeological Assessment prepared by RPS.

Heritage Impact Statement

The HIS has evaluated the proposal against the policies set out in the Conservation Management Plan (CMP) for the site prepared by Clive Lucas Stapleton in 2004. The HIS concludes that:

“The proposed development of the property at 1300 Anzac Parade, Malabar, will have an acceptable impact on the heritage significance of the Long Bay Correctional Centre.

The design of the new building has been carefully considered and is in keeping with the form and materials of the existing contemporary buildings. The new building will be low in height and will not be visible from outside the secure perimeter wall of the Forensic Hospital. It will not change any existing views or sightlines from Anzac Parade to the historic skyline of the original prison buildings and landscape features, nor will it change any of the existing site entrances or historic axes through the site.

The building is located in the area of the previous Prison Hospital constructed in 1989 and demolished in 2008. This area was previously the site of agricultural plots developed as part of the Prison. The area has undergone a significant degree of ground disturbance during the previous development, demolition and site remediation process. The siting of the proposed building does not involve significant changes to the existing ground level and will therefore be unlikely to disturb any prior undisturbed layers that may enhance an understanding of the use of the area prior to its development as the Prison Hospital.

All existing views to and from the heritage items in the vicinity will be retained and conserved.

The proposed new building is consistent with the heritage objectives of the Randwick LEP 2012 and the Randwick DCP 2012. In our view, the consent authorities should have no hesitation, from a heritage perspective, in approving this application.”

The HIS includes a section addressing Indigenous Archaeological Potential. The HIS makes reference to the 2004 Conservation Management Plan which identifies the Long Bay site as having indigenous archaeological potential, and recognises all exposed sandstone areas and all deposits of Holocene sand dunes either exposed or currently under existing buildings, as sensitive landscape features. The HIS notes however that there are no areas of exposed sandstone within the project area, and that the level of ground surface disturbance required for the construction of the building on the site, which is mainly constructed of fill, is unlikely to involve disturbance of Holocene sand dunes.

Historic (non-Aboriginal) Archaeological Assessment

The HAA notes that the report has considered the historic potential archaeological resource within the Project Area only, and concludes that:

- The Project Area contains nil potential to contain any potential archaeological remains from any previous phase of land use.
- The Project Area has been subject to a high level of disturbance including the demolition of the Prison Hospital in 2004, soil remediation and the deposit of fill from the adjacent stormwater detention basin.
- The proposed works would have nil heritage impacts to archaeological potential within the Project Area.

The HAA provides management recommendations and mitigations measures which should be included as consent conditions.

Approvals

As the site is listed on the State Heritage Register, Council the proposal is to be the subject of an Integrated Development Application. **As the NSW Heritage Council is the consent authority for the application, Council cannot issue development approval until the Heritage Council has provided conditions of consent.**

Controls

Clause 5.10(4) of Randwick LEP 2012 requires Council to consider the effect of the proposed development on the heritage significance of the heritage item.

Comments

Built Heritage

The new building is located some distance from the original built elements on the site including the former Female Reformatory and the former Male Penitentiary, and is separated from them by intervening buildings constructed predominantly during the 1970s, 1980s and 1990s. The original built elements have an elevated location on a contour around 10m higher than the Forensic Hospital. The new building will not impact on the primacy or setting of the original built and landscape elements on the site.

The low pitched roofs, partially screened by parapets, will relate to the pitched roofs of the existing buildings within the Forensic Hospital. The new building is within the existing perimeter wall of the Forensic Hospital and the somewhat disparate collection of buildings will have no visibility from outside the Gaol site. The new building will not affect views towards the early built and landscape elements from outside the Gaol site or from within the Forensic Hospital.

Aboriginal Archaeology

The site for the new building is not associated with either of the sensitive landscape features identified in the 2004 CMP (all exposed sandstone areas and all deposits of Holocene sand dunes) and is therefore unlikely to have any potential for the discovery of indigenous archaeological material.

Historical Archaeology

The site for the new building was originally low lying and was later drained and terraced to allow its cultivation to provide for the needs of the institution. A Prison Hospital was constructed on the site in 1989 and demolished in 2008. Demolition works, soil remediation and deposition of fill have resulted in nil historical archaeological potential.”

Proposed conditions of consent have been provided which are included in the recommendation.

5.3 Environmental Health Officer

Council's Environmental health officer has provided the following comments:

"Contamination"

Site audit report prepared by Graeme Nyland of ENVIRON Australia Pty Ltd dated 4 November 2008 was submitted with the development application. The Site Auditor determines the site to be suitable for a Forensic Hospital subject to compliance with the Site Environmental Management Plan (SEMP) for the Forensic Hospital Site, Long Bay Correctional Complex dated 31 October 2008 prepared by Coffey Environments Pty Ltd.

The Auditor's overall comments:

The Environmental Management Plan is required because contaminated fill material, mainly containing asbestos but possibly other contaminants, remains on site beneath capping materials. The cap consists of clean soil, building slabs and pavements, and acts as a physical barrier between site users and the underlying contaminated soil. Excess fill was placed in capped burial pits constructed onsite. The EMP requires:

- A long term maintenance and monitoring program for the site surface.*
- Application of controls on future excavations through the cap or work beneath the cap.*
- Restrictions on the use of groundwater beneath the site.*

As such, site contamination has been considered and appropriate comments are included in this referral.

Environmental Impact

Standard conditions in relation to noise, waste and pollution have been included in this referral to ensure compliance with the relevant legislation and guidelines."

Proposed conditions have been provided which are included in the recommendation.

5.4 NSW Heritage Office

The proposed development is Integrated Development as the proposal is located on land where Items of State Significance (Long Bay Gaol Gatehouses – Long Bay Correctional Centre and Long Bay Correctional Centre) are sited. General Terms of Approval (GTAs) were provided as follows:

"HERITAGE COUNCIL OF NSW - GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION IDA/2018/123 (DA18/898/2018)

Site: Long Bay Correctional Centre, 1250 Anzac Parade, Malabar SHR item 810

Proposal: Single storey five bedroom mental health facility with landscaping, driveway, footpath and associated services

Additional Information Requested: No

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the following terms of approval are proposed to be granted:"

The GTAs are included in the proposed conditions in the recommendation.

5.5 Roads and Maritime Services (RMS)

RMS has commented on the application as this portion of Anzac Parade is a classified road and stated that they raise no objection to the proposal subject to all buildings and structures, together with any improvements integral to the future use of the site being wholly within the freehold property

(unlimited in height or depth) along the Anzac Parade boundary.

6.0 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
- 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 the application has been made on behalf of the Crown. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as 'regional development' with the determining authority for the application being the Sydney Eastern City Planning Panel.

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. Council's Environmental Health Officers have reviewed the development application and the site is suitable for its intended purpose subject to compliance with the recommendations contained within the Site Audit Report Submitted with the application. Appropriate conditions have been included with the recommendation.

6.3 Randwick Local Environmental Plan 2012:

Clause 2.2 – Zoning

The subject site is zoned SP2 – Health Services Facility zone.

The objectives of the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*
- *To protect and provide for land used for community purposes.*

The proposal is permissible in the zone with Council's consent and satisfies the objectives of the zone.

Clause 4.3 – Height of buildings

The objectives of Clause 4.3 are:

- to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

There is no maximum height for the site indicated on the Height of Buildings Map. The proposal satisfies the objectives of Clause 4.3 as it is considered that:

- (a) The size and the scale of the proposed building is compatible with the desired future character of the uses on the site which are identified on the LEP maps as Health Services Facility.
- (b) The development will be of a similar scale and character to the existing buildings located on the Forensic Hospital site. The location within the enclosing perimeter wall of the Forensic Hospital site will ensure that there is no impact on the adjacent heritage listed Long Bay Gaol Gatehouses or the wider heritage listed Long Bay Correctional Centre.
- (c) The relatively low-rise nature of the new building and location behind the surrounding perimeter wall will ensure that there will be no impact on the amenity of adjoining and neighbouring land in regard to visual bulk, privacy impacts, overshadowing or views.

Clause 4.4 – Floor Space Ratio

The objectives of Clause 4.4 are:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that buildings are well articulated and respond to environmental and energy needs,*
- (c) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (d) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

There is no maximum floor space indicated on Floor Space Ratio Map. The proposal satisfies the objectives of Clause 4.4 as it considered that:

- a) The size and scale of the proposed building is commensurate with the existing buildings on the site and is compatible with the continued use of the site as a correctional facility.
- b) The building has been designed for the intended purpose as a high security mental health facility.
- c) The scale and character of the facility are such that they will not adversely impact on the heritage significance of surrounding buildings. The new facility will be below the height of the surrounding perimeter wall enclosing the Forensic Hospital, which is adjacent to the Long Bay Correctional Centre.
- d) The relatively low-rise nature of the new building and location behind the surrounding perimeter wall will ensure that there will be no impact on the amenity of adjoining and neighbouring land in regard to visual bulk, privacy impacts, overshadowing or views.

Clause 5.10 – Heritage Conservation

The objectives of Clause 5.10 are:

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

Heritage items are listed and described in Schedule 5. The site is identified as State and Local Heritage Item I187- Long Bay Correctional Centre in Schedule 5. The site is adjacent to State Heritage Item I186 – Long Bay Gaol Gatehouses – Long Bay Correctional Centre.

The following subsections of Clause 5.10 are of relevance:

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance ,
- (f) subdividing land,
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The proposal has been reviewed by the Heritage Division of the Office of Environment Heritage and by Randwick Council's heritage planner as previously detailed. The proposal was considered to be acceptable from a heritage perspective subject to conditions to be placed on any consent and which are detailed in the recommendation.

6.4 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**

Section B2 - Heritage

Objectives include:

- *To promote high quality design that complements the streetscape character and heritage significance of the heritage item or heritage conservation area.*
- *To ensure that new development does not adversely impact on the setting, streetscape or views associated with any heritage item or heritage conservation area.*

- *To ensure that additions or changes to the external appearance of heritage items and contributory buildings within heritage conservation areas respect the original, built form, architectural style and character.*

The proposed new building will be located at some distance from the original buildings on the site, which are elevated approximately 10m higher than the location of the Forensic Hospital site. The low-rise nature of the new building within the higher perimeter wall will ensure that the building will not be visible from outside the Gaol site. Similarly, views towards the early built and landscape elements from within the Forensic Hospital site will not be impacted by the new development. Relevant objectives detailed above are therefore deemed to be satisfied.



Figure 6: Section showing proposed facility sitting below existing surrounding perimeter wall.

Section B6 – Recycling and Waste Management

Objectives include:

- *To encourage best practice in waste management that minimises waste generation, facilities waste separation and maximises reuse and recycling.*
- *To ensure quality design and waste management facilities that complement the building design and minimise noise, odour and visual impacts on adjacent uses and the public domain.*
- *To ensure suitable and efficient waste storage, recycling and collection in all development.*

A waste management plan (WMP) has been submitted with the application and has been reviewed by Council's Coordinator Development Engineering and has been deemed to be acceptable. A proposed condition requires compliance with the WMP.

Section B7 – Transport, Traffic, Parking and Access

Relevant objectives include:

- *To manage provision of car parking within the broader transport network*

Proposed use	Vehicle	Motor cycle/scooter
Hospital	1 visitor space per 3 beds; plus 1 space per 2 staff; plus 1 space per doctor plus adequate space for ambulance parking.	5% of the car parking rate.

Figure 7: Vehicle parking rates for hospital use detailed in RDCP2013.

In regard to potential parking demand as a result of the construction of the facility, the application states that the Unit will only accommodate 5 patients with minimal additional staffing generated by the development within the context of the Forensic Hospital. Further information was sought in regard to staffing and the applicant has advised that the operational model is yet to be confirmed, however it is anticipated that the number of new clinical staff would be approximately 12 persons. All staff will be provided with parking in the Corrective Services NSW (CNSW) car park located within the Long Bay Correctional complex. Visitors can prearrange parking within the CSNSW car park. Council's Development Engineer has concurred that there would be limited additional parking demand as a result of the proposal.

- **Randwick City Council Section 94(s94A) Development Contributions Plan.**

The applicant has sought and been granted an exemption from the section 7.12 levy required under the Randwick City Council Section 94(s94A) Development Contributions Plan. The request for an exemption was made on the basis that the project relates to a public hospital with the project being funded by NSW Health under the current NSW Mental Health Care Program. It is considered that the submission satisfies the requirements for granting an exemption to the payment of s7.12 levies under clause 13.2 of the Randwick Section 94 DCP. It has been satisfactorily demonstrated that the proposed development comprises the provision and augmentation of public services that provide public benefit.

7.0 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	N/A.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Refer to "Policy Control" section of this report above for details.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 will be addressed by recommended conditions.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in the body of this report.</p> <p>In terms of social and economic impacts, the proposal will provide additional psychiatric facilities within the existing correctional centre environment, thus improving the facilities available to inmates of the facility. The construction of the facility will also provide employment opportunities for new employees or those already employed within the correction complex.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The subject development site is located within the Long Bay Correctional Centre site which indicates this is a suitable location for a secure mental health accommodation facility for inmates of the Correctional Centre.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received.
Section 4.15(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable environmental,

Section 4.15 'Matters for Consideration'	Comments
	social or economic impact. Therefore it is considered that the proposal is in the public interest.

Conclusion:

The proposal meets the key development standards and policy controls relating to this site.

The proposed development is appropriate for this site given the SP2 Health Services Facility zone in which the subject site is located. The proposal satisfies the relevant objectives contained within RLEP 2012 and the relevant requirements of RDCP 2013. The Heritage Council has granted general terms of approval and Council's heritage planner is satisfied with the form and the scale of the proposal.

The development will not have any significant impact on surrounding properties given the low-rise nature of the proposal and its location within high perimeter walls. The application is considered to be in the public interest as it provides for the construction a valuable community facility at the existing correctional complex.

The application is therefore recommended for approval subject to conditions.

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. DA/898/2018 for construction of a single storey, five bedroom mental health facility with landscaping, driveway, footpath and associated services at No.1300 Anzac parade, Malabar, subject to the following conditions:

A. GENERAL

APPROVED PLANS & SUPPORTING DOCUMENTATION

- The development must be implemented substantially in accordance with the following plans:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
Site Plan 17627-A-DD-DA-024	NBRS Architecture	26/10/2018
Floor Plan 17627-A-DD-DA-044	NBRS Architecture	26/10/2018
Elevations 1 17627-A-DD-DA-054	NBRS Architecture	26/10/2018
Building Section 1 17627-A-DD-DA-064	NBRS Architecture	26/10/2018
LDA-01	PLANTING PLAN	29.10.18A

- Statement of Heritage Impact titled Freshwater House, Long Bay- S60 Approval, prepared by NBRS dated 25 October 2018.
- Freshwater Unit Historic (non-Aboriginal) Archaeological Assessment prepared by RPS dated 29 October 2018.
- Statement of Environmental Effects prepared by Ethos Urban dated 5 November 2018.
- Schematic Design Report, Freshwater Unit prepared by NBRS dated August

The application form and any supporting information received with the application, except as amended by the following conditions:

EXTERNAL COLOURS, MATERIALS & FINISHES

2. The colours, materials and surface finishes of the external surfaces of the building are to be consistent with the approved drawings and plan 17627-A_DD-DA-071, External Finishes Board dated 26/10/2018.

COMPLIANCE FEE

3. 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 Development Certificate for the development.

LONG SERVICE LEVY PAYMENTS

4. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986 must be forwarded to the long Service Levy Corporation of the Council, in accordance with Section 6.8 of the *Environmental Planning and 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 works.

Historical Archaeology – Heritage Induction

5. A heritage induction is to be included in the site induction for all staff and contractors working within the Project Area. All relevant staff and contractors must be made aware of their obligations regarding heritage under the *Heritage Act 1977* and Long Bay Correctional Centre CMP through this induction.

SPECIALIST TRADESPERSONS

6. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

HERITAGE CONSULTANT

7. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

SITE PROTECTION

8. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

PHOTOGRAPHIC ARCHIVAL RECORDING

9. A photographic archival recording must be prepared prior to the commencement of works and at the completion of works. This recording must be in accordance with the NSW Heritage Division publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Heritage Division, Office of Environment and Heritage.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

ABORIGINAL OBJECTS

11. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Office of Environment and Heritage has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

COMPLIANCE

12. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

SECTION 60 APPLICATION

13. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

REQUIREMENTS BEFORE A CROWN CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

SECURITY DEPOSIT

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

- \$5000 - Damage / Civil Works Security Deposit

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

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

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of a Crown Occupation Certificate (or equivalent) or completion of the civil works.

ELECTRICITY SUBSTATION

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

SYDNEY WATER

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

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CROWN CONSTRUCTION CERTIFICATE

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

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

TRAFFIC CONDITIONS

17. The vehicular access driveways, internal circulation ramps / roads and any vehicle manoeuvring areas, (including the ramp grades and turning areas) are to be in accordance with the requirements of AS2890.1:2004. The Crown Construction Certificate plans must demonstrate compliance with these requirements.

STORMWATER DRAINAGE & FLOOD MANAGEMENT

18. The applicant must determine the critical 1%AEP flood level for the subject development site. All habitable floor levels and openings into the building must be a minimum of 500mm above the critical 1%AEP flood level or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the Crown Construction Certificate documentation.
19. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the Crown Certifying Authority prior to a Crown Construction Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

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

INTERNAL DRAINAGE

20. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged to a suitable point along the existing site underground drainage system (via a new or existing drainage pit).
- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **20% AEP (1 in 5 year)** storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 5% AEP (1 in 20 year) storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

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

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

- e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with

each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

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

- f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
 - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):

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

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- m) Mulch or bark is not to be used in on-site detention areas.

WASTE MANAGEMENT

- 21. Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application.
- 22. All new waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

LANDSCAPING & ENVIRONMENTAL AMENITY:

- 23. Landscaping is to be provided to the site in accordance with the landscaping plans/specifications submitted with the development application (Project No 17627-LDA01-Revision A)
- 24. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.
- 25. Site landscaping is required to satisfy the following requirements:
 - i. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions. [OR]
 - ii. The landscaping shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and be designed accordingly. Generally, species selection are to be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

CONSTRUCTION TRAFFIC MANAGEMENT

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

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

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

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

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

CIVIL WORKS

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

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

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

PUBLIC UTILITIES

29. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

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.

SITE SEEPAGE & STORMWATER

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

Details must include the following information:

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

ROAD/ASSET OPENING PERMIT

31. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council,

prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).

- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

STORMWATER DRAINAGE

32. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Crown Certifying Authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

TREE REMOVAL

33. Approval is granted for the removal of only those trees located within the area occupied by the approved works, as detailed in this development consent. Requests for the removal (or pruning) of any of the remaining trees on the site are subject to separate application under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN OCCUPATION CERTIFICATE

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

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

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

34. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature

strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

35. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

SERVICE AUTHORITIES SYDNEY WATER

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

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

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

STORMWATER DRAINAGE

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
38. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

39. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

LANDSCAPING

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

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

OPERATIONAL CONDITIONS

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

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

STORMWATER DETENTION/INFILTRATION SYSTEM

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

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 Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the

nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A2 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.
- A3 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.