

## Sydney Central Planning Panel

<b>SCPP No.</b>	PPSSEC-42
<b>DA No:</b>	DA/40/2020, 18-20 Stanley Street, RANDWICK NSW 2031, Integrated development for concept plan approval to redevelop the Emanuel School site including increase in students from 785 to 920, Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works (State Heritage Item & Heritage Conservation Area).
<b>Applicant:</b>	<i>Emanuel School c/- City Plan</i>
<b>Report By:</b>	<i>Angela Manahan</i>

### 1.0 Executive Summary

Council is in receipt of a development application seeking consent for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping. While the Applicant indicates there shall be no net increase in staff numbers, the relevant previous approval for the site under DA/181/2009 was based on a total of 97 staff members and Council is aware that the existing staff numbers exceed this at 138 staff members. As such the increase in staff numbers has also been considered in the assessment of the application.

Pursuant to Section 4.7, of the *Environmental Planning and Assessment Act 1979* and schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*, as the development is an Educational Establishment with a capital investment value in excess of \$5 million, the development is defined as Regionally Significant Development, and the application is referred to Sydney Eastern City Planning Panel for determination.

The subject application (original proposal) was advertised and notified from 13 February through to 15 April 2020 and the amended proposal was re-notified between 30 July and 18 August 2020 in accordance with Council's Community Participation Plan. Forty-four (44) submissions were received in response to the original development and forty (40) submissions in response to the amended proposal as a result of the notification process.

The subject site currently comprises the Emanuel School and is located at 18-20 Stanley Street, Randwick. The site is bounded by Avoca Street to the east, Chepstow Street to the west and Stanley Street to the south, and has a total site area of 14,710m<sup>2</sup>. The Alder Building is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street.

The subject site is zoned SP2 – Educational Establishment under *Randwick Local Environmental Plan 2012* (RLEP 2012). The proposal is consistent with the zoning objectives subject to the amended plans submitted, which include a reduction to the overall bulk and scale of the development and changes to materials and finishes. Due to the SP2 zoning and nature of the development, being an Educational Establishment, there are no applicable development standards for the subject site, notwithstanding the proposed development is considered to be consistent with the objectives of the height and FSR standards.

As the proposal is for alterations and additions to a school, the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* apply. The proposal is considered to satisfy the design quality principles set out in Schedule 4 of the SEPP and the relevant clauses pursuant to Part 4 of the SEPP.

The subject site is identified as a State Heritage Item, a local heritage item (containing three (3) local heritage items) and is within a Heritage Conservation Area (North Randwick Heritage Conservation Area) under Randwick LEP 2012. As such, the application was referred to the Heritage Division of the NSW Office of Environment and Heritage and Council's Heritage Planner. Heritage NSW raised no

objection to the amended proposal and provided General Terms of Approval. Council's Heritage Planner is also in support of the amended design and it is considered that the proposed development shall not result in any detrimental impacts upon the heritage significance of the site or heritage conservation area.

Due to the size being in excess of 10,000m<sup>2</sup>, it is subject to clause 6.11 of the RLEP 2012, which requires the development to exhibit design excellence. As such, the application was referred to Randwick Design Excellence Panel (DEP) for review and recommendations. The DEP raised numerous concerns in relation to the original proposal with particular regards to the bulk and scale of the development, articulation and materiality, and presentation to the streetscape. In response to concerns raised by the DEP, Heritage NSW and Council, an amended proposal was submitted with a revised built form which involved retention / alterations and additions to the existing Adler building rather than demolition and construction of a new building as originally proposed. The amended design was referred back to the DEP, who concluded the amended proposal has resolved initial concerns and is supported.

The subject site currently provides for nineteen (19) off-street parking spaces. The proposed development seeks to increase the capacity of the school by increasing the number of students from 785 (as approved) to 920, however no additional parking is provided on site. A Traffic Assessment has been submitted with the application, with a detailed assessment of the traffic and parking impacts also undertaken by Council's Development Engineer Coordinator. It is noted that the school has been operating beyond the approved capacity (with 827 students enrolled) and exceeds the previously assessed staff numbers. The subject site is highly constraint by the location of existing buildings on site and limited landscaped areas, and the heritage significance of the site. As such the ability to provide additional on-street parking is restricted and would be problematic. Furthermore, the provision of on-site parking would require extensive excavation, or result in a reduction to integral landscaping on the site or outdoor recreation space which would adversely impact upon the amenity of the school. Subject to the recommendations within the assessment report, which requires detailed management plans in relation to the operation of the school and associated traffic impacts, a green travel plan, commitment from the school to ensure no net increase in vehicles and the implementation of a Community Liaison Committee, the proposal is not considered to result in any unreasonable impacts upon the local area.

With respect to the amenity impacts, the proposed development will not contribute to any unreasonable overshadowing impacts, noting that compliant solar access to southern residential properties shall be maintained. Due to the spatial separation between the subject site and adjoining residential properties, the proposed development is not considered to result in any unreasonable visual privacy impacts, with the main recreation areas orientated to the interior of the site. Furthermore, assessment by Council's Environmental Health Officer concludes that there shall be no significant increase to noise impacts as a result of the proposed development and increase in student numbers.

Council's Section 7.12 Development Contributions Plan applies to the proposal and a monetary levy of \$115,977.29 is required.

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

## **2.0 Site Description and Locality**

The site is legally referred to as Lot 1 and Lot 2 in Deposited Plan 709332, and is known as 18-20 Stanley Street, Randwick. The site has a total area of 14,710m<sup>2</sup> and is irregular in shape. The site is occupied by the Emanuel School. The site is identified as a State Heritage Item and is also listed as a heritage item and within a Heritage Conservation Area under Randwick LEP 2012.



Figure 1: Aerial view of site.

The site has three (3) street frontages, with a frontage to Avoca Street to the east, Stanley Street to the north, and Chepstow Street to the west, and is bounded partially by Stephen Street to the north. The site generally slopes from south to north. The Alder Building is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street.



Figure 2: Elevated view of the site looking north (Source: City Plan)

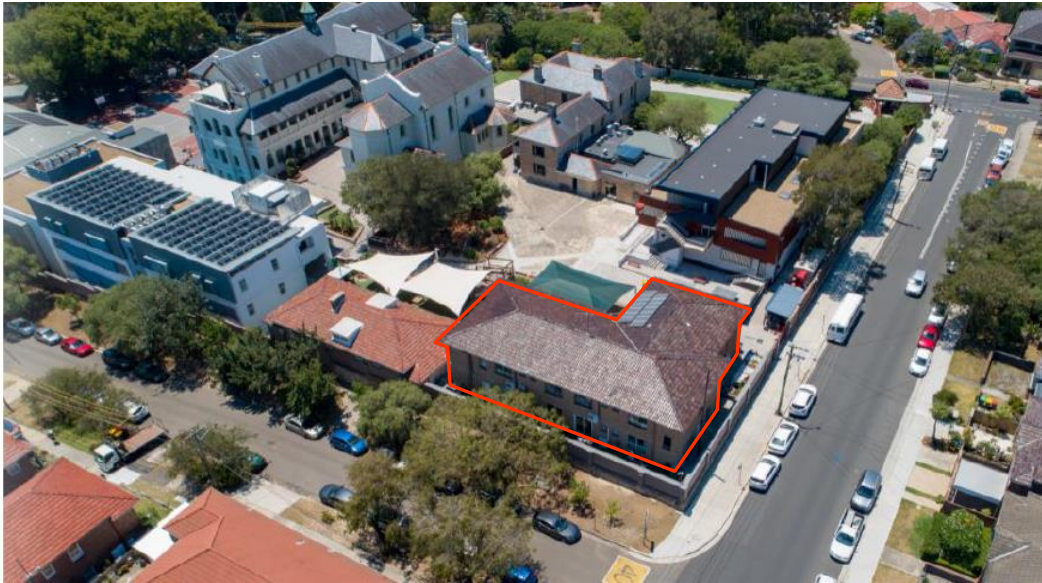


Figure 3: Aerial view of south-western corner of the site, existing Adler Building identified in red (Source: City Plan).

The site is surrounded by residential developments to the north, south and west, with Mt St Josephs Care Home located to the east of the site on the opposite side of Avoca Street. The subject site is zoned SP2 for the purpose of an Educational Establishment pursuant to RLEP 2012. The surrounding sites are zoned R3 Medium Density Residential to the south and west, and R2 Low Density Residential to the north-west and far north. Randwick Peace Park directly adjoins the site to the north and is zoned for public recreation. The SP2 zoning to the east is in relation to the Seniors Housing, being the Care Home, and an Educational Establishment, being St Margaret Mary's Catholic Primary School. See Zoning Map in Figure 4 below:

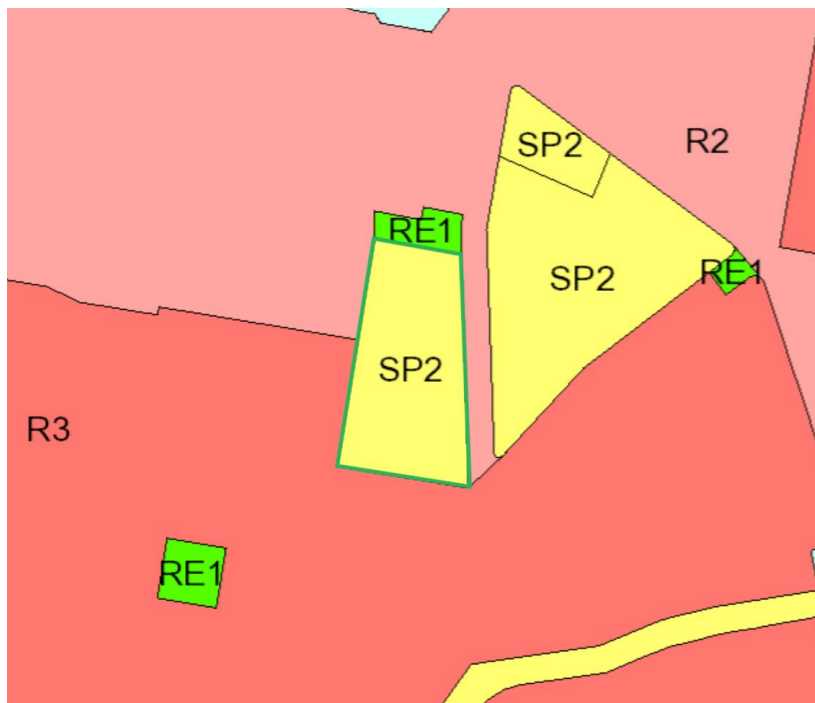


Figure 4: Land Zoning Map RLEP 2012, subject site highlighted in green.



### 3.0 Relevant History

The site has been utilised for the purpose of an Educational Establishment, being the Emanuel School for an extended period of time. The Applicant's Statement of Environmental Effects states that school has occupied the subject site since 1985. The site has been subject to numerous development applications. A search of Council's records revealed the following recent and/or relevant applications for the site.

#### DA/181/2009

Development Application DA/181/2009 was a Concept Staged Development Application which provided a Masterplan to identify anticipated current and future development on the site, including building envelopes, uses and student numbers. The application was approved in February 2011 by Council's Planning Committee. The approved building envelopes for the concept plan can be seen in Figure 5 below:



Figure 5: Approved building envelopes as per DA/181/2009 (north to right).

It is considered that the proposed masterplan would sit over the top of the approved plan in relation to the Adler building (being Height Area B) and the new masterplan would supersede the previous approved plan.

Of direct relevance to the concept plan approval, the following DAs were approved:

- DA/458/2012: Construction of a two level addition to the existing multi-purpose hall at the Emanuel School containing 4 music rooms and a rehearsal room with new decking and courtyard area adjacent to hall (Heritage Conservation Area and Heritage Item). Approved: 05/03/2013 by Delegated.
- DA/702/2012: Removal of existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated works (Heritage Item; consent is also required from NSW

Department of Environment & Heritage). Approved: 19/06/2013 by External Committee (JRPP).

- DA/12/2015: Alterations and additions to the existing art building located on the south-western side of the Emanuel School campus including new internal sanitary facilities, acoustic wall and new balustrade to existing verandah (Heritage Conservation Area and Heritage item) (Integrated Development). Approved: 17/03/2015 by Delegated.
- DA/941/2016: Integrated development for demolition of the Hanna Weisz Building at Emanuel School (Heritage Item). Approved: 17/05/2017 by Delegated.

### **PL/38/2019**

A pre-lodgement meeting was held with Council Officers on 6 November 2019 (PL/38/2019) which proposed replacement of the existing two storey Alder building with a new three storey building and corresponding modification of the Concept Staged Development Application for the site which had provided for the retention of the existing Adler Building. Issues raised included:

- Whether the application should be a modification or a new DA;
- Bulk and scale, and consistency with the existing streetscape;
- Amenity impacts including noise, overshadowing and view loss;
- Traffic and parking impacts;
- Heritage impacts, including the bulk and scale;
- Concerns from the Design Excellence Panel regarding bulk and scale, amenity and aesthetics.

### **Subject Development Application DA/40/2020**

The subject application was lodged with Council on 28 January 2020. The application was externally referred to Office of Environment and Heritage - Heritage NSW, Roads and Maritime Services and NSW Police, and was internally referred to Council's Heritage Planner, Development Engineer, Environmental Health Officer, Landscape Officer, Senior Building Surveyor and Randwick Design Excellence Panel.

Randwick's Design Excellence Panel considered the application at its meeting on 2 March 2020. The Panel raised a number of concerns with the proposal including:

- The location of the proposed building, and whether it was possible to relocate the additions, utilising the existing Kindergarten to the north;
- Concerns regarding the bulk and scale, resultant height, and compatibility with the streetscape;
- The loss of views into the site and to the heritage items;
- Inadequate setbacks to the street and insufficient landscaping.

The Council undertook a preliminary assessment and wrote to the applicant on 4 May 2020 to request amended plans and/or additional information. The matters raised included:

- Concerns regarding the bulk and scale, visual impact and streetscape presentation, noting that there are no specific planning controls or development standards for the purpose of an Educational Establishment;
- Specifically, concerns regarding the minimal setbacks to the street, overall height, and building facades which provided minimal articulation;
- Concerns regarding adverse impacts upon surrounding properties with regards to view impacts, including views into the site and to the existing heritage items, overshadowing, and visual and acoustic privacy.
- Concerns regarding the amenity of the proposed classrooms, noting that there were minimal window openings proposed.
- Comments of DEP;
- Comments from Heritage NSW which raised concerns regarding view loss, and the bulk and scale, including the impacts upon the setting of the adjoining former Laundry building;

- Comments from Council's Development Engineer which raised concerns regarding traffic and parking implications, including the lack of sufficient information to undertake a proper assessment, noting that no assessment of the current unauthorised student numbers and associated impacts has been undertaken.

On 21 May 2020 and 1 June 2020, meetings were held with Heritage NSW, Council and the Applicant to consider and discuss alternative design options.

On 10 July 2020, amended plans and additional information were submitted to Council in response to the letter sent on 4 May 2020 which involved the following:

- An amended design which includes the retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, and changes to windows / facades / landscaping;
- Amended/updated associated reports as follows:
  - Traffic Report;
  - Design Report;
  - BCA and Accessibility Report;
  - Heritage Impact Statement;
  - Acoustic Report.

The amended plans were re-referred to the relevant external bodies and Council Officers for comment and/or recommendation. The amended plans were also reported back to the Design Excellence Panel for comment and/or recommendation on 7 September 2020.

#### **4.0 The Proposed Development**

The subject application is a Concept and Staged 1 DA which seeks approval for a staged development under Section 4.22 of the EP&A Act.

Specifically, concept approval is sought for a new masterplan. The masterplan provides for alterations and additions to the existing two (2) storey Adler Building in the south-western corner of the site with a three (3) storey learning building, and an increase in the maximum student numbers to 920. There are currently 827 students enrolled at the school and 60 students enrolled at the early learning centre (ELC). The proposal seeks to regularise the existing student enrolments which exceeds the conditions specified in the concept approval of DA/181/2009 (being a maximum of 725 students and 60 ELC places, totalling 785 students). While the applicant states there shall be no net increase in staff numbers, as previously outlined Council is aware that the current staff levels exceed that previously assessed under DA/181/2009 and therefore this has been considered in the assessment of the application.

The original application sought consent for the stage 1 works which comprised:

- Demolition of the existing two-storey Adler Building;
- Construction of a new three-storey replacement building comprising thirteen (13) classrooms, three (3) breakout areas, two (2) external terraces, four (4) smaller meeting rooms and nine (9) W/C; and
- Landscaping works.

In response to initial concerns raised by Council, an amended proposal was submitted which seeks to partially retain the existing Adler building and undertaken alterations and additions to the existing building comprising:

- Retention and re-use of the existing Adler building, involving construction of a new Second Floor level and additions at Ground Floor and First Floor level;
- New external materials and finishes on the building façade;
- A new pedestrian bridge connection at Second Floor level to the adjoining D&T building.

The building shall comprise nine (9) classrooms, two (2) break-out areas, three (3) meeting rooms, one (1) office, kitchen and toilet facilities.

## **5.0 Notification/ Advertising**

The subject development was advertised and notified to surrounding landowners for a period of thirty (30) days between 13 February and 16 March 2020 in accordance with Council's Community Participation Plan. Subsequent to the original notification period, given the nature of the proposed development, an increased notification to the wider community was undertaken between 12 March and 15 April 2020.

Concerns were raised in submissions regarding the community consultation process, including the formal notification of the application. Any community consultation is undertaken in accordance with Council's Community Participation Plan which details how and when Council engages with the community, including in relation to planning matters and development applications. The application has been notified and advertised in accordance with the CPP. Furthermore, given the nature of the proposed development and likely impacts upon the surrounding community, in this instance formal written notification to surrounding property owners was extended to a wider area than required by the CPP. Any community consultation outwith the CPP would generally be undertaken by the Applicant/owner as a separate component. In this regard, Council strongly encourages Applicants to undertake 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.

As a result of the initial exhibition process, a total of forty-four unique (44) submissions were received from or on behalf of the following properties:

- 4 Astolat Street, Randwick;
- 1 Ethne Avenue, Randwick;
- 11 Ethne Avenue, Randwick;
- 1 Carter Street, Randwick;
- 3 Carter Street, Randwick;
- 5 Carter Street, Randwick;
- 10 Carter Street, Randwick;
- 17 Castle Street, Randwick;
- 29 Castle Street, Randwick;
- 2 Chepstow Street, Randwick;
- 4 Chepstow Street, Randwick;
- 10 Chepstow Street, Randwick;
- 12 Chepstow Street, Randwick;
- 14 Chepstow Street, Randwick;
- 77 Market Street, Randwick;
- 79 Market Street, Randwick;
- 91 Market Street, Randwick;
- 7 Monmouth Street, Randwick;
- 9 Monmouth Street, Randwick;
- 13 Monmouth Street, Randwick;
- 15 Monmouth Street, Randwick;
- 19 Monmouth Street, Randwick;
- 20 Monmouth Street, Randwick;
- 1/1a Stanley Street, Randwick;
- 10 Stanley Street, Randwick;
- 17 Stanley Street, Randwick;
- 23 Stanley Street, Randwick;
- 5/30 Stanley Street, Randwick;
- 6/30 Stanley Street, Randwick;
- 2/31 Stanley Street, Randwick;
- 3/31 Stanley Street, Randwick;



- 5/31 Stanley Street, Randwick;
- 6/31 Stanley Street, Randwick;
- 4 Stephen Street, Randwick;
- 11 Stephen Street, Randwick;
- 30 Stephen Street, Randwick;
- 34 Stephen Street, Randwick;
- 3 Waverley Street, Randwick.

**Additionally, a signed petition was submitted with 63 signatures in opposition to the proposed development, and a change.org petition was submitted with 204 signatures as of 12 August 2020.**

The submissions raised concerns with regards to the following:

Issues	Comments
<p><u>Master Planning and Future Use of the Site</u> Concerns regarding the proposed masterplan including the following: The application indicates continued growth of the school and the proposal is an incremental piece meal to development on the tightly constrained site. Concerns regarding impacts of master plan on numbers, classrooms, traffic, streetscape etc. The masterplan suggests that future works may occur at the site, submission notes a request for masterplan and future intentions to be shared with the community. There is no justification for changes to the approved masterplan. Exceeds height and number of storeys of approved masterplan. School should consult with the community regarding any future plans and development on the site.</p>	<p>A new masterplan has been submitted with the application to seek concept approval for a three (3) storey built form within the south-western corner and an increase in student numbers. The applicant has advised that the increase to the existing capacity of the school is to allow for student enrolments within the last few years which exceeds that previously approved and to allow for an increase in student numbers in the following years.</p> <p>The applicant acknowledges the constraints of the site and advises that there is unlikely to be any future increase and/or amendment to the proposed masterplan. As such it is anticipated that there shall be no further changes required to the proposed masterplan. An assessment of the proposed built form (which reflects the proposed masterplan) has been undertaken and is considered to be acceptable. Furthermore, an assessment of the increase student numbers has also been undertaken in regards to amenity, traffic and parking impacts upon the local area which subject to the recommendations within the report is also supported.</p>
<p><u>Heritage</u> Concerns regarding the impact upon the heritage significance of the site including the following: Unacceptable impacts upon heritage significance of the site and North Randwick Heritage Conservation Area. Compatibility and relationship to heritage items on site. Inconsistency with heritage area with regards to proposed built form. Loss of heritage value of the site. Concerns regarding damage to Heritage items which should be maintained. Heritage report does not address the North Randwick Heritage Conservation Area.</p>	<p>The application was referred to Heritage NSW and Council's Heritage Planner for review and comment. In response to initial concerns raised by both parties, an amended proposal was submitted. Heritage NSW and Councils heritage Planner raise no objection to the amended proposal, subject to recommended conditions of consent and General Terms of Approval. See detailed comments under section 6.3 and 6.5 of report.</p>
<p><u>Community Consultation</u> Concerns regarding the level of notification to surrounding streets and whether consultation has been undertaken in accordance with</p>	<p>The subject application was advertised and notified in accordance with Council's Community Participation Plan. See further discussion under section 5.0 of report.</p>

Issues	Comments
<p>Council's Community Participation Plan. Concerns regarding the lack of community consultation with and from the school.</p>	
<p><u>Breach of Development Consent and Increase in Student numbers</u> Concerns regarding the breach of existing development consent in relation to student numbers. The actions of the school to date regarding disregard to conditions of consent, and history of non-compliance with consents. Request for Council to take immediate action against the school in relation to the breach. No justification has been given for the increase, noting that it is not a local school and houses students from outside the Randwick area. Request for annual records to be provided to Council to ensure compliance with any specified student numbers and school to demonstrate student numbers.</p>	<p>See discussion under section 8.3 of report.</p>
<p><u>Traffic and Parking</u> The submitted information and Traffic Report does not adequately address the entire local traffic network nor assess bus management. There are inaccuracies and discrepancies within the report and the report is insufficient. Concerns regarding the management of increased students and associated traffic and parking. Request for Council to introduce additional parking restrictions and schemes such as resident parking within the school vicinity. There are existing issues with regards to traffic generation and congestion, and parking including illegal parking in association with the school traffic, and the existing situation will be exacerbated. Existing infrastructure cannot support increase in numbers. No additional on-site parking is provided for the increase in students and proposal will rely on on-street parking. Concerns regarding Construction Traffic and associated impacts, including the use of heavy vehicles and the management of construction Concerns regarding pedestrian safety in relation to increase traffic congestion. Concerns regarding the behaviour of school users including parents and students, with particular regards to illegal parking. Out of hour events and associated parking and traffic impacts. Concerns regarding schools commitment to addressing parking and traffic concerns School offers no alternative transport modes. Request for school buses to only travel along Avoca Street. Concerns regarding the lack of a dedicated off-street bus drop-off in accordance with the RTA</p>	<p>The application was referred to Council's Development Engineer Coordinator and Roads and Maritime Services for comment on the traffic and parking implications of the proposed development. An independent assessment of the traffic and parking has been undertaken by Council's Development Engineer Coordinator (see detailed discussion under sections 6.1 and 8.1 of the report) and the RMS are also in support. Subject to the recommendations within the report, the proposed development is not considered to result in any unreasonable impacts upon the local area with regards to traffic and parking.</p>

Issues	Comments
Guide to Traffic Generating Development guidelines.	
<u>Built Form</u> Concerns regarding the proposed built form including: Concerns regarding the visual impact of the development which shall be visually obtrusive and dominating. The increase bulk shall result in adverse visual impact when considering the recent developments on site. Inadequate setbacks to permit landscaping. Concerns regarding proposed height and additional storey with no planting to screen the development. Concerns regarding the proposed height and resultant overshadowing. Concerns regarding the three storey nature of building. The modern building shall be out of character with area and inconsistent with the style of surrounding residential heritage area. Materials should be sympathetic to heritage area. Proposed height and number of storeys exceeds that stipulated by the previously approved masterplan. Poor representation of visual impact upon streetscape. Lack of articulation to building facades The height is excessive. Lack of a stepped building to minimise visual bulk.	An amended design has been submitted in response to initial concerns raised by Council, the Design Excellence Panel and Heritage NSW, as well as in response to submissions. As discussed further in the report the proposed built form as amended is considered to be acceptable from both a design and heritage perspective. See discussion regarding the merits of the built form further in report.
<u>View loss</u> Concerns regarding views into the site and heritage items from the public domain and adjacent properties.	See discussion in section 8.3 of report.
Concerns regarding overshadowing as a result of the proposed development.	See discussion in section 8.3 of report.
The development results in an overdevelopment of the site which has reached capacity.	It is acknowledged that the site is highly constrained due to the existing buildings and heritage significance, and as such further development must be considered appropriately. The proposed built form is considered to be an acceptable response to the existing and future context of the area. Subject to the recommendations within the report, the increase in student numbers is not considered to warrant refusal of the application and therefore the proposed development can be supported in this instance. It should be noted that each Development Application must be assessed on its own merits and any further development of the site would need to be assessed accordingly.
Concerns regarding visual and acoustic privacy from the proposed development.	See discussion in section 8.3 of report.
<u>Landscaping</u> Lack of landscaping and increased built form and resultant visual impact.	An amended proposal has been provided which partially retains the existing Adler building. Landscaping within the site shall be enhance

Issues	Comments
Request for planting of trees within the street to be undertaken by the school. Tree removal and impacts upon the natural environment.	through new plantings. See comments from Council's Landscape Officer for further detail.  The identified street trees are not proposed under the subject application and would be implemented by Council at a later stage. As such the street trees on Stanley Street have not been relied upon in the assessment of the built form.
Night-time light spillage from the proposed development.	Conditions of consent shall be imposed to ensure the proposed development shall not result in any adverse impacts upon neighbouring residential properties with regards to environmental protection, including the use of any external lighting in the development.
Concerns regarding the construction of the development and associated impacts including noise, dust, pollution and parking.	Appropriate conditions of consent shall be imposed with regards to the construction process to ensure impacts upon the surrounding properties is minimised.
Demolition of the Adler building which demonstrates poor cost and sustainability practices.	An amended proposal has been submitted which seeks to retain and re-use the existing Adler building.

## 5.1 Re-notification

Amended plans in response to concerns raised by Council were submitted by the Applicant on 10 July 2020. The amended plans generally resulted in a reduction to the overall bulk and scale of the development, however the proposed amendments involved an alternative concept which sought to retain the existing Adler building, and provide alterations and additions rather than demolition of the existing building. It was considered that the proposed amendments may result in additional impacts upon neighbouring properties and as such the amended plans were formally re-notified to surrounding properties for a period of fourteen (14) days from 30 July through to 18 August 2020. As a result of the re-notification process an additional forty (40) submissions were received from or on behalf of the following properties:

- 18 Avoca Street, Randwick;
- 51 Earl Street, Randwick;
- 61 Earl Street, Randwick;
- 11 Ethne Avenue, Randwick;
- 3 Carter Street, Randwick;
- 5 Carter Street, Randwick;
- 5 Castle Street, Randwick;
- 21 Castle Street, Randwick;
- 2 Chepstow Street, Randwick;
- 10 Chepstow Street, Randwick;
- 14 Chepstow Street, Randwick;
- 77 Market Street, Randwick;
- 79 Market Street, Randwick;
- 91 Market Street, Randwick;
- 13 Monmouth Street, Randwick;
- 15 Monmouth Street, Randwick;
- 19 Monmouth Street, Randwick;
- 20 Monmouth Street, Randwick;
- 2/6 Stanley Street, Randwick;

- 17 Stanley Street, Randwick;
- 2/30 Stanley Street, Randwick;
- 5/30 Stanley Street, Randwick;
- 5/31 Stanley Street, Randwick;
- 5 Stephen Street, Randwick;
- 7 Stephen Street, Randwick;
- 8 Stephen Street, Randwick;
- 11 Stephen Street, Randwick;
- 16 Stephen Street, Randwick;
- 6/30 Stephen Street, Randwick;
- 11 Waverley Street, Randwick.

The submissions from the adjoining properties maintained concerns with regards to visual impact, amenity impacts, traffic and parking, and the increase in student numbers. The submissions raised concerns with regards to the following:

Issues	Comments
<p><u>Breach of Development Consent and increase in Student Numbers</u></p> <p>Breach of existing development consent in relation to student numbers and actions of the school to date regarding compliance with relevant conditions of consent.</p> <p>Concerns regarding future breach of student numbers given the actions of the school to date.</p> <p>Action by Council regarding the proposed breach.</p> <p>It is considered that the school has reached capacity for the site.</p> <p>There should be no increase in student numbers, existing numbers should be subject to review and in line with previous approval.</p> <p>Concerns regarding the level of development and built form proposed compared with the minor increase to students of 33, and potential for additional students.</p> <p>No justification for increase in student numbers.</p>	<p>See discussion under section 8.3 of report.</p>
<p><u>Traffic and parking</u></p> <p>The Traffic Assessment and RFI response do not accurately reflect the current situation, nor adequately address the traffic and parking concerns. The report contains inaccuracies and insufficient assessment.</p> <p>Concerns regarding existing illegal parking and this being exacerbated.</p> <p>Recommendation that the school should use management plan to reduce traffic and parking demand.</p> <p>Concerns regarding the behaviour by school users, including parents and student which is unacceptable, including illegal parking and blocking of access to properties.</p> <p>The lack of complaints do not indicate there is no issue.</p> <p>Surrounding residences do not have off-street parking and therefore street parking is heavily relied upon by local residents.</p> <p>Parking impacts associated with out of hours activities is a concern, advising residents does</p>	<p>The application was referred to Council's Development Engineer Coordinator and Roads and Maritime Services for comment on the traffic and parking implications of the proposed development. An independent assessment of the traffic and parking has been undertaken by Council's Development Engineer Coordinator, see detailed discussion under sections 6.1 and 8.1 of the report. Subject to the recommendations within the report, the proposed development is not considered to result in any unreasonable impacts upon the local area with regards to traffic and parking.</p>



Issues	Comments
<p>not address the issue.</p> <p>The area cannot handle the current vehicle and foot traffic and the proposal shall worsen this.</p> <p>Public safety concerns including pedestrian safety as a result of traffic associated with the school.</p> <p>Non-compliance with RDCP 2013 in relation to parking.</p> <p>Lack of resident parking schemes and request for Council to implement additional measures in relation to parking restrictions.</p> <p>A green travel plan is unrealistic due to non-local children attending the school.</p> <p>Council surveys of residents in relation to resident parking schemes have not been undertaken, and Council does not conduct regular parking enforcement.</p> <p>A combined traffic assessment in consideration of other schools within the vicinity should be undertaken.</p> <p>Traffic report should be undertaken by objective third party.</p> <p>The school should provide private bus service for students.</p> <p>Concerns regarding traffic information to be provided prior to occupation certificate rather than with the development application, including the requirement for an operational and access management plan which should be provided prior to da approval. Scope for Council to request for this to consider the wider area and not only drop off and pick times.</p>	
<p><u>Overshadowing</u></p> <p>Concerns regarding additional overshadowing as a result of the increased height and bulk.</p>	<p>See discussion in section 8.3 of report.</p>
<p>Night-time light spillage from the proposed development.</p>	<p>Conditions of consent shall be imposed to ensure the proposed development shall not result in any adverse impacts upon neighbouring residential properties with regards to environmental protection, including the use of any lighting in the development.</p>
<p><u>Built form</u></p> <p>Concerns regarding the visual impact of the development including:</p> <p>Dominance of the building when combined with the existing development.</p> <p>Concerns regarding built form and lack of landscaping to screen the development.</p> <p>Height of the Adler building.</p> <p>Retention of 3 storeys within the south-western corner rather than 2 storeys, which is not in keeping with existing buildings.</p> <p>Colour scheme should be neutral to be compatible with the existing sandstone buildings.</p> <p>The proposed development shall be visually obtrusive.</p> <p>Perspectives appear inaccurate.</p> <p>Larger setbacks should be provided to allow for</p>	<p>An amended design has been submitted in response to initial concerns raised by Council, the Design Excellence Panel and Heritage NSW. As discussed further in the report the proposed built form as amended is considered to be acceptable from both a design and heritage perspective. See discussion regarding the merits of the built form further in report.</p>

Issues	Comments
landscaping.	
<u>Heritage</u> Concerns regarding compatibility with heritage significance on site. Concerns regarding heritage views which are compromised by the bridge.	The application was referred to Heritage NSW and Council's Heritage Planner for review and comment. In response to initial concerns raised by both parties, an amended proposal was submitted. Heritage NSW and Councils heritage Planner raise no objection to the amended proposal, subject to recommended conditions of consent and general terms of approval. See detailed comments under section 6.3 and 6.5 of report. The proposed bridge has been designed as an open and light-weight structure to enable views to be maintained into the site. Heritage NSW raised no concerns with the amended proposal in regards to view loss.
<u>Community Consultation</u> Concerns regarding the lack of community consultation by the school, which has not been undertaken. Concerns regarding lack of community consultation from both Council and the school. Covid is not an excuse for lack of consultation. Request for community mediation. Refusal to consult with community shows lack of concern from school.	The subject application was advertised and notified in accordance with Council's Community Participation Plan. See further discussion under section 5.0 of report.
Concerns regarding visual and acoustic privacy	See discussion in section 8.3 of report.
<u>Landscaping</u> Concerns regarding reliance on street tree planting which is indicated in the 3d montages. Council has not confirmed that street trees shall be planted.	The identified street trees are not proposed under the subject application and would be implemented by Council at a later stage. As such the street trees on Stanley Street have not been relied upon in the assessment of the built form.
The school is currently not managing problems associated with the existing use.	It is recommended that the school establish a Community Liaison Committee which shall assist in providing effective communication between the school and the community with regards to the operation of the school, including any issues.
<u>Stormwater Management</u> Submission identifies that there is an existing issue with stormwater and overflow onto adjoining priorities and lack of action by School and Council. Concerns regarding stormwater management as a result of the proposed development and potential adverse impacts.	It is considered that the existing issue is a civil matter between residents and the school and outwith the scope of this application. However, the subject application can consider any drainage implications as a result of the proposed development and ensure appropriate measures are put in place with regards to stormwater management. Conditions of consent shall be imposed for detailed drainage plans to be provided at the Construction Certificate stage to ensure compliance with the relevant provisions of the Building Code of Australia and any applicable standards.
<u>Streetscape</u> The proposed addition is not in keeping with the surrounding area or heritage area. Proposed bridge-link is an unsightly addition and inappropriate.	The amended application was referred to Randwick Design Excellence Panel, Heritage NSW and Council's Heritage Planner who raised no objection to the proposed development, including the streetscape context of the proposal. An amended material scheme was provided to reflect a more appropriate colour

Issues	Comments
	<p>palette which would be consistent with the surrounding heritage conservation area, including the use of terracotta brick/tiles. The existing building shall be upgraded due to the proposed works and as such the streetscape shall be enhanced.</p> <p>The proposed bridge-link is to facilitate direct access to the D&amp;T building and provide better amenity for students. The design of the bridge was driven by comments provided by Heritage NSW who raised no objection to the proposed design.</p>
Lack of addressing residents' concerns in the amended plans.	Concerns raised in submissions have been considered in the assessment of the report and conditions of consent applied where appropriate.
<p><u>Overdevelopment of the site</u> Concerns regarding the cumulative impact and result of several separate DAs for the built form and inconsistency with the masterplan for the site.</p>	Development on site has been undertaken in accordance with the approved masterplan under development consent DA/181/2009 with the exception of the number of students. The proposed concept plan seeks to amend the masterplan as part of a new concept application to allow for an increased built form within the south-western corner only. Any future development of the site above that proposed under the current application would be subject to another new amended masterplan and would be considered on its own merit. Detailed consideration of the increased built form and student numbers has been assessed in the current application and considered to be acceptable in this instance.
Acoustic impacts including from open walkway.	See discussion in section 8.3 of report.
Safety concerns regarding open areas on the upper levels.	The architectural design response advises that the proposed development has been designed with safety as a key priority with the use of double glazed windows and toughened glass to ensure the safety of occupants. All open areas are orientated to the interior of the site to maximise safety.
An updated SEE has not been provided in relation to the amended plans, noting that this is the only document that describes the changes to the masterplan.	A detailed response was provided with regards to the Request for Information and the amended application. The amended response was considered to be sufficient to undertake the assessment of the application. The amended proposal did not seek to change the proposed number of students with only minor changes to the building envelopes for the Adler building proposed.
The amended proposal should include a structural engineers report to ensure the existing building is adequate to accommodate the proposed additions.	A condition of consent is recommended for structural certification to be provided prior to the issue of a Construction Certificate, which is common practice for any upper storey additions.
Concerns regarding the massing architectural drawings and potential footprint extension for the 3 <sup>rd</sup> level.	The proposed massing drawings are consistent with the footprint of the existing and proposed development. The massing elevations identify a setback at the upper level to ensure consistency with the proposed built form.

The matters raised in the submissions have been considered in the assessment of the application.

## **6.0 Technical Advice: Internal and External**

### Internal Referrals

#### **6.1 Development Engineer and Landscape Officer**

The application was referred to Council's Development Engineer Coordinator for comment and/or recommendations who provided the following advice in relation to the amended proposal:

##### **General Comments**

*Council is in receipt of a development application seeking consent for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping.*

*Notwithstanding the application seeks to increase student numbers from 785 to 920 the current student population is 887 students and 138 fulltime equivalent staff. Any approval for this application will therefore increase student numbers by 33 students above current numbers, the application states that there will be no increase in fulltime equivalent staff, however it is acknowledged that there has been an increase in staffing from the previous 97 to 138. **Whilst the applicant has stated that an increase of 33 students is reasonable on traffic and parking related considerations there has been no assessment of the current student / teacher population. Council must be satisfied that an increase in student numbers of 135 and the existing staff numbers is supportable.***

*Standard drainage conditions have been included within this report and detailed landscape conditions are also included.*

*There are no civil works required on public land as part of this application.*

##### **Drainage Comments**

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

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

*The stormwater must be discharged (by gravity) either:*

- i. Directly to the kerb and gutter along a frontage to the subject site in Stanley Street or Chepstow Street; 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),*

##### **TfNSW (RMS) Comments and Recommended Conditions**

*The application was externally referred to Transport for NSW (formally Roads and Maritime Services) for comment and/or recommendation. A response was provided from Transport for NSW on 17 March 2020 in which no objection was raised to the proposed increase in student numbers (from 725 to 920) subject to the following requirements:*

- 1. The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads*

*Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.*

*Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.*

2. *Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.*

*The student catchment area and travel data provided to TfNSW will assist with future service planning.*

3. *As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.*
4. *It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.*
5. *The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

**The Assessment Planner is requested to include the TfNSW conditions.**

#### **Traffic and Parking Comments**

*The subject site currently provides for nineteen (19) off-street parking spaces. The proposed development seeks to increase the capacity of the school by increasing the number of students, however no additional parking is provided on site. A Traffic Assessment has been submitted with the application. Council's Development Engineer Coordinator has considered this report and looked at the traffic and parking impacts of the proposed development.*

*The subject site is highly constrained by the location of existing buildings on site and limited landscaped areas, and the heritage significance of the site. As such the ability to provide additional on-site parking is restricted and would be problematic. Furthermore, the provision of on-site parking would require extensive excavation, or result in a reduction to integral landscaping on the site or outdoor recreation space which would adversely impact upon the amenity of the school. Subject to the recommendations within this assessment report, which requires detailed management plans in relation to the operation of the school and associated traffic impacts (OTMP), a green travel plan, commitment from the school to ensure no net increase in private vehicles and the implementation of a Community Liaison Committee, (CLC), the proposal is not considered to result in any unreasonable impacts upon the local area. The establishment of a CLC, preparation of an OTMP and compliance with TfNSW requirements are likely to have a positive impact on parking and traffic conditions in the vicinity of the school. Note: this report has prepared proposed conditions relating to the CLC and OTMP, (conditions 5-8 inclusive).*

*Notwithstanding the application seeks to increase student numbers from 785 to 920 the current student population is 887 students and 138 fulltime equivalent staff. Any approval for*



*this application will therefore increase student numbers by 33 students, the application states that there will be no increase in fulltime equivalent staff. However, while the Applicant states that there shall be no increase in staff numbers (to that which currently exists), Council acknowledges that there has been an increase in staff numbers to the previously assessed development which provided for 97 staff members under DA/181/2009. It should be noted that there was no condition of consent restricting the number of staff members under DA/181/2009 which only related to student numbers. The increase in student population above current levels comprises 20 kindergarten to Year 6 and 13 Year 7 to Year 12. The additional traffic generation associated with the increase of 33 students will not impact on the service level of any intersections in the vicinity of the site.*

*As stated above, however, Council has to be satisfied that the increase of the student population from the current approved 785 students to the proposed 920 (an increase of 17.2%) is reasonable and supportable on traffic and parking considerations. Additionally, consideration of the increase in staff numbers must also be supportable. The school has failed to adhere to previous established student numbers and this development application is a chance to put in place measures that minimise the impact of increasing student numbers on traffic conditions in the streets surrounding the school. With regards to staffing, the Traffic Impact Statement assesses the full time equivalent staff numbers against current staffing levels of 138 staff, and determines that there is sufficient on-street parking within the vicinity of the site for the existing staff levels. It is recommended that the School implement a Community Liaison Committee and prepare an Operational Traffic Management Plan with the primary aim to reduce private vehicle parking and trips to the school. The implementation of TfNSW recommendations and the successful establishment of both a CLC and OTMP, (with identified aims and measurable outcomes) should minimise the impact of the significant student and staff population from the previous approved figure.*

*The Assessment Planner is requested to include suitable conditions capping the student numbers at the proposed 920.*

*Standard construction traffic management plan (CTMP) and works zone conditions have been included in this report. Council will ensure that the approved CTMP minimises the impact on local streets of any construction traffic.*

*Council undertakes online surveys of residents in the RA6 Residential Parking Scheme Area, (area surrounding the development site) to determine if sufficient support exists to implement a resident parking scheme / zones. If the surveys indicate support for implementation of the scheme resident parking zones will be installed.*

### **Service Authority Comments**

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

- i) All overhead service cables, including power lines, telecommunications cables and associated infrastructure on the development site and in the street/s immediately adjacent to the development are to be placed underground in accordance with the requirements of the relevant power supply authority, at the applicant's cost where:*
  - the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial commercial or industrial development.*
  - there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.*
- ii) If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.*

*The subject is **not** subject to this clause.*

### **Undergrounding of site feed power lines**

At the ordinary Council meeting on the 27<sup>th</sup> May 2014 it was resolved that;

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

The subject **is** located within 15m of a power pole on the same side of the street hence the above clause **is** applicable. A suitable condition has been included in this report.

### **Waste Management Comments**

The applicant is required to submit to Council and have approved by Council's Director Planning, a Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.

*The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the units will operate.*

### **Landscape Comments**

#### **Tree Management Comments**

The submitted Arborists Report has assessed four (4) trees as potentially being impacted by this application, with T53, a mature, 6m tall *Agonis flexuosa* (Willow Myrtle) on the Chepstow Street verge, to the west of the Adler Building, being the only specimen on public property, with the only conditions required being those that allow minor clearance pruning of its eastern aspect, where it overhangs the fence into the site, and given the amount involved, will not impact this tree in anyway, with the relevant consent for this provided.

Within the subject site, in the southern side setback, fronting Stanley Street, there is a mature, 12m tall *Melaleuca quinquinervia* (Broad Leafed Paperbark, T7) of good health but fair condition due to its co-dominant leaders, with its ability to soften the visual bulk of these multi-story buildings on the streetscape giving it a presence in the immediate area, with the Arborist Report assigning it a 'high amenity value'.

*Its restricted growing environment, including a concrete footpath and the existing building to its north, as well as the masonry fence to its south, would have all affected normal, radial root growth, with several large limbs also having been pruned off in the past for clearance reasons.*

The majority of the D & T Building footprint remains unchanged, and while it is not clear on these amended plans whether a building pylon and pier drilled footing will still be required at its western end, previously at an offset of 6.9m, which while outside of its SRZ, would have encroached its TPZ; due to the existing site conditions, combined with the generous setback, this tree should not be threatened in anyway, so can be retained, with site specific conditions provided.

Still within the site, further to the north, within the existing landscaped terrace area, there are a further two mature trees, comprising a *Schinus areira* (Peppercorn Tree, T51), then to its south, on slightly higher ground, a *Casuarina glauca* (She-Oak, T52), which contribute to site amenity through the functions of identifying as landscape features, as well as providing shade for school users.

Both the plans and Arborist Report show only minimal works in this area, that would not affect either tree, so only general, precautionary type conditions need to be imposed.

*The amended Landscape scheme shows a level of detail that will result in a high quality outcome for school users, with conditions requiring its full implementation as part of any approval.*

## **6.2 Environmental Health Officer**

The application was referred to Council's Environmental Health Officer for comment and/or recommendations who provided the following advice in relation to the amended proposal:

### *Land Contamination*

*A preliminary Stage 1 Environmental Site Assessment prepared by JK Environments dated 7<sup>th</sup> November 2019 was submitted with the development application.*

*The report states that the contaminants of potential concern identified at the site pose a threat to the receptors, however, the site can be made suitable for the proposed development provided the recommendations are implemented to address data gaps and to better characterise the risks.*

*The following recommendations were made:*

- 1. Prepare a detailed site investigation*
- 2. Undertake a hazardous materials assessment for the existing buildings prior to the commencement of demolition work.*

*The Building Regulatory team will provide relevant conditions related to asbestos. Based on the reports received and recommendations made, appropriate conditions in relation to contamination, remediation and validation have been included in this referral.*

### *Acoustic Amenity*

*A qualitative acoustic review prepared by Wilkinson Murray dated 18 December 2019 was submitted with the development application. The report confirms detailed selection of plant is required prior to finalisation. The report concludes project specific noise criteria can be achieved.*

*An additional report from Wilkinson Murray assesses the amendments and confirms additional students will not alter existing environment based on previous numbers.*

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

Council's Environmental Health Officer provided a series of recommended conditions of consent to be imposed should the application be approved.

## **6.3 Heritage Planner**

The application was referred to Council's Heritage Planner for comment and/or recommendations who provided the following advice:

### ***The Site***

*The Emanuel School site is listed as a heritage item under Randwick LEP 2012 and is occupied by three heritage items, "Aston Lodge" (1864), and the former Little Sisters of the Poor Chapel (1921) and Novitiate (1936). The site is also listed on the State Heritage Register. The Statement of Significance included in the State Heritage Register listing makes reference to the unique complex of buildings and grounds and the landmark value of the site, as well as the historic and social associations of the site with the early development of the Randwick area and with the Little Sisters of the Poor. To the west of the site on the opposite side of Chepstow Street is the North Randwick heritage conservation area. The Statement of Significance for the hca notes that "the heritage value of the area largely derives from its*

*Federation and Inter-War housing, its predominantly single storey scale, face brick construction, dominant slate and terra cotta tiled roofs and well established cultural plantings.”*

### **Approvals**

*As the site is listed on the State Heritage Register, any development generally needs to be the subject of an Integrated Development Application or a separate prior application under S.60 of the Heritage Act.*

### **History**

*A number of heritage and conservation documents have previously been prepared for the site to accompany previous development applications for the site including:*

- 1999 Draft Conservation Management Plan prepared by Clive Lucas Stapleton and Partners*
- 2002 Draft Conservation Management Plan prepared by Mayne Wilson and Associates*

### **Background**

*DA/181/2009- a Concept Staged Development Application which provided a Master Plan to identify anticipated current and future development on the site was approved in February 2011.*

*PL/38/2019 proposed replacement of the existing two storey Alder building with a new three storey building and corresponding modification of the Concept Staged Development Application for the site which had provided for the retention of the existing Adler Building.*

*The original DA/40/2020 sought development consent for a new masterplan for the site providing for the replacement of the existing two storey Adler Building in the south-western corner of the site with a new three storey learning building. Consent was also sought for Stage 1 and the detailed design of the redevelopment of the Adler Building within the development parameters of the masterplan.*

*The proposed building generally comprised classroom and breakout areas, connected to the existing D and T building at first and second floor level, with a ground floor undercroft below this link. As compared to the pre-lodgement proposal, the original development application somewhat enlarged proposed building footprint and building envelope.*

*Heritage concerns were raised by Council's Heritage Planner that the projecting breakout areas at ground and first floor level, and roofed terrace above would impact on the setting and visibility of the front elevation of the former Laundry building which is of Moderate significance; and that the partial view towards Aston Lodge and the south west corner of the former Chapel from the north in Stanley Street, would be blocked by the proposed building, reducing the ability for the public to appreciate the former Chapel building.*

*Heritage concerns were also raised by Heritage NSW and a meeting was held, attended by all parties, to discuss these issues, and a further meeting was held to discuss design options to address these issues. Amended drawings have now been received to which these heritage comments relate.*

### **Proposal**

*As compared to the original plans, the current plans have retained the existing Adler Building in conjunction with alterations and additions comprising a new third level and a ground floor extension to the existing D and T building. A bridge connection is also proposed to the D and T building at third floor level. The current plans propose to provide breakout areas at ground and first floor level filling in the north east corner of the existing L-shaped building. The upper level terraces proposed in the original plans have been deleted and the building footprint has been reduced.*

### **Submission**

The original plans were accompanied by a Heritage Impact Statement prepared by City Plan Heritage. The current plans are accompanied by an Addendum to Heritage Impact Statement, also prepared by City Plan Heritage.

### **Heritage Impact Statement**

The Heritage Impact Statement included a Historical Overview, Assessment of Significance and Heritage Impact Assessment. The HIS addressed the heritage and conservation documents listed above under Background, as well as

- Emanuel School 20 Stanley Street, Randwick Archaeological Assessment and Aboriginal Cultural Heritage Assessment, by City Plan Heritage, 2011;
- The Emanuel School Randwick, Site Conservation Study by Neustein and Associates, DM Taylor Landscape Architects Pty Ltd, Rod Howard Heritage Conservation Pty Ltd in June 1997.

The HIS provides a detailed description and history of the Adler building, noting that:

*The Adler Building was constructed in the c.1970s and later modified in c.1985 and c.1997 when balconies were added, and a second storey was constructed to the east-south wing.*

The HIS provides the following Statement of Significance for the Adler building:

*The Adler Building at the site of the Emanuel School in Randwick dates from the c.1970s and is a typical example of a school facility dating from this period with no particular reference to an architectural style. Although it is located on the site of the old men's quarters, constructed in 1929, the site has a low potential for evidence of this building. The building is also not considered of particular aesthetic or representative significance. As such, the Adler Building is not considered of sufficient significance to be considered as an important element within the heritage listing of the entire Emanuel School site and as such does not warrant heritage listing on a statutory instrument. The Adler Building has also been ranked as a building of "none" heritage significance in the 1999 CMP.*

The HIS includes a View Analysis which refers to comments on significant views to and from the site which were identified in the 1999 and 2002 CMPs. The HIS provides a view analysis for external views- from the corner of Stanley and Chepstow Streets, from Chepstow Street, from Avoca Street, and for internal views- north towards the former Aston Lodge and Chapel, and south from the former Chapel. The HIS notes that:

*The proposed new Adler building retains the approach of keeping the new buildings at the perimeter of the site replacing the existing building and maintaining all internal visual links with the core heritage buildings as well as any existing distant views to the site.*

The HIS concluded that:

*The view north from between the existing Adler Building and the D & T Building (View 1b) which has the potential to be impacted by the proposal is a secondary view with limited accessibility and as such does not hold significance as a vista or corridor similar to those aspects identified in the 1999 CMP summarised at the beginning of section 5.1 above. The more significant views that were identified in the CMP will not be affected by the proposed new Adler building as its location at the corner of Stanley and Chepstow Streets is isolated and distant from the key visual corridors and vistas to the historic core of the Emanuel School site.*

In relation to archaeology, the HIS notes that as no archaeological investigation has been undertaken for the area, the presence of underground structures or artefacts cannot be completely discounted, but that due to the significant earthworks involved in the construction of the Adler Building, it is less likely than the unbuilt areas around the building to contain



archaeological remnants. An investigation of the Aboriginal Heritage Information Management system suggests that no impact on a known Aboriginal place of significance is anticipated.

The HIS addressed the heritage provisions of Randwick LEP 2012, Randwick DCP 2013, Conservation Policies contained in the 2002 CMP and NSW Heritage Division guidelines for Statements of Heritage Impact. In relation to Controls in the Heritage section of Randwick DCP 2013, the HIS argued that the proposal is detached the historic core and physically detached from areas or fabric identified as being of high or exceptional significance. The HIS argued that the contemporary design of the proposed new Adler Building is appropriate, and that its scale and bulk was compatible with the heritage significance of the site and overall streetscape within this part of the Randwick North HCA.

The HIS concluded the proposed works, involving the demolition of the existing Adler Building and the construction of a new building in a similar footprint would have an acceptable impact on the heritage significance of the subject site, the North Randwick HCA or the nearby heritage items, and that the proposal demonstrates compliance with the controls regarding heritage conservation. The HIS recommended a brief archival record of areas implicated by the works prior to the demolition of the existing Adler Building.

#### **Addendum to Heritage Impact Statement**

The Addendum to Heritage Impact Statement responds to concerns raised by Heritage NSW and Council's Heritage Planner. The Addendum argues that the proposed building:

*will have an appropriate scale, bulk and characteristics that will fit well within its mixed traditional and modern context. It will ensure the existing setting and curtilage around the former laundry building and historic core of the site are retained and complemented as well as maintaining a visual connection to the site from Stanley Street.*

The Addendum concludes that:

*the amended final design responds adequately to the concerns raised by the officers of the Heritage NSW and the Randwick City Council and demonstrates compliance with the existing controls regarding heritage conservation and is therefore recommended to Council for approval.*

The HIS similarly recommends a brief archival record of areas implicated by the works.

#### **Controls**

Clause 5.10(1) of Randwick Local Environmental Plan 2012 includes an Objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.

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

#### **Comments**

##### **1999 Conservation Management Plan**

The 1999 CMP provides Conservation Guidelines for the site in relation to:

- Treatment of Fabric
- Interpretation of Place
- Use of Place
- Intervention, Adaptation and New Buildings and Additions
- Conservation Management Procedures
- Adoption and Review of Conservation Guidelines

##### **Changes to existing Adler building generally**

The Adler building is located adjacent to the corner of Stanley Street and Chepstow Street, with the Kindergarten building to the north on Chepstow Street (former Laundry) and the D

and T building to the east on Stanley Street. The Adler building is a two storey L-shaped building with light brick walls, aluminium windows and a tiled roof.

*In relation to Treatment of Fabric, (Guideline Recommendation No.1.4) Clive Lucas Stapleton and Partners CMP states:*

*Define significant fabric generally as:*

- the landform of the place;*
- landscape, building and site feature items introduced to the place prior to 1945.;*
- subsurface remains (if any) of former landscape, building and site features introduced prior to 1945.*

*The 1999 CMP provides an estimated construction date, description and historical background for each of the building on the site. For the Adler School, the CMP provides a construction date of the 1970s, with alterations in c.1985 and c.1997 with addition of balconies and rebuilding of the south east wing with a second storey. In terms of Historical Background, the CMP notes that the building is believed to have been constructed by the Little Sisters of the Poor for aged care 'hostel' type accommodation, and know at this time as Marian Lodge. A photograph of Marion Lodge is included in Appendix A of the CMP (which corresponds to Council's historic aerial photographs).*

*The existing Adler building is sympathetic in scale and form with the adjacent two storey buildings in the heritage conservation area. The adjacent 1929 Laundry building to the north is single storey in scale, while 1860s Aston Lodge to the north east is two storeys. The more recent D and T building to the east is partially two and partially three storeys. The 2002 CMP identifies Aston Lodge as being of Exceptional significance, and the former Laundry building and the boundary wall as being of Moderate significance.*

*In relation to Intervention, Adaptation and New Buildings and Additions (Guideline Recommendation no.4.3), the Clive Lucas Stapleton and Partners CMP states:*

*Permit new buildings and additions to existing buildings providing the proposal is cognisant of the existing built environment.*

*Discussion of this guideline notes that:*

*A substantial amount of development is possible within the Place but it follows from the history and architectural character of the site that such development should be an extension of the historic pattern of growth. This pattern is essentially urban and not suburban. There is also a clear precedent on the site that new buildings have direct functional links with the existing buildings and existing walls. There is scope for new buildings to be higher than the existing boundary wall by one or one and a half storeys to Chepstow Street and perhaps more to Stanley Street. There is also a precedent for differing standards of materials use in construction which should be considered in new work: high finish materials for important elevations, and common brick for the minor buildings.*

*There are no heritage objections to the proposed changes to the existing Adler building at ground, first and second floor level (Level 1, Level 2 and Level 3). The Adler building dates from the 1970s with subsequent alterations and additions, and has been identified in the 1999 CMP as having no heritage significance.*

*In relation to Interpretation of Place, (Guideline Recommendation Nos.2.2 and 2.3) Clive Lucas Stapleton and Partners CMP states:*

*It is desirable that adaptations of fabric or new works are identifiable as such.*

*It is desirable to install signage and continue the practice of keeping historic records which outline the history of the buildings and site.*

*The additions to the existing Adler building comprise additions to the north east corner, new third level, and connections to the existing D and T building. The contemporary forms of the additions are consistent with the CMP guideline recommendation that adaptations of fabric or new works are identifiable as such, and relate to the forms of the existing D and T building to*

the east and the Kleinlehrer Linc building to the north. Building surfaces visible from outside the site generally comprise terracotta wall and roof cladding to the western section of the existing Adler building, light coloured metal cladding to the eastern section of the existing Adler building and dark coloured metal cladding to the new third level. These materials and finishes provide articulation to the built form, while relating to the materials and finishes of adjacent buildings along the street frontage of the site and surrounding residential buildings. Building surfaces visible from within the site predominantly comprise dark coloured metal cladding and large areas of glazing with a number of horizontal and vertical elements clad in sandstone. These materials and finishes reduce the apparent bulk of the additions adjacent to the former Laundry building and relate to the materials and finishes of adjacent significant heritage buildings within the site.

#### **Additions to the north east corner of the existing Adler building**

The north wall of the existing Adler building is separated from the south wall of the former Laundry building by around 2m. In the current plans, the proposed breakout and classroom spaces at ground, first and second floor level will extend around 2m to the north of the existing north wall of the existing Adler building, lining up with the southern wall of the former Laundry building. In the original plans, these areas extended a further 3m to the north. The proposed building is separated from Aston Lodge by around 16m.

As compared to the original plans, the additions to the north east corner of the existing Adler building at ground, first and second floor levels will have a reduced impact on the setting and visibility of the front elevation of the former Laundry building which is of Moderate significance. The proposed building footprint better defines the northern edge of the courtyard which allows the appreciation of Aston Lodge, the former Chapel building and the former Laundry building from within the site.

Appropriate consent conditions should be included in relation to structural issues.

#### **New third level to existing Adler building**

In relation to scale and form, the proposed building is one level higher than the existing two storey Interwar residential building buildings on the corner of Stanley and Chepstow Streets and two levels higher than the single storey former Laundry building immediately to the north. The proposed building is not incompatible in scale with these immediately adjacent buildings in the North Randwick heritage conservation area. The former Laundry building is integral with the brick perimeter wall to the western boundary of the site, giving it greater streetscape presence, despite the greater scale of the Adler building which has a more generous setback from the western boundary of the site.

In relation to siting and setbacks, the setback of the existing Adler building from the Stanley Street and Chepstow Street boundary wall is maintained at ground and first floor level. The existing Adler building is set back from the Stanley Street boundary by around 1.5m and from the Chepstow Street boundary by around 2.2m. The proposed third level is set back from the Stanley Street boundary by around 7.7m and from the Chepstow Street boundary by around 5m. The proposed third level is integrated into the existing hipped roof form, further reducing its apparent scale and bulk.

#### **Ground level and second floor level connections between Adler and D and T buildings**

In relation to Treatment of Fabric, (Guideline Recommendation No.1.4) Clive Lucas Stapleton and Partners CMP states:

Define significant views from the Place as those to the surrounding environs in an arc from the east to the south-west, and from the high levels of Woollahra, Bondi Junction and Waverley, and from the (low) lying watershed of Queens and Centennial Parks.

In relation to Physical Fabric (3.16 Views), the CMP notes that:

Principal views to the Place are those from the heights of the suburbs of Woollahra, Bondi Junction and Waverley, and from the low lying watershed of Queens and Centennial Parks. The very upper wall and roof forms of the strongly modelled former novitiate and former chapel above the trees are the main components of these views.

*Aston Hall is generally not visible from outside the boundary walls.*

*In relation to Views, the proposed new building will not impact on distant views to and from the site in a northerly direction. The three key buildings on the site, Aston Lodge, and the former Chapel and Novitiate buildings are located in the centre part of the site. These key buildings have little visibility from the west from Chepstow Street due to intervening buildings on this edge of the site. The three key buildings have some visibility from Avoca Street to the east, and these views will be unaffected by the proposal. There is a good view towards the front façade of Aston Lodge and the south eastern corner of the Novitiate building from the corner of Avoca Street and Stanley Street. Due to its greater setback from Avoca Street however, the former Chapel building is not prominent in views into the site. There is a partial view towards the side elevation of Aston Lodge and the south west corner of the former Chapel from the north in Stanley Street, between the D and T building and the existing Adler building.*

*The existing Adler building and the D and T building area separated by a distance of around 12m. While the original plans connected the new building to the existing D and T building at first and second floor levels (Level 1 and Level 2), the current plans appear to provide a gap of just less than 10m between the two buildings at Level 1. The existing external stair on the western wall of the D and T building, somewhat encroaches into and reduces this gap. The gap between the roof of the proposed ground floor connection to the D and T building and the underside of the proposed second floor connection to the D and T building will be around 4m. The drawing submission package provides a Photomontage sheet and a 3D Images Sheet 01 document includes Stanley Street View 01. These photomontages from the opposite side of Stanley Street, line up with the gap between the enlarged Adler building and the existing D and T building. The applicant has now submitted a drawing which provides a Stanley Street Existing View and Stanley Street Proposed View. The horizontal and vertical dimensions of the new view corridor will not substantially reduce the existing partial view towards the south west corner of the former Chapel, and that the ability for the public to appreciate the former Chapel building will not be significantly affected by the proposed development.*

Council's Heritage Planner recommended relevant conditions of consent to be imposed, in addition to any provided by Heritage NSW, should the application be approved.

#### **6.4 Senior Building Surveyor**

The application was referred to Council's Senior Building Surveyor for comment and/or recommendations, who raised no objection to the proposed development subject to recommended standard conditions of consent.

#### External Referrals

#### **6.5 NSW Heritage**

The application is identified as being integrated development and requires approval from Heritage NSW pursuant to section 58 of the Heritage Act 1977. As such the application was externally referred to Heritage NSW for approval. A response was received from the Heritage Council of NSW on 28 September 2020 which provided General Terms of Approval which shall be incorporated into the development consent, should the application be approved.

#### **6.6 Roads and Maritime Services/Transport for NSW**

Pursuant to clause 57 of the *SEPP Educational Establishments and Child Care Facilities* 2017, the application was externally referred to Transport for NSW (formally Roads and Maritime Services) for comment and/or recommendation. A response was provided from Transport for NSW on 17 March 2020 in which no objection was raised to the proposed increase in student numbers (from 725 to 920) subject to the following requirements:

1. *The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.*

*Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.*

2. *Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.*

*The student catchment area and travel data provided to TfNSW will assist with future service planning.*

3. *As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.*
4. *It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.*
5. *The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

## **6.7 Design Excellence Panel**

The application was referred to Randwick Design Excellence Panel who provided the following comments and/or recommendations in relation to the amended proposal:

### **PANEL COMMENTS**

*The proposal focuses on the New Adler Building at the Emanuel School campus in order to accommodate an increase in students from 785 to 920. The works include demolition of the Adler Building and part demolition of other structures to facilitate construction of a new three storey building.*

*The New Adler Building will contain learning spaces, social spaces, play areas and amenities, and will be linked to the D+T Building recently constructed to the east. The site is located at the southwest corner of the Emanuel School campus and site works to facilitate this redevelopment include hardscape and softscape works.*

*The most recent Panel meeting (07.09.2020) was preceded by a meeting held with Randwick City Council on 6 November 2019 and a previous DEP review on 2<sup>nd</sup> March 2020. It's the panel's understanding that the proponent met with the Heritage Office to discuss the potential demolition of the 'laundry' building, and that this wasn't supported.*

*It was noted that the Applicant's DA submission provided a summary of the actioned responses from the earlier DEP report. This Panel response is based on the amended DA as now lodged with subsequent changes, and follows the noted actions against the following RLEP 2012 Design Excellence Objectives:*

- a) *Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

*The New Adler Building appears to overwhelm the corner of the site and should consider the introduction of setbacks to offset the three-storey height.*

*The transition between the New Adler Building and the kindergarten should be improved.*

*Greater articulation of the New Adler Building should be undertaken to reflect the fine-grain residential form neighbouring the site.*

***The Panel considers that this reconfiguration is a preferable design approach to the initial concept but recommends that there be some refinement to the window arrangement and surface articulation on the upper levels - eg. provision of a continuous window hood or screen that creates a more cohesive recessed element in the pop-up Level 2 envelope and this would better differentiate the new addition from the masonry base with expressed openings.***

- b) *Whether the form and external appearance of the development will improve the quality and amenity of the public domain,*

*Consider a 'lighter bridge link' in order to retain some of the character of the view into green space from surrounding residential properties.*

*A driveway is indicated on ground level between the New Adler Building and the D+T Building. It is not clear if this will remain in use for vehicles. The use of this driveway should be clarified as it may present a hazard.*

*The New Adler Buildings must incorporate articulation and more fine-grained materiality.*

*The security requirements of the building are acknowledged, but the New Adler Building must respond to its environment. High windows are suggested as a way to incorporate both values.*

***Improvements and changes to address issues previously raised were agreed as appropriate by the Panel, subject to detail refinement as noted above. As the bridge is not intended as a gathering space, and is fully open to the breeze, consideration may be given to a glass roof to enhance its lightness.***

- c) *Whether the proposed development detrimentally impacts on view corridors and landmarks.*

*Consider realigning new buildings along Chepstow Street, to 'reinforce the western green edge of the heritage buildings' and retain the views of the green heritage core. Additional building bulk and scale can be better accommodated along Chepstow Street, where less fine-grain buildings are present.*

***While the Panel appreciated the response to heritage issues with the revised building layout and lighter bridge treatment, the need to enhance a more recessive upper level addition was reinforced (as above).***

- d) *How the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites.*

*A wider setback should be implemented along Chepstow and Stanley Streets to allow for planting of more large scaled trees.*

***As there will be a significant visual impact on this corner, the Panel expressed concern about the defensive nature of the existing perimeter treatment but understood the***



***response to security issues. Nevertheless, there is potential refinement possible on the masonry wall, and this might include some public art elements, a fine grained veneer and/or modulation to the plinth that could create some indents for informal bench seating – casual social bump space.***

- e) *How the development addresses sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

*It is recommended that all bathrooms on external walls have external operable windows.*

*Sun-shading and weather protection should be provided to suit orientation.*

*Details on the operation of windows in the teaching spaces is desired.*

*Indication of how rainwater will be captured from hard surfaces should be provided.*

*The Panel suggests that an additional door be provided in the classroom at Level 2, south of the core, to provide additional flexibility in circulation.*

*Overshadowing diagram elevations for shadows on Stanley Street for 8am to 9am should be provided to confirm shadow impacts on those buildings*

***The Panel acknowledged that adequate responses were provided to these points.***

***Conclusion:***

***The panel is generally supportive of the revised proposal and subject to the above points being addressed does not need to review the next iteration of the design.***

Assessing Officer Comment: The DEP comments and recommendations were forwarded to the Applicant for consideration regarding the proposed changes. A response was received from the Applicant which identified that the perimeter wall are of moderate heritage significance and as such any changes would require approval from Heritage NSW. Notwithstanding, the Applicant's Heritage Consultant the changes required to accommodate the Panels concerns would require significant works to the walls and is not considered acceptable from a heritage perspective. The applicant has advised that public art can be included in the upper panels of the perimeter wall. Furthermore, it is considered that providing a glass roof to the bridge would compromise safety and create cleaning issues and therefore alternatively, it is recommended to the roof structure be minimise and provided with a compatible colour palette to soften the visual impact.

## **7.0 Relevant Environmental Planning Instruments**

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Randwick Local Environmental Plan 2012.

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

Pursuant to clause 5 of Schedule 7 of SEPP (State and Regional Development) 2011, as the proposal is in relation to an Educational Establishment, with a capital investment value in excess of \$5 million, the proposed development is identified as being "regionally significant development" and the provisions of SEPP (State and Regional Development) 2011 apply to the proposed development. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and

Assessment Act 1979, the submitted proposal is classified as 'regionally significant development' with the determining authority for the application being the Sydney Central Planning Panel.

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council's Environmental Health Officers have reviewed the development application and it is considered that subject to the recommendations of the submitted reports and further detailed site investigation, the site can be made suitable for its intended purpose. Relevant conditions of consent shall be imposed should the application be approved.

## **8.3 State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017**

SEPP Educational Establishments aims to facilitate the effective delivery of educational establishments and early education and care facilities by establishing consistent assessment criteria and design considerations for educational establishments. Pursuant to clause 35 of SEPP (Educational Establishments), the proposed development is located within a prescribed zone, being a SP2 zone, and therefore development for the purpose of a school is permitted with consent. In accordance with subclause (6) of clause 35 of the SEPP, before determining the development application, the consent authority must take into consideration:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Schedule 4 provides seven (7) design principals, which are addressed below:

### **Principle 1—context, built form and landscape**

- Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*
- Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*
- School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

The subject site is listed on the State Heritage Register due its unique complex of buildings and grounds, and the landmark value of the site. Additionally, the site's historic value in association with the Little Sisters of the Port and early development of the Randwick area contributes to its heritage significance. The site is also identified as containing three (3) local heritage items and located within North Randwick Heritage Conservation Area under Randwick LEP 2012.

The site is highly constraint by the existing buildings and the heritage significance of the site, which limits the location of any new additions. Furthermore, the subject site has limited landscape areas within its boundaries and therefore retention of any existing open landscaped areas and significant vegetation is integral to maintaining on-site amenity and minimising visual impacts upon the public domain. As such, the Applicants approach to undertake alterations and additions to the existing Adler building is supported as it utilises an existing built form and shall not result in any adverse impacts upon the natural environment. The application was referred to both Heritage NSW and Council's Heritage Planner for comment, who both supported the amended proposal and it is considered that the proposed development is an appropriate response to the heritage significance of the site.

### **Principle 2—sustainable, efficient and durable**

- *Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*
- *Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

The proposed design seeks to maximise natural light and solar access into the building by providing large glazed areas to the northern elevation, incorporating windows on all building facades and skylights on the roof, however also utilise shading devices to minimise solar heat gain into the building and provide a balance between natural light and heat gain. The development also proposes the use of PV panels on the roof for power generation. The existing drainage on the site shall be updated where appropriate, including new OSD tanks, to facilitate rainwater re-use. The applicant shall also incorporate energy efficient fixtures, fittings and lighting to further minimise energy consumption.

### **Principle 3—accessible and inclusive**

- *School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

#### **Note—**

*Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

The proposed development involves alterations and additions to the existing Adler building and it is considered that the proposal shall not impact upon the overall wayfinding or navigation of the existing school. The proposed development shall not alter the existing main entry and egress of the school on the corner of Avoca Street and Stanley Street, which permits the safety and security of the school to be maintained. The upgrading of the existing building shall ensure compliance with the relevant accessibility provisions and that equitable access to all persons will be obtained to the new building. The proposed development shall also improve the connectivity with the adjoining D&T building by providing direct access between the two (2) buildings.

### **Principle 4—health and safety**

- *Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

As outlined above, the proposed development seeks to improve natural light and ventilation into the Adler building through the implementation of additional window openings on the building facades, and increase internal amenity through generous floor to ceiling heights which shall subsequently improve the health and well-being of occupants. It is considered that the proposed development provides a balance between the safety and security of the school, the amenity of students and accessibility.

### **Principle 5—amenity**

- *Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*
- *Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*
- *Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

The proposed development seeks to improve the amenity of the existing school by providing additional educational and administration spaces with associated amenities, internal access and service areas. The main informal breakout areas have been orientated towards the interior of the site, adjacent to the existing outdoor areas, with the classrooms and meeting areas around the perimeter of the site, to minimise impacts upon surrounding residential properties. The proposed design

provides windows on all elevations to increase solar access and allow for natural ventilation. As such it is considered that amenity shall be enhanced by the proposed development.

**Principle 6—whole of life, flexible and adaptive**

- *School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

A concept masterplan for the site was approved in 2011. The subject application seeks to amend the approved masterplan by way of a new concept plan to allow for an increased built form in the south-eastern corner and an overall increase to student numbers. While the proposed works are primarily to improve the existing amenity of the school, the additional spaces shall facilitate a minor increase in future student numbers (to that which currently exists). Furthermore, the internal layout of the development shall allow flexible and multi-purpose use of the spaces in the future if required.

**Principle 7—aesthetics**

- *School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*
- *The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

Due to the zoning of the site, being SP2, and the type of development, being an Educational Establishment, there are no specific built form controls contained within RLEP 2012 or RDCP 2013 applicable to the proposed development. The proposed development was reviewed by Heritage NSW and Council's Design Excellence Panel, who support the proposed design, including the visual impact of the proposal as viewed from the public domain. The proposed development is not inconsistent with the height of surrounding buildings within the medium density zone, being a maximum height of 11.16m, and is compatible with the height of the existing buildings on the subject site. Furthermore, the proposed development would not be considered to be out of context with the desired future character of the area, noting that the surrounding R3 zoned land adjacent to the site to the east, west and south is subject to a 12m height limit which anticipates developments of up to three (3) storeys. The proposed upper level of the development has been setback from the lower levels of the existing Alder building to minimise the visual impact of the development as viewed from the surrounding properties.

In view of the above, the proposed development is considered to be consistent with the design quality principals stipulated for the development of schools. Clause 35 of the SEPP also requires Council to consider whether the development enables the use of the school facilities to be shared with the community. The proposed development involves alterations and additions to an existing building on site, and it is considered that the proposed works shall not compromise the use of this building with regards to any community use. Furthermore, the large breakout areas and proposed layout would facilitate multi-functional spaces and therefore use of these areas for community use could be provided.

**8.5 Randwick Local Environmental Plan 2012:**

**Part 2 – Land Use Zoning**

The subject site is zoned SP2 – Educational Establishment pursuant to the Land Use Table and Land Zoning Map within RLEP 2012.

The objectives of the SP2 zone are as follows:

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

- *To protect and provide for land used for community purposes.*

The proposed development is for alterations and additions to the existing school, which would be defined as an Educational Establishment pursuant to the Dictionary of RLEP 2012. As the Land Zoning Map identifies the purpose of the SP2 zone as an Educational Establishment, the proposed development is permitted within consent. As discussed in detailed throughout the assessment report, the proposed development shall not result in any unreasonable impacts upon the residential amenity of surrounding and adjoining properties, nor result in a detrimental impact upon the streetscape. Furthermore, the proposed development is considered to be compatible with and shall not detract from the heritage significance of the site, including views into the heritage items. As such the proposed development is considered to satisfy the relevant objectives of the SP2 zone subject to conditions.

#### **Clause 4.3 – Height of buildings**

The objectives of Clause 4.3 are as follows:

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

There is no maximum height specified for the subject site on the Height of Buildings Map. As such the proposed development is assessed on merit against the objectives of clause 4.3. it is considered that the proposed development is consistent with the objectives of the height of building development standard for the following reasons:

- (a) The desired future character of the area can be determined by the current planning controls and development standards applicable to the subject site and surrounding area. As previously outlined, given the nature of the development being a school and the zoning of the site, there are no specific built form controls for the proposed development and as such consideration can be given to the adjoining sites. The adjacent sites to the east, west and south are subject to a 12m height limit under clause 4.3 of RLEP 2012. The proposed development shall have a maximum height of 11.36m, as measured from below the existing floor slab of the Adler building, and as such the proposed height would not be incompatible with that stipulated for future development of the surrounding sites. The proposed upper level addition has been setback a minimum of 5m from Stanley Street and 7.7m from Chepstow Street to further minimise the apparent bulk and scale, and visual dominance of the development. The size and scale of the proposed building is commensurate with the existing buildings on the site and is compatible with the continued use of the site as a school.
- (b) The proposal was reviewed by Heritage NSW and Council's Heritage Planner who raised no concerns with the proposed bulk and scale of the development and it is considered that the resultant scale and character of the building shall not adversely impact on the heritage significance of the site.
- (c) As discussed under the relevant sections within the report, the proposed development is not considered to result in any unreasonable impacts upon adjoining properties with regards to visual amenity, privacy, overshadowing or view loss.

#### **Clause 4.4 – Floor Space Ratio**

The objectives of Clause 4.4 are as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that buildings are well articulated and respond to environmental and energy needs,*
- (c) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*

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

There is no maximum floor space stipulated for the subject site on Floor Space Ratio Map. As such the proposed development is assessed on merit against the objectives of clause 4.4. it is considered that the proposed development is consistent with the objectives of the FSR development standard for the following reasons:

- a) The proposed development seeks to utilise the existing Adler building with the proposed alterations and additions largely contained within the existing building footprint. Any additions are located to the internal of the site to minimise the bulk and scale as viewed from the streetscape. The proposed upper level has been setback from the lower levels of the building to further minimise the visual impact. The proposed colours and materials aim to integrate the proposed additions into the existing built form and create a cohesive building. As such, the proposed size and scale of the building is not considered to be incompatible with the desired future character of the area.
- b) The proposed development has been designed for its intended purpose as an Educational Establishment. Subject to the recommendations within the report, the proposal is considered to provide appropriate articulation to the public domain. The design of the proposal, including the provisions of PV panels on the roof, is also considered to respond to the environmental and energy needs.
- c) The proposal was reviewed by Heritage NSW and Council's Heritage Planner who raised no concerns with the proposed bulk and scale of the development and it is considered that the resultant scale and character of the building shall not adversely impact on the heritage significance of the site.
- d) As discussed under the relevant sections within the report, the proposed development is not considered to result in any unreasonable impacts upon adjoining properties with regards to visual amenity, privacy, overshadowing or view loss.

#### **Clause 5.10 – Heritage Conservation**

The objectives of Clause 5.10 are as follows:

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

The subject site is identified as a State Heritage Item and is also listed as a heritage item (containing three (3) local heritage items) and within a Heritage Conservation Area (North Randwick Heritage Conservation Area) under Randwick LEP 2012.

A detailed assessment against the provisions of clause 5.10 has been undertaken by Council's Heritage Planner which is provided in section 6.3 of the report. The proposal has also been reviewed by the Heritage Division of the Office of Environment and Heritage and as previously detailed. The proposed development was considered to be acceptable from a heritage perspective subject to conditions to be placed on any consent and which are detailed in the recommendation. As such, it is considered that the heritage significance of the subject site shall be maintained and the proposed development is consistent with the objectives of clause 5.10.

#### **Clause 6.11 – Design Excellence**

Clause 6.11 of RLEP 2012 aims to ensure that a high standard of architectural and urban design is achieved for certain types of development which involves the following:

*“development involving the construction of a new building or external alterations to an existing building—*

- (a) on a site that has an area of 10,000 square metres or greater, or*

- (b) *on land for which a development control plan is required to be prepared under clause 6.12, or*  
(c) *that is, or will be, at least 15 metres in height"*

The subject site has an area of approximately 14,710m<sup>2</sup> and is subject to clause 6.12 of RLEP 2012 which requires the preparation of a site specific development control plan. As such, the provisions of clause 6.11 are applicable to the proposed development. In considering whether the proposed development exhibits design excellence, the application was referred to Randwick Design Excellence Panel. A detailed response to the proposed development is provided in section 6.7 of the report. The DEP concluded that the amended proposal had resolved initial concerns and was supportive of the revised proposal, subject to some minor design changes in relation to materials and finishes. Subject to the recommendations of the Panel, which includes some minor additional architectural detailing to be incorporated into the design and changes to materials, the proposed development is considered to achieve an appropriate standard of architectural design. Furthermore, the proposed works shall upgrade the existing dated building and enhance the streetscape presentation to Stanley Street and Chepstow Street. In view of the above, it is considered that the consent authority can be satisfied that the proposed development exhibits design excellence in accordance with the provisions of clause 6.11.

#### **Clause 6.12 – Development requiring the Preparation of a Development Control Plan**

As the subject site has an area in excess of 10,000m<sup>2</sup>, clause 6.12 of RLEP 2012 is applicable to the proposed development. The provisions of clause 6.12 aim to ensure that appropriate guidelines and controls are prepared for large sites, and essentially a masterplan in relation to the future development of the site is provided. The provisions of clause 6.12 generally require the preparation of a site specific development controls plan, however an alternative option to satisfy the provisions of clause 6.12 is to provide a Concept and Staged development pursuant to section 4.22 of the EP&A Act. The subject application is a concept and staged 1 development application which seeks concept approval for a new masterplan for the site, as well as approval for the stage 1 works and detailed design. A concept staged DA and masterplan was previously approved by Council in 2011, the subject application seeks to amend the approved masterplan in relation to two (2) aspects as follows:

- Replacement of the existing two (2) storey Adler building (and approved two (2) storey built form) with a three (3) storey built form; and
- An increase to the student numbers from 785 (including 60 Early Learning Centre students) to 920 students (comprising 860 students plus 60 ELC students).

The existing Adler building is located within the south-western corner of the site, and is located adjacent to the D&T building to the east and the Kindergarten building to the north. The concept approval does not seek to amend any other part of the approved masterplan outwith the Adler building. As the application involves both the concept masterplan and the detailed design of the resultant building, detailed consideration of the future built form and any associated impacts can be determined. The proposed three (3) storey nature of the built form in the south-western corner of the site would be consistent with the existing newer building to the east, and the newer building to the north, beyond the Kindergarten building. The adjoining Kindergarten building is a heritage item which is single storey in nature.

During discussions with Heritage NSW regarding the proposed development, it was evident that future development and/or substantial alterations to the existing Kindergarten building would be unlikely to be supported and therefore it is anticipated that the existing building will remain a low form building in the future. The benefit of the Kindergarten building is that it results in a break in the building mass and built form along the Chepstow frontage and elevate the streetscape appearance. The proposed increase in number of storeys shall provide increased amenity for occupants and accommodate the existing exceedance of student numbers while permitting a minor increase for future enrolments, without unreasonably impacting upon the streetscape or amenity of surrounding properties. Furthermore, the proposed increase in height and built form is not considered to be excessive, noting the surrounding 12m height limit within the R3 zone. No concerns regarding the resultant built form and increase in student numbers has been raised from RMS or Heritage NSW, and subject to the recommendations by Council's Development Engineer the proposed increase can be supported in relation to traffic and parking impacts. In view of the above, the proposed masterplan

shall facilitate future development of the school and is not considered to be unreasonable in view of the associated impacts.

## **8.0 Policy Controls and Key Issues**

The following policy controls and key considerations apply in the assessment of the proposed development:

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

#### **Section B2 - Heritage**

A detailed assessment against the relevant provisions of Section B2 have been undertaken by Council's Heritage Planner. See section 6.3 for further comment. The proposed development is not considered to result in any adverse heritage impacts and the heritage significance of the site shall be maintained. As such, the proposed development is considered to be consistent with the provisions of section B2 and is supported on heritage grounds.

#### **Section B6 – Recycling and Waste Management**

An assessment of the waste management of the proposed development has been undertaken by Council's Coordinator Development Engineering and relevant conditions of consent shall be imposed accordingly. It is considered that the waste management of the development can be appropriately managed through the proposed conditions.

#### **Section B7 – Transport, Traffic, Parking and Access**

Numerous objections were received in response to the proposed development which raised concerns regarding the traffic and parking implications as a result of the proposed increase in student numbers. The submissions also identified existing traffic and parking issues currently generated by the school.

A detailed assessment of traffic and parking has been undertaken by Council's Development Engineer Coordinator. See section 6.1 for detailed assessment.

It is apparent from the number and nature of the submissions received that the existing student and staff numbers are causing issues within the community. Furthermore, it is considered that adequate analysis, including surveys of surrounding areas, has not been undertaken to fully understand the current situation, including parking availability. Notwithstanding, it is considered that the traffic and parking concerns can be resolved through an appropriate management plan to ensure that the proposed development, involving legitimising the existing student and staff numbers and permitting an increase in students in the future, does not continue to unreasonably impact upon the surrounding local area. It is proposed that this be done through the preparation of a detailed Green Travel Plan, Road Safety Evaluation, and additional data analysis to determine travel strategies and targets, and formulate the Operational Transport Management Plan.

A series of conditions of consent have been recommended by Council's Development Engineer Coordinator to minimise impacts upon the local area and local residents. However, in addition to the recommendations, and to ensure that the school is actively aiming to address resident concerns in relation to the operation of the school, it is recommended that a Community Liaison Committee be established by the school.

While the proposed development is not defined as State Significant Development and therefore a Community Consultative Committee is not required to be established, it is considered that in this instance a similar type of committee would be beneficial. As such the creation of a Community Liaison Committee would enable and support effective communication between the school and surrounding area community, and would facilitate a collaborative approach to addressing any issues of concern that impact upon the community in relation to the operation of the school, including any traffic or parking issues. The CLC would also allow ongoing assessment and implementation of the Operational Transport Management Plan, Green Travel Plan and the school's commitment to



reducing and managing private car usage by students, staff and parents. In this regard, while the committee would have no formal decision making role, the CLC would play a valuable role in monitoring and reviewing the performance of the school in terms of its impact upon the surrounding community.

It is considered that a Community Liaison Committee would allow formalisation of communication between the school and the local community. It is noted that this approach has been undertaken in other schools within the Sydney area and is not uncommon or unreasonable in the circumstances. Relevant conditions of consent are recommended with regards to the establishment and implementation of the Community Liaison Committee.

## **8.2 Randwick City Council Development Contributions Plan**

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

## **8.3 Key Issues**

### **Breach of existing Development Consent DA/181/2009 and Increase in Student Numbers**

As part of the subject application it was identified that the school is currently operating in excess of the approved number of students and is in breach of Development Consent DA/181/2009. Council is also aware that there has been an increase in staffing since the DA/181/2009 consent, however it is noted that there were no conditions of consent which restricted the number of staff in that instance.

Development Consent DA/181/2009 sought a concept approval for the site which included building envelopes and uses, and sought to have the maximum number of students increased to allow for an increase in enrolments over future years. The application sought to increase the student numbers from 650 (as approved under development consent DA/416/1989) to 725, exclusive of the 60 early learning centre children. Approval was granted for 725 students to be permitted and a condition of consent was imposed to this effect. As such the school currently has approval for 725 students plus 60 early learning centre children, equating to a total of 785 students.

The SEE provided with the application identifies that school currently has a total of 887 students enrolled, being 60 ELC places and 827 school students. As such, the Applicant acknowledges that the school is in breach of development consent DA/181/2009, however, the subject application seeks to legitimise the unauthorised students numbers and allow for an increase in students up to a maximum of 920 students (including the 60 ELC places) to facilitate future growth of the school. Numerous submissions were received which raised concerns regarding the existing and proposed student numbers and associated impacts upon the local area and surrounding properties. The submissions include concerns regarding the existing breach and unauthorised student numbers which are illegal, and the implications upon the school.

The breach of the existing development consent was first brought to the attention of Council when the subject application was lodged where it was noted that the application sought consent to legitimise the unauthorised student numbers. It should be noted that Council do not condone unauthorised use of a development, including in relation to occupancy/student numbers, and matters of this nature are investigated separately by Council's Regulatory Unit. As such, the subject application was referred to Council's Compliance Coordinator for review. Council's Compliance Officer advised that as is common practice with any unauthorised use, when an application has been lodged with Council to legitimise the unauthorised use and breach of a development consent, further regulatory action in relation to the site shall be held in abeyance pending the determination of the subject Development Application. Pending the outcome of the Development Application, appropriate action will be undertaken by Council.

While it is acknowledged that the school is in breach of the current development consent, the Applicant has lodged the subject application to rectify the unauthorised student numbers. As such an assessment of the proposed development against the relevant provisions of RLEP 2012 and RDCP 2013 is undertaken to determine whether the unauthorised student numbers would be consistent with the objectives of the relevant planning controls and policies. If the resultant development is found to

be consistent with the provisions of the EP&A Act, RLEP 2012 and RDCP 2013, despite the existing breach, Council would be in a position to support the proposal. In this instance, a detailed assessment in consideration of the existing and proposed student numbers has been carried out and found that the proposed development shall not result in any unreasonable impacts upon the local area (subject to recommended conditions) and is consistent with the aims and objectives of SEPP (Educational Establishments and Child Care Facilities) 2017, RLEP 2012 and RDCP 2013, and therefore the proposed development can be supported in this instance.

The submissions also raised concerns regarding the school's conduct to date, noting that the school also breached the previous development consent in DA/416/1989, and the potential for student numbers to exceed that proposed under the subject application in the future. As discussed previously under the Traffic and Parking heading, it is recommended that the school implement a Community Liaison Committee. The aim of the Committee is to allow effective two-way communication between the school and the community with regards to the operation of the school and any community issues. It is considered that annual details of school enrolments should be provided to the Committee to ensure that the school is operating in accordance with any development consent. It is also recommended that a condition of consent be imposed with regards to staff numbers, stipulating a maximum of 138 staff to ensure that staffing is also adhere to and prevent any uncertainty in future with regards to this. Subject to the above recommendations, it is considered that Council and the community can be satisfied that the school is not in breach of any development consent and operating accordingly.

### **Solar Access**

Concerns have been raised in submissions regarding overshadowing impacts as a result of the proposed development, with particular regards to the adjacent properties to the south of the proposed development on the southern side of Stanley Street.

Shadow diagrams were submitted with the application which demonstrate that the proposed development shall result in some additional overshadowing impacts upon the adjoining properties to the south in the morning and afternoon periods. However, it is considered that any overshadowing would be limited to a maximum of 2 hours in the morning period to the western properties and 2 hours in the afternoon period to the eastern properties. Given the spatial separation between the proposed development and the properties on the southern side of Stanley Street, being in excess of 19m to the front boundary and 24m to the northern elevation of the dwellings, a minimum of 3 hours of solar access to the northern windows shall be maintained in midwinter. As discussed previously, the proposed height is not considered to be excessive and as such the resultant overshadowing impacts are not considered to be unreasonable, particularly noting the level of compliance with the minimum requirements.

### **View Sharing**

Concerns have been raised in submissions regarding the view loss impacts as a result of the proposed development, with particular regards to the view corridors into the site as viewed from Stanley Street and the adjacent residential properties. Initial concerns were raised by Council and Heritage NSW regarding the proposed view loss as a result of the proposed development in the original proposal, and the following comments were provided by Heritage NSW:

*Concerns regarding....Loss of the existing view to the site from Stanley Street. Blocking of this view impacts on the landmark values of the site, severs the existing visual connection and conceals the public view of the Chapel from Stanley Street. The former Chapel is considerably setback from the Aston Lodge and Novitiate building at front and is not seen from main entry on the Stanley Street. The design should retain the existing visual connection to the site.*

In response to the initial concerns raised, the Applicant provided an amended proposal which aimed to ensure that view corridors into the site were maintained and view sharing was achieved. The applicant provided the following view loss analysis with regards to the amended proposal:



STANLEY STREET PROPOSED VIEW



STANLEY STREET EXISTING VIEW

Figure 6: View Analysis of proposed development (TKD Architects).

The amended proposal was referred to Heritage NSW and Council's Heritage Planner who support the proposed design and do not raise any further concerns regarding view loss. While it is acknowledged that a portion of the existing view shall be impacted by the proposal, it is considered that a skilful design has been incorporated with regards to the light-weight nature and materiality of the bridge connection to ensure a view corridor into the site can be retained. Furthermore, the roof level of the building has been lowered to retain as much of the existing view as possible. It should be noted that the existing OSD tank is located below the Imaginarium and as such further lowering of floor level would be problematic. Furthermore, lowering the floor level of the Imaginarium would impact upon accessibility into the new space with additional provisions having to be incorporated to address this, compromising the internal amenity of the building. As such, it is considered that there is not an alternative design which would lessen the impact without impacting upon the amenity of the proposed development. Given that the view impact associated with the proposed development is supported by Heritage NSW and Council's Heritage Planner, refusal of the application in this regard would not be warranted in this instance, and the proposed development is supported.

### **Visual and Acoustic Privacy**

Concerns have been raised in submissions regarding visual and acoustic privacy impacts as a result of the proposed development.

The application was supported by an Acoustic report prepared by a suitably qualified Acoustic Consultant which concluded that the proposed development would not result in any adverse impacts upon surrounding residential properties with regards to acoustic amenity. The application, including the Acoustic report, was referred to Council's Environmental Health Officer for review who raised no concerns regarding noise impacts associated with the proposed development, subject to recommended conditions of consent. The proposed development has been designed to minimise impacts upon surrounding properties by locating the main recreation areas and outdoor spaces to the interior of the site. Furthermore, in response to safety concerns, it is noted that the glazing in the exterior windows fronting the street shall be double-glazed windows further reducing acoustic impacts. In view of the above, it is considered that the proposed development shall not result in any unreasonable impacts upon adjoining properties with regards to acoustic amenity.

The site boundary is located approximately 18.9m from the nearest adjoining property to the west at 16 Stanley Street, and 24.6m from the dwellings along the southern side of Stanley Street. As such while it is acknowledged that there are windows located on the western and southern building elevations, it is considered that there is adequate spatial separation to prevent any unreasonable overlooking impacts upon adjoining properties. Furthermore, it is noted that the elevations in which the proposed building would overlook present to the street, and as such the windows of the adjoining and neighbouring properties are highly visible from the public domain outwith the school, being from Stanley Street and Chepstow Avenue. In view of the above, it is considered that additional privacy measures are not warranted in this instance and the proposed development shall not result in any unreasonable impacts upon adjoining and surrounding properties with regards to visual privacy.

## **Streetscape Presentation and Built Form**

Concerns have been raised in submissions regarding the proposed built form and presentation to the streetscape. It is considered that the proposed development shall enhance the existing streetscape by upgrading the existing Adler building through new materials and additional articulation to the building façade. While it is acknowledged that the proposal shall result in an increased built form, the resultant bulk and scale is not considered to be excessive. The proposed third storey is considered to be sympathetic to the streetscape by recessing and setting back the upper level to minimise the dominance of the building, particularly as viewed from Chepstow and Stanley Street. The application was referred to Randwick Design Excellence Panel who advised that the amended design was compatible with the existing streetscape and would not result in any detrimental visual impacts upon the public domain.

## **9. Environmental Assessment**

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Refer to "Policy Control" section of this report above for details.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 will be addressed by recommended conditions.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	
Section 4.15(1)(c) – The suitability of the site for the development	The subject development is for alterations and additions to the existing school, The site is zoned for the purpose of an Educational Establishment and as such the site is considered to be a suitable location for the school.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in submissions have been considered and addressed in the report.
Section 4.15(1)(e) – The public interest	The proposal will not result in any unreasonable or unacceptable environmental, social or economic impact. Therefore it is considered that the proposal is in the public interest.

## **10. Conclusion:**

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

The proposed development is appropriate for this site given the SP2 Educational Establishment zone in which the subject site is located. The proposal satisfies the relevant objectives contained within RLEP 2012 and the relevant requirements of RDCP 2013, and is consistent with the design principles as required by SEPP Educational Establishments. The Heritage Council has granted general terms of approval and Council's Heritage Planner is satisfied with the form and the scale of the proposal. Furthermore, the proposed design is supported by Randwick Design Excellence Panel with regards to the architectural merit of the proposal.

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.

## Recommendation

- A. 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/40/2020 for concept plan approval to redevelop the Emanuel School site including increase in students from 785 to 920, Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works (State Heritage Item & Heritage Conservation Area)., at No. 18-20 Stanley Street, Randwick, subject to the following conditions:

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>
DA1105 (Masterplan – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 3003 (West & South Elevation – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 3004 (East & North Elevation – Mass), Revision B	TKD Architects	03 July 2020	10 July 2020
AR DA 1101 (Proposed Site Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 1102 (Demolition Plan - Site), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 1103 (Demolition Plan - Ground), Revision A	TKD Architects	03 July 2020	10 July 2020
AR DA 1104 (Demolition Plan – Level 1), Revision A	TKD Architects	03 July 2020	10 July 2020
AR DA 2101 (Ground Floor & Level 1), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 2102 (Level 2 & Roof Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 2200 (Proposed Landscape Plan), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3001 (West & South Elevation), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3002 (East & North Elevation), Revision C	TKD Architects	03 July 2020	10 July 2020
AR DA 3101 (Sections), Revision C	TKD Architects	03 July 2020	10 July 2020

### Landscape Plans

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>

L1000 (Landscape Plan), Revision B	Context Landscape Architecture	02 July 2020	10 July 2020
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#### Materials and Finishes

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Date Received by Council</b>
AR DA 5001 (External Materials & Finishes), Revision C	TKD Architects	03 July 2020	10 July 2020

- Addendum to Heritage Impact Statement – Response to Heritage Referrals Development Application DA/40/2020, 18-20 Stanley Street, Randwick, prepared by Kerime Danis, City Plan Heritage, dated 3 July 2020;
- Heritage Impact Statement, New Learning Hub, Emanuel School, prepared by City Plan Heritage, date January 2020.

#### **Amendment of Plans & Documentation**

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

- a) The detailing of the upper level glazing and window arrangement is to include treatments to refine the openings to exist as recessed element(s) to differentiate the upper level addition from the retained lower levels, involving the provision of a continuous window hood or screen.
- b) The detailed design of the bridge linking the Adler building to the adjacent D+T Building should incorporate fine steel detailing and minimise bulky solid edge beams. The roof detailing should avoid large gutters and bulky downpipes to obstruct view lines. The bridge and roof structure should be non-reflective and use recessive colours that allow for the articulation of each building.

These amended drawings are to be submitted to and approved by Council's Manager Development Assessment prior to a construction certificate being issued for the development.

#### **Heritage Council of NSW General Terms of Approval**

3. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):

- a) An amended landscape plan ensuring the proposed trees are relocated so that they do not obstruct the view from the Stanley Street or the internal views to the Aston Lodge (current Saunders building).
- b) The proposed trees must also be sufficiently distanced from the exceptionally significant Aston Lodge to ensure there is no potential for structural impact from root growth or impact to the external fabric. The amended plan must also be supported by photo montages.

*Reason: The proposed trees are likely to impact on the views from the Stanley Street and internal courtyard views to the Aston lodge. The trees may impact on the exceptionally significant fabric of the Aston Lodge.*

- c) Proposed fencing of the former Laundry, internally within the site, must be see through fencing.

*Reason: To allow visual connection of the heritage buildings with the site.*

#### **HERITAGE CONSULTANT**

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide

heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### **SPECIALIST TRADESPERSONS**

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

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

#### **SITE PROTECTION**

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

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **PHOTOGRAPHIC ARCHIVAL RECORDING**

7. A photographic archival recording (if necessary, specify elements or parts of structure/complex to be recorded) must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

#### **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

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

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **ABORIGINAL OBJECTS**

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

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **COMPLIANCE**

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

*Reason: To ensure that the proposed works are completed as approved.*

#### **SECTION 60 APPLICATION**

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

*Reason: To meet legislative requirements.*

#### **Heritage Significance**

12. A digital photographic archival recording of the property internally and externally shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) 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 Digital Capture. Two digital copies (DVD or USB) of the archival recording is to be submitted to Council for deposit in the Local History Collection of Randwick City Library and 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.
13. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building and are to be in accordance with the External Materials and Finishes Board prepared by TKD Architects, dated 03.07.20, and received by Council on 10/07/20. Details of any changes to 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 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.
- Site stability, excavation and construction work– Nearby heritage buildings*
14. Prior to issue of a Construction Certificate for the development, a report from a suitably qualified and experienced Heritage Structural Engineer must be provided to the satisfaction of the Certifying Authority, including the following:
- Geotechnical details which confirm the suitability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the proposed development and adjoining properties.
  - Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings located within the subject site.
  - 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 buildings or any public place, as a result of the works and any associated vibration.
  - Details of appropriate measures, monitoring regime/s and controls to be implemented during excavation and construction work, to maintain the stability and significance of the buildings located within the subject site.
  - The information shall include; details of suitable specific plant and equipment; inspection regimes; development and implementation of appropriate vibration limits;



adoption of relevant standards and criteria; monitoring equipment and vibration control strategies.

**Transport for NSW (formally Roads and Maritime Services)**

15. The Applicant shall, both at the detailed designed stage and prior to commencement of the new school operations, conduct a Road Safety Evaluation (RSE, refer to NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit) on all relevant sections of road utilised for bus and private vehicle pickup and drop-off.

Appropriate road safety measures and/or traffic management measures shall be implemented based on the outcomes of the RSE.

16. Prior to commencement of new school operations, the proponent should provide additional data and the proposed student catchment area to determine the likely demands on the transport network (all modes). With particular regard to bus usage. Data should also be provided on existing and expected patronage by route. This data could be obtained by travel surveys of staff and students (existing and new enrolments). The student catchment area and travel data provided to TfNSW will assist with future service planning.

The student catchment area and travel data provided to TfNSW will assist with future service planning.

17. As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared. The GTP must be implemented accordingly and updated annually.
18. It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS2890.3.
19. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
20. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

**Community Engagement**

21. The applicant/owner must establish and operate a Community Liaison Committee (CLC). The CLC must be established prior to the issuing of a Construction Certificate. The CLC is to be made up of representatives of the school, local residents and Council. The CLC is to be administered by the Emanuel School. The aim of the CLC is to provide a means of formal communication between the school and local community to consider and address issues in association with the operation of the school. The CLC must:

- a) be operating prior to the issue of any Construction Certificate;
- b) meet at least quarterly, and;
- c) review any ongoing issues in association with the school, including but not limited to:
  - i. the construction process and management of the development;
  - ii. traffic and parking impacts, independent audit reports;
  - iii. the implementation and effectiveness of the Operational Transport Management Plan including the results of monitoring conducted under the plan; and
  - iv. Student numbers.

With regards to the above, the CLC will aim to reduce the use of private vehicle trips to the school and parking of private vehicles in streets surrounding the school. The CLC will also aim to improve all pick-up / drop-off activities along the school's street frontages.

### **Operational Transport Management Plan (OTMP)**

22. The applicant must prepare and implement (within 3 months of the issuing of any development consent and prior to the issuing of any Construction Certificate) an Operational Transport Management Plan for the Emanuel School in consultation with Council and the local community, which must identify mode share targets for the travel strategies that target a reduction (and insure no increase) in private vehicle parking and trips to the site. The OTMP must be approved by Council's Integrated Transport Department:
- a) Prior to the issue of any Construction Certificate and must include details regarding the travel strategies and interim traffic management measures (including details for management of the drop off/pick up zones);
  - b) Prior to the issue of any Occupation Certificate and must include details regarding the travel strategies and the final traffic management measures (including details for management of the drop off/pick up zones), and taking the monitoring results (as required by condition 25) into account.
23. The OTMP must provide details of travel strategies and must address the following matters for each:
- a) Objectives and targets;
  - b) Timing;
  - c) Responsibility;
  - d) Funding;
  - e) Implementation;
  - f) Monitoring regime to evaluate each strategy; and
  - g) Monitoring of whether the overall strategies are meeting the targeted reductions in private car trips.
24. In formulating the OTMP, the following must also be prepared and undertaken:
- a) A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;
  - b) A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;
  - c) Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.
25. The school must make the approved OTMP, any updated OTMP and results of the monitoring and independent auditing conducted as part of the OTMP, publicly available on the schools website and available to the CLC.

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

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

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

### **Consent Requirements**

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

### Section 7.12 Development Contributions

27. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$11,597,729.00 the following applicable monetary levy must be paid to Council: \$115,977.29.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

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

### Compliance Fee

28. A development compliance and enforcement fee of \$5,000.00 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

### Long Service Levy Payments

29. 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.*

### Site Contamination

30. A *Detailed Site Contamination Investigation* Report must be submitted to Council's Director of City Planning **prior to issuing a Construction Certificate** for the development or commencing demolition work (whichever the sooner). The detailed investigation must be undertaken by an independent Certified Contamination Land Consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013). Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.

- a) The site must be remediated in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site,

guidelines made by the NSW Environment Protection Authority (EPA) and NSW Planning & Environment and the *Protection of the Environment Operations Act 1997*.

- b) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council **prior to commencing any remediation works and prior to issuing any Construction Certificates**, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
- c) The RAP is to be prepared by a Certified Contaminated Land Consultant, in accordance with the relevant Guidelines made or approved by NSW Environment Protection Authority (EPA), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
  - Validation sampling and analysis,
  - Prevention of cross contamination and migration or release of contaminants,
  - Site management planning,
  - Ground water remediation, dewatering, drainage, monitoring and validation,
  - Unexpected finds.
- d) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
  - general site management, site security, barriers, traffic management and signage
  - hazard identification and control
  - worker health & safety, work zones and decontamination procedures
  - cross contamination
  - site drainage and dewatering
  - air and water quality monitoring
  - generation and control of dust
  - disposal of hazardous wastes
  - contingency plans and incident reporting, and
  - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

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

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

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

- f) 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 environmental consultant and Council immediately in writing.

- g) The written concurrence Council must be obtained prior to implementing any changes to the remediation action plan or strategies.
- h) The remediation work must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated Regulations.
31. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan., except as may be amended by the conditions of this consent. Any variations to the proposed remediation works or remediation action plan shall be approved by Council prior to the commencement of such works and with the Environmental Consultants approval of the amended remediation action plan / works.
32. Remediation work is required to satisfy the relevant requirements of the *Contaminated Land Management Act 1997* and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to Council from a suitably qualified Environmental Consultant upon completion of the remediation works.
33. Remediation works shall be carried out in accordance with the relevant requirements of the *Contaminated Land Management Act 1997*, guidelines made by the NSW Office of Environment and Heritage and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
34. Written concurrence of Council must be obtained beforehand if the remediation strategy proposes 'capping' or 'containment' of any contaminated land, details are to be included in the validation report and Environmental Management Plan (EMP) to the satisfaction of the Environmental consultant.

Details of the validation report and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88E of the *Conveyancing Act 1919*. Any requirements of an EMP shall be included in ongoing operating procedures for school works and management.

35. Any fill importation to the site is to be monitored and classified by a suitably qualified Validation Consultant for remediation of the site. Imported materials must meet the requirements of *AS4419:2003 Soils for landscaping and garden use* and the imported material validation criteria.
36. 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 but is not limited to, measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
  - truck wash down area for vehicles leaving the site
  - cross contamination
  - hazard identification and control
  - asbestos monitoring
  - worker health & safety, work zones and decontamination procedures
  - prevention of cross contamination
  - site drainage and dewatering
  - adequate sediment and stormwater control measures
  - 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.

37. 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 Council immediately in writing.

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

38. The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011 & Regulations 2011*.

39. Remediation work shall be conducted within the following hours:

Monday to Friday: 7:00am – 5:00pm

Saturday: 8:00am – 5:00pm

No work is permitted on Sunday or public holidays

40. 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.

#### **Acoustics**

41. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to the Certifier prior to a construction certificate being issued for the development, which demonstrates that noise and vibration emissions from the development will satisfy 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.

#### **Tree Protection Measures**

42. In order to ensure retention of the *Melaleuca quinquinervia* (Broad Leafed Paperbark, T7) that is located in the southern side setback of the subject site, fronting Stanley Street, as well as the two others within the existing landscaped terraces further to its north, being a *Schinus areira* (Peppercorn Tree, T51), then to its south, on slightly higher ground, a *Casuarina glauca* (Swamp She-Oak, T52), in good health, as has been shown on the plans and as recommended in the Arborists Report, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both their trunks and canopies, as well as their tree identification numbers to be clearly and accurately shown on all plans in relation to the works.
- b. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *'the Project Arborist'* for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, as well as requirements specified in Section 8, Recommendations, of the Arboricultural Impact Assessment by Arbor Safe, dated 13/12/19 (the *'Arborist Report'*).
- 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. In the event of any discrepancy between the Arborist Report and conditions of consent, the Project Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome.
- e. **Any excavations within the extent of their TPZ's, as calculated in Appendix C of the Arborist Report, associated with demolition, new footings, services or similar, must comply Section 8.13, and only be performed under the direct supervision of the Project Arborist, with any instructions issued to be strictly adhered to.**
- f. Relevant construction details and notations must be included on all Construction Certificate plans, to the satisfaction of the Project Arborist, confirming that the new building pylon (if still part of this amended proposal) to be constructed in the southern side setback, fronting Stanley Street, will be offset a minimum distance of **6.9m to the west of T7**, and will be supported on a pier drilled footing only, so as to minimise ground disturbance.
- g. Prior to the commencement of any site works, T51-52 are to be physically protected by implementing the **Tree Fencing Specification**, as detailed in Section 8.6 of the Arborist Report, and to the extent that is shown at Appendix D, Section 10.4, **Proposed Tree Protection Plan**, with signage to comply with **Section 8.8.1**.
- h. The Project Arborist must ensure that the list of 'Activities Prohibited within the TPZ', at **Section 8.5** is complied with throughout the course of works.
- i. Where the Project Arborist determines that trunk and/or ground protection is required, these measures are to comply with **Section 8.7** of the Arborist Report and must remain in place for the duration of works.
- j. Where roots with a diameter of more than **50mm** are encountered, the Project Arborist must be directly consulted on the course of action to be taken with them before works can proceed further, with any instructions to be strictly complied with.
- k. Where roots are found to be in direct conflict with the approved works, and the Project Arborist gives permission for their pruning, they are to be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.
- l. The Project Arborist and Principal Certifier must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, prior to any Occupation Certificate.

#### **Structural Adequacy**

- 43. Certification of Adequacy supplied by a *professional engineer* shall be submitted to the *Certifier (and the Council, if the Council is not the certifying authority)*, certifying that the structural adequacy of the existing structure to support the alterations and additions.

#### **Security Deposits**

- 44. 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(6) of the *Environmental Planning and Assessment Act 1979*:

- \$7,000.00 - 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**

45. 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**

46. 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.

#### **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**

47. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).



**Access & Facilities**

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

**Site stability, Excavation and Construction work**

49. A report must be obtained from a suitably qualified and experienced *professional engineer/s*, 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 Certifying Authority*.
  - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

**Landscape Plans**

50. Written certification from a qualified professional in the Landscape/Horticultural industry (must be eligible for membership with a nationally recognised organisation/association) must state that the proposal submitted for the Construction Certificate is substantially consistent with the Landscape Package & Plans by Context Landscape Architecture, sheets 1-7, ref 19523, issue B, dated 02/07/20, with both of this statement and plans to then be submitted to, and be approved by, the Principal Certifier.

**Design Alignment levels**

51. 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 Stanley Street site frontage; and
- Match the existing grass verge levels along the full Chepstow Street 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 9093-6924.

52. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$164**. This amount is to be paid prior to a construction certificate being issued for the development.

**Stormwater Drainage**

53. 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 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 certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

*Internal Drainage*

54. 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 *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 Chepstow Street or Stanley Street; 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 certifying authority. If discharging to the street gutter the PSD shall be restricted to the above or **25 L/S**, whichever the lesser.

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

- d) 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).

- e) 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.

- f) 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.

- g) 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.
- h) 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.
- i) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

- j) 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).*

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

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

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) 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.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

#### **Site seepage & Dewatering**

55. If any dry weather site seepage is encountered during excavation and construction, 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 or underground drainage system
- b) Adequate provision is to be made for the ground water to drain around the proposed development (to ensure the development will not dam or slow the movement of the ground water through the development site).
- c) The walls of the lower level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the lower 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 waterproofing/tanking the lower 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 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 Certifying Authority.**

### **Waste Management**

56. 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.
- 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.*

57. 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**

58. 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**

59. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Chepstow Street or Stanley Street. No Permanent Private Poles are to be installed with all relevant documentation submitted for the construction certificate to reflect these requirements. 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.

## **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

### **Certification and Building Inspection Requirements**

60. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

- b) a copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- c) a *Principal Certifier*(PC) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
- f) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifier and Council.

#### **Dilapidation Reports**

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

The dilapidation report must be submitted to the Council, the *Principal 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**

62. 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**

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

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

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

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

#### **Demolition Work & Removal of Asbestos Materials**

64. Demolition work must be carried out in accordance with the following requirements:

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifier prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)
  - Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
  - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
  - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifier and Council prior to issuing an Occupation Certificate.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

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

65. 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 and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

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.

A Construction Noise and Vibration Management Plan, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifier prior to the commencement of site works.

#### **Public Liability**

66. 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.

#### **Construction Traffic Management**



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

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

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

68. 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.*

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

#### **Public Utilities**

70. 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**

71. The building works must be inspected by the *Principal Certifying Authority*, in accordance with the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

##### **Building & Demolition Work Requirements**

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;
- Protection of Environment Operations (Waste) Regulation 2014;
- Randwick City Council Asbestos Policy.

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

##### **Removal of Asbestos Materials**

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

- Work Health & Safety legislation and SafeWork NSW requirements
- Preparation and implementation of a *demolition work plan*, in accordance with AS 2601 (2001) – Demolition of structures; NSW Work Health and Safety Regulation 2017 and Randwick City Council's Asbestos Policy. A copy of the demolition work plan must be provided to Principal Certifier and a copy must be kept on site and be made available for Council Officer upon request.
- A SafeWork NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by SafeWork NSW or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the*

*Environment Operations (Waste) Regulation 2014.* Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal Certifier and Council.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos assessor or other competent person), must be provided to Council and the Principal Certifier as soon as practicable after completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

#### **Excavations, Back-filling & Retaining Walls**

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

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

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

#### **Support of Adjoining Land**

75. 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**

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

Details of the sediment and erosion control measures must include the Construction Site Management Plan and be provided to the Principal Certifier and Council. A copy must also be maintained on site and be made available to Council officers upon request.

#### **Dust Control**

77. 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**

78. 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 PC.

#### **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**

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

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

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

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

#### **Site Signage**

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

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

#### **Restriction on Working Hours**

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

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

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

#### **Survey Requirements**

82. 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(PC):

- 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 PC.

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**

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

### **Site Seepage & Stormwater**

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

Details must include the following information:

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

### **Road/Asset Opening Permit**

85. 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 *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**

86. 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**

87. 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.
88. 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.
89. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

90. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

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

91. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the Principal Certifier and documentary evidence of compliance with the relevant conditions of

consent and dewatering requirements must be provided to the Principal Certifier and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

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

#### **Pruning**

93. Permission is granted for the minimal and selective pruning of the eastern aspect of the *Agonis flexuosa* (Willow Myrtle, T53), which is located on Council's Chepstow Street verge, to the west of the Adler Building, only where they overhang into the subject site and need to be pruned in order to avoid damage to the tree; or; interference with the approved works, and will be wholly at the applicant's cost.
94. This pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

### **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**

95. 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**

96. 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**

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

#### **Environmental Amenity**

98. A plan of management (POM) shall be prepared for the operation of the school approved by an accredited acoustic consultant. The plan of management shall include all acoustic recommendations and a complaints management system. Once approved a copy shall be forwarded to Council and must be complied with at all times.



99. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and prior to an occupation certificate. The Validation report shall be prepared in accordance with Remediation Action and state the site is suitable for the intended use.

#### **Sydney Water Certification**

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

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

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

#### **Noise Control Requirements & Certification**

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

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

102. A detailed report must be obtained from a suitably qualified and experienced consultant in acoustics, the report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an occupation certificate.

#### **Landscaping**

103. Prior to any Occupation Certificate, certification from a qualified professional in the landscape/horticultural 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 Package & Plans by Context Landscape Architecture, sheets 1-7, ref 19523, issue B, dated 02/07/20.
104. 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.
105. That part of the nature-strips upon either of Council's footways which are damaged during the course of the works 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**

106. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of T7 & 51-53.

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

107. Prior to issuing a 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.
108. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
  - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
  - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.
109. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a Occupation Certificate.

### **Service Authorities**

#### **Sydney Water**

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

Go to [sydneywater.com.au/section73](http://sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

#### **Undergrounding of Power**

111. The PC shall ensure that power supply to the completed development has been provided as an underground (UGOH) connection from the nearest mains distribution pole in Chepstow Street or Stanley Street. All work is to be to the requirements and satisfaction of Ausgrid and at no cost to Council.

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

#### **Stormwater Drainage**

112. 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.
113. 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).
114. The applicant shall submit to the 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 PC.

**Waste Management**

115. All waste storage areas shall be clearly signposted.

**OPERATIONAL CONDITIONS**

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

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

**Fire Safety Statements**

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

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

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

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

#### **Student and Staff Population**

117. The maximum number of students at the school must not exceed 920 at any time (inclusive of the 60 Early Learning Centre places). Details of student numbers and enrolments are to be documented annually. Details of student numbers are to be made available to Council and the Community Liaison Committee upon request.
118. The maximum number of staff at the school must not exceed 138 full time equivalent staff at any time. Details of staff numbers are to be made available to Council and the Community Liaison Committee upon request.

#### **Community Liaison Committee**

119. The Community Liaison Committee is to be established and implemented by the school. The Committee should create guidelines in relation to the operation of the CLC which are to be adhered to.

#### **Traffic Management**

120. Prior to the commencement of the operation of the new facilities, the applicant must provide verification that all required OTMP measures have been correctly implemented and targets achieved to the satisfaction of Council.

#### **Environmental Amenities**

121. 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.
122. Any internal lighting to the premises after hours is to also be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
123. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
124. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council within **3 months after occupation certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
125. The proposed use and operation of the premises (including all plant and equipment) must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Office of Environment & Heritage/Environmental Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

126. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

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.

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

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

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

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

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

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

- A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 4.55 amendment to the existing consent to be obtained from Council, before carrying out such works
- A6 The *Principal Certifier* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).
- A7 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A8 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

For further information please contact Council on 9093 6944.

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

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

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

- A13 An application must be submitted to 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*.
- A14 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A15 Swimming/spa pool 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 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.
- A16 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.
- A17 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.
- A18 The applicant and operator are also 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.
- 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.
- A20 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.
- A21 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](http://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.
- A22 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.