

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-117 - DA/642/2020
PROPOSAL	Demolition of existing structures including the existing aged care facility, construction of a 4 storey building over two basement levels for the purposes of seniors housing with ancillary uses, comprising 83 beds (79 rooms) and 2 x 1 bedroom independent living units, rooftop terrace, basement car parking for 18 vehicles, lot consolidation, landscaping and associated works (variation to building height of RLEP 2012).
ADDRESS	11 – 19 Frenchmans Road, Randwick Lot 10 in DP 845575 (11 – 15 Frenchmans Road) Lot 3 in DP 13779 (17 Frenchmans Road) Lot 4 I DP 13779 (19 Frenchmans Road)
APPLICANT	Higgins Planning
OWNER	Frenchmans Lodge Properties Pty Ltd
DA LODGEMENT DATE	25 November 2020
APPLICATION	Development Application
REGIONALLY SIGNIFICANT CRITERIA	SEPP – (State and Regional Development) 2011 - Schedule 7(2): General Development with cost of work greater than \$30m.
CIV	\$31,589,303 (excluding GST)
CLAUSE 4.6 REQUESTS	Randwick Local Environmental Plan 2012 <ul style="list-style-type: none"> • Clause 4.3 Maximum Height SEPP (Housing for Seniors or People with a Disability) 2004 <ul style="list-style-type: none"> • Clause 4.6 request to vary Clause 26 of Seniors Living SEPP; • Clause 4.6 to vary Clause 48 of Seniors Living SEPP (landscaped area).
KEY SEPP/LEP	Seniors Housing SEPP, Randwick Local Environmental Plan 2012, Housing SEPP 2021.
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	Original Proposal: 23 submissions received in objection to the proposal, including 21 unique submissions.

	<p>Amended Proposal:</p> <p>Three (3) submissions received in objection to the proposal, all unique submissions. Key Issues and concerns raised in submissions:</p> <ul style="list-style-type: none"> • Height – exceedance of maximum height and associated impacts upon neighbouring properties; • Access via McLennan Avenue, including safety concerns from increased traffic, including large trucks; • Concerns regarding increased traffic on McLennan Avenue due to deliveries and waste removal, and safety of residents of the street, primarily children; • Visual privacy and overlooking from the proposed development; • Overshadowing and solar access; • Bulk and scale and consistency with streetscape of Frenchmans Road; • Side setbacks; • Earthworks/excavation and potential impacts upon adjoining properties with regards to structural integrity and noise. Request to view construction methodology. • Reiteration of original concerns including concerns regarding built form, proximity to side boundary, noise impacts, external lighting, overshadowing, privacy, impacts from external smoking areas.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Development Application Assessment Report; • Amended architectural plans, perspectives, streetscape analysis, colour and material schedule and shadow diagrams; • Landscape package; • Survey Sheets; • Stormwater Plans and Details; • Updated Clause 4.6 to vary RLEP 2012 FSR development standard; • Clause 4.6 request to vary Clause 26 of Seniors Living SEPP (access and ramp gradients); • Clause 4.6 to vary Clause 48 of Seniors Living SEPP (landscaped area); • Updated Clause 4.6 to vary RLEP 2012 height development standard; • Urban Design Review • Updated Basix Certificate;
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Draft Conditions are attached to the Assessment report for consideration ahead of the determination meeting.

SCHEDULED MEETING DATE	28 March 2022
PLAN VERSION	14 February 2022 Version No. D
PREPARED BY	Angela Manahan, Executive Planner
DATE OF REPORT	18 March 2022

EXECUTIVE SUMMARY

Council is in receipt of a development application (as amended) seeking approval for demolition of existing structures including existing aged care facility, and construction of a four (4) storey building over two (2) basement levels for the purposes of seniors housing with ancillary uses, comprising 83 beds (79 rooms) and 2 x 1 bedroom independent living units, rooftop terrace, basement car parking for 18 vehicles, lot consolidation, landscaping and associated works (variations to height of buildings standard of RLEP 2012, Clause 26 of Seniors Living SEPP (access to facilities – ramp gradient) and Clause 48 of Seniors Living SEPP (landscaped area).

The site is located on the northern side of Frenchmans Road with a secondary frontage to McLennan Avenue. The site comprises of three (3) separate lots and collectively it is known as 11 – 19 Frenchmans Road with a total area of 2,709.7m². The site has vehicular access from both Frenchmans Road and McLennan Avenue.

The site is located within R3 Medium Density Residential zone and the proposed development is permitted with consent.

The principal planning controls relevant to the proposal include State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Living SEPP), Randwick Local Environmental Plan 2012 ('RLEP 2012'), Randwick Comprehensive Development Control Plan 2013 ('RDCP'), and the SEPP (Housing) 2021 as a draft consideration.

There were no concurrence requirements from agencies for the proposal and the application is not classified as integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Transport for NSW pursuant to *State Environmental Planning Policy (Infrastructure) 2007* ('Infrastructure SEPP') was undertaken who raised no objection to the proposal, subject to recommended conditions.

The amended application was placed on public exhibition from 25 February 2022 to 11 March 2022, with a total of three (3) submissions in objection to the proposal being received. The submissions received raised issues relating to building height, streetscape, acoustic impacts, privacy, overshadowing, traffic implications and concerns in relation to the extensive earthworks and excavation proposed. These issues are considered further in this report.

The application is referred to the Sydney Eastern City Planning Panel (SECPP or 'the Panel') as the development is identified as being '*regionally significant development*' pursuant to Clause 2 of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, due to the proposal being *general development* with a CIV over \$30 million.

A briefing was held with the Panel on 8 July 2021 where key issues were discussed, including the requirement for a SCC, the exceedance of the LEP development standards of height and FSR, and provisions of Seniors Living SEPP. A determination report was presented to the Panel on 2 December 2021 where the application was deferred to address several issues. A further briefing was held with the Panel on 3 February 2022.

The key issues associated with the proposal included:

- The SECPP on 10 November 2021 resolved that it has no power to issue a SCC as the proposed development is permissible with consent under the zoning provisions applying to the land.
- Clause 33 of Seniors Living SEPP requires proposal for seniors housing to be designed in such a way to reduce the impacts on adjoining development. This requirement is supplemented by Clause 31 of Seniors Living SEPP that requires consideration of, among other matters, the provisions of *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004. The proposal as amended has resolved a number of compatibility and interface issues with the exception of the proposed 4 storey element adjoining the 2 storey semi-detached dwelling at No. Frenchmans Road. In this regard, a minimum setback of 4m is recommended for levels 2 and 3.
- Pursuant to Clause 45(6) of the Seniors Living SEPP, a minimum 10% of the dwellings within the proposed development need to be offered as 'affordable places'. The proposal includes 2 x 1 bedroom 'independent living units' (ILU) and the applicant has proposed the two (2) ILUs as affordable places. This is considered an incorrect interpretation of Clause 45(6). By way of reference the applicant is seeking a bonus GFA measuring approximately 994m² and offering approximately 106m² as 'affordable place', being the two (2) ILUs.
- Pursuant to Clause 48 of the Seniors Living SEPP a minimum landscaped area of 25m² per residential care facility bed is required. As such a minimum of 2075m² of landscaped area is required (83 x 25 = 2075m² (excluding the two ILUs)). The amended plans indicate a total landscaped area of 965m² which equates to 11.6m² per bed or less than 50% of the minimum requirement. The applicant submitted a Clause 4.6 variation request in support of the variation which is considered to be well founded and the variation is supported in this instance.
- RLEP 2012 prescribes a maximum building height of 12m for the subject site. The amended proposal is seeking a maximum height of 13.59m to the lift overrun and 12.95m to the parapet line. A revised Clause 4.6 variation request is provided with the amended plans. The variation is considered supportable.
- Complementing the overall height standard of RLEP 2012, RDCP has an external wall height control to ensure an acceptable building envelope and interesting roof form can be achieved. The external wall height control of the RDCP requires a maximum external wall height of 10.5m for the subject site. The top floor of the development breaches this control. However, the proposal as amended provides increased side setbacks for the upper most level, a reduced bulk towards McLennan Avenue and landscape treatment for upper floors. These changes are considered improvements that will reduce adverse impacts from an excessive external wall.

- The proposal does not comply with RDCP controls for minimum side setback of 4.0m, with the side setbacks varied between 2.345m-8.445m due to the modulation of the building and the irregular shape of the site. However, subject to the recommendations within the report, any adverse overshadowing, privacy or visual impacts are considered to be adequately addressed and the minor non-compliance with the side setback is considered acceptable in this instance.

Following consideration of the matters under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, in particular Seniors Living SEPP, RLEP 2012 and RDCP 2013, the proposal as amended is considered suitable for the subject site.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA/642/2020 is recommended for approval subject to the draft conditions attached to the report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located on the northern side of Frenchmans Road with a secondary frontage on McLennan Avenue. The existing nursing home is located on 11 – 15 Frenchmans Road and legally described as Lot 10 in DP 845575. It has a frontage of 50.23m to Frenchmans Road and a secondary frontage of 21.09m to McLennan Avenue. It has a total area of 2053m². No 17 Frenchmans Road is known as Lot 3 in DP 13779 and it is located to the west of existing nursing home. No. 19 Frenchmans Road is known as Lot 4 in DP 13779 and it is located further west of the existing nursing home. The amalgamated site will have a frontage of 76.21m to Frenchmans Road, a secondary frontage of 21.09m to McLennan Avenue and a total area of 2,709.7m².

Currently existing on the site is the three storey main nursing home and detached cottages used for administrative purposes.

The site shares its boundaries with multiple sites fronting Frenchmans Road, McLennan Avenue and Astolat Street. The sites adjoining the subject site accommodate single and two storey dwelling houses. The site offers perimeter landscaping including some trees. The existing eucalyptus tree along the Frenchmans Road frontage is of significance and proposed to be retained.



Figure 1: Aerial and cadastral view of subject site showing location of existing nursing home and adjoining sites to be amalgamated for the proposed new nursing home.



Photo 1: Existing nursing home as seen from Frenchmans Road



Photo 2: View of subject site as seen from McLennan Avenue

1.2 The Locality

The improvements in the vicinity of the subject site are predominately single and two storey dwelling houses. A 4 storey residential flat building is located at 1 – 5 Frenchmans Road, west of the subject site and a 3 storey residential flat building at 25 – 27 Frenchmans Road, east of the subject site.

The adjoining properties to the north east of the subject site at Nos. 23 and 25 McLennan Avenue, accommodate items of local heritage significance noted as Items I408 and I409 respectively under RLEP 2012. Further north across McLennan Ave another item of local heritage significance I407 is located at No. 12 McLennan Ave Randwick. All these items are noted in Schedule 5 of RLEP 2012 as 'Californian Bungalow' and are shown in Figure 3 below.

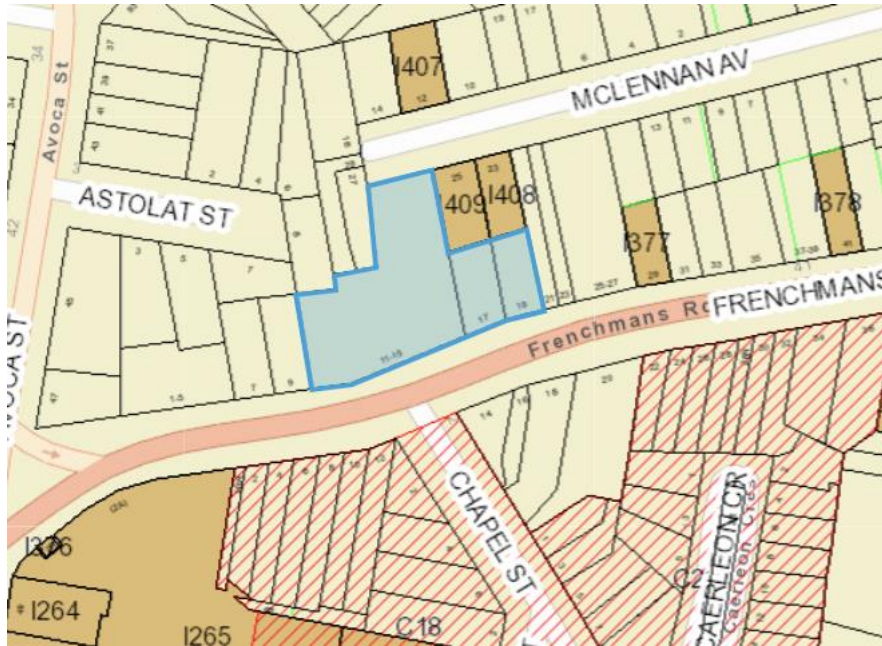


Figure 2 – Heritage Items and Conservation Areas in the vicinity of the site.

The site is also located within close proximity to the northern portion of the St Marks Heritage Conservation Area (C18) and Caerleon Crescent Conservation Area (C20) listed as C18 and C20 respectively under Schedule 5 of RLEP 2012 and located immediately opposite the site on the southern side of Frenchmans Road.

The area in general is predominately residential in character with an eclectic mix of single and two storey dwelling houses and residential flat buildings ranging 2 to 3 storeys in height. Further east along Frenchmans Road, commercial and retail services are available within neighbourhood business centre.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The amended proposal seeks approval for demolition of existing structures including the existing aged care facility, construction of a 4 storey building over two basement levels for the purposes of seniors housing with ancillary uses, comprising 83 beds (79 rooms) and 2 x 1 bedroom independent living units, rooftop terrace, basement car parking for 18 vehicles, lot consolidation, landscaping and associated works (variations to height of the RLEP 2012, Clause 26 of Seniors Living SEPP and Clause 48 of Seniors Living SEPP (landscaped area).

A summarised version of the applicant's description of the proposed development as amended is as follows:

- Demolition of existing structures, site preparation and bulk earthworks.
- Construction of 1 electrical substation.
- Construction and operation of a building for the purposes of seniors housing, under Clause 45 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.
- Lower basement level accommodating storage, services, workshop and plant room.
- Basement level

- Parking for a total of 18 car spaces inclusive of disabled parking, with access from Frenchmans Road, ambulance bay, loading dock and several ancillary services.
- Ground floor level
 - 17 x 1 bed residential care facility rooms with en-suites (no cooking in any room). An in-house café with indoor and outdoor seating for residents and their visitors.
- First floor level
 - 26 x 1 bed and 2 x 2 bed residential care facility rooms with en-suites (no cooking in any room).
- Second floor level
 - 18 x 1 bed and 2 x 2 bed residential care facility rooms with en-suites (no cooking in any room).
- Third floor level
 - 14 x 1 bed residential care facility rooms with en-suites (no cooking in any room). Two x single bed independent living units.
- Roof terrace open spaces with pergola and planter boxes for landscaping, accessible to all residents of the seniors housing building.
- Ancillary services including communal dining and living areas, multi function meeting spaces, physiotherapy rooms, hairdressing salons, reception and lobby areas, 2 x lift access, communal kitchen and staff amenities.

Table 1: Development Data

Control	Proposal
Site area	2,709.7m ²
GFA	3,433.0m ²
FSR	0.9:1 based on RLEP 2012 (Max GFA = 2438.7m ²) 1.4:1 based on Senior's SEPP (Max GFA = 3794m ²) 1.276:1 proposed development (Max GFA = 3433m ²)
Clause 4.6 Requests	Clause 4.6 to vary RLEP 2012 height standard of 12m Clause 4.6 to vary RLEP 2012 FSR standard of 0.9:1 Clause 4.6 to vary Clause 48(c) of Seniors SEPP Clause 4.6 to vary Clause 26 of Seniors SEPP
Accommodation details	79 rooms offering 83 beds + 2 x single bed ILUs Total 81 rooms offering 85 beds.
Max Height	13.59m to the lift overrun Permitted 12.0m under RLEP 2012
Landscaped area	965m ² proposed 2075m ² required under Senior's Living SEPP 1355m ² under RDCP 2013
Car Parking spaces	18 car parking + 2 x ambulance bay = 20 spaces

2.2 Background

A pre-lodgement meeting was held with Council Officers on 10 July 2020 (PL/12/2020) which proposed demolition of existing buildings, lot consolidation, and construction of a 3 storey Assessment Report: Four Storey Seniors Housing

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seniors housing development with 2 basement levels and rooftop terrace. Issues raised included:

- Excessive FSR and height;
- Bulk and scale, and consistency with the surrounding built character;
- Amenity impacts for the adjoining residents;
- Heritage impacts, in particular separation from adjoining heritage items along McLennan Avenue and overall bulk and scale;
- Concerns from the Design Excellence Panel regarding bulk and scale to the north and south elevations, setbacks and retention of a large eucalyptus tree within the front setback.

The development application was lodged on **25 November 2020**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
25 November 2020	DA lodged
30 November 2020	Exhibition of the application
26 November 2020	DA referred to external agencies
26 April 2021	Request for Information from Council to applicant
8 July 2021	Panel briefing
1 July 2021	Amended plans lodged dated 1 July 2021 accepted by Council under CI 55 of the Regulation on 2 July 2021.
2 December 2021	An assessment report with recommendation for refusal was referred to the Panel. The Panel resolved to defer the application.
3 February 2022	Second briefing for the Panel.
20 February 2022	Amended plans were received by Council.
25 February 2022	Renotification for 14 days commenced.

At the determination meeting on 2 December 2021, Sydney Eastern City Planning Panel as the consent authority, agreed to defer the matter and requested the following to be considered:

- An assessment of the new SEPP (Housing) 2021, given the status of the instrument which is now been gazetted and is in force.

- The opportunity for the applicant to amend the plans and documentation, including necessary clause 4.6 written requests, to resolve issues in relation to setbacks and associated impacts upon neighbours, and to allow the development to be viewed within a landscaped setting.
- Engagement with Council to discuss concerns and amendments.

In response to concerns raised by both Council and the Panel, amended plans were submitted. A general comparison of the key elements of the proposal between the original development and the amended development are listed in the following table:

Table 2A – Comparison of Original and Amended Proposal

Item	Previous Proposal	Current Amended Proposal
GFA	3,458m ²	3,433m ²
FSR	1.276:1	1.276:1
Height	14.2m	13.59m
Total number of rooms	86 beds/77 rooms	83 beds/79 rooms
Independent Living Units	2 x 1 bedroom	2 x 1 bedroom

2.3 Site History

The information submitted with the development application indicates the subject site was used as a private hospital and some 50 years ago the hospital building was approved to be use as a 'nursing home' known as 'Summitcare' Randwick. A series of development consents have been granted over the years for alterations and additions to the nursing home. A search of Council's records revealed the following recent and/or relevant applications in relation to the subject site:

DA/182/2007

A development consent was granted for upgrade existing residential care facility & reduce number of beds from 98 to 81 on 7 May 2007. This consent was not acted upon and it has since lapsed.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be Integrated Development (s4.46) or Designated Development (s4.10). The application required a referral and concurrence from Transport for NSW (s4.13).

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *Roads Act 1993*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*;
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*; and
- *Randwick Local Environmental Plan 2012*.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
Roads Act 1993	<ul style="list-style-type: none"> • Section 138 of the Roads Act for works on Frenchmans Road frontage. Satisfactory subject to conditions. 	Y
SRD SEPP	<ul style="list-style-type: none"> • Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 7. 	Y
SEPP 55	<ul style="list-style-type: none"> • Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
Infrastructure SEPP	<ul style="list-style-type: none"> • Clause 45 (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. • Clause 101 Development with frontage to classified road. 	Y
Seniors Living SEPP	Clauses 31 and 33 –impacts on the adjoining properties; Clause 45 – bonus FSR; Clause 48 – insufficient landscape area;	Y Y N
RLEP 2012	Clause 4.3 – Maximum height Clause 4.4 – Maximum FSR (with bonus FSR)	N Y

Roads Act 1993

The proposal involves works along Frenchmans Road frontage which is a classified road. A response was received from Transport for NSW on 30 April 2021 which granted concurrence under Section 138 of the Roads Act to the proposed development, subject to a series of conditions.

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') applies to the proposal as the development is identified as being regionally significant development. In this case, pursuant to Clause 20(1) of SRD SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 7 of the SRD SEPP, in which the proposal is development with a CIV over \$30 million. Accordingly, the SECPP is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* ('SEPP 55') have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

Following a review of PSI, concerns were raised by Council. The applicant has in response submitted a detailed Remedial Action Plan (RAP) that has been reviewed by Council's Environmental Health section and found acceptable subject to conditions.

Should the application be approved, the proposal is considered to be consistent with SEPP 55, subject to the imposition of relevant conditions of consent in relation to remediation works during construction.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development requires an assessment under Clause 45 and concurrence under Clause 101 of the Infrastructure SEPP. Compliance with Clause 45 can be achieved through a condition, should the application be approved. Transport for NSW has granted their concurrence to the proposed works on Frenchmans Road pursuant to Clause 101 of the Infrastructure SEPP, subject to a series of conditions. The proposal is considered to comply with the provisions of Infrastructure SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The proposed development is lodged pursuant to Clause 45 of the Seniors Living SEPP. The proposal is found to be largely consistent with the provisions of the Seniors Living SEPP as discussed in the following sections:

Site Compatibility Certificate (SCC)

The proposal is lodged under Clause 45 of Seniors SEPP and seeks the associated bonus FSR. In the initial considerations of the application, Council took a position that pursuant to Clause 24(1)(b), a site compatibility certificate would be required for the subject site. The applicant also had similar position and as such lodged a SCC application with the Department of Planning, Industry and Environment concurrently with the development application.

On 10 November 2021, the SECPP resolved that a SCC is not applicable to the proposed development pursuant to Clause 24(1A) as the seniors living is a permissible land use within the R3 Medium Density zoning. Council concurs with this position, and therefore no SCC is required for the proposed development in this instance.

Seniors Living Policy: Urban Design Guideline for Infill Development

Clause 31 of Seniors Living SEPP requires consideration of, among other matters, the provisions of *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

The proposal as amended has a reduced bulk with a two (2) storey built from towards McLennan Avenue, increased site setbacks and an overall reduction in height. It is acknowledged that the proposed development shall be excessively large compared with other development within the vicinity of the site, which primarily comprise low density developments. However, the overall building envelope is not considered to be unreasonable in the context of the land use (including the existing building on site), given that it represents a different type of development and use, and therefore does not need to appear similar to other forms of low density residential developments within the vicinity.

Notwithstanding, concerns are raised regarding the interface along the Frenchmans Road frontage with the adjoining existing two (2) storey semi-detached dwellings at 21-23 Frenchmans Road, which is considered unacceptable. RDCP 2013 would generally require a minimum side setback of 4m for the subject site, which given the low density nature of the adjoining properties is not considered unreasonable. Of particular concern is the second floor level which provides a setback of 2.27m-2.69m for the external wall.

It is acknowledged that the proposed amendment would likely require the removal of 1 single room, however this is not considered to be unreasonable given the level of non-compliance with Council's built form controls that can be attributed to this portion of the development, and the associated adverse impacts upon neighbours. As such a condition of consent is recommended for a minor amendment for the eastern side of the development adjoining 21 Frenchmans Road to be setback a minimum of 4m from the boundary at the second floor level. It should be noted that the third floor level provides a setback to the external wall of 4.5m-4.89m.

Design of Residential Development (Clause 32)

Clause 32 requires consideration of the design principles of Division 2 of the Seniors Living SEPP which relate to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management. The two most relevant design principles are discussed in the following section:

Neighbourhood Amenity and Streetscape (Clause 33)

This clause inter alia requires consideration of the following:

The proposed development should-

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by-*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site's land form, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*

The site is zoned R3 Medium Density Residential in which a maximum built environment envisioned by RLEP 2012 is generally three (3) storey residential flat buildings with a 0.9:1 FSR and a 12m maximum building height. Further RDCP 2013 requires a maximum external wall height of 10.5m. The original proposal offered a part three (3) and part four (4) storey development with average 2.5m side setbacks. The original proposal was considered inconsistent with the above design principles as it provided inadequate setbacks and excessive height, particularly fronting McLennan Avenue, and therefore was not supported.

The proposal as amended offers a two (2) storey building element facing McLennan Avenue and a four (4) storey building element facing Frenchmans Road. The side setback along the rear two (2) storey wing is on average 3.5m, with portions of the setback up to 3.83m, 4.45m and 8.44m. The side setback areas are considered to be of adequate width to support deep soil planting to allow the landscaping to be integrated into the site, and the building to be sited in a landscaped setting.

The four (4) storey building element facing Frenchmans Road offers a minimum 4.0m side setback along the western elevation and this interface with adjoining building at No. 9 Frenchmans Road is considered acceptable. The four (4) storey building element along the eastern elevation offers an average setback of 2.5m which offers a poor relationship with the adjoining pair of semi-detached dwellings at 21-23 Frenchmans Road. As discussed earlier it is recommended that a minimum 4.0m eastern side setback shall be required for the second and third floor levels for the front section of the building. As a result, the balcony on the third floor level will also need to be deleted.

The proposal in its amended form, and subject to the recommended increased eastern side setback, is considered an acceptable form of development. It is acknowledged that the consolidated size of the subject land is large compared to standard lots sizes in the area and the proposed development by virtue of its typology is not expected to be comparable with the general residential character of the area.

Visual and Acoustic Privacy (Clause 34)

The proposed development as amended is not considered to raise any significant impacts on the acoustic and visual privacy of adjoining residential properties, subject to recommendations for additional privacy measures to be imposed.

In the amended proposal, the first floor level rooms 16 and 17 within the rear portion of the building propose protruding angled windows which would have the ability to overlook the dwelling and POS of the adjoining property at 25 McLennan Avenue. As such it is recommended that the north-eastern face of those windows be fixed translucent glazing to a minimum height of 1.6m from finished floor level as demonstrated in the following sketch:

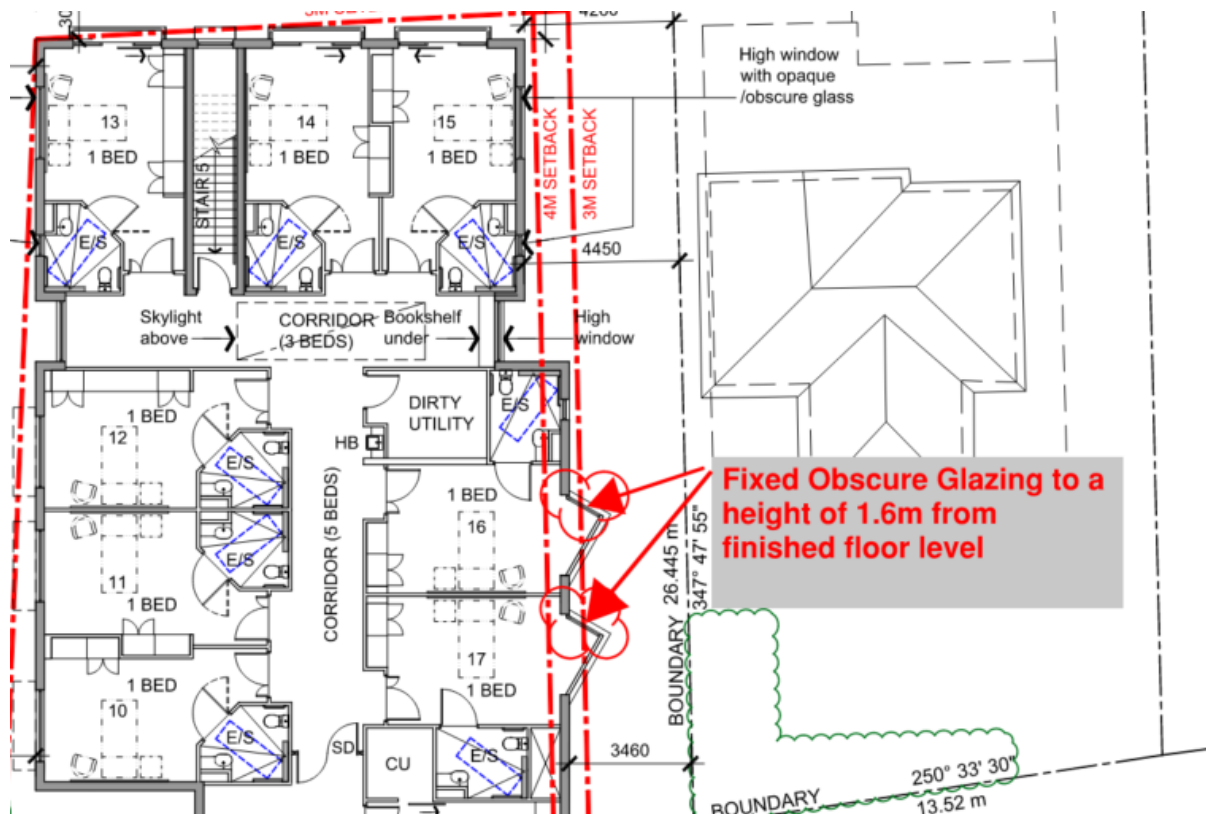


Figure 3 - Privacy measures recommended as detailed.

In response to concerns raised by neighbouring properties, several privacy measures are also recommended on windows and balconies to side and rear boundaries.

It is considered that additional privacy measures to the following windows are not necessary as follows:

Ground Floor Level

- Western windows to rooms 1-5 given that the floor level of these rooms are located at or below existing ground level at the side boundaries and therefore boundary fencing would be sufficient in minimising overlooking impacts;
- Western and eastern windows to rooms 13 and 15 which already have highlight windows;

First Floor Level

- Western windows to rooms 1-5 due to the orientation of the windows which prevent backwards viewing into neighbouring rear yards;
- Western and eastern windows to rooms 13 and 15 which already have highlight windows;
- Northern windows to rooms 23 and 24 due to the spatial separation from the adjoining rear yards and the provision of landscaping;
- Eastern windows to the Dining area due to external wall of building to the north which shall obstruct sightlines, resulting in adequate spatial separation;
- Western windows to the Dining area which shall generally be a minimum of 9m from the neighbouring boundary, and the provision of landscaping;

Second Floor Level

- Western windows to rooms 1-5 due to the orientation of the windows which prevent backwards viewing into neighbouring rear yards;
- Northern windows to rooms 15 and 16 due to the spatial separation from the adjoining rear yards and the provision of landscaping;

- Northern windows to the Lounge area as the green roof shall obstruct sightlines into neighboring properties to a sufficient spatial distance;
- Eastern windows to Dining area due to external wall of building to the north which shall obstruct sightlines, resulting in adequate spatial separation;
- Western windows to the Dining area which shall generally be a minimum of 9m from the neighbouring boundary, and the provision of landscaping;
- Northern windows to the Dining area as the green roof and external walls of the northern portion of the building shall obstruct sightlines into neighboring properties to a sufficient spatial distance;

Third Floor Level

- Western windows to rooms 2-5 as the setback from the lower external wall shall obstruct sightlines into neighboring properties and due to the spatial separation of any likely overlooking which would be in excess of 11m;
- Northern windows to room 9 and ILU 1 as the planter box shall obstruct sightlines into neighboring properties to a sufficient spatial distance;
- Northern windows to the Dining area as the planter box shall obstruct sightlines into neighboring properties to a sufficient spatial distance;
- Northern windows to the Lounge area and eastern window to the ILU 2 as it is recommended that privacy louvres are provided along the northern edge of the balcony which shall obstruct sightlines.

Vertical Village (Clause 45)

The development application is lodged under the provisions of Clause 45 of the Seniors Living SEPP.

It is considered that the development shall deliver on-site support services for residents, providing three (3) meal per day on a communal basis or to a resident's dwelling, and providing personal care, home nursing visits and assistance with housework. However, clause 45(6) requires that a minimum of 10% of the 'dwellings' in the proposed development are to be 'affordable places'. The applicant originally offered one (1) of the two (2) proposed independent living units (ILU) as affordable dwellings. Concerns were raised by Council regarding the shortfall in affordable places, and the applicant provided a legal argument that the proposal seeks approval for two (2) dwellings and seventy-seven (77) rooms therefore the 10% of affordable dwellings only apply to the two (2) ILUs and not on the rest of the development.

Through the amended proposal, the applicant has proposed both ILUs as affordable dwellings and maintains that 10% of affordable dwelling is only applicable to the ILU component of the development and not the remainder of the rooms. While it is acknowledged that the definition of "dwellings" generally relates to self-contained units used as a separate domicile, in this instance Council interprets this clause as being applicable to the entire development. While the rooms do not generally contain cooking facilities, by virtue of the on-site services provided which includes 3 meals per day, it is considered that the individual rooms with the inclusion of bathroom facilities can be self-contained and are capable as being utilised as a separate domicile. There is no definition of a "vertical village" within the Seniors Living SEPP or the guidelines from the Department of Planning, with vertical villages generally being in the form of self-contained dwellings, residential care facilities or both. Were the applicant's approach adopted then a proposal could be put forward for a residential care facility only and benefit from the bonus FSR without providing any affordable "dwellings" on site which would be inconsistent with the intent of the clause. As such, Council considers that a minimum of 10% of the entire development should be provided as affordable housing. The proposal offers a total of 85 beds (including 2 x 1 bedroom ILUs) and therefore 8.5 beds, rounded up to 9 beds,

must be offered towards affordable housing. This would require 7 beds in addition to 2 x 1 bedroom ILUs to be nominated as affordable housing.

With regards to the above, the proposal benefits from the bonus FSR which permits an additional 36.7% or 994m² of net GFA, providing a net GFA of 3,433m² and a resultant total FSR of 2.36:1 noting that the Seniors Living SEPP offers a number of exclusions to the GFA. The net GFA of the two (2) ILUs proposed as affordable places is 106m² or 3% of the net GFA.

The proposal is not considered consistent with the Seniors Living SEPP with regards to the provisions of clause 45 in relation to affordable housing and it is recommended that a minimum of nine (9) beds be required as affordable places, which shall be enforced through recommended condition of consent.

Randwick Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Randwick Local Environmental Plan 2012* ('the RLEP 2012'). The aims of the RLEP 2012 include:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to foster a liveable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres,*
- (b) *to support a diverse local economy and business and employment opportunities for the community,*
- (c) *to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses,*
- (d) *to achieve a high standard of design in the private and public domain that enhances the quality of life of the community,*
- (e) *to promote sustainable transport, public transport use, walking and cycling,*
- (f) *to facilitate sustainable population and housing growth,*
- (g) *to encourage the provision of housing mix and tenure choice, including affordable and adaptable housing, that meets the needs of people of different ages and abilities in Randwick,*
- (h) *to promote the importance of ecological sustainability in the planning and development process,*
- (i) *to protect, enhance and promote the environmental qualities of Randwick,*
- (j) *to ensure the conservation of the environmental heritage, aesthetic and coastal character of Randwick,*
- (k) *to acknowledge and recognise the connection of Aboriginal people to the area and to protect, promote and facilitate the Aboriginal culture and heritage of Randwick,*
- (l) *to promote an equitable and inclusive social environment,*
- (m) *to promote opportunities for social, cultural and community activities.*

The proposal as amended and subject to recommended conditions is considered consistent with the aims of RLEP 2012 for the following reasons:

- The proposal will offer a much needed contemporary seniors living in an accessible area; and
- The amended design, subject to recommended conditions, is considered sympathetic to the adjoining residential development. The proposal is also considered compatible with the desired future character of the area.

Zoning and Permissibility (Part 2)

The site is located within the R3 Medium Density Residential Zone pursuant to Clause 2.2 of RLEP 2012.

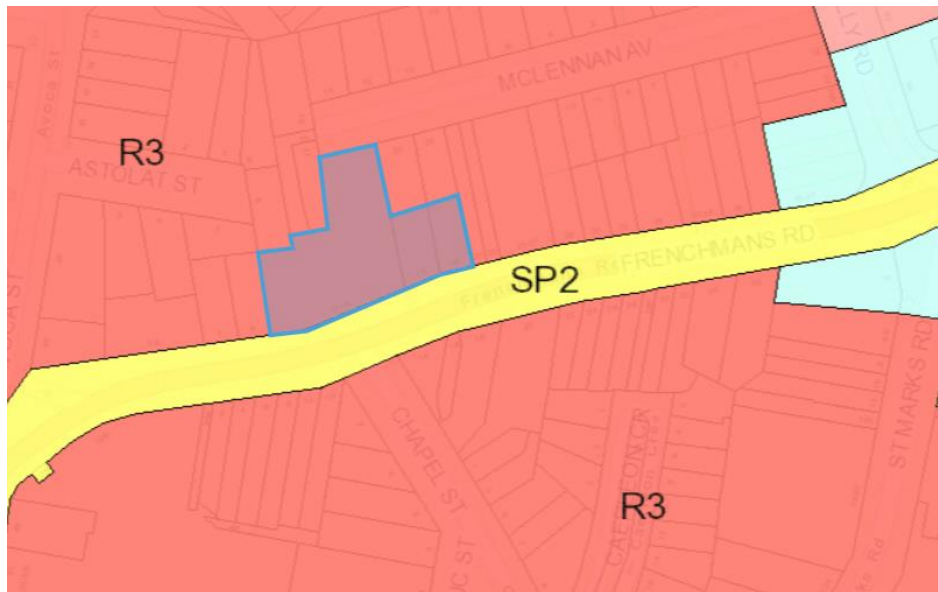


Figure 4: Zoning map of the subject site and surrounds

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of 'Seniors Living; which is a permissible use with consent in the Land Use Table in Clause 2.3. The proposed development is also permissible under the provisions of Seniors Living SEPP.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

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

As discussed in this report, the proposal as amended and subject to recommended conditions, is generally considered consistent with the above objectives.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below. The proposal does not comply with the development standards in Part 4 of RLEP 2012, being Clauses 4.3, nor clause 48 of the Seniors Living SEPP, accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum height development standards. The applicant has also submitted Clause 4.6 statement to vary Clauses 26 and 48 of the Seniors Living SEPP relating to the access gradient and minimum landscaped area.

In addition the applicant also submitted a Clause 4.6 request to vary the FSR development standard as prescribed in Clause 4.4 of RLEP 2012. The proposed FSR is however considered compliant with the maximum FSR permitted on the site, pursuant to the bonus FSR under clause 45 of the SEPP, being 1.4:1 (0.9:1 + 0.5:1). As such, Council does not consider the clause 4.6 in relation to FSR necessary in this instance and therefore this has not been assessed as part of this assessment report.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (Cl 4.3(2))	12.0m	13.59m (lift overrun) 12.95 (parapet height)	No
FSR (Cl 4.4(2))	0.9:1 + 0.5 (bonus) 1.4:1 = (3791m ²)	1.276:1 (3433m ²)	Yes
Heritage (Cl 5.10)	Consideration of adjoining heritage items and nearby conservation area.	HIS provided with the application.	Yes
Design Excellence (Cl 6.11)	Referred to Council's Design Excellence Panel (DEP) for comments.	The applicant responded to DEP comments. The proposal as amended, subject to conditions, is considered compliant.	Yes

The proposal is considered to be generally consistent with the LEP.

Clause 4.6 Request to Vary Clause 4.3 Height Standard, and Clause 48 and 50 of Seniors Living SEPP

Pursuant to Clause 4.3 of RLEP 2012, a maximum height of 12.0m is applicable to the subject site. Pursuant to Clause 48 and 50 of the Seniors Living SEPP, a maximum height of 8m and a limitation of two (2) storeys is identified for the proposed development.

The applicant provided a clause 4.6 written request to vary the height standard identified in clauses 48 and 50 of the Seniors Living SEPP, and advised that in the previous discussions with the SECPP, it was considered that the development standards in the SEPP would prevail and therefore a clause 4.6 request in relation to the height under RLEP 2012 is not necessary.

While Council acknowledges that the provisions of a State Environmental Planning Policy would prevail over the LEP, the subject standards within clauses 48 and 50 are "cannot refuse development consent" standards. While the relevant clauses fall under Part 7 of the Seniors

Living SEPP which refers to the standards as “development standards”, clause 48 and 50 SEPP include a note stating as under:

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

As such, Council considers that due to the wording of the clause, being “standards that cannot be used to refuse” (unlike the development standards provided in Part 4 of the of the SEPP) and as a result of the note, development consent can still be granted to a development which breaches the standards. Additionally, the context of the height standard in the Seniors Living SEPP differs to RLEP in that the height as specified in the SEPP is measured to the ceiling, whereas the height as measured under the RLEP is measured to the maximum building height, including roof elements and plant, and therefore a clause 4.6 consideration of the height standard under RLEP is required. As such, to ensure there is no legal impediment preventing the determination of the application, should the Panel be of mind to agree with Council that a clause 4.6 would be required for the RLEP height variation, an additional clause 4.6 written request was submitted by the applicant which also addresses clause 4.3 (height of buildings) of RLEP 2012.

The arguments in relation to the height breach of both clause 48 and 50 of the SEPP and clause 4.3 of RLEP 2012 are consistent and supported, given the overarching objectives of the height standards, and intent of the clauses. Detailed consideration of the clause 4.6 variations is provided below.

The proposal as amended, seeks a maximum height of 13.59m to the lift overrun, 14.28m the plant acoustic wall, and 13.09m to the ceiling. The following elevations show the height exceedance through the red dashed line. Additionally, the blue dashed line shows the maximum height as permissible under the new Housing SEPP 2021 which is addressed further in the report.



Figure 5 - South Elevation (Frenchmans Road frontage) Dwg No. DA13, Rev E dated 14 February 2022.



Figure 6 - North Elevation (McLennan Avenue frontage) Dwg No. DA13, Rev E dated 14 February 2022.



Figure 7 - East Elevation Dwg No. DA13b, Rev A dated 2 March 2022.

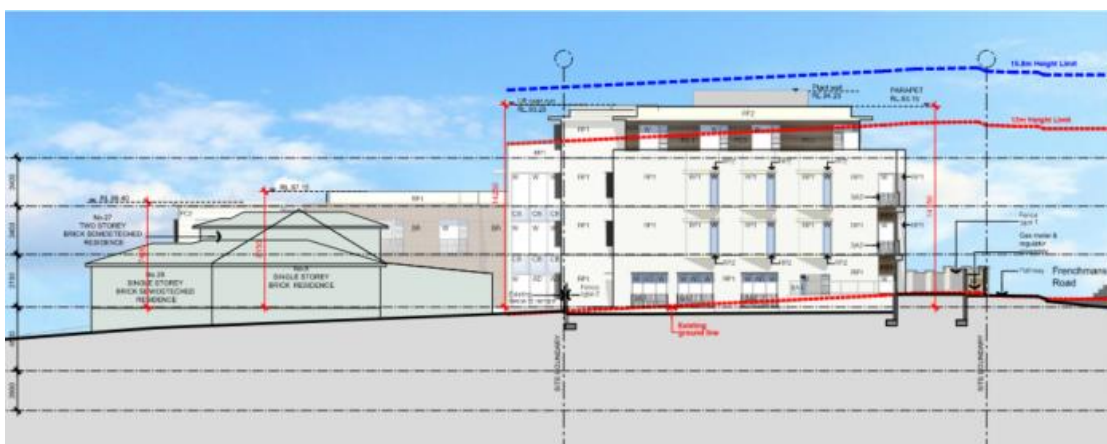


Figure 8 - West Elevation Dwg No. DA13, Rev E dated 14 February 2022.

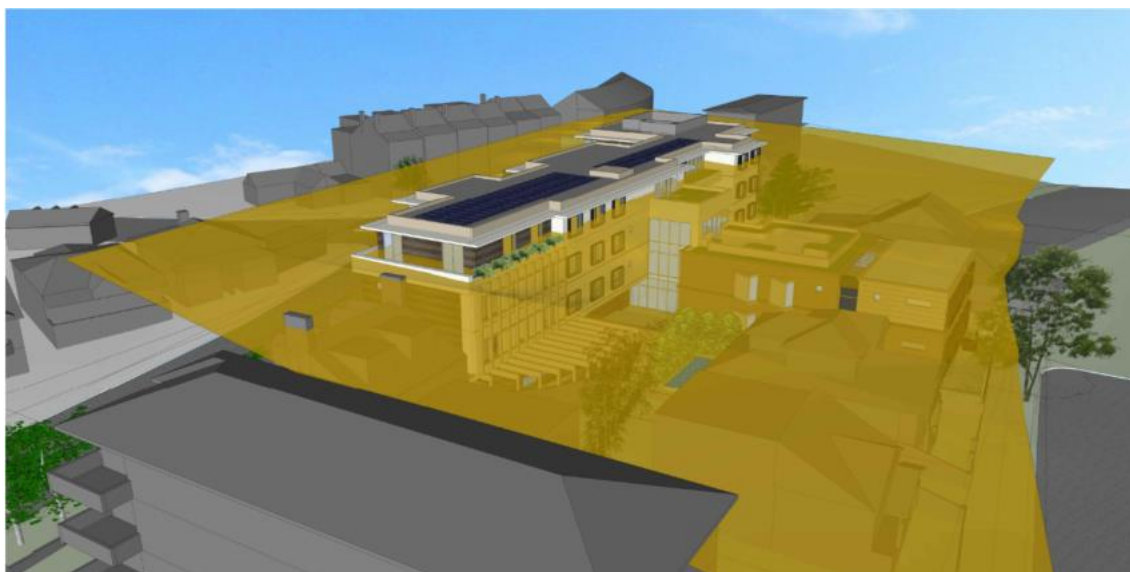


Figure 9 - The yellow layer shows the 12m height limit Dwg DA18f, Rev E, dated 14 February 2022.

Preconditions to be satisfied

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include:

1. Tests to be satisfied pursuant to CI 4.6(4)(a) – this includes matters under CI 4.6(3)(a) and (b) in relation to whether the relevant standard is unreasonable and unnecessary in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (CI 4.6(a)(ii)); and

2. Tests to be satisfied pursuant to CI 4.6(b) – concurrence of the Planning Secretary.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request for height and FSR standards.

- (i) *Clause 4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

The applicant inter alia provided the following justification in response to the above clause:

A development that strictly complies with the 12m height standard is unreasonable or unnecessary in the circumstance for the following reasons:

- *The non-compliance with the height limit does not result in a building that will be out of scale with existing built forms and future development.*
- *There is no discernible difference in the environmental impacts between a building that strictly complies with the height control in terms of:*

I. Visual and acoustic privacy impacts

The non-compliant levels of the building do not generate any privacy impacts over or above those that exist with a fully compliant building height. This is the same for acoustic privacy;

II. Visual impacts

There is a nominal difference in visual impacts between the proposed building and a complying building, when viewed from Frenchmans Road as demonstrated in the perspective views.

- *Strict compliance is unreasonable as no environmental or planning purpose would be served by enforcing the development standard and would not bring about a good planning outcome, on the following grounds:*
 - *An assessment of the proposal demonstrates it is consistent with the desired future character of the R3 zone;*
 - *The design is considered to be compatible with the streetscape along Frenchmans Road and McLennan Avenue;*
 - *The design will not create any unreasonable overshadowing, result in loss of privacy or create an adverse visual impact upon the streetscape or the environment given the areas of non-compliance is in a portion of the site which does not dominate the streetscape; and*
 - *The scale of the desired future surrounding development has been considered carefully and the design is considered to be compatible.*

Planner's Comments

The applicant's Clause 4.6 is primarily based on Clause 48(a) and 50(a) of Seniors Living SEPP, with the updated clause 4.6 considering clause 4.3 of RLEP 2012. Clauses 48 and 50 prescribe a minimum height standard of 8.0m for residential care facility and ILUs respectively, that if complied with cannot be used as reason for refusal. This standard is applicable to any urban land irrespective of its zoning.

RLEP 2012 on the other hand prescribes a maximum height standard of 12m for the subject site pursuant to Clause 4.3. The 12m height standard is considered more relevant to the subject site in view of desired future character for R3 Medium Density Residential zone.

As discussed throughout this report, the proposal as amended and subject to recommended conditions is considered an appropriate form of development and strict compliance with the 12.0m height standard (or 8m height standard) is considered unnecessary in this instance. The existing streetscape of Frenchmans Road provides a mix of residential developments of varying heights, with older style RFBs up to four (4) storeys within the immediate vicinity. The desired future character of the R3 area anticipates developments of three (3) storey with potential habitable roof space. In view of the different land use of the subject site and distinction between traditional medium density developments, the proposed development at four (4) storeys would not be incompatible with the streetscape of Frenchmans Road.

- (ii) *Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant inter alia provided the following environmental planning grounds to justify the height breach:

The exceedance of the development standards is moderate in the proposed built form, as the design seeks the inclusion of improved rooms with en-suites for residents of the RCF and affordable housing ILUs with lift access allowing accessibility throughout the seniors housing development. The minor non-compliance with the development standard is far outweighed by the design achieving the underlying objectives in promoting the principles outlined in the Greater Sydney Region Plan – A Metropolis of Three Cities. For example, the development promotes a use in an urban area which supports:

- *a mix of uses with a focus on the nearby Randwick health and education precinct; and*
- *Increasing jobs and better utilising land already zoned R3 Medium Density residential which envisages higher density residential development.*

Planner's Comments

The proposed breach seeks up to a 19% exceedance. The proposal seeks a bonus FSR which would require a built form different to that envisaged by RLEP 2012 maximum FSR of 0.9:1. The newly gazetted Housing SEPP 2021 acknowledges this and in addition to bonus FSR also offers a bonus height of 3.8m above the maximum height standard, permitting development to a height of 15.8m on the subject site. While it is acknowledged that the bonus provisions of the new Housing SEPP would be lesser than what is proposed on the subject site (36.7% bonus gained for proposed development, 25% bonus permitted under the Housing SEPP), the proposed development would also be a reduced height to what is permitted, proposing a height of 13.59m (or 14.28m to the roof top plant surround), where 15.8m would be permitted. As such it is considered that the proposal as submitted provides a balanced built form, locating the bulk of the floor area to the front of the site at Frenchmans Road and the lower section at the rear fronting McLennan Avenue to be more sympathetic to the low density residential nature of the street. Furthermore, the proposed breach is not a result of the intensification of use on the site and increase in density but in order to provide better amenity for occupants, noting that the number of beds in the existing facility is approximately 94, whereby a total of 83 beds will be provided under the proposed development.

The other argument for the height breach relating to the provision of affordable ILU is not considered well founded. As discussed earlier, the proposal must offer a minimum of 9 beds

towards affordable housing to satisfy the claim for bonus FSR. However, it is considered that there are still sufficient environmental planning grounds to warrant the variation as detailed above.

- (iii) *Clause 4.6(4)(a)(ii) that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

As discussed earlier in the report, the proposed development as amended is generally consistent with the relevant objectives of R3 zoning. With the recommended changes for the interface along eastern neighbours facing Frenchmans Road and privacy treatment, the amended proposal is considered in the public interest.

- (iv) *Clause 4.6(4)(b) the concurrence of the Planning Secretary has been obtained*

At the time of writing this report, Council maintains concurrence of the Planning Secretary. The Panel will have to validate this concurrence.

Planner's Conclusion

The proposed height variation is considered supportable and the submitted Clause 4.6 is considered well founded. It is noted that the applicant primarily used the Clause 4.6 arguments to justify a breach of Clause 48(a) and 50(a) requiring maximum 2 storeys and 8 meters. In this regard, the 8m height limit would anticipate a two (2) storey building, where the height provisions of RLEP anticipate a three (3) storey building with potential habitable roof space. As such, the proposal would be more consistent with the relevant provisions of RLEP 2012 in relation to the height, and the breach of the height standards under the SEPP and RLEP 2012 are well-founded.

Clause 4.6 Request to Vary Clause 4.4 FSR Standard

Pursuant to Clause 4.4 a maximum FSR of 0.9:1 applies to the subject site. The application is lodged pursuant to Clause 45 of the Seniors Living SEPP that allows a bonus FSR of 0.5:1 resulting in maximum permissible FSR of 1.4:1. The proposal is seeking a FSR of 1.276:1 which is compliant with the maximum FSR standards.

The applicant has submitted a Clause 4.6 request to vary the FSR standard as applicable pursuant to Clause 4.4 of RLEP 2012. This variation request is not considered relevant and no further assessment is offered.

Other Clause 4.6 variations of Clauses 26, and 48 of Seniors Living SEPP.

Clause 26 of Seniors Living SEPP relates to gradient of the ramped access. The applicant has provided a detailed report addressing the accessible pathways, and recommends that the existing non-compliant ramps at the Frenchmans Road and Avoca Street and at the lane to the west of Alison Park, are upgraded as part of the development consent.

The clause 4.6 request is considered to be well founded and is supported in this instance for the following reasons:

- The proposal involves replacement of the non-complaint ramps to ensure compliance and is a minor variation.
- The upgrading will be in the public interest.

- The proposed development shall be consistent with the intentions and objectives of the Seniors Living SEPP in that the development shall be located and designed in a location and manner suitable for seniors.
- The minor variation outweighs the benefit of the development.

In this instance the applicant's clause 4.6 written request has demonstrated that compliance can be achieved, and there are sufficient environmental planning grounds to justify contravening the development standard, noting that the existing situation is outwith their control and the proposal seeks to achieve compliance with the standard.

Clause 48 of the Seniors Living SEPP provides minimum standards that, if complied with, cannot be used for reasons of refusal. For landscaping, Clause 48(c) requires a minimum area of 25m² per residential care facility bed. This would require a minimum landscaped area of 83 x 25 = 2075m². Clause 50(c)(ii) requires a minimum 30% of site area is to be landscaped if self-contained dwellings are proposed. The proposal includes 2 x ILUs and therefore a total landscaped area of 813m² will be required.

The aforementioned clauses of Seniors Living SEPP are silent on the location or minimum dimensions of those landscaped areas and therefore the rooftop terrace, green roofs and planter boxes can also be considered as part of the landscaped area. The applicant provided a total landscaped area calculation equalling 1412m². This will equate to 52% of site area or 17m² per bed which is non-compliant with the minimum standards for Senior's Living SEPP.

As noted above, the provisions of clauses 48 and 50 are standards that cannot be used to refuse a development. While the relevant clauses fall under Part 7 of the Seniors Living SEPP which refers to the standards as "development standards", clause 48 and 50 SEPP include a note stating as under:

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

As such, Council considers that as a result of the note, development consent can still be granted to a development which breaches the standards. Notwithstanding, the applicant has provided a clause 4.6 seeking a variation to the minimum landscaping requirements. The applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard in this instance. The clause 4.6 request is considered to be well founded and is supported in this instance for the following reasons:

- The proposal includes several areas capable of open space recreation including roof terraces, balconies and terraces.
- Due to the high density nature of the development, comprising 83 beds, and the requirement for basement parking and service areas, achieving compliance with the landscaped area requirements would be extremely difficult, noting that the 2075m² of landscaped area required would equate to 76.5% of the total site area leaving a building footprint of less than 25% of the site.
- Compliance with the standard would require a taller built form to McLennan Avenue which would be detrimental to the streetscape and result in adverse impacts upon adjoining properties.
- The proposal includes several areas of vegetation throughout the building and the site in the form of green roofs, vertical planting, and roof terraces which shall add to the landscape character of the site.

- The proposal would be consistent with the objectives of clause 2.2 of Part C2 of RDCP 2013 in that sufficient areas shall be provided for deep soil planting and vegetation, no concerns are raised in regards to the stormwater management of the site, and open space with good amenity shall be provided throughout the site.
- The proposal would be more consistent with the landscaping provisions of the new Housing SEPP which require a minimum of 15% of the site to be deep soil planting and 15m² of landscaped area per bed compared with the 25m² per bed under the current standards.

It is noted that there are no specific objectives to clauses 48 and 50, however the proposal is seen to be consistent with the overall objectives of the SEPP, and would not be inconsistent with the objectives of the relevant planning controls in relation to landscaping pursuant to RDCP 2013.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act. Of relevance is the new SEPP (Housing) 2021 which came into force on 26 November 2021. The new Housing SEPP shall replace the Seniors Living SEPP, with Part 5 of the new Housing SEPP applicable to the proposed development.

While the new Housing SEPP contains saving provisions and the subject application will ultimately be determined under the Seniors Living SEPP, consideration of the new Housing SEPP has been undertaken in accordance with the provisions of 4.15 of the Act.

Several of the provisions of the Seniors Living SEPP have been transferred over to the new Housing SEPP with particular regards to the Design Principals, and location and access requirements, and as such it is considered that the proposal would remain consistent with these provisions. The new Housing SEPP provides more lenient requirements in relation to landscaping for residential care facilities, with the proposed development more in alignment with the new SEPP. As discussed previously within the report, the new SEPP offers an increased building height in which the proposal would comply with, however does not offer the same bonus FSR, with the new SEPP providing additional FSR of 25% for the subject site, where as the current SEPP permits up to 36.7% of additional bonus FSR for the proposal development. Notwithstanding, in this instance the applicant has distributed the floor space in a lower building form, with the development presenting as two (2) storey to McLennan Avenue and four (4) storeys to Frenchmans Road which would result in a superior built form on the site and lesser streetscape and amenity impacts than a development of 15.8m in height. It is considered that the proposed development would not be inconsistent with the provisions of the Housing SEPP 2021.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Randwick Comprehensive Development Control Plan 2013* ('the RDCP')

This DCP provides guidance for development applications (DAs) to supplement the provisions of the Randwick Local Environmental Plan (RLEP). Whilst RDCP does not have specific controls applicable to Seniors Housing, general controls as applicable to medium density development are applied as a guide to assess the suitability of the proposed development.

Notwithstanding, it must be acknowledged that the proposed development is sited on a consolidate lot which is substantially larger than any existing allotment within the vicinity of the Assessment Report: Four Storey Seniors Housing

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subject site, and therefore the overall bulk and scale of the development will be larger than surrounding developments. However, the proposal as amended is considered to be more consistent with the medium density provisions of RDCP 2013 as discussed below:

Landscaped Open Space

Clause 2.2 of Part C2 of the RDCP provides relevant controls for landscaped area requirements. Control 2.2.1 (ii) requires a minimum 50% of the site area as landscaped open space, with control 2.2.2 requiring a minimum of 25% of the site as deep soil areas.

The proposal with a site area of 2709.7m² would require a minimum landscaped open space of 1355m². The proposal provides a minimum of 37% of the site as landscaped open space, and 23.1% of deep soil areas. The proposed landscaping is not considered unwarranted, given the necessity for the basement levels and the distribution of floor space across the site rather than in additional storeys fronting McLennan Avenue. The proposal includes additional landscaped areas in the form of numerous planter boxes and green roofs sited throughout the building and vertical façade planting which all contributes to the overall landscape character of the site, ensuring consistency with the control.

Side Setback

Control 3.4.2 (i) requires a minimum side setback of 4m for sites with a frontage in excess of 20m. The subject site has a frontage in excess of 20m on both street frontages.

The proposed development has varying side setbacks due to the irregular shape of the allotment, angled boundaries and the modulation of the building.

At the southern portion of the site, fronting Frenchmans Road, setbacks of 4m are provided to the west (with the exception of protruding windows/architectural features), and 2.345m-2.64m to the east. As outlined previously in the report, concerns are raised regarding the side setbacks to the east adjoining 21 Frenchmans Road, with particular regards to the second floor level of the development which shall be the three (3) storey element. As such it is recommended that a minimum setback of 4m is provided for the second floor level which shall minimise associated adverse impacts upon the neighbouring property. The lower levels of the development at this portion would be two (2) storeys in height and well-articulated, similar in height and setback to a traditional dwelling house.

The rear section of the development, fronting McLennan Avenue shall provide setbacks of 3.46m, 4.26m and 4.45m to the east, and 3m, 3.83m and 8.445m to the west. The proposed development shall be two (2) storeys at this portion of the building, with the proposed development providing greater setbacks than currently exist and a reduced building height to that which exists. As such, it is considered that the impacts associated with this portion of the development in relation to visual bulk and overshadowing would be lesser than the existing building. The building is well articulated and modulated with protruding and recessed elements to break up the built form, and therefore the proposed setbacks are not considered unreasonable in this instance.

External wall height

Control 4.4(i) states:

- (i) Where the site is subject to a 12m building height limit under the RLEP, a maximum external wall height of 10.5m applies.*

The applicant has not provided plans showing the extent of external wall height, however Council calculates that a significant portion of the building fronting Frenchmans Road shall be sited above the 10.5m wall height. The rear northern portion of the development complies with the maximum wall height control.

The intention of clause 4.4 is to allow for flexible roof forms and habitable roof space, with any part of the development above the external wall height intended for roof forms only. Due to the increased floor space on the site as a result of the bonus FSR pursuant to the Seniors Living SEPP, and the necessity to maintain a reasonable streetscape scale of two (2) storeys to McLennan Avenue, the bulk of the additional floor space is located to the upper level of the building fronting Frenchmans Road. The wall height breach is a result of the fourth storey and the architectural design of the development which incorporates a flat parapet roof rather than a pitched roof. To compensate for the bulk at the upper level, the top most storey has been setback from the lower external walls to minimise the visual impact of the upper storey and lessen impacts upon neighbouring properties. The increased setbacks ensure that overlooking from the upper level is minimised. Furthermore, it is considered that the upper levels would not be readily apparent from the immediate adjoining properties given the setback.

S7.12 Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *S7.12 Development Contributions Plan (Randwick Section 94A Development Contributions Plan 2015)*

This Contributions Plan has been considered and applied accordingly.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. The relevant provisions can be addressed through conditions of consent if an approval is forthcoming.

Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

The proposal relates to a site which already accommodates an existing aged care facility and considering the age of the facility, it is in need of upgrading or rebuilding. The subject site is considered suitable for this development in view of the connection of the proposed use with the local area and availability of services and utilities.

The amended proposal is considered to be compatible with the existing and desired future character of the area, noting the context and land use of the site which will result in a larger building scale than the surrounding developments, however the proposed setbacks shall ensure that the development is within a landscaping setting to minimise the impacts of the development on the built and natural environment. It is considered that the proposed development shall not result in any unreasonable or adverse impacts upon the locality.

3.6 Section 4.15(1)(c) - Suitability of the site

The proposed development seeks consent for a new seniors housing facility to replace the existing aged care home. Seniors Living is a permissible land use within the R3 zone, pursuant to the Land Use Table in RLEP 2012. The proposed development is not considered to result in any adverse built or environmental impacts, and is consistent with the relevant provisions of the Seniors Living SEPP, RLEP and RDCP. As such, the proposed development is considered to be suitable for the site.

3.7 Section 4.15(1)(d) - Public Submissions

A total of twenty-three (23) submissions were received in response to the original development, and three (3) submissions in response to the amended proposal which are considered in Section 4 of this report.

3.8 Section 4.15(1)(e) - Public interest

The proposal shall facilitate the upgrading of the existing aged care centre through a new facility with better amenity for occupants. The proposal will not result in any unreasonable or unacceptable environmental, social or economic impacts. Therefore it is considered that the proposal is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to Transport for NSW for comment as required by the EP&A Act and outlined below in Table 5.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for NSW	Section 138 of the Roads Act	Concurrence granted subject to conditions.	Y
Referral/Consultation Agencies			
Electricity supply authority	CI 45 – Infrastructure SEPP Development near electrical infrastructure	Generally addressed through condition of consent.	N/A

Transport for NSW	CI 101 – Infrastructure SEPP Development on classified roads	Concurrence granted subject to conditions.	Y
Design Review Panel	Clause 6.11 of RLEP 2012. The proposal was reviewed to Randwick Design Excellence Panel	Comments received. The amended proposal is considered to have addressed the concerns raised by the DEAP.	N

4.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined **Table # 6**. Detailed comments and advice are provided below.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions. See detailed comments below.	Y
Traffic	Council's Engineering Officer reviewed the proposal and raised no concerns subject to conditions. See detailed comments below.	Y
Landscaping	Council's Landscape Officer reviewed the proposal and raised no concerns subject to conditions. See detailed comments below.	
Building	Standard conditions of consent shall be imposed.	Y
Health	Council's Environmental Health Officer reviewed the proposal and raised no objections subject to conditions.	Y
Waste	Council's Engineering Officer reviewed the proposal and raised no concerns subject to conditions.	Y
Heritage	Council's Heritage Officer reviewed the submitted Heritage Impact Statement ('HIS') prepared for the applicant and the amended proposal and concludes that there would not be any adverse impacts on heritage values arising from the proposal. It was also recommended that conditions are to be imposed on any consent issued regarding the photographic archival recording, a salvage plan for retention of materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric are carefully removed and stored, sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period. See detailed comments below.	Yes, subject to conditions

4.2.1 Detailed Referral Comments

Heritage Planner

An amended application has been received 22/02/2022 which proposes a revised lower basement level, basement level parking, 4 levels above accommodating 79 rooms with 83 beds and 2 x 1 bedroom units, roof terrace, landscaping and associated site works (variation to building height of the RLEP 2012).

Comments:

Original proposal

Council's Heritage Officer has previously reviewed the original proposal received by Council on 25 November 2020 and, in particular, the submitted Heritage Impact Statement ('HIS') prepared by Weir Phillips Heritage and Planning, dated November 2020 in conjunction with the following:

- Drawings (Amendment No. 4) prepared by Boffa Robertson Group, dated 30 September 2020 and received by Council 25 November 2020;*
- Heritage impact statement prepared by Weir Phillips Heritage and Planning, dated November 2020;*
- Statement of Environmental Effects prepared by Higgins Planning, dated November 2020;*
- Architectural Design Statement prepared by Boffa Roberston Group, dated 14 August 2020.*

The general outcome of the Council's heritage planner's assessment of the original proposal was that it concurred with the conclusion of the applicant's HIS that there would not be any adverse impacts on heritage values arising from the proposal subject to conditions to be imposed on any consent issued requiring photographic archival recording; a salvage plan for retention of materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric to be carefully removed and stored, sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.

Amended proposal

The amended proposal includes the following relevant additional improvements to the design, layout and envelope of the proposed development:

- Reduction in overall maximum building height from the original 14.2m to 13.59m (lift overrun) and 12.95 (parapet height).*
- Increases in building setbacks to adjoining properties at the basement, ground, first and second floor levels as detailed in the applicant's "App A - Summary Design Changes - Additional - 11-15 Frenchmans Road", Randwick, received by Council 1 March 2022 especially from McLennan Avenue and Astrolat Street.*
- Provision of landscaped planter beds surrounds to soften and create trellis on key elevations and inclusion of "green roof" non trafficable area to reduce heat load of roofed areas, include skylight for level below, provide recessed roof terrace with tiered planter beds surrounds*
- Provision of a flatter roof form in simple rectilinear shape with green roof top and trailing plants.*

The overall impact of these amendments is to further enhance the impact of the proposed development on heritage values as follows:

McLennan Street Heritage Items

The northern portion of the site sits within the immediate context of three heritage items at Nos. 12, 23 and 25 McLennan Avenue. The increased setback and reduction in absolute height in the amended proposal would further improve the proposals relationship with the single and two storey scale of these adjacent heritage items. The amended proposal has been designed to present as a two-storey built form to McLennan Avenue, with further increased setbacks of the ground and first floors from the northern boundary substantially consistent with detached heritage dwellings to the east. In addition, the three-storey massing would be further compressed and concentrated further south to within the site and setback from McLennan Avenue, allowing for greater visual space and curtilage of the adjacent heritage items.

The amended proposal presents a flatter roof form in simple rectilinear shape, green roof with trailing plants and face brick with vertically proportioned fenestration to the northern elevation which is complementary to the existing heritage items on McLennan Street in terms of design and scale. The latest amendments to the proposal would further enhance the compatibility of this contemporary building to the existing scale of McLennan Avenue. For these reasons it would also be able to conserve views to the site experienced from the heritage item on the northern side of McLennan Avenue.

The amended proposal maintains significant landscaping along the southern boundaries of Nos. 23 and 25 McLennan Avenue, including large trees and hedge planting within the north-eastern corner of the site, and substantial planting buffers within deep soil to the boundary at the rear of these heritage items. In particular, the privacy and amenity of the private open space for the heritage items (Nos.23 and 25 McLennan Avenue) will be maintained to block any potential adverse impact from the vehicular access and heavy vehicle use immediately to the rear of these heritage items.

Adjacent St Marks and Caerleon Crescent Heritage Conservation Areas

Views to the subject site are experienced from the St Marks Heritage Conservation Area (HCA) and Caerleon Crescent Heritage Conservation Area to the south, and obscure views are experienced from the nearby heritage item located to the east being No.29 Frenchmans Road.

The amended proposal includes an updated Frenchmans Road streetscape presentation that maintains the streetscape scale and design qualities of the original proposal. In particular, the updated streetscape presentation will maintain a sympathetic relationship to the conservation area by responding to the massing, height and scale from the two and four storey built form context on the northern side of the road. The design would be articulated with vertically proportioned openings separated into bays and be visually recessive when compared to the contributory forms on the southern side of Frenchmans Road. Furthermore, the slope of the land to the east allows for roof ridge lines to be consistent in scale. It includes front setback from Frenchmans Road which is comparable to the existing buildings on the site, and while greater in its height and scale than the current building (two storeys), the proposed flatter roof design, setbacks of the upper levels, and inclusion of vertical articulation and combination of sympathetic materials including face brick, natural stone elements and rendering will help soften the building's appearance when viewed from the south and help it visually respond to the historical subdivision pattern along the street. The retention of some existing mature trees within the front setback to Frenchmans Road and additional deep soil landscaping within the front setback, along with a simple masonry and metal fence along the frontage would enable the building to sit cohesively within its immediate context and would not significantly detract from the setting of the nearby heritage conservation areas to the south and conserve views experienced from the frontage of the nearby heritage item at No.29 Frenchmans Road. There

may be opportunities for further tree planting within the front setback for additional streetscape amenity.

Overall, the amended/updated proposal will respect the existing views to and from, as well as the fabric and setting of, the adjacent HCAs.

Demolition of existing buildings

The proposal involves the demolition of the existing buildings on the combined site. The applicant's HIS provided with the application detailed the descriptions of the buildings to be demolished (with the exception of the interior of No.19). It is evident from the photographs provided with the original proposal that there is a significant amount of original detailing within Nos.11 -15 Frenchmans Road from the Victorian and early twentieth century periods. In particular, timber picture rails, architraves and window/door frames and plasterwork. In addition, the original plasterwork, arch detailing and stairs, hallway configuration remain evident within the principal nursing home building.

Evidence suggests that there is limited original fabric within No. 17 Frenchmans Road due to its conversion to offices. With regard to No. 19 Frenchmans Rd, the dwelling looks particularly intact externally, comprising its original liver brick construction, timber framed leadlight casement windows and bay on the visible elevations, and original window awnings. Details of the interiors have not been provided or explained within the HIS, however internal real-estate photographs available online (dated October 2019) show the dwelling to have a high degree of integrity and include original early twentieth century features such as, timber floors and skirtings, dark wood picture rails, internal fretwork to front bay window, dark brick fireplace with inbuilt side multipaned glazed cupboards and timber mantel, original timber doors and original wall vents, plasterwork on ceilings with contemporary kitchen fit-out. It is however unknown to what extent the interior has changed since the date of the photographs.

It is also noted that these buildings (in particular Nos.11-15 and 19) while comprising original details, are not identified as heritage items, nor are they located within an identified heritage conservation area pursuant to the Randwick LEP. While there is noted aesthetic value within the buildings, no assessment of their significance has been undertaken. As a minimum, it is recommended that archival recordings of the buildings are carried out, and that original features are salvaged for reuse.

The loss of these buildings would have some impact on existing views lines and outlook from the northern parts of the heritage conservation areas to the south through the loss of their early twentieth century contribution to the streetscape character of Frenchmans Road, however views would only be affected from the northern tips of the nearby conservation areas and the loss is considered to not significantly impact on their aesthetic or historical significances. Similarly, the removal of the existing three-storey built form fronting McLennan Avenue would have no adverse impact on the setting of the adjacent and nearby heritage items, or views from them. The retention of the existing mature trees within front setback and south eastern corner of No.11-15 is welcomed.

Recommendation:

The following conditions should be included in any consent:

- A photographic archival recording of the Nos.11-15 and 19 Frenchmans Road internally and externally shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. One bound copy and one digital copy (DVD or USB) of the archival recording

is to be submitted to Council for inclusion in the Local History Collection of Randwick City Library and for Council's own records incorporating the following:

- *A PDF copy of the archival record incorporating a detailed historical development of the site, purpose of the archival recording, copyright permission for Council to use the photographs for research purposes, photographic catalogue sheet cross-referenced to the base floor and site plans showing the locations of archival photographs taken, and index print of the photographs;*
- *Digital copies of the archival photographs in JPEG and TIFF formats.*
- *A salvage plan shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The salvage plan is required to ensure that materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric are carefully removed and stored, sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.*

Development Engineer

An amended application has been received which proposes a revised lower basement level, basement level parking, 4 levels above accommodating 79 rooms with 83 beds and 2 x 1 bedroom units, roof terrace, landscaping and associated site works (variation to building height of the RLEP 2012).

Original proposal: *Demolition of existing structures and construction of a new 4 storey aged care facility with ancillary uses comprising 86 beds and 2 independent units, rooftop terrace, basement car parking, lot consolidation, landscaping and associated works (variations to FSR and building height of the RLEP 2012).for construction of new residential flat building at the above site.*

This report is based on the following plans and documentation:

- *Amended Architectural Plans by Boffer Robertson Group, job no 1912, dwg's DA01-28i, rev D, dated 14/02/21;*
- *Addendum to Statement of Environmental Effects by Higgins Planning, dated 18th February 2022*
- *Traffic information Letter from Centurion Group dated 18th February 2022;*
- *Detail & Level Survey by Veris, sheets 1-3, AMN B, dated 12/09/18;*
- *Landscape Development Application Package by Arcadia, Issue D, dated May 2021, and stamped by Council 20/02/22;*
- *Arboricultural Impact Appraisal & Method Statement by Naturally Trees, rev A, dated 14/08/21;*
- *Arborists Statement by Naturally Trees dated 04/06/21.*

Transport NSW Comments

Frenchmans Road is classified as a state road at this location and consequently a referral to Transport NSW was required. It is noted that Transport for NSW have reviewed the amended plans and have raised no objections subject to conditions already provided.

Transport for NSW recommended conditions have been included in this report under 'General Conditions'

Drainage Comments

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 Principal Certifier for approval prior to the issuing of a construction certificate.

Stormwater runoff from the proposed development shall be managed as per the following.

- a. To be discharged to the kerb and gutter along the site frontage in McLennan Avenue by gravity; OR
- b. To a suitably sized infiltration area (subject to a full geotechnical investigation confirming the site is suitable for infiltration).
- Should stormwater be discharged to Council's street drainage system an onsite stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **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 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 average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.
- Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system. Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

Transport NSW Comments

Frenchmans Road is classified as a state road at this location and consequently a referral to Transport NSW was required. It is noted that Transport for NSW have reviewed the amended plans and have raised no objections subject to conditions already provided.

Transport for NSW comments have been included in this report under General Conditions

Parking Provision Comments

Parking Requirements for the future development has been assessed as per the parking rates specified in the **SEPP (Housing for Senior or people with a disability)**

- **1 space per 10 beds for residential care units**
- **0.5 spaces per room for Independent living Units**
- **1 space per 2 staff**
- **1 ambulance bay**

The submitted study has also adopted a visitor parking rate of 1 space per 5 rooms for the ILU rooms based on the Transport for NSW Guide, although this does not form part of the 'Do not refuse standard' detailed in the SEPP.

The amended proposal comprises a total of 79 x Residential Aged care Facility rooms, 2 x Independent Living Unit (ILU) rooms and with 16 staff

Based on the 'do not refuse' rates detailed in the SEPP only

$$\begin{aligned}\text{Parking Required} &= 79/10 + (0.5 \times 2) + 16/2 + 1 \text{ ambulance} \\ &= 7.9(\text{RACF}) + 1(\text{ILU}) + 8(\text{staff}) + 1(\text{ambulance}) \\ &= 17.6 \\ &= \text{SAY 18 SPACES}\end{aligned}$$

Parking Provided = 20 spaces (complies)

The parking provision of 20 spaces also include a visitor space for the ILU's

The parking provision meets the minimum do not refuse standards of the SEPP and is therefore satisfactory.

Parking layout Comments

There has been no significant changes to the parking layout from the previously issued plans with the number of spaces remaining unchanged.

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

Flooding Comments

The site lies within the catchment for the Council commissioned and adopted Kensington/Centennial Park Study. The study confirms that the site is not affected by flooding and subsequently it has not been tagged under Sec 10.7 of the Environmental Planning and Assessment Act 1979 as being subject to flood related development controls.

Undergrounding of site feed power lines

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

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

*The subject site **is** located within 15m of a power pole on the same side of Frenchmans Road hence the above clause **is** applicable if power is to be connected from Frenchmans road. A suitable condition has been included in this report.*

*The subject **is not** located within 15m of a power pole on the same side of the street in McClennan Avenue. A private pole would be permissible if power is connected from this frontage. Conditions have been worded to allow for this.*

Waste Management Comments

The applicant is required to submit to Council with any future development application an Operational Waste Management Plan (OWMP) detailing the waste and recycling storage and disposal for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the aged care facility will operate.

The number of bins, responsibilities of staff and occupants, and proposed location of presentation area at the kerb shall be clearly indicated in the Waste Management Plan.

Comments on the number of Waste Bins

As a guide Appendix 3 in Part B6 of Council's DCP specifies a waste bin requirement rate for residential care facilities of 1 x 240L bin per 6 rooms for normal garbage and 1 x 240L bin per 6 rooms for recycling.

This would translate to approximately 12 x 240L bins for garbage and 12 x 240L bins for recycling

This is however subject to preparation and assessment of the waste management plans and may vary.

Other larger bin sizes are available (e.g. 660L & 1000L) however consideration must then be given to movement and presentation and of bins for collection.

The applicant appears to be proposing private waste collection which is permitted for aged care facilities.

Landscape Officer

Tree Management Comments

*There is a row of semi-mature/mature trees within the Frenchmans Road nature strip across the width of this site, which are all protected by the DCP, comprising firstly, beyond the eastern site boundary, in front of the neighbouring site at no.21-23, a 7m tall *Agonis flexuosa* (Willow Myrtle, T1), then between the two most eastern vehicle crossings in front of the existing Aged Care Centre, an 8m tall *Angophora costata* (Sydney Red Gum ,T4), with another of the same species and size (T6) then being between the central and western crossings, opposite Chapel Street, with a 5m tall *Callistemon* species (Bottlebrush, T9) in front of no.11, and lastly, a slightly larger Bottlebrush (T11) just beyond the western boundary, in front of no.9.*

All are shown for retention in the Arborist Report and on the plans, with the only external works to be construction of a new vehicle crossing and basement ramp along the eastern site boundary, which will then allow all the other openings to be closed off, with relevant protection conditions and a bond imposed to ensure they remain.

Progressing into the front setback, firstly within no.19, right in the southeast corner, is a 6m tall Lagerstroemia indica (Crepe Myrtle, T2), and then to its west, at no.21, a similarly sized Lagunaria patersonii (Norfolk Island Hibiscus, T3), which can both be removed due to their direct conflict with the new basement ramp in this same area as shown, along with the Umbrella Tree (T5) further west again, within the existing Aged Care facility grounds, as it is an undesirable, environmental weed, which is exempt from the DCP, so could already be removed, at any time, without consent, even if not affected by these works, along with the Olea sp (T8) in the front setback of no.11 for the same reason.

The most significant tree at this site, and the most important assessed for this application, is a mature, 22m x 20m tall Corymbia citriodora (Lemon Scented Gum, T7) halfway across the width of the existing Aged Care building, of good health and condition, which is protected by the DCP, and is regarded as a significant example of the species due its presence in the immediate landscape, so must be incorporated as an existing site feature into this development, as has been shown.

When scaled off the survey, there is an existing brick wall/front fence 2800mm to its south, an internal concrete driveway almost hard up against the northern side of its trunk, with the existing building then offset 5350mm (eave) - 5900mm (wall) further away to its north.

Whilst its location has not been shown on the Basement Level Plans (DA03-04), the Ground Floor Plan (DA05) confirms that the southern wall of all levels will now encroach 1700mm closer to the tree, finishing at an overall distance of around 4200mm (when measured from the centre of its trunk), which while wholly outside of its SRZ, the Arborist has calculated will result in an 8% TPZ encroachment, which is categorised as minor (>10%) in AS4970-2009, and is regarded as an incremental incursion, as the new footprint will only extend marginally beyond what already exists.

It is also worth noting that these works will be limited to its northern aspect only, with any impacts to be offset to some degree by removal of the existing impervious internal driveway that currently covers its western, northern and most of its eastern aspects, with this area to then be replaced with lawn and gardens, which will improve growing conditions to sustain the tree into the future.

The new landscape structures that are proposed for this same area, comprising elevated timber decking platforms, walkways and similar, to both its east and west, will only generate low level impacts, that can be easily mitigated by the protection conditions listed in this report, which amongst other requirements, specify the use of localised pad footings only.

Clearance pruning to allow for the piling rig, scaffolding, access, deliveries and similar is another factor that needs to be carefully considered, and while this genus does have a naturally 'open-style' canopy, which may assist in reducing the actual amount that needs to be pruned out, conditions require direct involvement with Council's Officer to ensure a satisfactory result.

The Cotoneaster (T10) is also a low value exempt weed species, but its location beyond the western site boundary, wholly within the adjoining private property at no.9, means that both the applicant and Council have a common law responsibility to ensure it is not adversely affected by these works, with the existing masonry (breeze block) wall on the common boundary in this same area to have acted as a physical barrier to prevent its root system entering the subject site, so should not be impacted.

Still within no.9, but further to the north, there is a hedge of three small Viburnum tinus (Viburnums, T12-14) along the dividing fence line, that would not be affected by the basement

level, given the generous 4m side setback that will be provided here, and as undisturbed deep soil will be maintained in this area, the only works here will be planting/landscaping, and the new landscape retaining wall (RW) within their SRZ's.

The Arborist has acknowledged the close proximity of these works, but states that similar ground levels already exist between both properties, so providing that this new structure is supported on pad footings and pier and beam sections only, there should be no major intrusion into their root systems, as major roots can be avoided, with relevant conditions provided on this basis.

The same situation described above also applies to the row of three, 9m tall *Waterhousia floribunda* (Weeping Lilly Pillies, T15-17) within the rear of 8 Astolat Street, which provide the neighbours/tree owners with valuable screening and privacy, with the northwest basement wall now re-designed to increase the offset from these trees from 1425mm out to 3 metres, which is a much more favourable outcome for their protection, with the same measures applied to T12-14 also applied here.

The two small *Cupressus* sp (T18-19) within this development site, just to the east of those described above, on the dividing fence line are insignificant, so no objections are raised to their removal as shown.

Further to the east again, located wholly on the adjoining private property at 27 McLennan Avenue, close to the common boundary, is a mature, 14m tall *Citharexylum spinosum* (Fiddlewood, T20), which is protected by the DCP, with its canopy assisting the neighbours with screening and privacy, with its southern aspect overhanging into this site.

The survey shows that the ground level where the tree is growing is about 500mm lower than the development site, with the existing brick wall/fence to the south of its trunk, on the common boundary, most likely to have already acted as a physical barrier to prevent or redirect root growth in this direction, with the remaining area within the development site comprising concrete surfacing/pathways and an open 'cut trench' drain, with some free-standing storage sheds then to the east of the tree.

The Basement Plan (DA04) shows that the wall to the south of the tree will be offset 4105mm from the common boundary, with the upper levels to be setback at this same distance and will even step back further away, with the basement wall to its east (fire stairs) now also having been re-designed to increase the setback out from the 1495mm that was previously shown, to now be 3055mm, which again, is a much more favorable outcome for the tree, with a landscape retaining wall (RW) still shown parallel to the common boundaries to both its south and east.

Council previously raised concerns over the potential impact of excavations associated with new RW, as well as for the stormwater/hydraulic works in this part of the site, and while the existing structures and surfacing that are already in place may have inhibited root growth to some degree, the Arborist has still calculated that a 20% incursion of its TPZ will result, which is categorized as major in AS4970-2009.

Typically in these situations, root mapping would be undertaken to demonstrate how the tree can still remain viable; however, this will not be possible in this case as this part of the site is critical for functioning of the existing stormwater system, as well as for pedestrian access/movement of occupants, staff and similar, meaning that the amount of root activity cannot be determined until after demolition, when the actual works are being performed on-site.

The preferred outcome of determining exactly how the tree may be affected prior to granting consent will not be achievable in this instance due to the specific site constraints detailed above; however, the increased western side setback, combined with the site-specific protection conditions listed in this report, which also require Council's attendance at critical stages in order to exercise a high degree of care and control over the works, it is still deemed feasible to safely retain this tree, with suitable measures provided.

Around on the secondary, rear frontage, within the McLennan Avenue verge, there is a mature, 6m x 5m Callistemon viminalis (Bottlebrush, T21), then a larger 14m tall Melaleuca quinquinervia (Broad Leafed Paperbark, T22), which are both native species that are protected by the DCP, with their co-joined crowns observed to assist with softening the visual bulk of this larger structure on the streetscape, so their retention is needed so as to maintain amenity.

There no external works proposed here that would pose a direct threat, with site access for deliveries and similar during works to be gained over the main frontage in Frenchmans Road, but in recognition of their importance to the streetscape, protection conditions and a bond have still been imposed, and will be sufficient to ensure they continue to benefit the local area.

Landscape Plan Comments

The submitted Landscape Plans show a high level of detail and treatment that will substantially increase the amount of plant material and canopy trees at this site, as well as drastically improve the quality of open spaces and features for future occupants, all of which will enhance and increase usability, so conditions require its full implementation, with it also being that the revised (issue D) scheme results in an increase of deep soil and planting compared to earlier schemes.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 30 November 2020 until 21 December 2020. The notification included the following:

- A sign placed on the site;
- Notification on a website;
- Notification letters sent to adjoining and adjacent properties;
- Notification on the Council's website.

The Council received a total of 23 submissions including 21 unique submissions, comprising 20 objections and 1 submission in favour of the proposal. The submissions generally raised concerns in relation to the excessive built form and bulk and scale, and adverse amenity impacts upon surrounding properties and the streetscapes.

Amended plans were provided on 20 February 2022 which were formally notified to surrounding properties for a period of fourteen days from 25 February through to 11 March 2022 in accordance with Council's Community Participation Plan. As a result of the re-notification of the amended plans, three (3) submissions in objection to the proposed development were received.

The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
<p>Height –</p> <p>non-compliance with the height provisions and imposition on homes in McLennan Avenue.</p> <p>Scale of the development on Frenchmans Road and compatibility with streetscape.</p> <p>Overshadowing as a result of the excessive height.</p> <p>More imposing than current structure.</p>	3	<p>The proposed development has been reduced by one (1) storey at the rear fronting McLennan Avenue. While the portion of building fronting Frenchmans Road shall be four (4) storeys, there are other examples of four (4) storey developments within the streetscape, and the upper level has been setback to minimise impacts. The proposed height breach is largely a result of the bonus FSR applicable to the site and the lesser built form to the north, with the additional floor space located to the south of the site where it is more appropriately placed. Given the north-south orientation of the site, it is considered that northern elevations and POS shall retain a reasonable level of sunlight, with no unreasonable impacts caused by the proposal.</p>
<p>Side Setbacks -</p> <p>Concerns regarding side setbacks and lack of information on architectural drawings with particular regards to 21 Frenchmans Road.</p> <p>Concerns regarding building being closer than existing and of greater height.</p>	2	<p>The proposed side setbacks generally average 3.5m, with 4m setbacks provided to the west which is compliant with the medium density controls. The eastern setback of less than 4m is not supported for the second floor level and an amendment is recommended in this regards to minimise the impacts upon neighbouring properties and ensure a better interface with 21 Frenchmans Road.</p>
<p>Visual Privacy</p>	2	<p>Privacy measures have been imposed where it is considered that there shall be adverse overlooking impacts. See section 3.1 of report (SEPP Seniors Living) for further comment.</p>
<p>Overshadowing –</p> <p>Request for hourly shadow diagrams to be provided.</p> <p>Concerns regarding impact upon POS of 7 Astolat Street to the north-east.</p>	2	<p>While hourly shadow diagrams were not submitted, 3d sun analysis and shadow diagrams were provided for 21 June at 8am, 9am, 12pm, 3pm and 4pm, and it was considered that there is sufficient information to undertake the assessment.</p> <p>Given the north-south orientation of the site, the shadow diagrams demonstrate that there shall be no unreasonable impacts upon adjoining properties with regards to solar access, with</p>

		<p>northern windows and northern POS achieving a minimum of 3hours of sunlight in midwinter in accordance with the controls.</p> <p>While the proposal shall result in some overshadowing of 7 Astolat Street in the morning, the POS shall receive in excess of 3 hours of sunlight in the afternoon in midwinter.</p>
<p>Access via McLennan Avenue, including safety concerns in relation to increased traffic, deliveries and rubbish removal.</p> <p>Concerns regarding safety of children in the street in relation to traffic.</p>	1	<p>No vehicular access is proposed off McLennan Avenue, with access provided off Frenchmans Road. Furthermore, a loading bay and waste facilities are located in the basement accessed from Frenchmans Road. Pedestrian access from McLennan Avenue shall only be as an egress point.</p> <p>A construction management plan shall be required prior to the issue of a construction certificate which shall detail the construction traffic management of the site.</p>
Concerns regarding hazardous waste.	1	Appropriate conditions of consent shall be imposed regarding the removal of any hazardous waste or materials.
<p>Earthworks and Engineering –</p> <p>Concerns regarding excavation works, including zone of influence, and potential impacts upon the adjoining property at 21 Frenchmans Road.</p> <p>Request for Construction Methodology with particular regards to the retaining wall along the eastern boundary.</p> <p>Request for a vibration impact assessment where necessary.</p>	1	<p>A series of conditions of consent shall be imposed in relation to the proposed earthworks and excavation to ensure the adjoining properties shall be safely retained, including the requirement for dilapidation reports.</p> <p>The Construction methodology shall be provided at the construction stage of the development, in which a detailed construction management plan will be required detailing how the proposed works will be carried out. Any structural support or anchoring etc required on adjoining land would require owners consent.</p>
Lack of consultation by developer and lack of property being shown on architectural plans.	1	Council strongly encourages Applicants to undertaken community consultation to consult with local residents where applications are of a complex/sensitive nature or will significantly impact upon the wider community, however there is no legislative requirement for the Applicant to carry out any consultation.

		While the property at 7 Astolat Street was not shown on plans, Council obtained sufficient information to ascertain the potential impacts upon the property.
Concerns regarding potential smoking areas and adverse impacts with regards to smoke and noise.	1	<p>There are no nominated smoking areas on the plans, however a plan of management for the facility has been provided which states that no smoking is permitted within the facility or within the grounds.</p> <p>Noise associated with the outdoor spaces has been considered by Council's Environmental Health Officer and is not considered to be unreasonable.</p>

5. KEY ISSUES

The key issues with the proposed development are in relation to the non-compliance with the height standards, side setbacks and landscaping, and the associated bulk and scale and amenity impacts. The above issues are discussed in detail within the report under the relevant planning instruments. It is considered that the proposed development is not inconsistent with the relevant provisions and objectives of the Seniors Living SEPP, RLEP 2012, RDCP 2013 and the R3 zoning of the site.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. The proposal meets the objectives of the key development standards and policy controls relating to this site and the proposed development.

The existing nursing home on the subject site is in need of upgrading works and a brand-new aged care facility is much needed for the local area. The proposed development is appropriate for this site given the existing aged care on site and the permissibility of the development pursuant to RLEP 2012. The proposal satisfies the relevant objectives contained within the Seniors Living SEPP, RLEP 2012 and the relevant requirements of RDCP 2013, and is consistent with the design principles as required by SEPP Seniors Living.

Subject to the recommendations within the report, the development will not result in any unreasonable impacts on surrounding properties or the public domain.

The application is therefore recommended for approval subject to conditions.

7. 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/642/2020 for demolition of existing structures including existing aged care facility, construction of a 4 storey building for the purposes of seniors housing with ancillary uses, rooftop terrace, basement car parking for 18

vehicles, lot consolidation, landscaping and associated works (variations to FSR and building height of the RLEP 2012) at 11 – 19 Frenchmans Road, Randwick, subject to the following conditions:

Draft Development Consent Conditions



DA No:	DA/642/2020
Property:	11-19 Frenchmans Road, RANDWICK NSW 2031
Proposal:	Demolition of existing structures including the existing aged care facility, construction of a 4 storey building over two basement levels for the purposes of seniors housing with ancillary uses, comprising 83 beds (79 rooms) and 2 x 1 bedroom independent living units, rooftop terrace, basement car parking for 18 vehicles, lot consolidation, landscaping and associated works (variation to building height of RLEP 2012).

Development Consent Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
Site Plan, DA01, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Lower Basement, DA03, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Basement, DA04, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Ground Floor, DA05, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
First Floor, DA06, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Second Floor, DA07, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022

Third Floor, DA08, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Roof Plan, DA09, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Sections (C & H), DA10, Rev E	Boffa Robertson Group	14 February 2022	20 February 2022
Elevations, DA13, Rev E	Boffa Robertson Group	14 February 2022	20 February 2022
Sections & Boundary, DA13a, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Elevations, DA13b, Rev A	Boffa Robertson Group	2 March 2022	3 March 2022
Part Elevations, DA13c, Rev A	Boffa Robertson Group	2 March 2022	3 March 2022
Demolition Plan, DA24, Rev D	Boffa Robertson Group	14 February 2022	20 February 2022
Landscape Package Sheets 1-23, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Landscape Masterplan, drawing 100, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Softworks – Ground Floor, drawing 101, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Softworks – Ground Floor, drawing 102, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Softworks – Level 1, drawing 103, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Softworks – Level 2, drawing 104, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Softworks – Level 3, drawing 105, Issue F	Arcadia Landscape Architecture	February 2022	20 February 2022
Landscape Details & Specification, drawing 200, Issue	Arcadia Landscape Architecture	February 2022	20 February 2022

F			
Remedial Action Plan	Consulting Earth Scientists	13 May 2021	1 July 2021
Noise Impact Assessment, Rev 04	ADP Consulting	8 February 2022	20 February 2022
Plan of Management, version 3	Summitcare Randwick	14 January 2022	27 January 2022

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
1130908M_03	17 February 2022	20 February 2022

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. The eastern external wall of the second floor level shall be setback a minimum of 4m from the eastern boundary and the balcony above shall be deleted. The sliding doors to the eastern side of ILU-1 shall be replaced with windows.
- b. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height, or have external vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings, to a height of 1.6m:

Ground Floor Level

- i. Northern windows to rooms/beds 8 and 9;
- ii. Western windows to rooms/beds 10, 11 and 12;
- iii. North-eastern windows to rooms/beds 16 and 17.

First Floor Level

- i. Northern windows to rooms/beds 8 and 9;
- ii. Western windows to rooms/beds 10, 11 and 12;
- iii. North-eastern windows to rooms/beds 16 and 17;
- iv. Northern windows to rooms/beds 18, 20, 21 and 22;

Second Floor Level

- i. Northern windows to rooms/beds 8 and 9;
- ii. Northern windows to rooms/beds 10, 12, 13 and 14;

Third Floor Level

- i. Northern windows to ILU 2;
- ii. Northern windows to rooms/beds 6, 7 and 8.

- c. A privacy screen having a height of 1.6m (measured above the finished floor level) shall be provided to the following balcony:
 - The eastern balcony to ILU 2, along the northern side of the balcony.

Privacy screen must be constructed with either:

- Translucent or obscured glazing (The use of film applied to the clear glass pane is unacceptable);
 - Fixed lattice/slats with individual openings not more than 30mm wide;
 - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.
3. The approval requires civil works to the following areas as specified in the report detailed “*Compliance with Clause 26 of State environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*”, dated 29 June 2020:
- The pedestrian ramp at the crossing of Frenchmans Road near Avoca Street;
 - The pedestrian ramp at the crossing of the lane to the west of, and adjacent to, Alison Park at the intersection with Alison Road.

Details of the proposed Civil works are to be included in the Civil Works application required by this consent and submitted to Council for approved prior to the commencement of any works.

Affordable Places

4. The applicant must nominate and demonstrate on the architectural plans a minimum of seven (7) rooms to be affordable places, in addition to the two (2) Independent Living Units within the development. The affordable dwellings/rooms are to be clearly identified on the plans. Details of compliance must be submitted to and approved by Council’s Manager Development Assessment prior to the issue of Construction Certificate.
5. A total of nine (9) rooms and/or ILU shall be provided as affordable places in accordance with the SEPP (Housing for Seniors or People with a Disability) 2004. The affordable places are to be provided in perpetuity.
6. A restriction or positive covenant must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919 that will ensure that the above requirement for affordable places is met and that the terms of restriction may not be varied without Council’s consent.
7. Prior to an Occupation Certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant in relation to the nine (9) affordable places has been registered on the title.

Transport for NSW Conditions

8. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Frenchmans Road boundary.
9. The vehicular crossing, stormwater drainage connection and associated works on Frenchmans Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed works including the design of the driveway to restrict movements to left-in left-out only are to be submitted to TfNSW for approval

prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. All vehicles shall enter and exit the site in a forward left-in left-out direction only.

10. "No Stopping signage' shall be installed along all the Frenchmans Road frontage of the development, at no cost to TfNSW.
11. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
12. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
13. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
14. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
15. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
16. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Frenchmans Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Heritage Conditions

17. A photographic archival recording of the Nos.11-15 and 19 Frenchmans Road internally and externally shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development or the commencement of any works, whichever occurs first. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. One bound copy and one digital copy (DVD or USB) of the archival recording is to be submitted to Council for inclusion in the Local History Collection of Randwick City Library and for Council's own records incorporating the following:

- (a) A PDF copy of the archival record incorporating a detailed historical development of the site, purpose of the archival recording, copyright permission for Council to use the photographs for research purposes, photographic catalogue sheet cross-referenced to the base floor and site plans showing the locations of archival photographs taken, and index print of the photographs.
 - (b) Digital copies of the archival photographs in JPEG and TIFF formats.
- 18. A salvage plan shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development or the commencement of any works, whichever occurs first. The salvage plan is required to ensure that materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric are carefully removed and stored, sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

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

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

Section 7.12 Development Contributions

- 21. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$34,748,234 the following applicable monetary levy must be paid to Council: \$347,482.35.

The levy must be paid in **cash**, **bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date

of Council's determination to the date of payment. Please contact Council on telephone 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Compliance Fee

22. A development compliance and enforcement fee of \$10,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Long Service Levy Payments

23. 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.

Security Deposits

24. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979*:

- \$8,000.00 - Damage / Civil Works Security Deposit

The security deposits 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 works which confirms that there has been no damage to Council's assets and infrastructure.

The developer/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 and other assets 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 Development Engineer upon issuing of an occupation certificate or completion of the civil works.

Electricity Substation

25. 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 Requirements

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

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

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

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

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

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

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

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

Telecommunications infrastructure

27. Prior to the issue of a Construction Certificate in connection with this development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to

any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

Street Tree Protection

28. In order to ensure retention of Council's street trees, being firstly, within the Frenchmans Road nature strip, an *Agonis flexuosa* (Willow Myrtle, T1) just beyond the eastern site boundary, in front of no.21-23, then between the two most eastern vehicle crossings in front of the existing Aged Care Centre, an *Angophora costata* (Sydney Red Gum, T4); then between the central and western crossings, another Sydney Red Gum (T6); a *Callistemon species* (Bottlebrush, T9) opposite Chapel Street, in front of no.11, another Bottlebrush (T11) just beyond the western site boundary, in front of no.9, and then around on the secondary, rear frontage, on the McLennan Avenue verge, a *Callistemon viminalis* (Bottlebrush, T21) and a *Melaleuca quinquinervia* (Broad Leafed Paperbark, T22) in good health, the following measures are to be undertaken:

All documentation submitted for the Construction Certificate application must clearly and accurately show their retention, along with the position and diameter of their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers, as taken from the Arboricultural Impact Appraisal & Method Statement by Naturally Trees, rev A, dated 14/08/21 (*'the Arborist Report'*), in relation to the site and works.

- b. Any excavations associated with the installation of new external services, pipes, stormwater systems or similar over either public frontage can only be along the eastern site boundary, as is shown on the Ground Floor General Arrangement Plan by Henry & Hymas, dwg 19826_DA_C100, rev 6, dated 14/01/22, with the Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with this requirement.
- c. All Construction Certificate plans must also show that the vehicle crossing and basement ramp in Frenchmans Road will be situated along the eastern boundary, consistent with the rev B architectural plans dated 01/06/21.
- d. Each of these street trees must be physically protected by installing evenly spaced star pickets at a minimum setback of 2 metres, matching up with the public footpath and back of kerb, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose them for the duration of works.
- e. Each of their trunks must also be physically protected by wrapping layers of geo-textile, underfelt, carpet, hessian or similar, from ground level to a minimum height of 2m, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around their circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.

- f. This protection must be in place prior to the commencement of demolition and construction works, and shall remain in place until completion, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- g. **Other than the approved works, the applicant is not authorised to perform any other works to these public trees and must contact Council's Landscape Development Officer on 9093-6613 should clearance pruning or similar be necessary, GIVING SIX WEEKS NOTICE. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received prior to pruning, and prior to any Occupation Certificate.**
- h. 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 within their TPZ's, with all Site Management Plans to comply with these requirements.
- i. Where roots are encountered which are in direct conflict with approved external civil works, they may then be cut cleanly, using only hand-held tools, not machinery, with the affected areas to be backfilled with clean site soil as soon as practically possible so that the cut ends are not left exposed to the atmosphere.
- j. The Principal Certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during works, and prior to any Occupation Certificate.
- k. A refundable deposit in the form of cash, credit card or cheque OR bank guarantee (with no expiry date) for an amount of **\$10,000.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following an Occupation Certificate, subject to completion and submission of *Council's 'Security Deposit Refund Application Form'* and pending a satisfactory inspection by Council's Landscape Development Officer (9093-6613).

Any contravention of Council's conditions relating to the trees at any time during works, or, prior to any Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of the Environmental Planning and Assessment Act 1979.

Tree Protection Measures

- 29. In order to also ensure retention of the large *Corymbia citriodora* (Lemon Scented Gum, T7) that is located centrally in the front setback of the existing Aged Care facility, as well as the three *Viburnum tinus* (Viburnum, T12-14) that are wholly in the rear yard of the adjoining private property at no.9; as well as the three *Waterhousia floribunda*

(Weeping Lilly Pilly, T15-17) at the rear of 8 Astolat Street, then lastly, a mature *Citharexylum spinosum* (Fiddlewood, T20) at the rear of 27 McLennan Avenue, which are all close to the common boundaries in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must clearly and accurately show their retention, along with the position and diameter of their trunks, canopies, SRZ's, TPZ's and Tree Identification Numbers, as taken from the Arboricultural Impact Appraisal & Method Statement by Naturally Trees, rev A, dated 14/08/21 (*'the Arborist Report'*), in relation to the site and works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works and will be responsible for both implementing and monitoring these conditions of development consent, as well as the Arboricultural Method Statement in the Arborist Report and any other instructions issued on-site.
- c. The Project Arborist must be present on-site at the relevant stages of works and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the Principal Certifier, prior to any Occupation Certificate.
- d. All Construction Certificate plans must show that the footprint of all aspects of the development will be consistent with the rev B architectural plans dated 01/06/21, in terms of layout, setbacks to common boundaries and the provision of deep soil, with measurements/distances to these trees in millimetres to be included.
- e. Construction details/notations must be provided to confirm that the Basement Levels will be constructed using contiguous bored piers, or, a similar alternative method that has been approved in writing by the Principal Certifier, which does not require bulk earthworks or excavations to be performed beyond the point of cut into the soil profile/final location of the approved works.
- f. Construction details must be provided showing that the elevated timber platform to the east of **T7**, as well as the new access gate and path to its west, will both be provided at or above existing grades, and are to be supported on localised pad footings only, with the Project Arborist to ensure that any footings are placed around/away from retained roots.
- g. Construction notes must be included showing that any existing hard surfacing, structures, dividing fences and similar within their TPZ's, will be retained in-situ for as long as practically possible as a form of physical protection during works, and should only be removed once the approved Landscape works are being installed.
- h. Any excavations associated with the installation of new services, pipes, pits, stormwater/hydraulic systems and similar, must be consistent with the Ground Floor General Arrangement Plan by Henry & Hymas, dwg 19826_DA_C100, rev 4, dated 02/06/21, with the Principal Certifier to ensure that all Services Plans are both prepared and then installed on-site to comply with this

requirement.

- i. These trees are to be physically protected by the installation of a combination of 1.8 metre high steel mesh/chainwire fencing panels, trunk/branch and ground protection, as detailed at Appendix 4-5, to the extent shown at Appendix 8, Tree Management Plan of the Arborist Report, and as determined by the Project Arborist.
- j. This protection must be installed prior to the commencement of demolition and construction works, and shall remain in place until completion, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- k. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ's.
- l. Ground levels within their TPZ's cannot be altered (cut or fill) by more than 200mm, without firstly obtaining the express written consent of the Project Arborist, which must then be submitted to the Principal Certifier as part of the Final Compliance Report.
- m. 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 to comply with these requirements.
- n. **All demolition activities, as well as any initial excavations for new footings or similar within their TPZ's must be performed by, or, under the direct supervision of, the Project Arborist, without damaging any roots.**
- o. **Following this, but prior to forming up, pouring footings or proceeding further with any other works, Council's Landscape Development Officer (9093-6613) must be contacted, giving 5 working days-notice, for a joint inspection of these affected areas, with the Project Arborist to then comply with any instructions issued.**
- p. Where major roots with a diameter of **40mm or more** are encountered for common boundary retaining walls or similar, which the Project Arborist determines must be retained, then a cantilevered/pier and beam style footing must be used to ensure their preservation, with the relevant construction details showing compliance to be approved by the Project Arborist, prior to their installation on-site.
- q. The Construction Certificate plans must acknowledge that the site inspection referred to in point 'o' above may result in the need to alter/amend the intended footing locations, so a flexible system will need to be used for these areas.
- r. Where roots with a diameter of **less than 40mm** are found which are in direct conflict with the approved works, and the Project Arborist gives permission for their pruning, they may then be cut cleanly using hand-held tools only, not machinery, with the affected areas to be backfilled with clean site soil so that the cut ends of roots are not left exposed to the atmosphere.

- s. To demonstrate compliance with the requirements of points 'p-r' above, the Project Arborist must take time stamped photos throughout the relevant stages of works, detailing roots that have been either retained or pruned, and must include diameter, amount and from which tree, which is then be included in the Final Compliance Report.
- t. Any new common boundary fencing, landscape retaining walls or similar within their TPZ's are to be supported on localised pad footings only, not continuous strip footings, with details confirming compliance to be shown on the Construction Certificate plans. If roots are in conflict with these pad footings, they must be re-positioned so as to allow preservation of the roots.
- u. The Project Arborist and Principal Certifier must ensure compliance with these requirements, both on the plans as well as on-site during the course of works, and prior to any Occupation Certificate.

Street Tree Management

- 30. The applicant must submit a payment of **\$321.75** (GST inclusive) to cover the costs for Council to supply, plant and maintain 3 x 25 *Angophora costata* (Sydney Red Gums) on the Frenchmans Avenue verge, being one each in the area where the existing vehicle crossings and laybacks will be closed off, spaced evenly between the existing street trees.

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

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number) and GIVING UP TO SIX WEEKS NOTICE to arrange for planting upon completion of site works.

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

Land & Contamination Remediation

- 31. Remediation and validation works shall be carried out in accordance with remedial action plan prepared by Consulting Earth Scientists Pty Ltd dated 13 May 2021 (Reference:CES190901-FRE-AD), except as may be amended by the conditions of this consent.
- 32. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:
 - a) A NSW Office of Environment and Heritage (OEH/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.

- b) A *Site Audit Statement* and *Summary Site Audit Report* must be submitted to Council prior to issuing a Construction Certificate [or Subdivision Certificate] for building works (other than site retaining structures that are necessary to facilitate the 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 1999.

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.

- c) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- d) Should the remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (which include 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*.

- e) 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.

33. The residential units are to achieve the following internal acoustic amenity criteria:

- a) In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
- 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
 - 45 dB(A) in sleeping areas when windows are open;

- 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open.
- b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:
- 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria are to be included in the construction certificate application.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia & Relevant Standards

34. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
35. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifier.

BASIX Requirements

36. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifier.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

Site stability, Excavation and Construction work

37. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifier for the development:-

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifier*.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifier*.

Acoustic Treatment

38. Recommendations and specifications as detailed in the Revised Noise Impact Assessment reference SYD1029 Rev 4 prepared by ADP consulting engineers dated 8 Feb 2022 form part of this consent. In particular (but not limited to);
 - As recommended in section 6.3 of the Noise Impact Assessment an acoustic barrier is installed around the rooftop plant room to the west and is at least 200mm higher than the top of the outdoor air conditioning condensers or 1400mm high, whichever is less visually intrusive.
 - These barriers must be gap free along its entire length and constructed with a solid material such as lapped and capped timber, Colorbond, concrete, or any combination of these.

Design, Construction & Fit-out of Food Premises

39. In accordance with section 4.17 (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
40. The premises is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
41. The design and construction of the food premises must comply with the following requirements (as applicable):
 - Floors of kitchens and food preparation areas and the like are to be constructed of materials which are impervious, non-slip and nonabrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste

connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.

- Walls of kitchens and preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas.

Glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.

Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.

- Ceilings of kitchens, food preparation areas and storerooms are to be of rigid smooth-faced, non-absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material) painted with a light-coloured washable paint. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings and an electronic insect control device must also be provided within food premises.
- A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.

Traffic conditions

42. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of

compliance, to the satisfaction of the Principal Certifier, are to be included in the construction certificate documentation.

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

Design Alignment levels

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

- **Match the back of the existing footpath along the full site frontage.**

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

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

Enquiries regarding this matter should be directed to Council's Development Engineer on 9093-6881.

45. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$4345** calculated at \$57.00 per metre of Frenchmans Road frontage. This amount is to be paid prior to a construction certificate being issued for the development.
46. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

Stormwater Drainage

47. 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 Principal Certifier prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the Principal Certifier. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and

drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
48. 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 *Principal Certifier* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter in front of the subject site in McClennan Avenue; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.
- If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and the ground conditions preclude the use of an infiltration

system, a pump-out system may be permitted to drain the portion of the site that cannot be discharged by gravity to Council's street drainage system in front of the property.

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer in accordance with the conditions of this consent and Council's Private Stormwater Code.

- 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 Principal Certifier. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;

- i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.

- iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
 - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1% AEP (1 in 100 year), 2 hour storm assuming both pumps are not working.

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

- f) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
- i. There are suitable clear-outs/inspection points at pipe bends and junctions.
 - ii. The maximum depth of the charged line does not exceed 1m below the gutter outlet.
- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- i) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).

- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

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

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

- l) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- n) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- o) Mulch or bark is not to be used in on-site detention areas.
- p) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

- q) Any onsite detention/infiltration systems shall be located in areas that are easily accessible.

Site seepage/Groundwater

49. The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:
- a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter.
 - b) Adequate provision is to be made for the ground water to drain around the basement levels (to ensure the basement will not dam or slow the movement of the ground water through the development site).
 - c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
 - d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
 - e) Details of the proposed stormwater drainage system including methods of tanking the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Principal Certifier and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Principal Certifier.**

Waste Management

50. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

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

51. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Public Utilities

52. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

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

Undergrounding of Site Power

53. Any Power supply to the proposed development from Frenchmans Road shall be provided via an underground (UGOH) connection from the nearest mains distribution pole. No Permanent Private Poles are to be installed on the Frenchmans Road frontage with all relevant documentation submitted for the construction certificate to reflect these requirements to the satisfaction of the Principal Certifier. The applicant/owner is to liaise with an Ausgrid Accredited Service Provider to carry out the works to the requirements and satisfaction of Ausgrid and at no cost to Council.

Landscape Plans

54. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate is substantially consistent with the Landscape Development Application Package by Arcadia, Issue F, dated February 2022, with both this written statement and plans to then be submitted to, and be approved by, the Principal Certifier.

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 Certifier*', as applicable.

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

Certification and Building Inspection Requirements

55. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifier* must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work and any applicable requirements of the *Home Building Act 1989* must be satisfied accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifier*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Dilapidation Reports

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

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

Construction Site Management Plan

57. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- location and size of waste containers/bulk bins;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifier and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

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

The Demolition Work Plan must be submitted to the Principal 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.

Construction Noise & Vibration Management Plan

59. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, in accordance with the following requirements:

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

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the *Principal Certifier*.

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 Certifier accordingly.

Public Liability

60. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifier and Council.

Site Remediation

61. A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:

- general site management, site security, barriers, traffic management and signage
- hazard identification and control
- worker health & safety, work zones and decontamination procedures
- prevention of cross contamination
- site drainage and dewatering
- air and water quality monitoring
- disposal of hazardous wastes
- contingency plans and incident reporting
- details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

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

Construction Traffic Management

62. 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.

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

All conditions and requirements of the NSW Police, Transport for NSW and Council must be complied with at all times.

Public Utilities

64. 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 Certifier 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.

Inspections during Construction

65. Building works are required to be inspected by the *Principal Certifier*, in accordance with section 6.5 of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Building & Demolition Work Requirements

66. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifier.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifier.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifier 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.

Excavations, Back-filling & Retaining Walls

68. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifier.

Support of Adjoining Land

69. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Sediment & Erosion Control

70. 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 included in the Construction Site Management Plan and a copy must be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

71. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- ☐ *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- ☐ *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- ☐ *Installation of a water sprinkling system or provision hoses or the like.*
- ☐ *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- ☐ *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- ☐ *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

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

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
 - ☐ materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - ☐ building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - ☐ it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;

- ☐ as may otherwise be required by WorkCover, Council or the *Principal Certifier*.

Notes:

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

Public Safety & Site Management

73. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:

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

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

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

Site Signage

74. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifier*,
- a statement stating that “unauthorised entry to the work site is prohibited”.

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating or sawing of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 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.

Survey Requirements

76. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifier:

- prior to construction (pouring of concrete) of footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each floor slab,
- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the *Principal Certifier*.

The survey documentation must be forwarded to the Principal Certifier and a copy is to be forwarded to the Council, if the Council is not the Principal Certifier for the development.

Building Encroachments

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

Site Remediation Works

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

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

79. Any proposed variations to the remediation action plan or, any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor and Council must be obtained prior to implementing any variations to the remediation action plan, strategies or conditions of consent.

80. All hazardous or intractable wastes arising from the demolition, excavation and remediation process must be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

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

81. 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 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) 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) 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.

Site Seepage & Stormwater

82. 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:

- Stormwater/De-Watering Management Plan (prepared by a suitably qualified Environmental Consultant);
- Detailed plans and specifications;
- 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

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

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

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

Roadway

- 84. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Traffic Management

- 85. 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.
- 86. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
- 87. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Tree Removal

- 88. Approval is granted for removal of the following vegetation from within this development site, subject to full implementation of the approved Landscape scheme:

- a. Within the front setback of no.19, right in the southeast site corner, a *Lagerstroemia indica* (Crepe Myrtle, T2), then to its west, within no.21, a *Lagunaria patersonii* (Norfolk Island Hibiscus, T3), both due to their direct conflict with the new basement ramp in this same area;
- b. The Umbrella Tree (T5) further west again, within the front setback of the existing Aged Care facility due to being an undesirable, environmental weed, which is exempt from the DCP, meaning it could already be removed at anytime, irrespective of these works, along with the *Olea sp* (T8) further to its west, in the front setback of no.11 for the same reason;
- c. The two *Cupressus sp* (T18-19) halfway across the rear boundary, given their small size and insignificance, as well as to allow for the new civil works (hydraulic systems, retaining walls and similar) that are indicated for this same area.

Pruning

- 89. Permission is granted for the **minimal and selective** clearance pruning of only those lower growing, lower order branches from the following, only where they either overhang into this site, need to be pruned to avoid damage to the trees, or, interference with the approved works:
 - a. T7, so as to accommodate the piling rig, scaffolding and similar, with any smaller, more flexible branches to be temporarily 'tied-back' for the duration of works where possible so as to reduce the overall amount of pruning that is required from this feature tree;
 - b. From the eastern aspect of T10, which is located wholly in the front setback of the adjoining private property at 9 Frenchmans Road, against the common boundary, only where needed to facilitate access during works;
 - c. From the eastern aspects of the *Viburnum tinus* (Viburnums, T12-14), that are located in the rear yard of no.9, along the common boundary, only so as to allow for works associated with the new private courtyards, the piling rig, scaffolding or similar in this same area of the site;
 - d. From the southern aspects of the *Waterhousia floribunda* (Weeping Lilly Pillies, T15-17) that are located within 8 Astolat Street, along the common boundary, for the same reasons given in point 'c' above;
 - e. From the southern and eastern aspects of the *Citharexylum spinosum* (Fiddlewood, T20) that is located within the rear of 27 McLennan Avenue, for the same reasons given in points 'c' and 'd' above.
- 90. This approval does not imply any right of entry onto a neighbouring property, nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.
- 91. All pruning can only be undertaken by either the Project Arborist, or, they must directly supervise an AQF Level III Practicing Arborist, to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of

Practice for the Amenity Tree Industry (1998).

92. The Project Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving 5 working days-notice) to arrange a joint site meeting, prior to pruning, to determine the exact location and extent that is permissible, with the Arborist to comply with any instructions issued by Council's Officer. A Pruning Specification accompanied by marked-up/highlighted photos may also be requested in order to formalize these requirements.

NOTE: An Occupation Certificate cannot be issued unless this pre-pruning joint site inspection has taken place.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the '*Principal Certifier*' issuing an '*Occupation 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 and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

93. An Occupation Certificate must be obtained from the Principal Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

Fire Safety Certificates

94. Prior to issuing an interim or Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

Structural Certification

95. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifier*. A copy of which is to be provided to Council with the Occupation Certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

96. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises to Council's specifications and requirements.

- b) Re/construct concrete footpath along the full site frontage on Frenchmans Road. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - c) Remove broken vehicle crossing and layback on McLennan Avenue and replace with new vehicle crossing and layback so as to maintain vehicle access to approved parking space within neighbouring property at 27 McLennan Avenue.
 - d) Replace broken sections of kerb in McClennan avenue along the site frontage
 - e) Re/construct concrete footpath along the full site frontage on McClennan Avenue, as required. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
97. 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.
98. 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. (This includes the upgrade works to pedestrian ramps as specified in the report "*Compliance with Clause 26 of State environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*", dated 29 June 2020). 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.

Sydney Water

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

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

The Section 73 Certificate must be submitted to the Principal Certifier and the Council **prior to the issuing of an *Occupation Certificate***.

Undergrounding of Power

100. The Principal Certifier shall ensure that any power supply to the completed development from Frenchmans Road has been provided as an underground (UGOH) connection from the nearest mains distribution pole. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

NOTE : Any private poles on the Frenchmans road frontage must be removed prior to the issuing of an occupation certificate.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
 - c. Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.
102. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifier and the Council. The works-as-executed plan must include the following details (as applicable):
- Finished site contours at 0.2 metre intervals;
 - The location of any detention basins/tanks with finished surface/invert levels;
 - Confirmation that orifice plate/s have been installed and orifice size/s (if applicable);
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).

103. The applicant shall submit to the Principal Certifier 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 Principal Certifier.

104. The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter.

Landscaping

105. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Development Application Package by Arcadia, Issue F, dated February 2021.
106. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
107. The nature-strips upon both of Council's footways shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to any Occupation Certificate.

Project Arborist Certification

108. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification (including time stamped photos) which confirms compliance with the conditions of consent, the Arboricultural Method Statement in the Arborist Report, the dates of attendance and any works performed/supervised relating to the retention of **T7, T12-17 & T20**.

Tree Protection Certification

109. Prior to any Occupation Certificate, written certification must firstly be obtained from Council's Landscape Development Officer (9093-6613) confirming that the requirement for a joint site inspection of hand dug trenches in both the front and rear setbacks was performed, as well as prior to pruning, for **T7, T12-17 & T20**, as is required by the 'Tree Protection Measures' and 'Pruning' conditions, with any other instructions issued on-site also having been complied with during the course of works.

Waste Management

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

BASIX Requirements & Certification

112. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifier must not issue an Occupation Certificate for this

development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the *Principal Certifier* and Council upon issuing an Occupation Certificate.

Noise Control Requirements & Certification

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

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

114. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifier* and Council prior to an occupation certificate being issued.

Street and/or Sub-Address Numbering

115. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

If this application results in an additional lot, dwelling or unit, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and/or unit numbers for the development. The street and/or unit numbers must be allocated prior to the issue of an occupation certificate.

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

Remediation Work

116. A report or statement must be obtained from the appointed Site Auditor or a suitably qualified Environmental Consultant, 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.

Food Premises - Inspection

117. The premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

118. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operations noise sources. Sources include but not limited to all plant and equipment such as air conditioning units, mechanical ventilation and use of gym area. The report shall also validate whether the acoustic barrier is effective.
119. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Principal Certifier and Council, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environment Protection Authority Noise Policy for Industry and conditions of development consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

OPERATIONAL CONDITIONS

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

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

Use of parking spaces

120. The car spaces within the development are for the exclusive use of the occupants and visitors of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

Stormwater Detention/Infiltration System

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

Fire Safety Statements

122. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council (at least on an annual basis) in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a competent fire safety practitioner and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Health and Safety

123. Hairdressers and Beauty Salons must comply with the relevant provisions of the *Public Health Act 2010* and *Public Health Regulation 2012* and *Local Government (General) Regulation 2005*.

The premises must be registered with Council and the approved registration/inspection fee is to be forwarded to the Council prior to commencing business operations.

124. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.

Environmental Amenity

125. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

126. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

127. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

128. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

129. The use of all outdoor areas are restricted to:

Monday- Sunday 7:00am – 10:00pm

130. No live music is permitted in the communal open space area nor is music to be audible beyond individual rooms.

131. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- ☐ before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- ☐ before 7.00am or after 10.00pm on any other day.

132. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **6 months after occupation certificate being issued for the development and from time to time as may be requested by an authorised officer of the Council**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.

133. A plan of management prepared by Centurion Project Management Pty Ltd dated 14 January 2022 shall be implemented at all times and reviewed every year to ensure ongoing compliance.

134. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
135. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
136. The individual rooms, common areas, shared facilities and common areas are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
137. Any changes to the proposed operation of the business may be subject to further development consent and/or a report may also be required to be obtained by a suitably qualified and experienced consultant in acoustics certifying the operation complies with the relevant noise criteria.

Food Storage

138. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Food Safety Requirements

139. The food premises must be registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.
140. A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the Food Act 2003, prior to commencing business operations. A copy of which must be maintained on site and be provided to Council officers upon request.
141. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available to check the temperature of food items.
142. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
143. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.

- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

144. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Waste Management

145. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

146. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.
147. Commercial and Trade Waste and Deliveries to and from the site are only to be undertaken between 8am – 10pm.

Sanitary Facilities

148. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be available for customers and staff and be maintained in a clean and sanitary condition at all times.

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

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

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

- A2 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifier* for the development,
- Council and the Principal Certifier have been given at least 2 days notice (in writing) prior to commencing any works.

- A3 Council can issue your *Construction Certificate* and be your *Principal Certifier* for the development, to undertake inspections and ensure compliance with the development consent and relevant building regulations. For further details contact Council on 9093 6944.

- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works

- A6 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 6971.

- A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

- A8 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).

- A9 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

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

- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.

- A12 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

- A13 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*.

- A14 The assessment of this development application does not include an assessment of the proposed building work under the *Food Act 2003*, *Food Safety Standards* or *Building Code of Australia (BCA)*.

All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.

- A15 The design and construction of the premises must satisfy the requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).
- A16 The applicant/operator is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A17 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.
- A18 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.
- A19 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.