

Sydney Central Planning Panel

SCPP No.	PPSSEC-94
DA No:	DA/486/2020, 417-439R Bunnerong Road, MAROUBRA NSW 2035, Stage 2 Detailed Development Application seeking approval for the following: <ul style="list-style-type: none">• Demolition of existing buildings and structures within the site.• Site preparation works, including termination or relocation of site services and infrastructure, remediation, tree removal and the erection of site protection fencing.• Construction of the new Heffron Centre, including:<ul style="list-style-type: none">– A Community and High-Performance Centre (CHPC).– An indoor multi-purpose sporting facility.– A local indoor gymnastics centre.– Café.– Installation of floodlighting to the approved Showcase Field.• Car parking for 143 spaces, including a combination of staff and visitor spaces, accessed via the existing signalised intersection of Bunnerong Road and Flint Street.• Building identification signage.• Public domain works within the site, including new landscaping and tree planting.
Applicant:	<i>Randwick City Council</i>
Report By:	<i>GAT & Associates, Consultant Planners</i>

1.0 Executive Summary

Council is in receipt of a Stage 2 Detailed Development Application seeking approval for the redevelopment of the site known as 417-439R Bunnerong Road, Maroubra in conjunction with the Concept Plan application DA/480/2020, which is being assessed and determined concurrently. The site is part of Heffron Park, which is the largest recreational park in Randwick and includes playing fields, tennis and netball courts, a cycling criterium track, and an aquatic and leisure centre.

The proposal is for a new recreational facility known as the “Heffron Centre” located at Heffron Park. DA/486/2020 seeks approval for the following:

- Demolition of existing buildings and structures within the site.
- Site preparation works, including termination or relocation of site services and infrastructure, remediation, tree removal and the erection of site protection fencing.
- Construction of the new Heffron Centre, including:
 - A Community and High-Performance Centre (CHPC).
 - An indoor multi-purpose sporting facility.
 - A local indoor gymnastics centre.
 - Café.
 - Installation of floodlighting to the approved Showcase Field.
- Car parking for 143 spaces, including a combination of staff and visitor spaces, accessed via the existing signalised intersection of Bunnerong Road and Flint Street.
- Building identification signage.
- Public domain works within the site, including new landscaping and tree planting.

This DA is submitted concurrently with a Concept DA (DA/480/2020) for the Heffron Centre seeking the following:

- In Principle demolition of existing site improvements and associated tree removal;
- Land uses, including for a ‘recreation facility (indoor)’ and a ‘café’, including ancillary administration uses provided for the purpose of operating the recreation facilities;
- Site layout and configuration, including the general location and size of car parking areas, buildings, and vehicular access to Bunnerong Road via the existing signalised intersection at Flint Street; and

- A building envelope as detailed in the Building Envelope Plans prepared by Co-op Studio and other supporting technical information submitted with the application.

The Concept DA is required to satisfy Clause 6.12 of the *Randwick Local Environmental Plan 2012* (RLEP 2012), which requires development on land with a site area of more than 10,000m² to have a site-specific development control plan. The site area is approximately 51,000m². The Concept DA can be used to satisfy the requirement for a site-specific development control plan under Section 4.23 of the EP&A Act 1979.

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 applicant for the development is Randwick City Council 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.

In 2019, Council entered into an Agreement for Lease and License with the South Sydney District Rugby League Football Club (the Rabbitohs) under a Public Private Partnership (PPP) to accommodate administration, training and community facilities within a Community and High-Performance Centre to be delivered as one component of the Heffron Centre.

The Stage 2 Detailed Development Application was subject to public exhibition in accordance with Council's Community Participation Plan involving an advertisement on Council's website, a site notification attached to the subject site and written notice to surrounding property owners including those within the Randwick LGA and nearby Bayside Council LGA. The Concept DA was placed on public exhibition on conjunction with the Stage 2 Detailed DA.

As a result of the notification process for both applications, a total of 170 unique submissions were received.

The majority of the submissions related to the gymnastics facility, in relation to meeting the requirements of the current local gymnastics community and Gymnastics NSW; whether there would be opportunity to expand student numbers within the facility; and questioning whether priority was being made to Souths rather than the community. There were also submissions relating to design and landscaping, and light spillage from the external lights. The submissions raised that the Rabbitohs were not previously involved in the Heffron Park Plan of Management and that the proposal does not align with a larger facility identified in the Plan of Management.

The subject site is zoned RE1 – Public Recreation under RLEP 2012. The proposal is consistent with the zoning objectives as it provides for the continued use of land for recreational purposes, supports a range of recreational activities and compatible land uses, and is designed to enhance the natural environment and minimise environmental impacts. Due to the RE1 zoning and nature of the development, being an indoor recreation facility, there are no applicable development standards for the subject site.

Due to the size being in excess of 10,000m², 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 concerns in relation to the original proposal with particular regards to the scale and massing of the built form, the relationship of the built form to the landscape setting of the site, the amenity provided to the users of the building, and the integration of public art. In response to concerns raised by the DEP, some amendments were made to the design and the applicant has developed a Public Art Strategy to integrate the design of the Centre with landscaping and public art. The amended design was referred back to the DEP, who concluded the amendments went some way to address their issues, and while the DEP considers some points remain outstanding, this planning assessment finds the proposal satisfies the aims and objectives of the relevant planning instruments and policies which apply to the site, including the Heffron Park Plan of Management and the Heffron Park Masterplan.

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 forms part of Heffron Park, which is the largest recreational park in Randwick and includes playing fields (rugby league, soccer, touch football, oz tag and cricket), tennis and netball courts, a cycling criterium track, gymnastics and indoor sports centre, and an aquatic and leisure centre. Heffron Park is 44 hectares in size and is a significant regional park which provides for a range of sporting facilities as well as passive recreation areas such as walking and children's play areas.

Heffron Park is located within the clan territories of the Gadigal people. The original landscape consisted of sclerophyllous heath/scrub community known as Eastern Suburbs Banksia Scrub, undulating sand dunes and an inter-connected wetland marsh system that ran from the current Centennial Parklands through to Botany Bay.

During World War 2, Heffron Park was used as a navy storage facility and remnants on this can be seen in the old warehouses used for the existing recreation centre.

The Park is Crown Land owned by the Department of Planning Industry & Environment – Crown Lands. Care, control and management of the Park is the responsibility of the Heffron Park (Reserve 81741) Reserve Trust and Randwick City Council manages the affairs of the Trust. Randwick City Council acts as the Reserve Manager.

The specific area within Heffron Park where the Concept DA works apply is located in the south-west corner and is legally referred to as Lot 7027 in Deposited Plan 1026884, also known as 417-439 Bunnerong Road, Maroubra. The specific area (referred to hereon as “the site” within this report) has a total area of approximately 51,000m².

The site has a primary frontage to Bunnerong Road to the west. Pedestrian access to the site is currently provided from Bunnerong Road, Jersey Road and Fitzgerald Avenue and vehicular access is provided off Bunnerong Road.



Figure 1: Aerial view of site with Heffron Park.

Public transport is available adjacent to the site, with bus stops located along Bunnerong Road providing transport to key centres within the Randwick Local Government Area and eastern suburbs, and to other public transport including the light rail and Central railway station.

Existing development on the site includes two asphalt-surfaced car parks located in the north-western and south-western corners, adjacent to Bunnerong Road. The northern car park is located next to the 'Matraville Sports Club' building while the southern car park is located next to the 'Bunnerong Gymnastics' building. The Matraville Sports Club building is approximately 1,900m² with six indoor squash courts, two indoor soccer areas (capable of configuration as four indoor cricket wickets), reception and amenities. The Bunnerong Gymnastics building is approximately 975m² comprising the main gymnastics area plus front-of-house and amenities. A third structure is located nearby to the dilapidated, concrete tennis courts associated with Matraville Sports Club and which occupy the majority of the site.



Figure 6 Matraville Sports Centre northern façade
Source: Nearmap



Figure 7 Matraville Sports Centre western façade
Source: Nearmap



Figure 8 Bunnerong Gymnastics western façade
Source: Ethos Urban



Figure 9 Bunnerong Gymnastics northern façade
Source: Ethos Urban



Figure 10 Existing tennis courts
Source: Nearmap



Figure 2: Existing site photos (Source: Ethos Urban)

The site slopes generally westerly to north-westerly with levels ranging between RL20.3m and RL26.3m AHD between the centre of the site and the mounds located on the northern and eastern edges. There is an approximate level difference of 1.7m between Bunnerong Road and the existing structures on the site. Within the site is mature vegetation consisting of a mix of locally indigenous, Australian native and exotic species.

The site proposed for the Heffron Centre is surrounded by other recreational uses within the larger Heffron Park. Immediately to the north are 10 tennis courts, a synthetic soccer field, three football fields and netball courts. The eastern side of Heffron Park contains a rugby field, soccer field, cricket pitch and AFL field. The Des Renford Leisure Centre is in the south-east corner of the park. Located at the southern end of the site is the cycling criterium track and touch football fields. The plan below provides a site context.

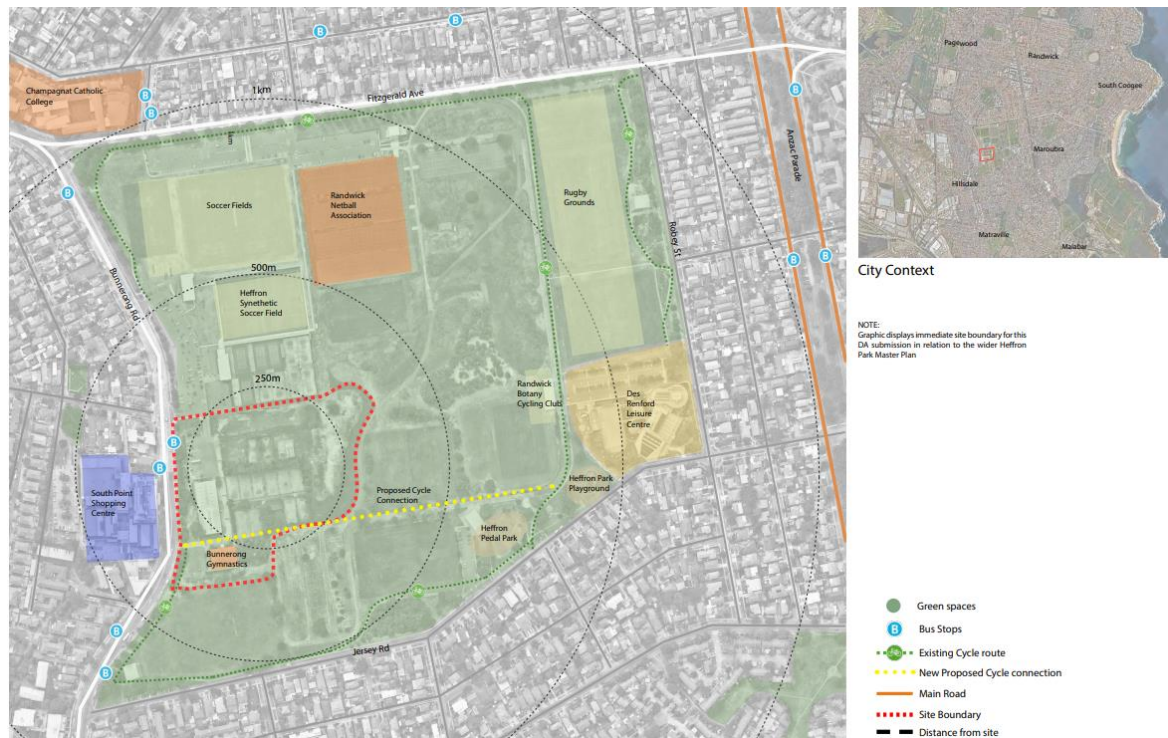


Figure 3: Local and City Context prepared by Clouston Associates, S20-0001 Sk 4

The assessment report prepared for the Concept Development Application (DA/480/2020) details the Heffron Park Plan of Management (adopted in 2009) and the Heffron Park Masterplan (Revised 2017). Reference is to be made to that assessment report (reference PPSSEC-93) which discusses the consistency of the Concept DA to these documents, as well as the works already approved and constructed over the entire Heffron Park site area.

Heffron Park is surrounded by a mix of commercial, residential, recreational and retail uses. Immediately to the west of the site is Southpoint Shopping Centre and low density residential development. Further to the north is Champagnat Catholic College.

The subject site is zoned RE1 – Public Recreation pursuant to RLEP 2012. The surrounding sites are predominantly zoned R2 Low Density Residential to the north, south and east, and there are pockets of land zoned R3 Medium Density Residential to the north-east and south. See Zoning Map in Figure 5 below:

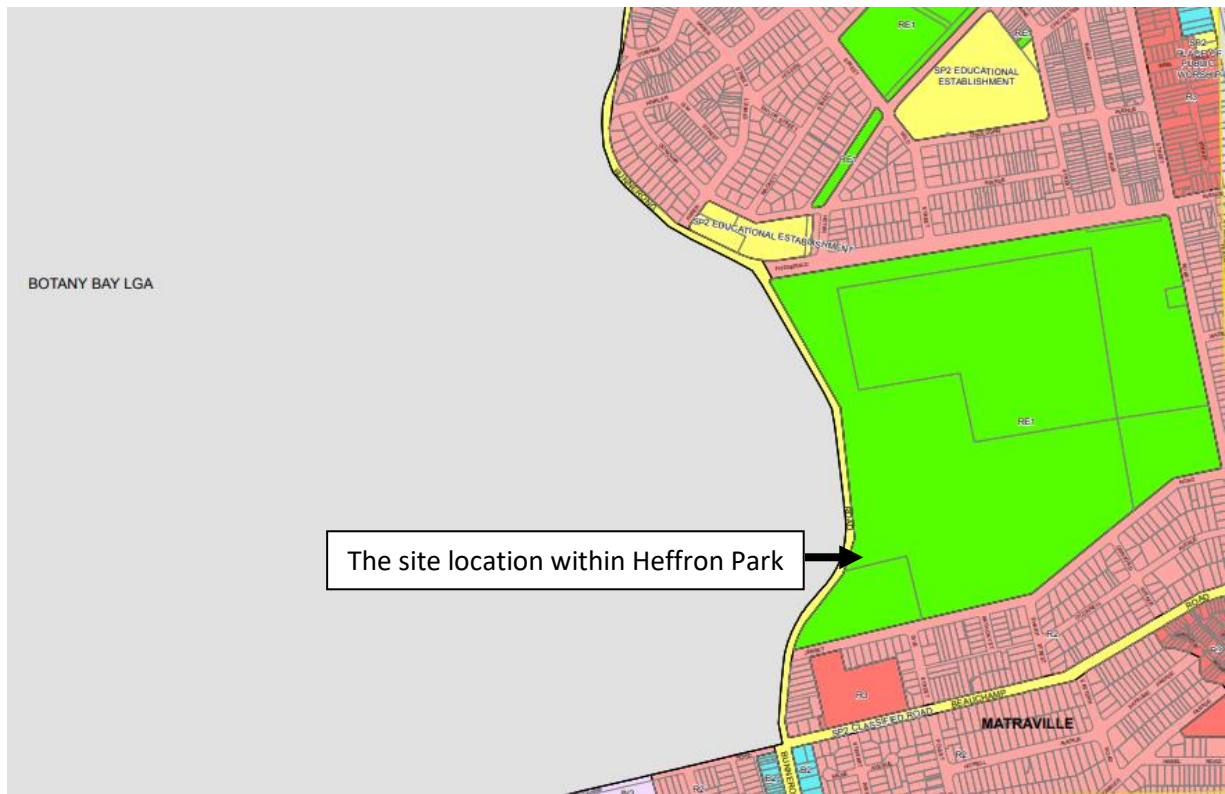


Figure 5: Land Zoning Map under RLEP 2012.

To the west, on the western side of Bunnerong Road, is land within the former Botany Bay LGA (now Bayside LGA) zoned B2 Local Centre, R2 Low Density Residential and R3 Medium Density Residential. A general height limit of 14 metres applies to the B2 zoned land, while the R2 zone is limited to 8.5 metres and the R3 zone has a height limit of 12 metres. The B2 land is directly opposite the site. An excerpt of the zoning of the land directly to the west of the site is provided in Figure 6 below.

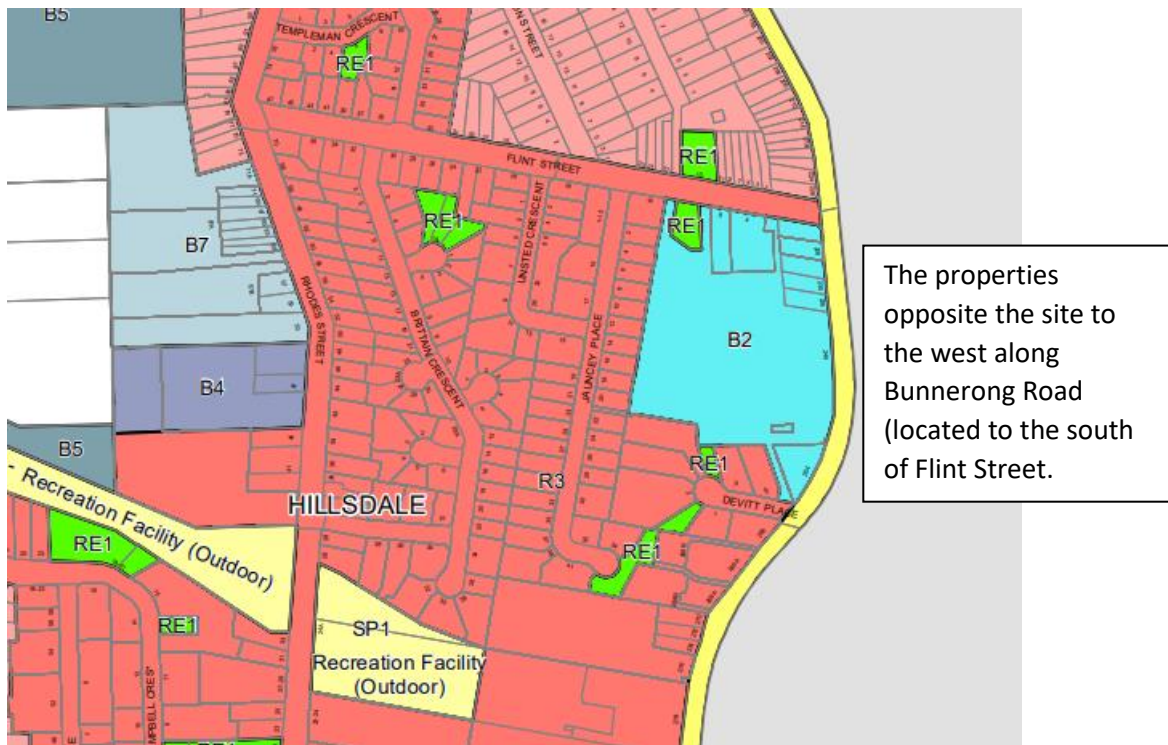


Figure 6: Land Zoning Map under Botany Bay LEP 2013.

3.0 Relevant History

In 2013, the South Sydney Rabbitohs Rugby League Club approached Randwick City Council to consider a request to relocate their training and administration facilities from Redfern Oval to Heffron Park following opportunities for substantial Federal and State Government grant funding towards this project.

The proposed development of the Heffron Centre, encompassing the South Sydney Rabbitohs facilities, has been reported to Council several times since 2013. Provided below is a summary of the Council Meetings which have considered the matter:

- At the Ordinary Council Meeting held on 25 June 2013, Council resolved to progress a proposal to relocate South Sydney Rabbitohs Rugby League Community and High Performance Centre from Redfern to Heffron Park at a site on Robey Street. However, site and planning reviews identified issues in respect to parking, traffic, built form and site infrastructure with this site. Council also resolved that an application be made to the Federal Regional Development Australian Fund (Round Five) grant funding for the project, and that a cap of \$3 million of Council funding be placed on this project (Reference MM48/13).
- At the Works Committee Meeting held on 9 February 2016, Council formally resolved to adopt an alternative site on Bunnerong Road as the preferred location for the Heffron Centre (being the subject site). (Reference W5/16).
- At the Ordinary Council Meeting held on 13 December 2016, Council endorsed a Probit Plan for the commencement of negotiations of commercial terms associated with the Community and High Performance Centre project at Heffron Park. It was also resolved that Council enter into direct negotiations with the Rabbitohs for an Agreement for Lease for the Community and High Performance Centre (Reference GF41/16).
- At the Ordinary Council Meeting held on 28 March 2017, Council resolved to endorse a report containing the proposed commercial terms for the Centre and commence preparation of an Agreement for Lease and Lease for the Community and High Performance Centre (Reference GF8/17).
- At the Ordinary Council Meeting held on 26 February 2019, Council resolved to endorse the Agreement for Lease and License (Reference C08/19).

In 2019, Council entered into an Agreement for Lease and License with the South Sydney District Rugby League Football Club (the Rabbitohs) under a Public Private Partnership (PPP) to accommodate administration, training and community facilities within a CHPC to be delivered as one component of the Heffron Centre.

- On 28 July 2020, a Progress Report for the Heffron Centre was reported the Ordinary Council Meeting, where it was resolved to allocated approximately \$1.95 million from the 2021/2022 Capital Works Program and Domestic Waste Reserve to complete the required funding for the Showcase Field (Reference CS35/20).
- On 25 August 2020, the Concept Design for Heffron Park was reported to the Ordinary Council meeting and Council endorsed the design to allow the Project Team to progress with lodgement of a Development Application (Reference CS39/20).

The existing buildings on the Bunnerong Road site, comprising the Matraville Indoor Sports Centre and Bunnerong Gymnastics Centre, are over 40 years old. The development proposal offers an opportunity to provide modern facilities for community sports in conjunction with the CHPC. The proposal has been developed based on an integrated model to bring together grassroots, civic context, elite sporting initiatives and a variety of programming opportunities to benefit the local community and Randwick City Council.

Public consultation prior to submission of the Stage 2 Detailed DA

An Outcomes Report for the Heffron Centre dated 28 August 2020 was prepared by Randwick Council detailing the community and stakeholder engagement process which has been undertaken for the Concept DA (DA/480/2020) and Stage 2 DA (DA/486/2020) by Council with the support of consultants Urbis.

This Outcomes Report details the range of community consultation activities undertaken during the preparation of the project design. Key consultation activities have included:

- Presentations to Council's Precinct Coordination Committee on 17 June 2020, Randwick City Council's Mayor and Councillors on 7 July 2020, the Maroubra Precinct Group on 27 July 2020, the Matraville Precinct Group on 10 August 2020, and representatives from key sporting organisations including Football NSW, Volleyball NSW, and Netball NSW on 10 August 2020.
- A letter from the Mayor sent to residents and land owners in the vicinity of the site on 22 April 2020 inviting feedback on the proposal.
- The launch of a 'Your Say' link on Randwick City Council's website in April 2020 providing information about the proposed development, the planning process and contact information.
- A community survey conducted from 14 April to 10 May 2020 and sent to 'Your Say' Randwick subscribers. 138 responses were received.
- In May 2020 social media posts promoting the 'Your Say' website and survey and a Facebook Live event were displayed on the Randwick City Council Facebook and Instagram page, and on the South Sydney Rabbitohs' Facebook page.
- A Facebook Live Information session was held on 29 July 2020 and streamed via Randwick City Council's Facebook Page. Approximately 140 people attended the session.
- A dedicated phone number and email address was established for the duration of the engagement period via Randwick Council. A total of 4 people phoned or emailed between April and August 2020.
- A media release was issued on 27 August 2020 by Randwick Council, issued to local, metro and online media including The Daily Telegraph website, South Sydney Rabbitohs website, and the Australasian Leisure Management website.

The Outcomes Report also provides a summary of the feedback received from the public and responses to this feedback. The gymnastics association were also consulted with as part of the DA preparation.

Consultation with Council prior to submission of the Stage 2 Detailed DA

The architects presented the preliminary design to Randwick Council's Design Excellence Panel (DEP) on 7 August 2020.

A pre-lodgement meeting was held with Council Officers on 24 August 2020 to discuss the key planning and development matters relating to the project. The key issues raised included:

- Explanation of the land uses, characterisation of the uses, operational management of the centre, provisions for access and special events;
- Relationship between the project and the Heffron Park Plan of Management and Master Plan;
- Applicable planning controls under the RLEP 2012, the Randwick Development Control Plan 2012 (DCP 2012) and applicable State planning policies;
- BCA and accessibility compliance;
- Technical studies required to accompany the DA;

- Parking demand rates, including differing peak periods for components of the centre, and vehicle access arrangements; and
- Water management requirements, including opportunities for water sensitive urban design.

The report prepared for the Concept DA (DA/480/2020) considers the relationship of the development with the Heffron Park Plan of Management and the Masterplan. This Stage 2 Detailed DA (DA/486/2020) addresses the other issues raised.

The Showcase Field, which will be located on the eastern side of the new Heffron Centre, has Part 5 approval through a Review of Environmental Factors (REF) process. The field, designed to NRL standards, will be used for the Rabbitohs training as well as community uses.

Randwick City Council has committed a maximum of \$3 million to contribute to the Community and High Performance Centre. The remaining funds are being contributed by the Rabbitohs, Federal Government and State Government (through the Office for Sport).

4.0 The Proposed Development

The proposal is for a new recreational facility known as the “Heffron Centre” located at Heffron Park. DA/486/2020 seeks approval for the following:

- Demolition of existing buildings and structures within the site.
- Site preparation works, including termination or relocation of site services and infrastructure, remediation, tree removal and the erection of site protection fencing.
- Construction of the new Heffron Centre, including:
 - A Community and High-Performance Centre (CHPC).
 - An indoor multi-purpose sporting facility.
 - A local indoor gymnastics centre.
 - Café.
 - Installation of floodlighting to the approved Showcase Field.
- Car parking for 143 spaces, including a combination of staff and visitor spaces, accessed via the existing signalised intersection of Bunnerong Road and Flint Street.
- Building identification signage.
- Public domain works within the site, including new landscaping and tree planting.

More specifically, the development will provide:

- **Community and High Performance Centre (CHPC)** which will see the South Sydney Rabbitohs elite training, ancillary administration and community operations move from its current base at Redfern Oval to Heffron Park. The CHPC will include:
 - High performance training areas.
 - Recovery zones, including aquatic recovery, physiotherapy and medical.
 - Player amenities.
 - Ancillary administration and meeting rooms.
 - Merchandise store.
 - Other supporting uses.
- **Shared community areas** supporting the CHPC, gymnastics centre and indoor sports courts, complemented by Souths Cares offering:
 - Café.
 - Souths Cares classrooms.
 - Lecture theatre.
 - Community accessible meeting room.
 - Multipurpose changeroom.
 - Souths Cares ancillary administration areas.
- **Gymnastics centre**, being a new, state-of-the-art centre aimed at stimulating the needs of local participants and pathways programs, including:
 - A program/competition/training zone and associated viewing area.
 - Changerooms.

- Ancillary administration and support spaces.
- **Indoor sports Courts**, providing a multi-purpose and programmable indoor space incorporating:
 - Two indoor sports courts, designed to guidelines and requirements for netball, basketball, volleyball indoor soccer/futsal and badminton.
 - Multi-purpose community changerooms.
 - Other supporting spaces.
- **Public domain works**, including increased community accessible green spaces and soft landscape. It will also include the NRL-standard Showcase Field, which has received separate Part 5A approval through a Review of Environmental Factors (REF) process and will be located adjoining the proposed Heffron Centre. The field will be used for the Rabbitohs training and well as community uses. This application does include the installation of lighting around the Showcase Field.

Submitted with the DA is an Operational Plan of Management prepared by NS Projects Pty Ltd dated 5 September 2020. This Operational Plan of Management anticipates that Council will enter into agreements with Tenants and Operators, likely to be Leases and License, for the following:

- Community & High Performance Centre – Agreement for Lease & License signed with South Sydney District Rugby League Football Club.
 - Showcase Field - Agreement for Lease & License signed with South Sydney District Rugby League Football Club.
 - Indoor Sports Centre – Lease arrangements likely to be entered into with a Tenant / Operator.*
 - Gymnastics Centre - Lease arrangements likely to be entered into with a Tenant / Operator.*
- * Denotes Lease and operational arrangements which are currently under consideration by Council.*

In terms of employment, it is anticipated that the Centre will generate the following, pending organisational structure and resourcing requirements:

South Sydney Rabbitohs:

- Staff: approx. 110 persons, including Full Time Equivalent, Part Time Equivalent and Casual. This includes both administration and football department staff.
- Players / Squad: maximum of approx. 50 in the centre training at any one time. This consists of NRL 1st and 2nd Team players.

Indoor Sports Centre:

- Staff: 3 to 5 Full Time Equivalent.
- Casual Staff employed to suit programming requirements.

Gymnastics Centre:

- Staff: 3 to 5 Full Time Equivalent.
- Casual Staff employed to suit programming requirements.

The anticipated main operating hours for the respective areas are as follows, however these are subject to change:

Community & High Performance Centre:

- Monday to Friday - 8am to 5pm.
- Saturdays - 8am to 5pm.
- Sundays – Closed.

Café & Merchandise Shop:

- Monday to Sunday, hours TBC.

Indoor Sports Centre:

- Monday to Friday – 8am to 10pm.

- Saturday & Sunday – 8am to 6pm.

Gymnastics Centre:

- Monday to Friday – 8am to 10pm.
- Saturday & Sunday – 8am to 5pm.

It is noted that the abovementioned hours do not limit the use of facilities and access by staff from an administrative, services or security perspective. Operators / Tenants may seek to vary the above hours, subject to agreement with Council.

Showcase Field times of use are excluded from the above. Hours of use are subject to the Agreement for Lease and License between Council and South Sydney Rabbitohs. The Showcase Field will be managed and maintained under a License arrangement by the South Sydney Rabbitohs. The Field will be available for community use and access outside of pre-arranged hours of training by the South Sydney Rabbitohs.

For security, the Field will be bound by 1.2m high fencing, with gates as access control. Outside of training / use of the field, gates will be unlocked and opened for public access. Security systems will be provided, including CCTV monitoring systems and alarm systems. Access will be controlled throughout the Centre as agreed between Council and its Tenants, likely in the form of swipe card access provision or similar. Out of operating hours, the centre will be closed to the general public and not accessible.

It is anticipated that lighting to the Fields will be in operation between the hours of 5.00pm and 11.00pm, pending the time of year.

5.0 Documents submitted with the Stage 2 Detailed Development Application

A comprehensive submission has been lodged under this application, with detailed consultant plans and reports including:

- Architectural Drawings prepared by Co-op Studio
- Architectural Design Report prepared by Co-op Studio
- Statement of Environmental Effects prepared by Ethos Urban
- Consultation Outcomes Report prepared by Randwick City Council / Urbis
- Survey Plan prepared by Geosurv
- Landscape Design Report prepared by Clouston Associates
- Operational Plan of Management prepared by NS Group
- Ecological Sustainable Development Strategy prepared by Integral Group
- Preliminary Site Investigation Report prepared by Douglas Partners
- Remediation Action Plan prepared by Douglas Partners
- Arboricultural Impact Assessment prepared by TreeIQ
- Transport Impact Assessment prepared by GTA Consultants
- Operational Waste Management Plan prepared by Elephants Foot
- Preliminary Construction Management Plan prepared by NS Group
- Acoustic Report prepared by Resonate
- Flood Risk Memorandum prepared by Northrop
- Geotechnical Report prepared by Douglas Partners
- Stormwater Management Report prepared by Northrop
- BCA Design Assessment Report prepared by Design Confidence
- Fire Engineering Statement prepared by Umow Lai
- Access Design Assessment prepared by Design Confidence
- Showcase Field Flood Lighting Electrical Services Package Northrop
- External Lighting Assessment Report prepared by Integral Group
- Showcase Field Lighting Performance Report prepared by Northrop
- Section J Compliance Report prepared by Integral Group
- Civil Engineering Package prepared by Northrop

These documents have been considered in the assessment of this application.

6.0 Notification/ Advertising

The subject development was advertised and notified to surrounding landowners for a period of fourteen (14) days from 1 October to 16 October 2020 in accordance with Council's Community Participation Plan. However, this notification period was extended until 30 October following requests from several residents.

This notification did follow an extensive community consultation process which was undertaken during the preparation of the project design, as detailed in this report under section 3.0 *Relevant History*.

As a result of the exhibition process for the Stage 2 Detailed Application (DA/486/2020) and the Concept Application DA/480/2020, a total of 170 submissions were received from or on behalf of the following properties (**note:** *there were 103 submissions that did not provide a residential address, 2 submissions listed a PO Box address, and there was also more than 1 submission from the same property address in some instances*):

18 Dwyer Avenue	LITTLE BAY
1/1 Beaumont Ave	MAROUBRA
1/111 Duncan St	MAROUBRA
10 Nurla Ave	LITTLE BAY
11 Castle St	RANDWICK
11/12 Daintrey Cres	RANDWICK
12 Boomerang St	MAROUBRA
12 Mermaid Ave	MAROUBRA
12 Mermaid Ave	MAROUBRA
128 Eastern Ave	KINGSFORD
1297 Anzac Parade	CHIFLEY
14/17-19 Alison Rd	KENSINGTON
15 Napier St	MALABAR
16 Carnegie Cct	CHIFLEY
16 Carnegie Cct	CHIFLEY
19 Miles St	MASCOT
2/374 Bronte Rd	BRONTE
2/374 Bronte Rd	BRONTE
2/436 Malabar Rd	MAROUBRA
204 Rainbow St	RANDWICK
22 Herbert St	MALABAR
222 Beauchamp Rd	MATRAVILLE
23 Kitchener St	MAROUBRA
24/65-69 Avoca St	RANDWICK
25 Goodrich Ave	KINGSFORD
26 Raglan St	MALABAR
28 Duncan St	MAROUBRA
289 Avoca St	RANDWICK
289 Avoca St	RANDWICK
29 Calet St	CHIFLEY
29 Harold St	MATRAVILLE
291 Clovelly Rd	CLOVELLY
3/140 Beach St	COOGEE
30 Kyogle St	MAROUBRA
30 Kyogle St	MAROUBRA
31 Dans Ave	COOGEE
35 Knox St	CLOVELLY

38 Harold St	MATRAVILLE
38 Harold St	MATRAVILLE
39 Metcalfe St	MAROUBRA
4 Walenore Ave	KINGSFORD
441 Bunnerong Rd	MATRAVILLE
441 Bunnerong Rd	MATRAVILLE
441 Bunnerong Rd	MATRAVILLE
441 Bunnerong Rd	MATRAVILLE
441 Bunnerong Rd	MATRAVILLE
441 Bunnerong Rd	MATRAVILLE
50 Bream St	COOGEE
502/448 Bunnerong Rd	MATRAVILLE
52 Daunt Ave	MATRAVILLE
6 White Ave	MAROUBRA
69 Darley Rd	RANDWICK
7 Close St	SOUTH COOGEE
7 Grevillea	SOUTH COOGEE
7 Pacific St	CLOVELLY
7 Roma Ave	KENSINGTON
7 Roma Ave	KENSINGTON
7 Woodland St	COOGEE
83 Loch Maree St	MAROUBRA
98 Victoria St	MALABAR
98 Victoria St	MALABAR
Unit 10/5 Campbell Parade	BONDI
Unit 10/6 Kynaston Ave	RANDWICK
Unit 209/ 1 Pavillion Dr	LITTLE BAY
Unit 5/ 56 Mount St	COOGEE

The submissions raised many concerns with the proposal. At there were 170 submissions, the concerns have been summarised into the following main items:

Item Ref.	Description	Response
1.	Concern at the lack of consultation with the local gymnastics community of Randwick, which will result in a facility that does not meet the current requirements of Gymnastics NSW or the future needs of the community.	<p>Extensive consultation was undertaken with the public prior to the Concept DA being lodged, as detailed in the Outcomes Report prepared by Council and under Part 3.0 of this report. The applicant has also undertaken consultation with Gymnastics NSW and will continue to do so as the Centre is developed. The consultation process helped inform the final design.</p> <p>The local gymnastics community has been notified of the proposal. The applicant has stated that it would be inappropriate for the Council to enter into discussions with the existing Tenant regarding the specific details of the new Gymnastics Centre at this time, as this function is subject to an ongoing procurement process for its Lease and Operation, as well as the controls of the Local Government Act and probity requirements.</p> <p>The purpose of the Concept DA is to enable Council to deliver a purpose-built Gymnastics Centre to replace the existing facility which is</p>

Item Ref.	Description	Response
		<p>nearing its end of life. The footprint of the proposed Gymnastics Centre is larger than the existing facility and the unencumbered space provides flexibility for the end user in terms of layout and storage of equipment.</p> <p>While the growing demand of Gymnastics as a discipline are noted, Council has sought to deliver an appropriately sized facility, which is larger than the existing, within its budget and site constraints.</p> <p>Council has advised that it has undertaken a review of sport participation and trends to identify suitable uses for the proposed facility to accommodate the changing needs of the community. There is significant demand for the sporting disciplines and programs (e.g. basketball, netball, indoor soccer/ futsal, badminton and volleyball) provided within the indoor sports courts as part of this proposal.</p> <p>The Indoor Sports Courts are located adjacent to the Gymnastics Centre, with large doors between the two sporting halls, enabling the space to be flexible and adaptable. It enables the use of the Indoor Sports Courts for gymnastics disciplines during larger events when the courts are not in use for other sports. Use of these areas will be subject to the management and operations of the Indoor Sports Courts and Gymnastics Centre, of which a Lessee is still to be appointed.</p> <p>Council has sought to achieve a balanced outcome to delivering purpose built and multi-use facilities within Heffron Park, within budget and the available site area.</p>
2.	The facility is not large enough to accommodate the current students, or the expected future increase in students. The proposed space is not that much larger than the current centre. There are already waiting lists for students and there is no opportunity for expansion.	Refer response provided to item 1 above.
3.	Council should consult directly with Bunnerong Gymnastics and Gymnastics NSW to identify the minimum requirements for area and equipment.	<p>Refer response provided to item 1 above.</p> <p>Equipment for the gymnastics centre will be designed, supplied and installed by the Lessee and Operator of the Gymnastics Centre.</p>
4.	Council should be commended for the commitment to community sport.	Noted.
5.	The community has been waiting	It is acknowledged that new facilities have been

Item Ref.	Description	Response
	a very long time for this facility; however it seems like priority has been given to Souths rather than the community.	<p>considered for some time on the site. Council is delivering a purpose-built Indoor Sports and Gymnastics Centre to replace the existing facilities which have reached the end of their use.</p> <p>The new Gymnastics Centre is larger than the existing facility and provided with dedicated viewing, reception, administration and changeroom areas.</p> <p>Council has sought to deliver the Heffron Centre as a truly integrated multi-purpose facility. This includes dedicated areas for both South Sydney Rabbitohs, the Lessee and Operator of the Gymnastics Centre and Indoor Sports Centre, as well as other key facilities for community use and programs including but not limited to a lecture theatre and classroom.</p> <p>Refer to response 12 for further information on the public-private partnership with the South Sydney Rabbitohs.</p>
6.	This is an opportunity for a facility to be a vital part of the wider gymnastics community, in terms of potential to be used for State and National training camps, competitions, and events. The only other purpose-built facilities are SGAC in Rooty Hill and the gymnasium at Homebush.	<p>Refer responses to comments above.</p> <p>Council is delivering a purpose-built gymnastics facility as part of the project, acknowledging the importance of gymnastics to the community. Council is doing so within the allocated budget and the constraints of the site.</p> <p>The Heffron Park Plan of Management supports the ongoing growth and demand of many sporting codes within the overall park site. Out of the 6 sporting codes which will use the new Heffron Centre, Gymnastics is the only code for which a standalone purpose-built facility is being provided.</p>
7.	The inadequate space proposed is dangerous, as there could be collisions between gymnasts as there is not enough runup area or height clearance which affects the ability of training for championships.	<p>The area and dimensions of the Gymnastics Centre proposed as part of the Heffron Centre are greater than the existing facility to the south of the site, which will be replaced as part of the project.</p> <p>The internal layout and design of the Gymnastics Centre is subject to design and fitout by a future Lessee and Operator, who will also supply and install the equipment. Operation of the facility will be conditioned to be carried out in accordance with the operational Plan of Management.</p>
8.	This proposal does not align with a larger facility which was included in the Plan of Management for the site.	<p>While the Plan of Management does identify an indoor recreation centre and gymnastics centre, it does not specifically specify the size of the facility. The location and indicative size of the centres has changed and evolved from the original Plan of Management in 2009 and the 2017 Masterplan. The Plan does provide general guidelines and indicates that the centre is to be multi-purpose and</p>

Item Ref.	Description	Response
		<p>cater for a variety of sports.</p> <p>The Plan estimates the cost to be \$3 million and does note that completion of an indoor recreation centre and gymnastics centre is subject to, and dependent on, available funding.</p>
9.	Gymnastics is not valued as much as soccer or football that have various grounds in Randwick.	<p>The Heffron Park Plan of Management supports the ongoing growth and demand of many sporting codes within this park site. Out of the 6 sporting codes utilising the new Heffron Centre, Gymnastics is the only code for which a standalone purpose-built facility is being provided.</p> <p>Heffron Park provides a range of sporting activities, including the Des Renford Leisure Centre, bicycle and pedestrian tracks, netball courts and tennis courts, in addition to the playing fields for rugby league, AFL and soccer.</p>
10.	There is a growing demand for gymnastics as it is a cross-training sport for other sports.	Noted. The proposal for a new gymnastics centre will provide improved facilities for the community.
11.	The DA process needs to be extended until the tenders go out to get a fit-for-purpose facility.	The procurement process for a Lessee and Operator for the Gymnastics Centre and Indoor Sports Centre is currently ongoing. The applicant advises that the Lessee and Operator will be responsible for the design and fitout of the Gymnastics Centre, as well as the supply and installation of equipment to its specification and needs. The DA has been assessed in accordance with the EP&A Act and Regulation.
12.	Why are Souths included in this proposal, as they were never involved in the POM for Heffron Park?	<p>Randwick City Council and the South Sydney Rabbitohs have entered into a Public-Private Partnership under an Agreement for Lease and License in accordance with Council's resolution from its February 2019 Ordinary Council Meeting, along with resolutions of prior Council Meetings.</p> <p>The Community & High Performance Centre aligns with the principles and objectives of the Plan of Management.</p>
13.	The facility should include more shaded seating areas and better integrate with its surrounding environment on all sides.	<p>The proposal includes areas for shaded seating zones and other seating including:</p> <ul style="list-style-type: none"> • Turfed mounds with native tree planting for shading to the west of the Showcase Field. • Turf areas with native tree planting for shading to the south and east of the Showcase Field. • Seating walls with native tree planting for shading to the south-east of the Indoor Sports Courts. • Seating walls with native tree planting for

Item Ref.	Description	Response
		<p>shading to the west of the colonnade and plaza, for pick up and drop off.</p> <ul style="list-style-type: none"> • Shaded seating areas within the western entry and adjacent colonnade. • Internal seating areas within the café, internal street and foyer.
14.	<p>There are no suitable indoor sporting facilities to host indoor sports or training in wet weather. Will this meet the demand?</p>	<p>The Indoor Sports Courts proposed within the Heffron Centre will cater for the following indoor sports:</p> <ul style="list-style-type: none"> • Basketball; • Netball; • Volleyball; • Badminton; and • Indoor Futsal / Soccer. <p>The Indoor Sports Courts will be enclosed for use all year round and are designed to standard to suit both competitive, community and social sports.</p> <p>Ancillary facilities, including public toilets and changerooms, will be provided for public use and use by organised sports.</p>
15.	<p>There will be a nuisance from light spillage until 11pm. The lights should be limited until 9pm.</p>	<p>The lighting to the project, including to the Showcase Field, will be designed in accordance with <i>Australian Standards AS4282-2019 - Control of Obtrusive Effects of Outdoor Lighting</i> and <i>AS2560.2.3 – Sports Lighting Specific Applications (Lighting for football all codes)</i>.</p> <p>Suitable glare control measures will be incorporated into the design in accordance with the relevant Australian Standards and as per the supporting documentation submitted with the DA, including the Lighting Performance Report prepared by Northrop Consulting Engineers.</p> <p>An External Lighting Assessment Report has also been prepared by Integral Group.</p> <p>Appropriate conditions of consent will be included, as recommended by Council's Environmental Health Officers.</p> <p>Acceptable luminance levels during pre-curfew times (before 11pm) and post-curfew times (after 11pm) will be adhered to in the design of lighting.</p> <p>Operationally, use of the field is required until 11pm to suit its appropriate use, for both the Community and South Sydney Rabbitohs, noting that this will not be an every day occurrence.</p>
16.	<p>The southern portion of the site is ignored and should have large tree planting.</p>	<p>The southern portion of the site will be revitalised as a turfed green open space, with several new planted trees and retained existing trees. This will</p>

Item Ref.	Description	Response
		replace the demolished existing Gymnastics Centre and associated parking.
17.	Additional parking should be provided, and the car park should be provided with more garbage bins to help minimise littering.	Vehicular access and parking has been assessed by Council's Development Engineer – refer to Section 7.0 of this report. The comment regarding bins is noted and this will be a management and maintenance issue for Council to consider once the car park is constructed.

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

6.1 Re-notification

Amendments were made to the proposal in response to concerns raised by Randwick DEP. These amendments were not considered to result in additional impacts upon neighbouring or adjacent properties, nor on the community use of the Centre. As such, the amended plans were not re-notified. Refer to Section 7.0 of this Report for more detail.

7.0 Technical Advice: Internal and External

The subject application was lodged with Council on 17 September 2020. In conjunction with the Concept application (DA/480/2020), the Stage 2 Detailed DA (DA/486/2020) was externally referred to Transport for NSW (formerly known as RMS) and NSW Police – Crime Prevention, and was internally referred to Council's Development Engineer, Environmental Health Officer, Landscape Officer, Senior Building Surveyor and Randwick Design Excellence Panel.

The applications were also notified to the Department of Planning, Industry & Environment – Crown Lands (Crown Lands) as owner of the land. Crown Lands has provided comments to the proposals.

External Referrals / Notification

Department of Planning, Industry & Environment – Crown Lands (Crown Lands)

Crown Lands was notified of the Concept application (DA/480/2020) and the Stage 2 Detailed DA (DA/486/2020) and the following response was provided in a letter dated 22 January 2021:

"I refer to Randwick City Council (Council) correspondence of 4th August 2016 and 25th October 2016 and apologise for the oversight. The Department also acknowledges receipt of and notification of the above development application to the Department of Planning, Industry & Environment- Crown Lands (Crown Lands) pursuant to clause 49(2) of the Environmental Planning and Assessment Regulation 2000 provided on 28 October 2020.

The Department of Planning Industry & Environment - Crown Lands (Crown Lands), as the owner of the land, has reviewed the development application in accordance with the principles of Crown land management and provisions of the Crown Land Management Act 2016 (CLM Act), and provides the response set out against relevant matters below.

Authority to carry out development under the CLM Act

Council are required to obtain necessary authority to carry out the proposed development under the CLM Act. The subject land is reserved for public recreation (R81741) under the CLM Act with Council appointed as the Crown land manager. Council Crown land managers are required to manage Crown land as if it were 'public land' in accordance with the provisions of the Local Government Act 1993 (LG Act), as community land unless Ministerial consent is obtained under the CLM Act to classify and manage land as operational land. The LG Act

provides that pending the adoption of a plan of management under that Act for community land, the nature and use of the land must not be changed.

Legislative relief is provided to Council Crown land managers to carry out or land use and occupation authorised in accordance with plans of management adopted under the repealed Crown Lands Act 1989 (and continued in force under the CLM Act) and in accordance with leases and licences that may be granted by Council Crown land managers or the Minister administering the CLM Act.

Crown Lands have previously advised Council that it does not consider the plan of management adopted for the site under the Crown Lands Act 1989 (and continued in force under the CLM Act) provides necessary authority for aspects of the proposed development and use of the site for the purposes of the CLM Act. Accordingly, separate authority is required to enable the development of R81741.

Crown Lands notes Council's advice in its correspondence of 28 October 2020 that it will be seeking to adopt a compliant plan of management for the site under Division 3.4 of the CLM Act that would authorise the proposed development. Crown Lands recommends Council consider deferred commencement conditions for any development approval that require necessary authority under the CLM Act be obtained prior to carrying out the development.

Aboriginal interests

Departmental records indicate that the land is currently subject to Aboriginal land claim 28722 (La Perouse Local Aboriginal Land Council) and 42494 (New South Wales Aboriginal Land Council). It is recommended that Council obtain written consent from the claimants that the proposal can proceed or withdrawal of the development area from the subject claim prior to carrying out any development that would impact on the physical condition of the land.

Crown Lands notes that there is no determination as to whether native title exists over the site. Pursuant to Part 8 of the CLM Act Council, as Crown land manager, is required to obtain native title advice that any associated act necessary to authorise the development or subsequent future use (i.e. grant of tenure, adoption of a plan of management) comply with applicable provisions of native title legislation.

Please note that this response does not provide authorisation under the CLM Act for this proposal or imply any concurrence, consent or approval for future authorisations as may be required."

The requirement for owners consent from Crown Lands is being obtained pursuant to Clause 49(2) of the EP & A Regulations 2000, which states:

"(2) The consent of the owner of the land is not required for a development application made by a public authority, or for a development application for public notification development, if the applicant instead gives notice of the application—

(a) to the owner of the land before the application is made, or

(b) by publishing a notice no later than 14 days after the application is made—

(i) in a newspaper circulating in the area in which the development is to be carried out, and

(ii) in the case of an application made by a public authority, on the public authority's website, or, in the case of public notification development, on the NSW planning portal."

The Plan of Management applying to Heffron Park from 2009 is required to be updated under the Crown Land Management Act 2016 to authorise the proposed development. Council is currently undertaking this process of updating the Plan of Management with a target date of May 2021 for public exhibition and a resolution date of the 30 June 2021 (subject to no additional public exhibitions).

As owners consent needs to be obtained prior to an operational consent being issued, the recommendation that a deferred commencement condition be imposed requiring the necessary

authority under the CLM Act to be obtained prior to carrying out the development is noted and will be included in the recommended conditions of consent.

In relation to the Aboriginal interests, Crown Lands recommends that Randwick Council engage with the relevant Aboriginal Land Councils to either obtain written consent that the proposal can proceed or to have their claim withdrawn from the development area. This is not a required condition of consent and will be included in the advisory section under the recommended conditions of consent. We note that as part of the Plan of Management update, the Council has identified that written advice from the native title manager will be sought prior to the Plan of Management being finalised.

NSW Police

NSW Police advised on 15 November 2020 that they had no further comment on the development applications.

Transport for NSW

The application was referred to Transport for NSW (TfNSW) who, on 19th October 2020, requested additional information in relation to the swept paths at the site entrance. A response was prepared by GTA Consultants on behalf of the applicant and this was forwarded to TfNSW.

On 4th February 2021, TfNSW provided the following comments:

“Reference is made to Councils referral, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with Clauses 101 and 104 of the State Environmental Planning Policy (Infrastructure) 2007.

TfNSW has reviewed the submitted application and has no objections, subject to the following requirements being included in any consent issued by Council.

- 1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Bunnerong Road boundary.*
- 2. All vehicles shall enter and exit the site in a forward direction.*
- 3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.*
- 4. Bicycle Parking should be provided in accordance with AS2890.3.*
- 5. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
- 6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.*
- 7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.”*

These requirements will be included in the recommended conditions of consent.

Internal Referrals

Senior Building Surveyor

“Proposed Development:

Stage 2 development for the demolition of existing building and structures, construction of a new indoor recreational multi-purpose facility, gymnastics facility, community and High Performance Centre (CHPC).

Comments:

- Classification – Class 5 – Offices
- Class 9b – Sports venue
- Rise in storeys -2
- Type A construction.

The following documents were submitted with the Development Application;

- a. BCA Design Assessment Report, prepared by Design Confidence (Report No P220_013-2 (BCA) LB, Issue dated 2 September 2020.
- b. DA Statement for Fire Engineering – Heffron Centre, prepared by UMOW LAI (Integral Group), dated 2 September 2020 for the performance solutions for the non compliance with the Deemed to Satisfy as indicated in the BCA Design Assessment Report.
- c. Access Design Assessment Report Development Application, prepared by Design Confidence (Report No P220_013-2 (ACCESS) FMR, Issue dated 2 September 2020.

Table 0.2 of the BCA Design Assessment Report identified the following matters for a BCA Performance solution:

- a. The building exceeds the maximum permissible floor area and volume of a Type A building (8,000m²/48,000m³. The building is to be treated as a single compartment and not as a large, isolated building (DTS Clause C2.2 and Performance Requirement CP2 and CP9).
DA Statement for Fire Engineering Comments - Areas that are considered sterile in the building which do not continue to fire load are greater than the area which exceeds the maximum limits C2.2.
- b. Omission the need for spandrels between the ground and the first floor (DTS Clause C2.6 and Performance Requirement CP2).
DA Statement for Fire Engineering Comments – The BCA DTS Provisions do not prescribe spandrels specifically for 2 storey (Type B) buildings. This building is only Type A construction due to the large floor area of single storey sections, Equivalence can be readily drawn to DTS solution and it is considered that spandrels are not required to satisfy CP2.
- c. Extended travel distance occur in the following locations;
 1. 28m to a point of choice in lieu of 20m from community change 4.
 2. Travel distance on the ground floor up to 49m in lieu of 40m (DTS Clause D1.4 and Performance Requirement DP4 and EP2.2).**DA Statement for Fire Engineering Comments** – The distance of travel will be offset by enhanced spacing smoke detectors or resolved via internal re -configuration to reduce the distance of travel to an exit. Evacuation time will become equivalent of a DTS Solution.
- d. Extended distance between alternative exits on the ground floor up to 75m in lieu of 60m (DTS Clause D1.5 and Performance Requirement DP4 and EP2.2).
DA Statement for Fire Engineering Comments – As per Item c.
- e. To enable attack fire hydrants to be located >50m from fire brigades hardstands (DTS E1.3 and Performance Requirement EP1.3).
DA Statement for Fire Engineering Comments – To be negotiated with FRNSW.
A compliant solution would be utilising internal hydrants, It is considered the proposed approach would be preferred by FRNSW from an operational viewpoint.
- f. To enable fire hose reels to be located greater than 4m from exits (DTS E1.4 and Performance Requirement EP1.1)
DA Statement for Fire Engineering Comments – Fire hose reel locations will generally be within 4m of the exit door but not the open space due to overhang. Considered the intent of the requirement is still satisfied as the exit door will be in close proximity.

- g. To use an occupant warning system to the development in accordance with AS 1670.1 – 2018 Clause 3.22 in lieu of the requirements of a full Emergency Warning and Intercommunication System (EWIS) (DTS E4.9 and Performance Requirement EP2.2 and EP4.2).

DA Statement for Fire Engineering Comments – Considered Warden Intercom Points will not be used in an evacuation nor will the requirement to stage the evacuation. These are the primary differences between EWIS and OWS. Give the specific building use OWS is considered to be appropriate.

Recommendation:

Should the application be approved, it is recommended that the following conditions be included:

1. The conditions in the following standard DA template report are appropriate and should be included accordingly (except as may be modified or supplemented below):

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | DR MULTI – Multi-unit housing development |
| <input type="checkbox"/> | DR MIXED – Mixed Residential & Commercial development |
| <input checked="" type="checkbox"/> | DR COMM1 – New Commercial development |
| <input type="checkbox"/> | DR COMM2 – Alterations & Additions to Existing Commercial development |
| <input type="checkbox"/> | [Other Template] - |

2. The applicant must comply with the requirements of the BCA Design Assessment Report, prepared by Design Confidence, dated 2 September 2020 (Report No P220_013-2 (BCA) LB.
3. The applicant must comply with the requirements of the DA Statement for Fire Engineering, prepared by UMOW LAI dated 2 September 2020.
4. The applicant must comply with the requirements of the Access Design Assessment Report Development Application, prepared by Design Confidence (Report No P220_013-2 (ACCESS) FMR, Issue dated 2 September 2020.”

Environmental Health Officer

“Proposed Development:

An application has been received by Council for the proposed stage two development application for a new recreational facility known as the Heffron Centre located at Heffron Park 417-493 Bunnerong Road Maroubra. This DA seeks approval for the demolition of existing buildings and structures within the site, site preparation works, construction of the new Heffron Centre including a community centre, indoor sporting facility, indoor gymnastics centre, Cafe and installation of flood lighting on the show case field, car parking for 143 spaces, signage and public domain works within the site.

Comments:

Land contamination-

A Preliminary Site (Contamination) Investigation Report (PSI Report) has been prepared by Douglas Partners and is provided at Appendix F. A review of the available documentation and information regarding the site history as well as an intrusive investigation was undertaken to inform the recommendations and conclusions of the PSI Report. It was concluded that the site can be made suitable for the proposed development subject to the following:

- Delineation of the depth of fill and contamination identified in fill, and confirmation of the waste classifications of fill;
- Further investigations of data gaps including within the footprint of existing building, carparks and sporting courts post demolition, and mounds; and

- A groundwater investigation, possibly with leachability testing, to assess whether identified contamination in fill has impacted underlying groundwater and if present, whether there is a risk of off-site migration.

It has been recommended that the above be undertaken in accordance with the relevant Remediation Action Plan (RAP) and Site Environmental Management Plan (SEMP). A RAP has accordingly been prepared by Douglas Partners and is provided at Appendix G.

Asbestos conditions are included in this report for the demolition of the current building on site.

Acoustics -

The proposed hours of operation are the following:

Community & High-Performance Centre:

<i>Monday to Saturday</i>	<i>8.00am-05.00pm</i>
<i>Sunday</i>	<i>Closed</i>

Café & Merchandise Shop:

<i>Monday to Sunday</i>	<i>Hours TBC.</i>
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Indoor Sports Centre:

<i>Monday to Friday</i>	<i>08.00am to 10.00pm</i>
<i>Saturday & Sunday</i>	<i>08.00am to 06.00pm</i>

Gymnastics Centre:

<i>Monday to Friday</i>	<i>08.00am to 10.00pm</i>
<i>Saturday & Sunday</i>	<i>08.00am to 05.00pm</i>

The current use of the area is for recreation and sports usage.

An acoustic report was submitted with this application by Resonate Consultants on the 2nd of September 2020.

This took into account noise levels from the nearest residential receivers on the Bunnerong Road and Jersey Road. The stated –

Plant noise assessment- no plant selection has been made but the report determined maximum sound power levels and alternative noise mitigation measures were suggested if the levels were not able to be met.

Indoor Court emissions – The criteria is met with open or closed windows during the day and evening period however it is not achievable in the night time period therefore mitigation measures are required.

They have recommended prior to the construction certificate phase; a construction noise and vibration assessment of the Project should be conducted. The assessment would address potential noise and vibration impacts associated with the construction of the Project, and where necessary, recommend feasible and reasonable noise and vibration reducing mitigation, management and safeguard measures. These recommendations would be developed to ensure that construction activities associated with the Project are carried out within the noise and vibration management levels derived for the project based on the NSW EPA's Interim Construction Noise Guideline.

A plan of management has been submitted with this application and appropriate conditions have been included in this consent.

Food Safety:

A café is proposed at the new Heffron Centre. No design or layout plans have been submitted to Council. The hours of operation have yet to be determined therefore must follow the standard CDC hours. If alternative hours are proposed; an additional DA must be submitted to Council for approval.

Appropriate conditions have been included below.”

Development Engineer

“An application has been received for the following:

- Demolition of existing buildings and structures within the site;
- Site preparation works;
- Construction of the new Heffron Centre including a Community and High-Performance Centre (CHPC), Indoor Multi-Purpose Facility (IMPF), Gymnastic Facility (GF), Café and Floodlighting;
- Carpark for 143 spaces; and
- Public domain works within the site.

General Comments

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

Drainage Comments

Concept stormwater drainage plans have been provided with the development application. The ultimate point of discharge for the majority of site stormwater is into a Sydney Water controlled stormwater system. Conditions requiring the applicant to satisfy Sydney water have been included within this report.

For any areas not draining to the Sydney Water controlled system Council would support the use of infiltration. For any areas draining to the Council system onsite stormwater detention is required for this development.

Flood level and flood planning information has been provided with the application. The proposed development has floor levels / openings set above the critical 1%AEP plus a suitable freeboard. Conditions of consent have been included to ensure that the construction certificate plans are compliant with Council's flood planning requirements.

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

TfNSW - RMS Comments

The applicant is advised that Bunnerong Road is classified as a state road at this location and consequently a referral to the TfNSW - RMS was required.

In a letter dated 4 February 2021 TfNSW-RMS gave its concurrence to the proposal with conditions. The TfNSW-RMS comments & conditions have been incorporated into this report.

Parking Comments

A Traffic and Parking Impact Assessment (TPIA) has been lodged with the application. A total parking provision of 143 carspaces is proposed and the TPIA has assessed the adequacy of this provision against peak demand parking periods.

The nominated parking provision is considered satisfactory for the following reasons:

- *Peak demand for the Community and High Performance Centre (CHPC) will occur through the week (and follow typical week day office hours). The estimated parking provision of 73 spaces is considered adequate.*
- *Peak demand for the Gymnastics Facility (GF) and Indoor Multi-Purpose Facility (IMPF) is likely to occur on weekends. Junior sport (IMPF) and use of the gymnastics facility should peak over the weekend, (outside of peak demand for the CHPC).*
- *The GF and IMPF will typically have training only on weekday afternoons (no competitions). Competitions at the IMPF are likely to run on nights throughout the week.*
- *Spectator numbers within the IMPF will be limited given that no “show court” is proposed and seating numbers are limited.*
- *Notwithstanding that management options have not been determined for the IMPF or GF Council will have ultimate care and control of the facilities. Any parking pressures can be reviewed in the unlikely event they arise.*
- *There is a large (198 vehicle) carpark immediately north of the proposed carpark and an informal carpark area to the south of the propose carpark.*
- *There is on-street parking along the Bunnerong Road site frontage.*
- *The subject site is well served by public transport and both pedestrian and cycleway links.*

Carpark Layout

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

Service Authority Comments

Undergrounding of site feed power lines

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

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

*The subject **is** 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 City 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.

Tree Management & Landscape Comments

While the previous Concept proposal (DA/480/2020) established the general footprint and layout for the project, this application seeks the actual physical works on-site, including as tree removal, tree protection and landscaping, and as requested by the Concept DA, detailed technical reports on these aspects of the development have been submitted for Council’s consideration.

The Arborist Report is summarised as follows:

- A total of 105 trees were assessed, comprising a mixture of endemic, native and exotic species, with the most dominant representation being (17) Swamp She Oaks;
- None are included in Council's Register of Significant Trees, none are threatened species, and none are classified as Priority Weeds for the Greater Sydney;
- Two trees are already dead, **T24-25**, with another 49, being **T4-24, 26-47, 51 & 53-59**, having been given consent to remove as part of a separate REF for the adjoining Showcase Field, immediately to the east of this site;
- The following 43 Trees are shown for retention:
 - **T1-3, 48-50, 52, 58, 60-81, 87-91, 94-97, 100-102 & 105;**
 - 24 of these will have their TPZ's encroached to various degrees, with the use of tree sensitive construction techniques needed, as recommended in the Arborist Report, to ensure that any impacts are minimized;
- The following 11 Trees are shown for removal:
 - **T82-83, 92-93 & 103-104**, a row of Port Jackson Figs along the Bunnerong Road frontage, to accommodate the new landscape works;
 - **T84-86**, two Bangalays, for the new carpark;
 - **T98-99** are two declining Willow Myrtles that could already be removed due to poor condition, but which are also in conflict with the landscape works.

The Landscape Design Package is summarised as follows:

- Complement the natural settings of Heffron Park;
- Create clear and defined entries, as well as improve pedestrian and cycle access and links to other facilities within the Park;
- Incorporating WSUD;
- Using landscape elements and planting to visually reduce the size and scale of the multi-purpose facility;
- Recreating a dune-style landscape character with mounds and planting, selecting native coastal species that are known to have performed elsewhere within the Park;
- Shade trees for both parking and seating areas;
- Adheres to the intended future uses envisaged in the Heffron Park Plan of Management (2009) and Heffron Park Masterplan (2017).

Both of these supporting documents provide a high level of detail, that will ensure a satisfactory outcome for the site, with conditions supporting their implementation as part of any approval."

The Development Engineer has recommended conditions to be applied to any development consent that is issued.

- Design Excellence Panel

Randwick's Design Excellence Panel considered the application at its meeting on 13 October 2020. The Panel raised a number of concerns with the proposal including:

Principle 1: Context and Neighbourhood Context

- A critical issue of the Heffron Centre's relationship to the Heffron Park Masterplan is the ways the centre can be accessed by foot or bike from other destinations, and how the built form is viewed from various vantage points during the day and night.
- There does not appear to be any consideration for public art input.

Principle 2: Scale and Built Form

- *The Panel would like to see the building to read as a collection of forms as 'a recreation village', with an internal public route that extends east/west from the car park to the show ground and beyond.*
- *Landscape should be introduced into the internal streets to carry the coastal dune concept through the building footprint.*

Principle 5: Landscape

- *Further investigation of having civic art input that should include landscape treatments and signage, with possible contributions from local community organisations and the indigenous community as part of an Arts Plan.*

Principle 6: Amenity

- *The entrance portal and colonnade provide a strong sense of arrival and series of spaces that's suddenly truncated by the glazed double doors that secure access to the building. The very public address is suddenly privatised. Pedestrian movement is then directed through a tighter threshold, framed by the café and access stair, before opening up again to the east. This space should be generous, active, secure and public.*
- *The café is located too far from residential areas and the street edge to provide activation along Bunnerong Road.*
- *A number of long internal corridors cross the building and almost reach the perimeter. These should be extended where possible to the perimeter to allow light at the end of these critical circulation spaces.*

Principle 9: Aesthetics

- *Further modulation of the blocks needs to be considered to allow the complex to be seen as a collection of volumes and voids. Exploration of ways to reinforce this concept through colour or texture differential between the grounded masonry element and the lighter long span structures it encloses should also be undertaken.*
- *The Panel noted the Rabbitohs logo was intended as a roof mural, but this large 5th elevation will be seen from nearby apartments and its aesthetic potential should be further considered.*

These comments were provided to the applicant and a meeting was held with the applicant and their team on 29 October 2020 to discuss the proposal and the comments from the DEP.

Design changes were made to the proposal as part of an amended submission made to Council on 21 December 2020. The amendments related to the design of the building as detailed in the Stage 2 DA (DA/486/2020) and the overall site layout, configuration and building envelope as presented in the Concept DA were not altered. While the finer details of the design will be detailed within the assessment report prepared for DA/486/2020, a summary of the amendments are provided below:

Amendments to the Ground Floor

The primary entry and front façade to the South's café and merchandise area have been reconfigured, with the entry sliding doors centred within the primary entry area.

The separation between the indoor courts to the south, and the CHPC (high performance centre) to the north has been increased and leads directly to the eastern entry/exit accessing the outdoor showcase field. This eastern access point has been redesigned to have increased glazing to direct the line of sight from the western entry to the eastern end of the foyer.

The southern egress has been widened with full height glazing to provide a visual break within the length of the elevation.

Amendments to the First Floor

The floor plate of the first floor level has been reconfigured to provide a greater separation to the indoor court void on the southern side of the building. There is now a full height void over the ground floor foyer/lobby. Skylights are provided along this foyer in addition to glazing provided to part of the northern internal wall of the indoor courts.

Amendments to the Eastern (front) Elevation:

A change of material is proposed to the eastern entry with climbing plants flanking the entry, which is in addition to the landscaping proposed at ground level. The design includes the continuation of external pavers into the foyer and a timber soffit. The northern wall of the gymnastics court will now include glazing on the external façade.

Amendments to the Southern Elevation:

The southern egress has been widened and will be provided with full height glass, with the intention of providing transparency into the building without glare impacting on the users of the building.

The changes did not substantially alter the built form or scale of development and did not warrant a further referral to NSW Police or Transport for NSW, nor the internal officers at Council. The amendments did not require the proposal to be renotified.

The amended plans were reported back to the Design Excellence Panel for comment and recommendation on 7 December 2020. The comments from the DEP are provided below:

"This proposal is a DA submission for delivery of a multi-use community and sporting centre that includes a purpose built Gymnastics Centre, an Indoor Sports Centre, and a Community & High Performance Centre for the South Sydney Rabbitohs. The associated demolition, landscaping, car parking and site works, not captured within the below-mentioned REF, are also the subject of this proposal.

The panel is familiar with the site, its immediate and broader context along Bunnerong Road, and the challenges associated with development of major sporting venues in open field sites. This is the third review of this project by the Panel.

Principle 1: Context and Neighbourhood Context

The subject site is located within the south-western corner of Heffron Park, at 417-439 Bunnerong Road, Maroubra and is legally known as Lot 7026 DP 1026884. The site is located on the western edge of Randwick LGA adjacent to Bayside LGA, and has a primary frontage to Bunnerong Road. It acts as a mediating element between the residential developments to the west and the open landscape of the park on the east. The site is Crown Land owned by the NSW Department of Lands, with Randwick City Council acting as the Reserve Manager.

Heffron Park is the largest recreational park in Randwick and includes playing fields, tennis and netball courts, a cycling criterium track and an aquatic and leisure centre. The park is bounded by Bunnerong Road, Fitzgerald Ave, Robey Street and Jersey Road. It provides a central focus point of recreation activity for this area on the peninsula.

The surrounding context of the site is predominately low and medium density residential, with Southpoint Shopping Centre and a number of smaller business premises and shop-top housing located immediately to the west of the site across Bunnerong Road, with Matraville Public School located 300m to the south-west and Champagnat Catholic College located 400m to the north.

This project will be the single biggest investment in the park to date, and possibly the largest in the implementation of the masterplan, so the regenerative benefits associated with the centre must be leveraged.

The proponent has noted that an art strategy is under development. The timing of which is to be confirmed."

Assessing Officer Comment:

The comments are noted.

Following the DEP meeting, the applicant has provided a Public Art Strategy for the Heffron Centre dated 28 January 2021. The purpose of the Strategy is to develop and describe Council's approach to procuring and delivering public art as part of the Heffron Centre project. The key themes and design initiatives that have been identified for exploration and potential integration through Public Art within the Strategy are:

- *Celebrate Aboriginal culture, given the local context and significance of the Maroubra area, as Bidjigal Country, and the importance of cultural connections to Randwick City Council and the South Sydney Rabbitohs.*
- *Reflect the local context of Maroubra with respect to its coastal nature.*
- *Explore the importance of activity, recreation and wellness to the local Community.*
- *Promote durability and sustainability through design.*

These themes will be subject to further consideration once the Public Art Curator is appointed to assist in the planning, procurement, design and delivery of public artwork as part of the project.

The Strategy identifies the following potential artwork opportunities which will be explored through the design process:

- 1. Mural and / or façade treatment to the southern and eastern elevations of the indoor courts, potentially including the eastern elevation of the gymnastics centre.*
- 2. Façade treatment and / or illuminated treatment to the southern and western elevations of the gymnastics centre.*
- 3. Sculptural artwork opportunities within the central courtyard / entry area.*
- 4. Internal treatment to the entry airlock.*
- 5. Sculptural artwork opportunities within landscaped mounds and garden beds to the west of the building.*
- 6. Integration of artwork through paving within the public domain (e.g. western courtyard and car park zone) and internal foyer.*
- 7. Artwork integration within the signage, graphics and wayfinding design.*

Indicative time frames would see the appointment of a public art curator and public artist in February to March 2021, and artwork design and stakeholder consultation in April to July 2020. It is noted that construction of the Heffron Centre is anticipated to be completed by September 2022, which would include the installation of the artwork.

"Principle 2: Scale and Built Form

The Panel notes the updated presentation materials and the functional operations described in the updated submission materials. The basic layout of the centre has not changed during the period of Panel review; however some amendments have been made to the western entrance, east/west circulation spine and other locations where additional openings have been provided.

The Panel reiterates its concerns that this is a singular opportunity to create a building in the round that capitalizes on its unique location within this large open space. Previous commentary has noted the potential to integrate the building more fully into the landscape, create a family of forms and open up the massing where possible so that the building reads as a series of elements instead of a single large massing.

The changes made to date, while recognised as moving the design in the right direction, do not go far enough to address the Panel's concerns about a missed opportunity for this project and

site. The unexplored potential of art is another avenue to lift the project and needs to be seriously considered. Given the visibility of this project across the open spaces of Heffron Park and along the Bunnerong Road corridor, this offers potential to define an improved architectural outcome.

There would be potential themes related to 'Designing with Country', celebration of sport and environmental identity that could provide a rich visual outcome for the project. An approach where art was primarily used to define the building, however, would need to provide a holistic integration of art into the architecture and not as an 'add on' limited to partial surface treatments.

The Panel believes it is important to go back to the original principles noted in the August 2020 Panel meeting that the massing should be modulated and the opportunity to create an exemplary public building should be embraced. The use of art is only one tool to get closer to achieving this outcome."

Assessing Officer Comment:

The intent of the Heffron Centre is that it operates as an integrated facility which provides for a good crossover and blending of uses. The multi-purpose space is intended to be used by both the Rabbitohs and gymnastics, and the Rabbitohs theatres and classrooms can be used for community outreach, centred around a shared internal space that allows for movement and congregation. The intent is to provide a single centre of sport.

The massing of the building has been reconsidered by the applicant's design team, as detailed in Section 7.0 of this Report. The eastern entry has been reconfigured to increase the separation of the indoor courts to the south and the CHPC to the north. The southern egress has been widened and provides further contrast, breaking up the mass of the gymnastics and indoor courts in half. Full height glass allows for glimpses into the building during the day and night. An additional glazing element has been added to the northern wall of the gymnastics court providing a change in materials. The internal 'street' linking the front and rear of the building has been reduced in scale and skylights allow for clear vistas through the building.

"Principle 3: Density

N/A

Principle 4: Sustainability

Further information on sustainability was not provided for this review session. Previous commentary would remain.

Principle 5: Landscape

Green walls have been added at the eastern entrance of the east/west spine. While these provide additional greenery they appear to be a token gesture at this location. An overall approach to the landscape of the entrances and spine should be considered.

The Panel would also like to see the previous commentary around the native landscape that once occupied the site and surrounding area being a central feature of the design and its integration into the manicured Heffron Park setting."

Assessing Officer Comment:

A detailed landscape package has been prepared by Clouston Associates which provides a landscape concept design, identifies tree removal and includes a planting palette consisting of Australian Native grasses, trees, shrubs and ground covers. The landscaping will be used in conjunction with mounding to reflect the dunes associated with the area. The landscaping will also incorporate seating walls in the forecourt. The landscape dunes will be used as directional mounding to guide users to the main entrance.

The Public Art Strategy will also tie in with the landscaping and it is considered that an appropriate landscape response has been prepared by the applicant.

“Principle 6: Amenity

The western entry area has been revised to provide a stronger visual link from the entry court to the east/west spine. This is supported.

East/west circulation spine – This spine is now being treated more like an interior street and this approach is supported. Wall and floor finishes should reinforce this concept. The Panel notes the additional views into adjacent spaces, the increased glazing to the eastern entrance and the skylight.

Commentary on the location of the café as determined by a marketing basis is noted and the Panel has no further comments on that issue.

A number of additional openings have also been provided in perimeter rooms however the long internal corridors, without external views, remain. As noted previously, the Panel is concerned about internal legibility and wayfinding of these elements, and the missed opportunity to leverage the connection with landscape and for these axial connections to reinforce the village massing concept.”

Assessing Officer Comment:

The internal layout of the centre has been carefully considered in regard to the location of the different uses and the integration between these spaces. The central walkway between the front and rear of the building is an open space allowing through site lines and the opportunity for users to sit around the café area and also stop and observe into the indoor courts. A wider circulation space leads to the gymnastics centre and reception, where a viewing area is located.

Given the different uses within the building and the internal spaces required for these uses, the internal legibility is suitable for the development.

“Principle 7: Safety

No safety issues were identified.

Principle 8: Housing Diversity and Social Interaction

N/A

Principle 9: Aesthetics

The Panel notes the minor changes in surface treatments to further differentiate the individual volumes. The lower level wrap around masonry base is still supported as a device that anchors and contains the larger collection of built forms. As previously noted, further development of the architecture of the blocks needs to be considered for the project to be seen as a collection of volumes and voids.

Some views from the alignments of Bunnerong Road have been provided. These appear to reinforce the need for further development of the project architecture to realise an exemplary outcome on this site.

The Panel also noted previously that the aesthetic potential of the roof, as a large 5th elevation will be seen from nearby apartments, should be further considered.”

Assessing Officer Comment:

The applicant has considered these comments and has developed a design that breaks down the volume using colour and texture to contrast the masonry base.

As stated, the Public Art Strategy has been developed to add another layer to the external design of the Centre, along with landscaping.

“SUMMARY AND RECOMMENDATIONS

As previously noted, the proposal provides a rare opportunity to create a landmark in a visible place that serves the community, demonstrates Council's ongoing commitment to sustainability and community, and houses an iconic sports team with all of the unique identity attributes that offers. The proposal provides an opportunity to realise exemplary sustainability outcomes, create a building that merges with its sweeping landscape while providing both public and private amenity.

The Panel believes the scheme needs to go further in attaining these aspirations. Art and materiality should be only one part of this further development.”

Assessing Officer Comment:

Consideration of the DEP comments against the Stage 2 Detailed DA submission has been made. It is acknowledged that the Centre has been designed to provide an integrated indoor sporting facility for various users that meet their individual needs, as well as being within the allocated budget for the project.

The project aligns with the Plan of Management and the Masterplan applying to Heffron Park. The upgrading of the indoor recreation facility has been under consideration for several years, and extensive engagement has been undertaken with the Council and the community, as well as the relevant sporting groups.

It is considered that the proposal provides for a high quality development which will be enhanced by the landscaping and public art works that will be provided on the site.

It will be recommended in the conditions of consent that consultation with the DEP continue as the Public Art Strategy evolves.

The development as submitted under DA/486/2020 is therefore supported.

8.0 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 (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy 64 – Advertising and Signage
- Randwick Local Environmental Plan 2012.

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

The application has an estimated cost of \$45,650,000 and the applicant is Randwick Council. As the application is for Council related development over \$5 million, the proposal is classified as regionally significant development pursuant to Schedule 7 of SEPP (State and Regional Development 2011). The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7 of the Environmental Planning and Assessment Act 1979.

8.2 State Environmental Planning Policy (Infrastructure) 2007

The application was referred to Transport for NSW for comment in accordance with Clauses 101 and 104 of the State Environmental Planning Policy (Infrastructure) 2007 and concurrence under Section 138 of the Roads Act 1993.

On the 4th of February 2021, Transport for NSW provided written advice that they have no objection to the proposal, subject to recommended conditions of consent. Refer to Part 7.0 of this Report.

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

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. The site

The proposal does include the filling/raising of the existing ground level to accommodate the necessary floor levels. Sourcing of the fill will include the reuse of cut/excavated material from the site's perimeter and from the raised mounds located on the showcase field. This aligns with the proposed remediation strategy adopted for the project, involving the capping and containment of contaminated material.

Heffron Park has been the subject of several site investigations. Its site history involves use as a Navy storage facility which was demolished between the 1950s and 1980s. The sources of historical contamination identified are from the historical demolition of buildings on site impacting fill on site along with previous site use as a Navy storage facility. Douglas Partners have prepared a Preliminary Site Investigation which through an analysis of 15 test pits confirms the presence of contamination and accordingly the need to undertake remediation in order to make the site suitable for the development. A Remediation Action Plan (RAP) has been prepared by Douglas Partners which details the preferred remediation strategy to be implemented to ensure that the site is suitable for the proposed use.

Council's Environmental Health Officers have reviewed the documentation and have made the following comments:

"A Preliminary Site (Contamination) Investigation Report (PSI Report) has been prepared by Douglas Partners and is provided at Appendix F. A review of the available documentation and information regarding the site history as well as an intrusive investigation was undertaken to inform the recommendations and conclusions of the PSI Report. It was concluded that the site can be made suitable for the proposed development subject to the following:

- Delineation of the depth of fill and contamination identified in fill, and confirmation of the waste classifications of fill;*
- Further investigations of data gaps including within the footprint of existing building, carparks and sporting courts post demolition, and mounds; and*
- A groundwater investigation, possibly with leachability testing, to assess whether identified contamination in fill has impacted underlying groundwater and if present, whether there is a risk of off-site migration.*

It has been recommended that the above be undertaken in accordance with the relevant Remediation Action Plan (RAP) and Site Environmental Management Plan (SEMP). A RAP has accordingly been prepared by Douglas Partners and is provided at Appendix G.

Asbestos conditions are included in this report for the demolition of the current building on site."

It is Council practice that once a Preliminary Site Investigation is provided that indicates a site can be made suitable with further investigation (that is, a detailed investigation), then Council proceeds with determining the DA with appropriate conditions. Therefore the current remedial strategy is acceptable. Council's Environmental Health Officers have recommended conditions of consent which are included in this report.

8.4 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP No. 64 applies to all signage that can be displayed with or without development consent under an environmental planning instrument and is visible from any public space or public reserve.

The proposal includes signage location zones on the eastern and western elevations of the building. The eastern elevation illuminated signage zone will be 12m long by 5.5m high and will be visible from the Showcase Field. The western elevation illuminated signage zone will be 4.8m long by 2m high and will present to the front elevation of the building.

The signage zones proposed in this application fall under either business identifications signs or building identification signs as per Part 3 of the SEPP. The proposed signage zones will facilitate signage that is compatible of the building aesthetics and scale, and the site's surrounding context, and will assist in communicating the uses, location and nature of the Heffron Centre to assist in wayfinding and community understanding of the facilities.

Further details on the signage content and illumination fixtures will be required to be submitted to Council prior to the issuing of a Construction Certificate, to ensure that the aims and objectives, and the criteria specified in Schedule 1 will be satisfied.

8.5 Randwick Local Environmental Plan 2012:

Part 2 – Land Use Zoning

The subject site is zoned RE1 – Public Recreation under Randwick Local Environmental Plan 2012. The proposal is considered to be consistent with the zoning objectives in that it:

- Provides for the continued use of land for recreational purposes;
- Protects and enhances the natural environment for recreational uses;
- Supports a range of recreational activities and compatible land uses; and
- Is sited and designed to minimise environmental impacts.

The proposed uses of the Centre include a “recreation facility (indoor)” and “café” which are defined as follows:

“recreation facility (indoor)” means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”

“restaurant or cafe” means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.”

These land uses are permissible uses in the zone with consent. The change facilities, equipment storage, merchandise shop and general administration areas are ancillary to the main indoor recreation facility.

Shared community facilities will also be provided which will form part of the indoor recreation facility. The Centre will also be used by South Cares, an independent not-for-profit benevolent institution which was established to support the local community and address social need across the South Sydney region. South Cares support disadvantaged and marginalised youth and their families through the delivery of programs addressing education, training, health and employment needs.

While the community classrooms and Souths Cares administration areas are designed to be ancillary to the main indoor recreation facility, it is noted that the RE1 zone does allow for community facilities with consent, defined as:

“community facility” means a building or place—
(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.”

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 51,000m² 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 the Randwick Design Excellence Panel.

A detailed response to the proposed development is provided in section 7.0 of the report.

It is considered that the proposal satisfies the provisions of Clause 6.11 in that it:

- exhibits a high standard of architectural design, materials and detailing appropriate to the building type and location,
- the form and external appearance of the development will improve the quality and amenity of the public domain in and around the site,
- responds to the environmental and built characteristics of the site through the design and finishes which integrate with the landscape and broader Heffron Park site,
- the building includes a variety of ecologically sustainable development measures in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency, and
- does not detrimentally impact on view corridors and landmarks.

Refer to the comments provided in this report relating to the referral to Randwick DEP.

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

Clause 6.12 applies to land that has a site area of at least 10,000m² or is identified as “DCP required” on the Key Sites Map. Clause 6.12 therefore applies as the site area is approximately 51,000m². Development consent must not be granted for development on land to which this clause applies unless a development control plan has been prepared for the land.

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 control 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 Concept DA submitted under DA/480/2020 can be used to satisfy the requirement for a site-specific development control plan under Section 4.23 of the EP&A Act 1979.

The Concept DA meets the requirements under subclause (4) of clause 6.12 which provides the matters which must be provided within a development control plan (or Concept DA in this instance).

This Stage 2 Development Application (DA/486/2020) seeks approval for the building works which are in line with the plans submitted under the Concept DA (DA/480/2020).

9.0 Policy Controls and Key Issues

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

9.1 Randwick Comprehensive Development Control Plan 2013

Section B1 – Design

The design of the Centre has been considered by the Randwick DEP and comments are provided under Section 7.0 of this report.

Section B3 – Ecologically Sustainable Development

Submitted with the application is an Ecological Sustainable Development Strategy prepared by Integral Group.

The report outlines several Ecological Sustainable Development (ESD) concepts that have been considered in the design of the Heffron Centre including renewable energy, water recycling and efficient use of materials. The key initiatives proposed in the design of the development include:

- Sustainable building design to promote natural light and solar access, as well as natural ventilation.
- Reduction in energy consumption, through the installation of roof-mounted Solar Photovoltaic Cells.
- Supporting the use of electric vehicles via installation of electric vehicle charging stations.
- Promote active and sustainable travel through the provision of bicycle parking, over and above standard provisions. End of trip and change facilities are also provided.
- Optimising energy usage through Smart-Energy Monitoring and Building Monitoring Systems.
- Reducing usage of potable water through: – The recycling of rainwater captured and stored from the Centres' roof drainage. – The use of bore water for irrigation purposes.
- Replenishing the aquifer, used to draw bore water, through harvesting of stormwater allowing passive infiltration.

The Statement of Environmental Effects prepared by Ethos Urban and submitted with the DA includes Figure 24 showing the proposed ESD initiatives. This figure is replicated below.

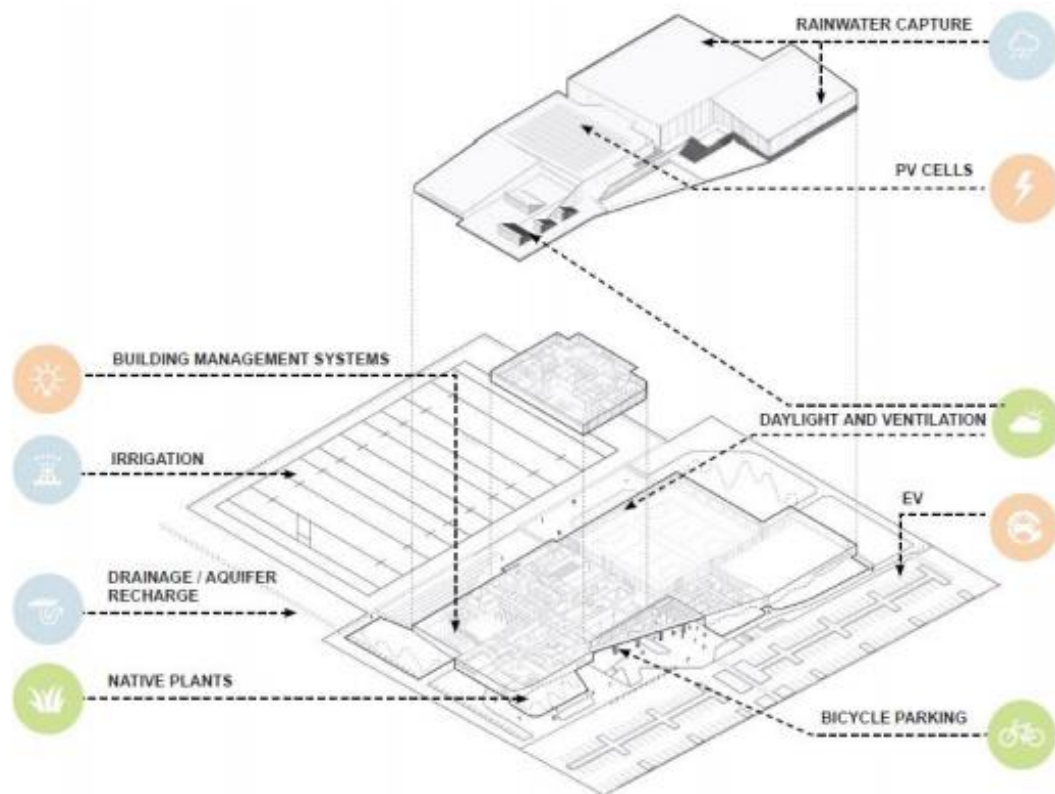


Figure 24 Proposed ESD Initiatives

Figure 7. Source: *Statement of Environmental Effects prepared by Ethos Urban*

A Section J compliance report has also been prepared and submitted to demonstrate the Heffron Centre's energy efficiency design aspects complies with Section J of the National Construction Code

Section B4 – Landscaping and Biodiversity

An Arboricultural Impact Assessment has been prepared by TreelQ and provides a Visual Tree Assessment (VTA), to determine the impact of the proposed works on trees, and where appropriate, recommend the use of sensitive construction methods and tree protection measures to minimise adverse impacts. A total of 105 trees were assessed, comprising a mixture of endemic, native and exotic species, with the most dominant representation being (17) Swamp She Oaks. None are included in Council's Register of Significant Trees, none are threatened species, and none are classified as Priority Weeds for the Greater Sydney. There are two (2) trees which are already dead, and another 49 trees have been given consent to be removed as part of a separate REF for the adjoining Showcase Field, immediately to the east of this site.

There are 43 trees shown for retention and 11 trees proposed to be removed.

In terms of new landscaping on the site, a Landscape Design Report has been prepared by Clouston Associates. The landscape design has taken inspiration from the site's underlying physical geography by providing a setting that is centred on a dune-type character with the dominant features formed by mounds of planting set on a consistent diagonal axis framing the building. The low planted mounds provide areas of shelter and strong visual elements in the landscape. Planting throughout the landscape will be focused on coastal plants and native grasses that already exist elsewhere in Heffron Park and which will convey the dune character of the landscape.

The Landscape Design Package has been assessed by Council's Landscape Officer who has advised that the documents provide a high level of detail, that will ensure a satisfactory outcome for the site.

Section B6 – Recycling and Waste Management

An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot to support the design and sustainable performance of the building. The OWMP identifies the different waste streams likely to be generated during the operational phase of the development, as well as how the waste will be handled and disposed, details of bin sizes/quantities and waste rooms, descriptions of the proposed waste management equipment used, and information on waste collection points and frequencies.

Section B7 – Transport, Traffic, Parking and Access

A Transport Impact Assessment has been prepared by GTA Consultants and addresses the anticipated transport implications of the proposed development and provides an assessment of the proposal's compliance against the statutory parking requirements under RDCP 2013. The report also considers the suitability of the proposed access arrangements for the site.

The proposal has been considered by both Council's Traffic Engineers and Transport for NSW, who do not raise any objection to the proposed development.

Vehicular Access to the carpark and drop-off/pick-up area is proposed via the existing signalised intersection of Bunnerong Road and Flint Street, as well as the existing left-in/left-out driveway towards the southern end of the site. A new at-grade car park is proposed immediately west of the proposed development. The car park has capacity for approximately 143 cars and is connected to the existing car park adjacent to the synthetic field and tennis courts to the north. Secure bicycle parking will be provided in the CHPC for staff, while visitor bicycle parking will also be provided in the public domain.

Parking demand is expected to vary throughout the week, with demand for around 118 spaces expected on a weekday afternoon and 143 spaces on a weekend during peak times. The provided 143 parking spaces are considered to be appropriate and will cater to the parking demands of future visitors and employees. The drop-off/pick-up area exceeds the recommended minimum width of three metres and is intended for use by both cars and buses/coaches.

A total of 14 bicycle spaces including six (6) spaces for staff are proposed, and one dedicated loading area. The loading area can be accessed by 8.8 metre long medium rigid trucks noting that most deliveries are anticipated to be by small delivery vehicles such as vans/ utes and 6.4 metre small rigid trucks which would also largely use the drop-off/ pick-up area outside peak operational periods.

The main pedestrian access point to the site is proposed via Bunnerong Road. The design also provides for internal pedestrian and cyclist connections to other areas of Heffron Park.

Section B8 – Water Management

A Flood Impact Assessment was undertaken by Northrop Consulting Engineers for the Showcase Field adjacent to the Heffron Centre, and a Flood Risk Memorandum has also been prepared by Northrop Consulting Engineers as part of this application. Northrop has confirmed the design has been developed in accordance with the flooding related development controls outlined in Randwick City Council's Flooding Advice and Flood Related Development Controls Policy (2012). A Stormwater Management Report has also been prepared by Northrop.

Council's Development Engineer has assessed the documentation submitted with the application and have recommended conditions of consent to ensure that the construction certificate plans are compliant with Council's flood planning requirements. Council's Engineer also advises that amended drainage plans will be required prior to the issuing of a construction certificate to address the drainage design requirements of Council.

Section B9 – Management Plan

Submitted with the DA is an Operational Plan of Management prepared by NS Projects Pty Ltd dated 5 September 2020. This Operational Plan of Management details the following:

- Ownership and Programming:
 - Building owner, tenants, and operators;
 - Tenant management and performance;
 - Lease documentation; and
 - Programs offered.
- Management and Operations:
 - Employment;
 - Hours of operation;
 - Showcase Field access;
 - Security and controlled access;
 - Insurance provisions;
 - Cleaning;
 - Waste management;
 - Maintenance and repairs;
 - Car park access and control;
 - Loading and service vehicles access;
 - Handling and storage;
 - Hazardous materials management;
 - Emergency response;
 - Flood lighting and external lighting;
 - Noise and acoustic controls;
 - Sustainability; and
 - Complaints management.

The Plan of Management adequately addresses the relevant management controls applying to the proposed development.

Part F – Miscellaneous Controls

Part F1 of the DCP relates to Development in Recreation Zones. The controls under Part F1 are as follows:

- “Development proposed in a RE1 or RE2 zone must demonstrate the following as a minimum:*
- i) the need for the proposed development on that land;*
 - ii) the need to retain the land for its existing or likely future recreation use;*
 - iii) the impact of the proposed development on the existing or likely future use of the land;*
 - iv) whether the proposed development is complementary to the scenic, recreational and/or ecological values of the land; and*
 - v) in the case of RE1 Public Recreation zoned land, whether the proposed development would:*
 - a) unreasonably impede or diminish the intended public use or public access to the land;*
 - b) be consistent with any relevant plan of management adopted by Council.*

The need for the proposed development has been established under the Heffron Park Plan of Management. The proposed development is sited within Heffron Park that lines up with the Plan of Management and the Masterplan applying to Heffron Park. The Concept DA provides for an appropriate building location and envelope, considering the various sporting uses contained within Heffron Park. The proposal will not impede or diminish the intended use or public access to the land, and as stated will be consistent with the Heffron Park Plan of Management adopted by the Council.

Part F2 of the DCP relates to outdoor advertising and signage. Signage has been addressed under Section 8.4 of this report.

9.2 Key Issues

The key issues not already addressed within this report are outlined below.

Lighting

The application includes new flood lighting to the approved Showcase Field to facilitate training, with four (4) x 28m high flood lights being proposed (2 lights each on the western and eastern sides of the field). Pending the time of year, it is anticipated that lighting to the Fields will be in operation between the hours of 5.00pm and 11.00pm for use by South Sydney Districts Rugby League Football Club for training purposes and also by community groups.

The application includes the submission of a *Lighting Performance Report for the Showcase Field and South West Fields* prepared by Northrop Consulting Engineers. During detail design, lighting design software (AGi32) will be used to verify the horizontal illuminance levels at 5m x 5m grids as recommended by AS2560.2.3. The flood lighting will be designed in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting and the design software will be used to calculate AS4282 compliance. At completion of the installation, verification takes place by measuring the actual lighting levels at 5m x 5m grids as recommended by AS2560.2.3.

The Lighting Performance Report also addresses the applicable Australian Standards for public pathway lighting, noting that nighttime pedestrian activity is considered high during practice events on the Showcase Field.

External lighting is also proposed within the surrounding public domain to provide safe and secure means for pedestrians to move in and around the centre and associated car parking. Also submitted is an *External Lighting Assessment Report* prepared by Integral Group which considers a suitable external lighting strategy for the development.

Acoustic/Noise

It is noted that a separate Acoustic Report was prepared by Koikas Acoustics in 2018 for the Showcase Field. The report states that the consultants were satisfied that the use of the Showcase Field will not result in adverse acoustic impacts to surrounding residents, as the noise would not be atypical for the area given the existing Heffron Park facility has been used for many years as a training and match day sporting facility.

Included in the submission of this application is a report prepared by Resonate Consultants to provide acoustic design advice for the development. This report assessed noise emissions from mechanical plant items and other roof equipment, noise emissions from car park activities, and potential noise break out of activities within the building. The report made the following conclusions:

Mechanical plant noise emissions

Maximum sound power levels were determined for each of the two plant locations on the roof. In the case that these sound levels aren't able to be met with unit selection, other alternative noise mitigation measures are suggested.

Car park noise emissions

The expected car park noise generation from car door closures, car ignition and car pass-by meets the daytime and evening assessment criteria of the EPA's Noise Policy for Industry. Compliance with the criteria is not achieved for the night-time period. As a result, in order to operate in a compliant manner, it is recommended that large games or events should finish prior to 9.30pm so that patrons may leave the car park before 10pm.

Indoor courts noise emissions

Provided the halls operate simultaneously and have closed windows and doors, the criteria is met at the nearest residential receivers for the day, evening and night time periods. If there are louvres or open windows for ventilation, assuming 10m² of open area for each space, the criteria will be met during the daytime and evening periods but not for the night-time period. If

further mitigation measures are required as the design progresses, there is the possibility of installing acoustic louvers or managing noise with an operational management plan.”

These recommendations are incorporated into the recommended conditions of consent, with the exception of limiting ‘large games or events’ to cease at 9.30pm. The conditions of consent allow the facility to be used until 10pm, as the report does not define what constitutes a ‘large game or event’ and imposing such a condition would be open to interpretation. It is not considered that the half an hour in question (between 9.30pm and 10pm) would result in significant acoustic impacts to the immediate area and Council’s Environmental Health Officers have not imposed a condition requiring use to cease at 9.30pm.

Accessibility

Design Confidence has prepared an *Access Design Assessment Report* for the application. An accessway is provided to the proposed building from the site boundary at Bunnerong Road and from the proposed accessible parking spaces. The accessible parts of the building have been assessed and the report concludes that the subject development is capable of achieving compliance with the relevant accessibility provisions of the National Construction Code – Building Code of Australia Volume 1, Edition 2009 Amendment 1, subject to the comments provided in the report.

This report, along with the *BCA Design Assessment Report* also prepared by Design Confidence, has been assessed by Council’s Building Surveyor who raises no issues with the reports and recommendations.

9.3 Randwick City Council Development Contributions Plan

According to Clause 13.2 of the Randwick City Council Section 94A (s94A) Development Contributions Plan 2015, applications that are submitted by or on behalf of Randwick City Council can be considered by Council to be exempt from Section 94A development contributions. As this application has been prepared on behalf of Council, the requirement of development contributions should not be imposed given the significant public benefit which will result from the proposal.

10. Environmental Assessment

Section 4.15 ‘Matters for Consideration’	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Refer to “Policy Control” section of this report above for details.
Section 4.15(1)(a)(iiiia) – 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	This report has considered the likely impacts and the proposal is supported.
Section 4.15(1)(c) – The suitability of the site for the development	The subject development is for a new indoor recreational facility and café, with ancillary uses. The site is zoned for the purpose of public recreation and as such the site is considered to be suitable for the proposal.
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 Stage 2 Detailed DA will not result in any unreasonable or unacceptable environmental,

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

11. Conclusion:

The Heffron Centre will deliver the upgraded community indoor recreation facilities which have been earmarked for the site for many years. It will also provide a new home for the South Sydney Rabbitohs Rugby League team and accommodate the team's headquarters and training facilities through the Community and High Performance Centre in association with the approved Showcase NRL Field. In addition, it will provide a new base for Souths Cares to double their health, education and employment programs for communities across South Sydney and broader NSW.

The Heffron Centre will deliver more than 200 jobs during construction, and more than 60 ongoing jobs through the operation of the facility.

The project is a shared vision between Randwick City Council, its key project partner the South Sydney District Rugby League Football Club (Rabbitohs) and the NSW State Government (through the Office of Sport).

The project has been through extensive community consultation which has assisted the applicant and their design team in forming the proposal that is now before Council. This Stage 2 Detailed Development Application seeks consent for the following works:

- Demolition of existing buildings and structures within the site.
- Site preparation works, including termination or relocation of site services and infrastructure, remediation, tree removal and the erection of site protection fencing.
- Construction of the new Heffron Centre, including:
 - A Community and High-Performance Centre (CHPC).
 - An indoor multi-purpose sporting facility.
 - A local indoor gymnastics centre.
 - Café.
 - Installation of floodlighting to the approved Showcase Field.
- Car parking for 143 spaces, including a combination of staff and visitor spaces, accessed via the existing signalised intersection of Bunnerong Road and Flint Street.
- Building identification signage.
- Public domain works within the site, including new landscaping and tree planting.

The proposal is consistent with the Concept Development Application submitted under DA/480/2020, which is generally consistent with the Heffron Park Plan of Management and the Landscape Masterplan. The proposal achieves the key objective of the Plan of Management, which is to ensure that Heffron Park retains its importance as a sporting park while providing increased opportunities and improvements in passive recreation.

It is recommended that the Stage 2 Detailed Development Application, DA/486/2020, be approved subject to a deferred commencement consent requiring the necessary authority under the Crown Land Management Act 2016 be obtained prior to the consent becoming operational.

Recommendation

A. That the Sydney Eastern City Planning Panel, as the consent authority, grants deferred commencement consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/486/2020 for:

- Demolition of existing buildings and structures within the site;
- Site preparation works, including termination or relocation of site services and infrastructure, remediation, tree removal and the erection of site protection fencing;
- Construction of the new Heffron Centre, including:
 - A Community and High-Performance Centre (CHPC).

- An indoor multi-purpose sporting facility.
- A local indoor gymnastics centre.
- Café.
- Installation of floodlighting to the approved Showcase Field.
- Car parking for 143 spaces, including a combination of staff and visitor spaces, accessed via the existing signalised intersection of Bunnerong Road and Flint Street;
- Building identification signage;
- Public domain works within the site, including new landscaping and tree planting;

located at 417-439R Bunnerong Road, MAROUBRA subject to the following conditions:

Deferred Commencement Condition

A1 This consent will not operate and may not be acted upon until the Council is satisfied as to the following matter:

- Council is to prepare and adopt a compliant Plan of Management for the site under Division 3.4 of the Crown Land Management Act 2016 that authorises the proposed development.

If the applicant fails to satisfy Council as to be above matters within 2 years from the date of determination this consent will lapse.

Evidence of the above matter must be submitted to Council within 2 years otherwise the Consent will not operate.

Operational Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Date Received by Council
DA101 Cover Sheet Revision E	Co-Op Studio	17.12.20	18.12.20
DA111 Existing & Demolition – Site Plan Revision E	Co-Op Studio	17.12.20	18.12.20
DA112 Site Plan Revision E	Co-Op Studio	17.12.20	18.12.20
DA201 General Arrangement Plan – Ground Floor Revision E	Co-Op Studio	17.12.20	18.12.20
DA202 General Arrangement Plan – Level 01 Revision E	Co-Op Studio	17.12.20	18.12.20
DA203 General Arrangement Plan – Roof Revision E	Co-Op Studio	17.12.20	18.12.20
DA401 Building Elevations – North & South Revision E	Co-Op Studio	17.12.20	18.12.20
DA402 Building Elevations – East & West Revision E	Co-Op Studio	17.12.20	18.12.20
DA501 Building Sections – A & B Revision E	Co-Op Studio	17.12.20	18.12.20

DA502 Building Sections – C & D Revision E	Co-Op Studio	17.12.20	18.12.20
DA901 Building Signage Revision E	Co-Op Studio	17.12.20	18.12.20
DA951 Shadow Analysis Revision E	Co-Op Studio	17.12.20	18.12.20
DA961 Area Analysis Revision E	Co-Op Studio	17.12.20	18.12.20
DA971 Photomontages Revision E	Co-Op Studio	17.12.20	18.12.20
DA972 Photomontages Revision E	Co-Op Studio	17.12.20	18.12.20
DA973 Photomontages Revision E	Co-Op Studio	17.12.20	18.12.20

Landscape Plans

Landscape DA Package S20-0001, Issue C SK 3 to SK23 inclusive	Clouston Associates	01.09.20	21.09.20
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Reports

BCA Design Assessment Report No. P220_013-2 (BCA) LB	Design Confidence	02.09.20	21.09.20
DA Statement for Fire Engineering	UMOW LAI	02.09.20	21.09.20
Access Design Assessment Report No. P220_013-2 (ACCESS) FMR	Design Confidence	02.09.20	21.09.20
Section J (DTS) Compliance Report	Integral Group	02.09.20	21.09.20

Concept Plan Approval

- The works shall be in accordance with the Concept Plan Approval DA/480/2020. The Concept Plan Approval is supported by the Architectural Design Report, The Heffron Centre, prepared by Co-Op Studio Pty Ltd Revision 3 dated 14 September 2020, and received by Council on 17 September 2020, and as amended by the Design Excellence Panel Design Response, The Heffron Centre, prepared by Co-Op Studio Pty Ltd Revision 1 dated 2 December 2020.

Public Art Strategy

- The Public Art Strategy prepared for the Heffron Centre by Randwick City Council dated 28 January 2021 is to be updated as the key appointment milestones listed under Section 3.6 of the Report are met. During each key appointment process, consultation and/or liaison with the Randwick Design Excellence Panel is to be undertaken.

Operational Plan of Management

- The operation of the facility shall be in accordance with the Operational Plan of Management prepared by NS Projects Pty Ltd dated 5 September 2020.

Transport for NSW (formally Roads and Maritime Services)

- All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Bunnerong Road boundary.
- All vehicles shall enter and exit the site in a forward direction.
- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- Bicycle Parking should be provided in accordance with AS2890.3.
- The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

11. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

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

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

Compliance Fee

13. 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

14. 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

15. 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) Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and it is not necessary to carry out any remediation work.
- b) The written concurrence of the appointed site auditor and Council must be obtained **before any Construction Certificate is issued** for the development, which confirms

that Council does not require further investigations or site remediation work to be undertaken or, require other matters to be satisfied.

16. Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (as amended 2013), the following requirements must be complied with:

- 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**. The RAP is also required to be reviewed by an independent NSW Environment Protection Authority (EPA) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
- 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.
 - 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 NSW Environment Protection Authority (EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report must be submitted to Council by the Site Auditor, which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999 (as amended 2013).

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

- e) A Site Audit Statement and Summary Site Audit Report must be submitted to Council **prior to:**
 - i) **any occupational certificate being issued for the development.**

Prior to commencing any above ground building [or any subdivision work], a written report or statement shall be obtained from the Site Auditor, which confirms that:

- the remediation work has been completed or is progressing in accordance with the Remediation Action Plan; and

- the proposed building [or subdivision] work is able to be progressed; and
- a Site Audit Statement will be provided upon completion of the development in accordance with this consent.

- f) 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 Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

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

- g) 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.

- h) 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.

- i) 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.
- j) The written concurrence Council must be obtained prior to implementing any changes to the remediation action plan or strategies.
- k) 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.

17. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by Douglas and Partners (Report no 99602.00) dated September 2020, 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.

18. 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.
19. 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*.
20. 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 detailed in the Remediation Action Plan prepared by Douglas and Partners (Report no 99602.00) dated September 2020.
21. 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.

22. 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.

23. The installation of the capping system must be in accordance with Remediation Action Plan prepared by Douglas and Partners (Report no. 99602.00) dated September 2020 and validated by a suitably qualified environmental consultant, prior to use or occupation of relevant buildings.
24. 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*.

25. 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

26. 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

27. 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.

Asbestos

28. A Demolition Work Plan must be prepared for the development in accordance with *Work Health and Safety Regulation 2017*, SafeWork NSW Code of Practice for the safe removal of asbestos and Australian Standard AS2601-2001, Demolition of Structures.

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor;
- Details of hazardous materials (including asbestos);
- Method/s of demolition and removal of hazardous materials;
- Measures and processes to be implemented to ensure the health & safety of workers and community;
- Measures to be implemented to minimise any airborne hazardous materials including asbestos air monitoring;
- Methods and location of disposal of any asbestos or other hazardous materials;
- Other relevant details, measures and requirements to be implemented as identified in the Hazardous Materials Survey;
- Date the demolition and any removal of asbestos will commence.

The Demolition Work Plan must be submitted to the Principal Certifier for the development, contamination consultant and Council, not less than two (2) working days before commencing any demolition works. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork licences and permits.

29. 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
- Randwick City Council's Asbestos Policy
- A SafeWork licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by SafeWork or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifier for the development and Council.

- Air monitoring for asbestos shall be incorporated to the demolition and asbestos removal to the satisfaction of the licenced asbestos removal contractor.
- 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 for the development 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, contamination consultant and the Principal Certifier for the development as soon as practicable after completion of the asbestos related works which confirms that the asbestos

Security Deposits

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

- \$9000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

31. 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

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

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

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

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals

- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

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

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

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

Telecommunications Infrastructure

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

- (i) The installation of fibre-ready facilities to all premises within the development project so as to enable fibre to be readily connected to any premises that is being or may be constructed. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and;
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all premises within the development project demonstrated through an agreement with a carrier.

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia & Relevant Standards

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

Access & Facilities

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

Site stability, Excavation and Construction work

36. 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*.

Design, Construction & Fit-out of Food Premises

- 37. In accordance with section 80 A (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).
- 38. The café premises is to be designed and constructed in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
- 39. The design and construction of the food premises must comply with the following requirements, as applicable:-
 - a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.
 - c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
 - d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
 - e) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.

- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

Sydney Water Requirements

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met. If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

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

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

41. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

Traffic conditions

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

satisfaction of the certifying authority, are to be included in the construction certificate documentation.

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

Design Alignment levels

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

- **Away from the internal road off Bunnerong Road - match the back of the existing footpath along the full site frontage.**
- **Where works abut the internal road off Bunnerong Road - match the existing internal road off Bunnerong Road.**

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.

45. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$12470** calculated at \$55.00 per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
46. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

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

47. The applicant must provide with the Construction Certificate a plan showing the critical 1%AEP Flood Levels around the proposed development site. The applicant must demonstrate to the satisfaction of the Certifying Authority and Council that all proposed floor levels and openings are a minimum of 500mm above the relevant 1%AEP Flood Levels or suitably protected up to these levels.

Stormwater Drainage

48. 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
 - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
49. The ground floor levels of the proposed developments shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

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

Internal Drainage

50. 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 Sydney Water controlled drainage network within Heffron Park; or
 - ii. Directly into Council's underground drainage system; or
 - iii. 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) / 10% AEP (1 in 10 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 the Sydney Water controlled stormwater drainage system within Heffron Park, the applicant must satisfy Sydney Water's requirements for on-site stormwater detention system. Details of Sydney Water's requirements must be included in the Construction Certificate for approval by the Certifying authority.
- e) 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).
- f) 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.

- g) 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.

- h) 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.
- i) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- j) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- k) 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.
- l) 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 arrester pit may be obtained from Council's Drainage Engineer.

- m) 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).

- n) 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.

- o) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

Waste Management

51. 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.

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

Landscaping & Environmental amenity: Landscape Plans

53. 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 DA Package by Clouston Associates, dwg's SK01-23, ref S20-0001, issue C, dated 01/09/20, with both this statement and plans to then be submitted to, and be approved by, the Principal Certifier.

Tree Protection Measures

54. In order to ensure retention of **T1-3, 48-50, 52, 58, 60-81, 87-91, 94-97, 100-102 & 105**, as detailed in **Section 4.1.4** of the Arboricultural Impact Assessment by TreeIQ, rev A, dated 03/09/20 (*the Arborist Report*) in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must clearly show the diameter of their trunks and canopies (as taken from the site survey), in relation to the works, along with their SRZ's, TPZ's and tree identification numbers.
 - b. All Construction Certificate plans must also show that the footprint of the new facility, carpark area and associated works, will be substantially consistent with the layout that has been detailed on the rev D architectural plans, and issue C Landscape Design Package.
 - c. Prior to the commencement of any site works, the Principal Certifier must ensure that an AQF Level 5 Consulting Arborist (who is eligible for membership with a nationally recognized organization/association) has been engaged as *the Project Arborist* for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent, the Tree Protection Specification, as well as any other instructions issued on-site.
 - d. The Project Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and works performed, which is to be presented as a Final Compliance Report, for the approval of the Principal Certifier, prior to any Occupation Certificate.
 - e. These trees are to be physically protected (either individually or in groups) by the installation of 1.8 metre high steel mesh/chainwire fencing panels, which shall be located to the perimeter of their TPZ's; or, as agreed to in writing by the Project Arborist, and must be such that they are completely excluded for the duration of works, in accordance with **Section 1.3** of the Tree Protection Specification (TPS).
 - f. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - g. The list of prohibited activities within their TPZ's, as detailed in **Section 1.2** of the TPS, must be adhered to at all times, and also includes scaffolding, unless the specific prior written agreement of the Project Arborist has firstly been obtained.
 - h. If the Project Arborist deems that additional trunk or branch protection is required, then it must comply with the requirements specified in **Section 1.6 and Appendix 6** of the TPS.
 - i. To prevent soil/sediment being washed over their root systems, erosion control measures may also be provided at ground level around the perimeter of the TPZ's, to the satisfaction of the Project Arborist.
 - j. Where practical, existing paths and surfacing shall be retained within their TPZ's as a form of ground protection, with pedestrians and vehicular movements to be directed/restricted to these areas. If new ground protection is required, then it must comply with the requirements of **Appendix 6** of the TPS.

- k. All initial works (including demolition), excavations and similar within their TPZ's must be performed under the direct supervision of the Project Arborist, with all site staff to comply with any directions given.
- l. The use of machinery within their TPZ is restricted to operating purely from areas of existing surfacing/new ground protection only, using a 'spotter' to avoid the indiscriminate damage of roots, in accordance with the requirements of **Section 1.10** of TPS.
- m. Any excavations associated with the installation of new services, pipes, hydraulic systems and similar must be located outside of their TPZ's. If this is not possible, then the Project Arborist must certify and supervise the use of 'tree sensitive excavation methods' such as hand/hydrovac/airspade, so as to minimise root damage, as detailed in **Section 1.11** of the TPS.
- n. Where major roots are encountered which the Project Arborist determines must be retained in-situ, then the Project Arborist must ensure that the affected part of the works are re-designed accordingly to allow their preservation. Notations must be included on the Construction Certificate plans indicating that site conditions (major roots) may require certain parts of the works to be adjusted.
- o. Where the pruning of minor roots is required, it can only be undertaken either by; or, under the direct supervision of, the Project Arborist, using only hand-held tools, and must be cut cleanly, with the affected area to then be backfilled with clean site soil, with the affected roots to then be wrapped in protective fabric so that they are not left exposed to the atmosphere.
- p. The Project Arborist and Certifying Authority must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of works, and prior to any Occupation Certificate.

Public Utilities

55. 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

56. Power supply to the proposed development shall be provided via an underground (UGOH) connection from the nearest mains distribution pole in Bunnerong Road. 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

57. 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

Construction Site Management Plan

58. 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

59. 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,

Demolition Work & Removal of Asbestos Materials

60. 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 10m² 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Construction Noise & Vibration Management Plan

61. 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

62. 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

63. 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 Bunnerong Road 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.

64. 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.

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

Civil Works

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

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

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

Public Utilities

67. 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.

Additional Landscape Detail

68. Additional construction details and information must be provided for the following elements of the Landscape Design Package, which must then be included as amendments on revised Plans:
- a. The stormwater swales, and how rainfall will be captured/re-circulated/re-used as part of site operations such as for irrigation;
 - b. The Project Arborist must provide written approval of a Tree Planting Detail for trees to be installed within the new carpark area, considering the use of linked planting pits comprising structural soil cells installed beneath pavements, overlaid with permeable paving and sub-base materials; or, a similar alternative outcome.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Site Seepage & Stormwater

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

Details must include the following information:

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

Road/Asset Opening Permit

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's *Road / Asset Opening Officer* must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Traffic Management

- 71. 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.
- 72. 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.
- 73. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

74. 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.

75. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

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

76. 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.

Street Tree Management

77. The written approval of Council's Co-ordinator of Tree Management must be obtained in regards to the species, size stock, location, quantity, spacing and similar, for replacement street trees to be installed along the Bunnerong Road frontage, with the Principal Certifier to ensure that any requirements are adopted, adhered to and fully implemented as part of the scope of works, prior to completion.

Tree Management

78. Approval is granted for removal of the following trees, as taken from **Appendix 3**, Tree Assessment Schedule, of the Arborist Report, subject to full implementation of the approved Landscape DA Package:

- a. **T82-83, 92-93 & 103-104**, being a row of semi-mature *Ficus rubiginosa* (Port Jackson Figs), along the Bunnerong Road frontage, so as to accommodate the shared path and associated landscape works in this same area as shown;
- b. **T84-86**, two *Eucalyptus botryoides* (Bangalays), as part of the new carpark area;
- c. **T98-99**, two declining *Agonis flexuosa* (Willow Myrtles) that could already be removed, irrespective of these works, due to their poor health and condition, but are also in direct conflict with the shared path and associated landscape works along the Bunnerong Road frontage.

NOTE: The submission states that approval for the removal of another forty-nine (49) trees has already been granted under a separate REF for the adjoining 'Showcase Field', including T4-24, 26-47, 51 & 53-59, so where these trees fall within the footprint of works contained in this subject application, they will need to be physically removed from site, prior to commencement of these works.

Pruning

79. Where clearance pruning of retained trees is required, it must involve only those lower growing, lower order branches, and only where necessary to avoid damage to the trees; or; interference with the approved works.
80. All pruning can only be undertaken either by the Project Arborist; or; a Practising Arborist who holds a minimum of AQF Level III in Arboriculture, 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).

Inspections during Construction

81. 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

82. 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

83. 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 10m² of bonded asbestos (or as otherwise specified by SafeWork NSW or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Details of the disposal of materials containing asbestos (including receipts) must be provided to the Principal 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Excavations, Back-filling & Retaining Walls

84. 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

85. 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

86. 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

87. 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

88. 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

89. 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

90. 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

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

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

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

Survey Requirements

92. 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

93. 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

94. 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

95. 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

- 96. 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

- 97. 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.
- 98. 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.
- 99. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

- 100. 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.

- 101. 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.

- 102. 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

- 103. 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.

104. 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

105. 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

106. 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

107. 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.

Noise Control Requirements & Certification

108. 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.

109. 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.

Food Safety

110. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, to confirm that the design and construction of the *food business* satisfies the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to issuing an Occupation Certificate.
111. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

Environmental Amenity

112. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all plant and equipment) 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 and conditions of Council's development consent. A copy of the report is to be forwarded to the Council with or prior to the issue of an occupation certificate.
113. 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 commencing any building works. The Validation report shall be prepared in accordance with Remediation Action Plan prepared by Douglas and Partners (Report no 99602.) dated September 2020.
114. A Safety and Environment Management Plan (SEMP) for post remediation management is to be prepared in accordance with Remediation Action Plan prepared by Douglas and Partners (Report no 99602.00) dated September 2020 prior to use/occupation of the development. The SEMP is to be prepared by a suitably qualified Environmental Consultant and submitted to Council. Details of the SEMP is to include but not limited to:
- Guidance on maintenance of the capping work
 - Management of activities which have potential to disturb the capping or underlying contaminated material
 - Management controls and procedures for the installation of sub-surface services/utilities, should future works be required

The adopted ongoing long-term SEMP for the management of contamination and future works at site form part of this consent and must be implemented accordingly. A copy of SEMP post remediation shall be forwarded to the director of City Services for inclusion in Standard Operating Procedures for the area concerned.

Council's Infrastructure, Vehicular Crossings & Road Openings

115. 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.
116. 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.
117. 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

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

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

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

Undergrounding of Power

119. 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 Bunnerong Road. 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

120. 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.
121. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- 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).

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

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

Landscaping

Site Arborist Certification

123. Prior to any Occupation Certificate, the Project Arborist must submit to, and have approved by, the Principal Certifier, written certification which confirms compliance with these conditions of consent, the Tree Protection Specification, the dates of attendance and works performed/supervised relating to the retention of **T1-3, 48-50, 52, 58, 60-81, 87-91, 94-97, 100-102 & 105**.

Landscaping General

124. 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 DA Package by Clouston Associates, ref S20-0001, issue C, dated 01/09/20, and any relevant conditions of consent.
125. Suitable strategies shall be implemented to ensure that this landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
126. That part of either the Bunnerong Road nature-strip or Heffron Park surface which is damaged as a result of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, prior to any Occupation Certificate.

Waste Management

127. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
128. The 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.

Stormwater Detention/Infiltration System

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

Hours of Operation

130. The hours of the operation of the business are restricted to the following:-

Monday through to Sunday – 7am to 10pm.

If you wish to extend these hours an additional Development Application must be submitted to Council for approval.

Food Storage

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

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

Food Safety Requirements

132. The food premises must be Registered with Council's Health, Building & Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

133. A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the *Food Act 2003*, prior to commencing business operations. A copy of which must be maintained on site and be provided to Council officers upon request.

134. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

135. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

136. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, Food Regulation 2004, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

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

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

137. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms,

shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Environmental Amenity

138. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
139. The proposed use of the premises and the operation of 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*.
140. In this regard, the use and operation of the premises (including all 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/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

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

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

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

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

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

Sanitary Facilities

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

Regulatory Requirements

144. The primary purpose of the premises is for the provision of food and the premises must not to be used principally, for the sale, supply and consumption of alcohol.

The written approval of Council and a relevant Liquor Licence under the (*Liquor Act 2007*) must be obtained beforehand for any proposed sale, supply and consumption of alcohol on the premises.

Outdoor Lighting

145. The Applicant must ensure the installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers. Outdoor lighting must:

- a) comply with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- b) be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network. Upon installation of outdoor lighting, but before it is finally commissioned, the Applicant must submit to the Certifier evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Plan of management

146. The operation of the facility shall be in accordance with the Operational Plan of Management prepared by NS Projects Pty Ltd dated 5 September 2020.

Fire Safety Statements

147. 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.

Traffic Management

148. 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 Amenity

149. 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.
150. 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.
151. 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.
152. 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.
153. 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/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

154. 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.

155. 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

156. 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 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 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.
- A16 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.
- A17 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.
- A18 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A19 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A20 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A21 Randwick Council is to engage with the La Perouse Local Aboriginal Land Council and the New South Wales Aboriginal Land Council to obtain written consent that either the proposal can proceed or withdrawal of the development area from the subject claim prior to carrying out any development that would impact on the physical condition of the land.